Title: "Do Well: Implementing Meaningful Wellness Programs"

Description: Mental health concerns and substance abuse continue to plague the legal profession. Lawyers are often criticized for just talking about wellness and not doing enough to change the conversation. The ABA should provide resources as a key part of its effort to improve membership value. This program will help your entity move beyond talking about wellness and provide examples of how to implement successful and meaningful wellness programs.

Speakers:

- Christopher Brown, Chair-Elect, Young Lawyers Division
- Rodney Dowell, Chair, Law Practice Division
- Erica Levine Powers, Chair-Elect, Section of State and Local Government Law
- Dr. Diana Uchiyama, JD, PsyD, Executive Director, Illinois Lawyers’ Assistance Program

Program:

- Introduction of why attorney wellness is such an important topic (provide recent updates and stats on this topic)
- Provide examples of successful and meaningful programs the ABA entities can put together on this topic
  - Examples of basic, easy to put together programming
  - Examples of advanced programming
  - Examples of other formats, such as wellness retreats, sober happy hour options, and non-CLE wellness activities
- Questions and conversation, etc.

Attached Materials:

- The Path to Lawyer Well-Being:
  https://www.americanbar.org/content/dam/aba/images/abanews/ThePathToLawyerWellBeingReportRevFINAL.pdf
• Basic Wellness CLE PowerPoint
• ABA Journal: “It’s time to promote our health,” by Bob Carlson: http://www.abajournal.com/magazine/article/its_time_to_promote_our_health
  o The Happy Lawyer: Making a Good Life in the Law – Nancy Levit and Douglas O. Linder
  o The Reflective Counselor: Daily Meditations for Lawyers – F. Gregory Coffy and Maureen C. Kessler
  o Yoga for Lawyers: Mind-Body Techniques to Feel Better All the Time – Hallie Neuman
  o Life After Law: Find Work You Love with the J.D. Degree You Have – Liz Brown
  o The Introverted Lawyer: A Seven-Step Journey Toward Authentically Empowered Advocacy – Heidi K. Brown
  o The Creative Lawyer: A Practical Guide to Authentic Profession Satisfaction – Michael F. Melcher
  o The Addicted Lawyer: Tales of the Bar, Booze, Blow, and Redemption – Brian Cuban
  o The Best Lawyer You Can Be: A Guide to Physical, Mental, Emotional, and Spiritual Well-Being – Stewart L. Levine
  o Addicted to Busy: Your Blueprint for Burnout Prevention – Paula Davis Laack, J.D.
  o Lincoln’s Melancholy: How Depression Challenged a President and Fueled His Greatness – Joshua Wolf Shenk
  o Girl Walks Out of a Bar: A Memoir – Lisa Smith
• ABA Lawyer Retreat in Vail, CO: Flyer, marketing planning and budgeting documents attached
• State Bar of Georgia Wellness Retreat: https://www.gabar.org/calendar/upload/WellnessCLE_19.pdf
• Articles on the Sober Curious and ‘Mocktails’ Movement:
  o https://www.npr.org/sections/health-shots/2019/06/23/732876026/breaking-the-booze-habit-even-briefly-has-its-benefits
  o https://www.marketplace.org/2019/03/28/sobering-trend-booze-less-bars-mocktails/
• Yoga for Lawyers CLE
  o https://www.lawyersandyoga.com/
  o https://www.legalfuel.com/work-life-balance-with-yoga-a-seminar-for-lawyers/
It’s time to promote our health: ABA mobilizes on multiple fronts to address well-being in the legal profession

BY BOB CARLSON

DECEMBER 1, 2018, 2:30 AM CST

The holiday season is upon us, and office parties and family gatherings fill our calendars. For most, these are times of great joy and good cheer. However, for those suffering from substance abuse or mental health issues, the holidays can become a time of dread and depression.

A 2016 study conducted by the American Bar Association Commission on Lawyer Assistance Programs (CoLAP) and the Hazelden Betty Ford Foundation found that 21 percent of licensed attorneys qualify as problem drinkers. That’s 1 in 5 and compares to just 1 in 8 of highly educated workers in other professions.

The study also revealed that 28 percent of lawyers experience depression and 19 percent have anxiety symptoms. The problems are more prevalent among young attorneys in their first 10 years of practice.

Evidence shows lawyers also suffer from increased levels of suicide, work addiction and sleep deprivation.

At your next firm party or bar association gathering, look around the room. Odds are that if some people you see are not suffering from these issues, they know someone who is.

This issue should be important to all of us in the profession. To be an ethical, competent lawyer, you first need to be a healthy lawyer.
America’s lawyers need to know that the ABA is working hard to improve lawyer wellness. Through CoLAP, we are working to ensure that every lawyer, judge and law student has access to support when dealing with substance abuse and mental health issues.

Since the 2016 study, the ABA has taken steps to draw attention to lawyers facing distress and to help firms act.

In 2017, the ABA’s National Task Force on Lawyer Well-Being issued a report called “The Path to Lawyer Well-Being: Practical Recommendations for Positive Change.” This report concentrated on the roles we all can play in addressing this problem. It stressed education and emphasized that well-being is an integral part of a lawyer’s duty of competence. The report provides recommendations, with state action plans, for legal profession stakeholders, including regulators, the judiciary, law schools, professional liability carriers and bar associations.

The report highlights the need to eliminate the stigma of seeking help. Creating a safe, confidential path to getting assistance is critical to solving the problem.

My predecessor, Hilarie Bass, formed a Presidential Working Group to Advance Well-Being in the Legal Profession in September 2017. The group assists legal employers—which often want to help but are unsure where to start—develop and support healthy work environments.

The “Well-Being Toolkit for Lawyers and Legal Employers,” released in August, offers tools for legal employers that want to join the lawyer well-being movement by launching organizational initiatives. Also available is the “Well-Being Toolkit Nutshell: 80 Tips for Lawyer Thriving,” summarizing 80 of the toolkit’s key items.

To raise awareness, the ABA launched a campaign in September targeting substance-use disorders and mental health issues among lawyers. After just one month, 25 of the nation’s largest law firms have already signed a pledge to support the initiative and adopt its framework for improved well-being.

At the ABA 2018 Midyear Meeting in Vancouver, the House of Delegates passed Resolution 105, which made it ABA policy to support the goal of reducing mental health and substance use disorders. The resolution also called for all entities dealing with lawyers to consider putting into action the recommendations contained in the “Path to Lawyer Well-Being” report.

To aid our future lawyers, the ABA Law Student Division sponsored Law School Mental Health Day in October, which included podcasts, webinars and a YouTube Live event. They also encouraged law schools to hold programs that break the stigma associated with depression and anxiety.
The legal profession is at a crossroads. Our members, our colleagues, our friends are suffering. It is our duty as lawyers and human beings to help. So please, enjoy the holidays, but keep in mind others who may need help. Get involved, talk to your firm and colleagues, start a well-being program and join the ABA in helping lawyers through these problems.
Wellness

Overview

• Why...?
  • The facts: (attorneys are stressed – heart disease, substance abuse, depression, suicide...)
  • Sedentary job
• The science of wellness
  • Meditation (mindfulness – buzzword of the year)
  • Physical activity
  • The great outdoors!
  • Mental health / therapy
  • SLEEP
• What can I do?
  • Workouts
  • Get outside – green and nature are good for you!
  • Standing desk
  • Mindfulness / meditation
• Tips to start today (or first thing tomorrow)
  • Apps (and technology to the rescue)

Why?

Want to be more productive at work?

Want to be happier?

Want to live longer?
Stress in America

• Since 2006, the American Psychological Association’s (APA) Stress in America™ survey has examined sources of stress and its impact on the health and wellbeing of Americans living in the United States. Since that first survey, overall stress levels have gradually decreased for Americans, with results from our August 2016 poll showing the lowest overall reported stress level in 10 years. However, an additional poll conducted in early January 2017 shows more Americans reporting symptoms of stress...

Stress in America

• A decade after the emergence of smartphones, Facebook and Twitter, more than four out of five adults in the U.S. (86 percent) report that they constantly or often check their email, texts and social media accounts, according to part two of the American Psychological Association’s report “Stress in America™: Coping with Change” released today. This attachment to devices and the constant use of technology is associated with higher stress levels for these Americans.

Constant Checkers Experience Higher Stress

• This excessive technology and social media use has paved the way for the “constant checker” — those who check their email, texts and social media accounts on a constant basis. The survey found that stress runs higher, on average, for constant checkers than for those who do not engage with technology as frequently. On a 10-point scale, where one is “little or no stress” and 10 is “a great deal of stress,” the average reported overall stress level for constant checkers is 5.3, compared with 4.4 for those who don’t check as frequently. Among employed Americans who check their work email constantly on their days off, their reported overall stress level is even higher, at 6.0.

• “The emergence of mobile devices and social networks over the last decade has certainly changed the way Americans live and communicate on a daily basis,” said Lynn Bufka, PhD, APA’s associate executive director for practice research and policy. “Today, almost all American adults own at least one electronic device, with many being constantly connected to them. What these individuals don’t consider is that while technology helps us in many ways, being constantly connected can have a negative impact on both their physical and mental health.”

• For the past decade, the American Psychological Association’s Stress in America™ survey has examined sources of stress and its impact on American adults’ health. The survey was conducted online between Aug. 5 and 31, 2016, among 3,511 adults 18+ living in the U.S. by Harris Poll on behalf of the American Psychological Association.
Feeling Burnt Out...

- Srinivasan S. Pillay, a psychiatrist and an assistant clinical professor at Harvard Medical School who studies burnout, recently surveyed a random sample of 72 senior leaders and found that nearly all of them reported at least some signs of burnout and that all of them noted at least one cause of burnout at work.

- Luke Kissam, the chief executive of Albemarle, a multibillion-dollar chemical company

I just felt that no matter what I was doing, I was always getting pulled somewhere else. It seemed like I was always cheating someone — my company, my family, myself. I couldn’t truly focus on anything.”

Feeling Burnt Out...

Work Study

- The Energy Project and the Harvard Business Review partnered to conduct a survey of more than 12,000 mostly white-collar employees across a broad range of companies and industries
- The results were remarkably similar across all populations
- Employees are vastly more satisfied and productive, it turns out, when four of their core needs are met

Core Needs

- Physical, through opportunities to regularly renew and recharge at work;
- Emotional, by feeling valued and appreciated for their contributions;
- Mental, when they have the opportunity to focus in an absorbed way on their most important tasks and define when and where they get their work done; and
- Spiritual, by doing more of what they do best and enjoy most, and by feeling connected to a higher purpose at work.
Results!

• **Renewal**: Employees who take a break every 90 minutes report a 30 percent higher level of focus than those who take no breaks or just one during the day.
• They also report a nearly 50 percent greater capacity to think creatively and a 46 percent higher level of health and well-being.
• The more hours people work beyond 40 — and the more continuously they work — the worse they feel, and the less engaged they become.
• By contrast, feeling encouraged by one’s supervisor to take breaks increases by nearly 100 percent people’s likelihood to stay with any given company, and also doubles their sense of health and well-being.

Results!

• **Value**: Feeling cared for by one’s supervisor has a more significant impact on people’s sense of trust and safety than any other behavior by a leader.
• Employees who say they have more supportive supervisors are 1.3 times as likely to stay with the organization and are 67 percent more engaged.

Results!

• **Focus**: Only 20 percent of respondents said they were able to focus on one task at a time at work, but those who could were 50 percent more engaged.
• Similarly, only one-third of respondents said they were able to effectively prioritize their tasks, but those who did were 1.6 times better able to focus on one thing at a time.

Results!

• **Purpose**: Employees who derive meaning and significance from their work were more than three times as likely to stay with their organizations — the highest single impact of any variable in our survey.
• These employees also reported 1.7 times higher job satisfaction and they were 1.4 times more engaged at work.

“If your employees feel more energized, valued, focused and purposeful, do they perform better?”

Yes!
“So how much do you invest in meeting those needs?”

Trust Issues

- Partly, the challenge for employers is trust.
- For example, the study found that employees have a deep desire for flexibility about where and when they work — and far higher engagement when they have more choice.
- But many employers remain fearful that their employees won’t accomplish their work without constant oversight — a belief that ironically feeds the distrust of their employees, and diminishes their engagement.
- The simplest way for companies to take on this challenge is to begin with a basic question:
  - “What would make our employees feel more energized, better taken care of, more focused and more inspired?”
- It costs nothing, for example, to mandate that meetings run no longer than 90 minutes, or to set boundaries around when people are expected to answer email and how quickly they’re expected to respond.

Contagious!

- It also makes a big difference to explicitly reward leaders and managers who exhibit empathy, care and humility, and to hold them accountable for relying on anger or other demeaning emotions that may drive short-term results but also create a toxic climate of fear over time — with enormous costs.
- Also, the study found, employees are far more engaged when their work gives them an opportunity to make a positive difference in the world.
- The energy of leaders is, for better or worse, contagious.
- When leaders explicitly encourage employees to work in more sustainable ways — and especially when they themselves model a sustainable way of working — their employees are 55 percent more engaged, 53 percent more focused, and more likely to stay at the company, research with the Harvard Business Review found.
Returning to Luke...

- He began by building breaks into his days — taking a walk around the block — and being more fully focused and present during time with his family. He now sets aside at least one morning on his calendar every week for reflection and thinking longer term. He has also made it a practice to send out handwritten notes of appreciation to people inside and outside the company.
- Mr. Kissam has also championed a comprehensive rethinking of his organization’s practices around meetings, email, flexible work arrangements, conflict resolution and recognition. By the end of 2014 more than 1,000 of his leaders and managers will have gone through a program aimed at helping them more skillfully meet their own needs, and the needs of those they oversee.

“I can already see it’s working. Our safety record has improved significantly this year, because our people are more focused. We’re trusting them to do their jobs rather than telling them what to do, and then we’re appreciating them for their efforts. We’re also on the right path financially. A year from now it’s going to show up in our profitability. I saw what happened when I invested more in myself, and now we’re seeing what happens when we invest in our employees.”

The Jealous Mistress

- Higher rates of depression:
  - Lawyers are 3.6 times more likely to suffer from depression than non-lawyers
  - Estimated 40% of law students suffered from depression by the time they graduated
- Higher rates of suicide:
  - 4th highest in suicides by profession (CDC)
- Higher rates of substance abuse:
  - Almost one quarter of attorneys who practice for more than 20 years end up developing an unhealthy relationship with alcohol


Great Expectations

- Brian Christopher Grauman, a recent graduate of UC Hastings College of Law, committed suicide after learning that he failed the bar exam.
  - His death stunned those who knew him best.
  - He was a high-achiever, having graduated from UC Merced with honors.
  - He had served as editor of the school paper and chief justice of the student government judicial branch.

To excel...

“To excel in the field of the law – let alone become a man of position and prominence – you must work more hours than exist in the day, and more days than exist in the week.”
Courageous Conversations

- The American Bar Association directs law students to the Dave Nee Foundation, which was established after a law student committed suicide in his battle against depression.
- Acknowledging a high suicide rate among lawyers, the ABA also encourages members to talk about it:
  - “Increasing public awareness through dialogue and education helps to eliminate the stigma associated with suicide, encouraging more people to seek help.”

Prevention

- The National Suicide Prevention Lifeline recommends the following when someone is threatening suicide:
  - **Be direct.** Talk openly and matter-of-factly about suicide.
  - **Be willing to listen.** Allow expressions of feelings. Accept the feelings.
  - **Be non-judgmental.** Don't debate whether suicide is right or wrong, or whether feelings are good or bad. Don't lecture on the value of life.
  - **Get involved.** Become available. Show interest and support.

In-house Counsel

- The Wall Street Journal recently reported that some (larger) law firms are offering on-site psychologists and training staff to deal with mental-health issues.
- The newspaper says it reflects a trend in the profession that it’s **OK to see a therapist.**

The Bottle

- A new study conducted by the Hazelden Betty Ford Foundation found that 21% of attorneys are “problem drinkers.”
- The Prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys
- Study’s survey data based on the World Health Organization’s 10-question Alcohol Use Disorders Identification Test.

The Audit
The Audit

- Each of the questions has a set of responses to choose from, and each response has a score ranging from 0 to 4.
- All the response scores should then be added and recorded in the box labeled “Total”. Total scores of 8 or more are recommended as indicators of hazardous and harmful alcohol use, as well as possible alcohol dependence. (A cut-off score of 10 will provide greater specificity but at the expense of sensitivity.)


The Prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys

- The results were revealing:
  - Men are more likely to be problematic drinkers than women, for example.
  - Younger attorneys and junior associates are also high on the drunk scale.
  - Attorneys under 30 and junior associates earned a mean AUDIT score of 6.43 and 6.42, respectively. Remember a score of 8 or more indicates hazardous and harmful drinking.
  - If you consider that attorneys who answered just the first three AUDIT questions before giving up, 1 in 3 practicing lawyers are problem drinkers. That’s a much higher rate of alcohol abuse in than other professions or the public at large.

http://journals.lww.com/journaladdictionmedicine/Fulltext/2016/02000/The_Prevalence_of_Substance_Use_and_Other_Mental.8.aspx

Other Quizzes

- National Council on Alcoholism and Drug Dependence (NCADD)
- Alcoholics Anonymous

Not Just Young Male Attorneys

- Women too…
  - Referring back to the first 3 questions of the AUDIT, a significantly higher proportion of women (39.5%) had scores consistent with problematic use compared with men (33.7%).
- Judges too…
  - National Helpline for Judges Helping Judges 1-800-219-6474
  - https://www.texasbar.com/AM/Template.cfm?Section=Judges1&Template=/CM/ContentDisplay.cfm&ContentID=15865
- A growing problem?
  - A similar study from 5 years ago had the “problem drinkers” number at 13%
Help is available...

• If you contact OLAP about yourself or about an attorney colleague, you can rest assured that your call and anything you discuss with OLAP will be protected by strong rules of confidentiality:
  • Prof. Cond. Rule 8.3 provides an exemption from the duty to report knowledge of ethical violations when that knowledge was obtained in the course of OLAP’s work.
  • Code of Judicial Conduct Rule 2.14 provides that information obtained by a member or agent of a bar of judicial association shall be privileged.
  • R.C. § 2305.28 provides qualified immunity from civil liability for OLAP staff (B and C) and for anyone who provides information to OLAP (D).

Help is available...

• If you or someone you know is having problems with substance abuse, alcohol abuse, addiction or mental health, don’t let fears about the disciplinary consequences prevent you from contacting us.
• No potential disciplinary situation will be made worse by contacting OLAP.

Slow death

A sedentary lifestyle is defined as a type of lifestyle where an individual does not receive regular amounts of physical activity.

• Where physical inactivity is considered the failure to meet the recommendations of the Center for Disease Control (CDC), stating that an individual should participate in a minimum of 150 minutes of moderate exercise, or 75 minutes of a more vigorous regimen, per week.
• Most health professionals are also in agreement that walking 10,000 steps a day (approximately 5 miles) is the ideal goal to set for improving health and reducing the health risks caused by inactivity.
• According to the World Health Organization (WHO), 60 to 85% of the population worldwide does not engage in enough activity. Making physical inactivity the fourth leading risk factor for global mortality.

What health risks are linked to physical inactivity?

• Less active and less fit people have a greater risk of developing high blood pressure.
• Physical activity can reduce your risk for type 2 diabetes.
• Studies show that physically active people are less likely to develop coronary heart disease than those who are inactive. This is even after researchers accounted for smoking, alcohol use, and diet.

https://www.healthline.com/health/diseases/physical-inactivity-risk-factors
What health risks are linked to physical inactivity?

• Lack of physical activity can add to feelings of [anxiety and depression](http://www.hopkinsmedicine.org/healthlibrary/conditions/cardiovascular_diseases/risks_of_physical_inactivity_85,P00218).
• Physical inactivity may increase the risk of [certain cancers](http://www.hopkinsmedicine.org/healthlibrary/conditions/cardiovascular_diseases/risks_of_physical_inactivity_85,P00218).
• Physically active [overweight or obese](http://www.hopkinsmedicine.org/healthlibrary/conditions/cardiovascular_diseases/risks_of_physical_inactivity_85,P00218) people significantly reduced their risk for disease with regular physical activity.
• [Older adults](http://www.hopkinsmedicine.org/healthlibrary/conditions/cardiovascular_diseases/risks_of_physical_inactivity_85,P00218) who are physically active can reduce their risk for falls and improve their ability to do daily activities.
Wonder Drug

• In 2015, the Academy of Medical Royal Colleges put out a report calling __________ a “miracle cure.” This isn’t a conclusion based simply on some cohort or case-control studies. There are many, many randomized controlled trials. A huge meta-analysis examined the effect of __________ on outcomes in people with chronic diseases.

Musculoskeletal Diseases

• Let’s start with musculoskeletal diseases. Researchers found 32 trials looking specifically at the effect of exercise on pain and function of patients with osteoarthritis of the knee alone. That’s incredibly specific, and it’s impressive that so much research has focused on one topic.
• Exercise improved those outcomes. Ten more studies showed, over all, that exercise therapy increases aerobic capacity and muscle strength in patients with rheumatoid arthritis. Other studies proved its benefits in other musculoskeletal conditions, like ankylosing spondylitis, and even some types of back pain.

Heart Disease

• For people (mostly middle-aged men) who had had a heart attack, exercise therapy reduced all causes of mortality by 27 percent and cardiac mortality by 31 percent. Fourteen additional controlled trials showed physiological benefits in those with heart failure. Exercise has also been shown to lower blood pressure in patients with hypertension, and improve cholesterol and triglyceride levels.

Diabetes

• People with diabetes who exercise have lower HbA1c values, which is the marker of blood sugar control, low enough to probably reduce the risk of complications from the disease. Twenty randomized controlled trials have showed that patients with chronic obstructive pulmonary disease can walk farther and function better if they exercise.

Nervous System Diseases

• Multiple studies have found that exercise improves physical function and health-related quality of life in people who have Parkinson’s disease. Six more studies showed that exercise improves muscle power and mobility-related activities in people with multiple sclerosis. It also appeared to improve those patients’ moods.
Depression

• The overall results of 23 randomized controlled trials showed that exercise most likely improves the symptoms of depression. Five others appear to show that it improves symptoms in patients with chronic fatigue syndrome. In trials, exercise even lessened fatigue in patients who were having therapy for cancer.

Options

• The recommendations for exercise are 150 minutes per week of moderate intensity physical activity for adults, or about 30 minutes each weekday.
• Moderate intensity is probably much less than you think. Walking briskly, at 3 to 4 miles per hour or so, qualifies. So does bicycling slower than 10 miles an hour. Anything that gets your heart rate somewhere between 110 and 140 beats per minute is enough. Even vacuuming, mowing the lawn or walking your dog might qualify.

Running

• Running may be the single most effective exercise to increase life expectancy, according to a new review and analysis of past research about exercise and premature death (by the Cooper Institute in Dallas).
• The new study found that, compared to nonrunners, runners tended to live about three additional years, even if they run slowly or sporadically and smoke, drink or are overweight.
• No other form of exercise that researchers looked at showed comparable impacts on life span.

Running

• Cumulatively, the data indicated that running, whatever someone’s pace or mileage, dropped a person’s risk of premature death by almost 40 percent, a benefit that held true even when the researchers controlled for smoking, drinking and a history of health problems such as hypertension or obesity.
• Perhaps most interesting, the researchers calculated that, hour for hour, running statistically returns more time to people’s lives than it consumes.
• Figuring two hours per week of training, since that was the average reported by runners in the Cooper Institute study, the researchers estimated that a typical runner would spend less than six months actually running over the course of almost 40 years, but could expect an increase in life expectancy of 3.2 years, for a net gain of about 2.8 years.

Running

In concrete terms, an hour of running statistically lengthens life expectancy by seven hours, the researchers report.
Good for the brain

- In a study done at the University of British Columbia, researchers found that regular aerobic exercise, the kind that gets your heart and your sweat glands pumping, appears to boost the size of the hippocampus, the brain area involved in verbal memory and learning.

- Resistance training, balance and muscle toning exercises did not have the same results.


Good for the brain

- Exercise boosts blood flow to the brain, prompting the development of more blood vessels and connections between cells there, and generally making the organ more fit.

- But exercise’s signal benefit, most neuroscientists would agree, is that it increases neurogenesis, or the birth of new brain cells, particularly in the hippocampus, a part of the brain that is uniquely important for learning and remembering.


Good for the brain

- Exercise helps memory and thinking through both direct and indirect means. The benefits of exercise come directly from its ability to reduce insulin resistance, reduce inflammation, and stimulate the release of growth factors—chemicals in the brain that affect the health of brain cells, the growth of new blood vessels in the brain, and even the abundance and survival of new brain cells.

- Indirectly, exercise improves mood and sleep, and reduces stress and anxiety. Problems in these areas frequently cause or contribute to cognitive impairment.


Good for the brain

- Many studies have suggested that the parts of the brain that control thinking and memory (the prefrontal cortex and medial temporal cortex) have greater volume in people who exercise versus people who don’t. “Even more exciting is the finding that engaging in a program of regular exercise of moderate intensity over six months or a year is associated with an increase in the volume of selected brain regions,” says Dr. Scott McGinnis, a neurologist at Brigham and Women’s Hospital and an instructor in neurology at Harvard Medical School.


Good for the brain

- So what should you do? Start exercising! We don’t know exactly which exercise is best. Almost all of the research has looked at walking, including the latest study. “It’s likely that other forms of aerobic exercise that get your heart pumping might yield similar benefits,” says Dr. McGinnis.

- How much exercise is required to improve memory? These study participants walked briskly for one hour, twice a week. That’s 120 minutes of moderate intensity exercise a week. Standard recommendations advise half an hour of moderate physical activity most days of the week, or 150 minutes a week. If that seems daunting, start with a few minutes a day, and increase the amount you exercise by five or 10 minutes every week until you reach your goal.

Exercise options

• If you don’t want to walk, consider other moderate-intensity exercises, such as
  • swimming,
  • stair climbing,
  • tennis,
  • squash, or
  • dancing.

• Don’t forget that household activities can count as well, such as
  • intense floor mopping,
  • raking leaves, or
  • anything that gets your heart pumping so much that you break out in a light sweat.

Mindfulness

• Mindfulness is a state of active, open attention on the present. When you’re mindful, you carefully observe your thoughts and feelings without judging them good or bad. Instead of letting your life pass you by, mindfulness means living in the moment and awakening to your current experience, rather than dwelling on the past or anticipating the future.
  • Psychology Today

A panacea?

• Systematic reviews and meta-analyses analyzing hundreds of research studies suggest that mindfulness-based interventions help
  • decrease anxiety, depression, stress, and pain;
  • help improve general health, mental health, and quality of life; and
  • appear to reduce inflammation and increase immune response.

Meditation vs. Vacation

• The study was conducted at a resort in Southern California with 91 female volunteers who had no major health problems, were not pregnant, nor taking hormones or antidepressants. The mindfulness intervention was an established meditation and yoga retreat consisting of 12 hours of meditation, nine hours of yoga, and self-reflective exercises over a week. The participants were divided into three groups of about 30 each: experienced meditators, women who had never meditated, and a group who simply “went on vacation.” The 30 “vacation participants” listened to health lectures and then did fun outdoor things for a week.

Meditation vs. Vacation

• At the end, all three groups (vacation, novice, and regular meditators) showed statistically significant improvements in scores of stress and depression, which were measured using well-established and commonly used questionnaires. If we stop there, it seems that vacation is just as good as mindfulness exercises for stress reduction and mood lifting.
Long-term effects

- But what’s really striking are the results from 10 months later: the regular meditators still showed significant improvements on these scores, the novice meditators even more so. However, the vacationers were back to baseline. The researchers had ensured that all three groups were equal in average age, education level, employment status, and body mass index. This finding is in keeping with prior research showing that vacation has beneficial but very temporary effects, and that mindfulness therapies have sustained beneficial effects.

Physical effects

- These researchers also took blood samples just before and after the weeklong study period.
- All three groups showed significant positive changes in the markers of immune function.
- However, regular meditators also showed additional, more interesting changes:

Down to the molecule

- Eric Schadt, Ph.D., director of the Icahn Institute at Mount Sinai, who offered this interpretation of the data:
  - "Regular meditators showed both the same types of improvements at the molecular level as the others, but on top of that exhibited changes that were also associated with some aging/disease processes that also correlated with biomarkers of aging in a favorable direction. I think there is some suggestion there of improved healthy aging, so hopefully that motivates further study in this direction."

The Anxious Lawyer

- The Anxious Lawyer provides a straightforward 8-week introductory program on meditation and mindfulness, created by lawyers for lawyers. The program draws on examples from Jeena Cho and Karen Gifford’s professional and personal lives to create an accessible and enjoyable entry into practices that can reduce anxiety, improve focus and clarity, and enrich the quality of life.

The Anxious Lawyer

- The authors partnered with National Association of Women Lawyers (NAWL) and Seyfarth Shaw LLP to offer an 8-week mindfulness and meditation program. They used their book, The Anxious Lawyer, which has an 8-week program in it as the guide. As part of the program, participants were asked to take part in a study to measure the impact of mindfulness and meditation for lawyers.
  - The format of the 8-week program was simple. They offered three 1-hour CLE qualified webinars and each participant received a weekly email containing a short guided meditation (6 or 12 minutes). Participants were invited to attend all three webinars and meditate daily.

- Job effectiveness: increased by 6.15%
- Depression: decreased by 28.84%
- Anxiety: decreased by 30.29%
- Stress: decreased by 32.45%
The Anxious Lawyer

• Just pause and consider for a moment the impact of increasing your workplace effectiveness by 6% would have. Assuming 40 hour work week, a 6% increase would be **2.4 hours**.
• This benefit was gained by practicing meditation approximately **2 minutes per day**. The study notes, “on average, participants mediated **57.98 minutes** per week.

• Certainly, for those lawyers that has the time to be able to attend the in-person class, that would be preferred to an online webinar.
• However, this study clearly demonstrates that an online class is an effective way to teach mindfulness to lawyers and to see the benefits.
• As noted in the study, “The use of a customized online platform, therefore, allowed for the development of a program that was context-specific and convenient yet, nevertheless, effective.”

Take a deep breath...

• More than 25 years ago, researchers at the University of California at Los Angeles first discovered a small bundle of about 3,000 interlinked neurons inside the brainstems of animals, including people, that seem to control most aspects of breathing.
• They dubbed these neurons the **breathing pacemaker**.
• Recently, a group of scientists at Stanford and other universities, including some of the U.C.L.A. researchers, began using sophisticated new genetics techniques to study individual neurons in the pacemaker.
• By microscopically tracking different proteins produced by the genes in each cell, the scientists could group the neurons into “types.”

Take a deep breath

• In their newest study, which was published recently in Science, the researchers carefully disabled the rapid-type of breathing-related neuron in mice.
• Afterward, the animals at first seemed unchanged. They sighed, yawned and otherwise breathed just as before.
• But when the mice were placed in unfamiliar cages, which normally would incite jittery exploring and lots of nervous sniffing — a form of rapid breathing — the animals instead sat serenely grooming themselves.

Take a deep breath

• It turned out that the particular neurons in question showed direct biological links to a portion of the brain that is known to be involved in arousal. This area sends signals to multiple other parts of the brain that, together, direct us to wake up, be alert and, sometimes, become anxious or frantic.
• Their theory is that the disabled neurons normally would detect activity in other neurons within the pacemaker that regulate rapid breathing and sniffing.
Take a deep breath

• The disabled neurons would then alert the brain that something potentially worrisome was going on with the mouse since it was sniffing, and the brain should start ramping up the machinery of worry and panic.
• So a few tentative sniffs could result in a state of anxiety that, in a rapid feedback loop, would make the animal sniff more and become increasingly anxious.
• The implication of this work is that taking deep breaths is calming because it does not activate the neurons that communicate with the brain’s arousal center.

• “They were, for mice, remarkably chill.” — Dr. Mark Krasnow, a professor of biochemistry at Stanford who oversaw the research

The Great Outdoors
Go outside!

- **Memory improvement:** In one study, University of Michigan students were given a brief memory test, then divided into two groups.
  - One group took a walk around an arboretum, and the other half took a walk down a city street. When the participants returned and did the test again, those who had walked among trees did almost 20% better than the first time. The ones who had taken in city sights instead did not consistently improve.
  - Another similar study on depressed individuals also found that walks in nature boosted working memory much more than walks in urban environments.

- **Stress relief:** One study found that students sent into the forest for two nights had lower levels of cortisol — a hormone often used as a marker for stress — than those who spent that time in the city.
  - In another study, researchers found a decrease in both heart rate and levels of cortisol in subjects in the forest when compared to those in the city. "Stressful states can be relieved by forest therapy," they concluded.
  - Among office workers, even the view of nature out a window is associated with lower stress and higher job satisfaction.

- **Improved concentration:** In one early study, researchers worked to deplete participants' ability to focus. Then some took a walk in nature, some took a walk through the city, and the rest just relaxed. When they returned, the nature group scored the best on a proofreading task.

- **Memory improvement:** One study found that people's mental energy bounced back even when they just looked at pictures of nature. (Pictures of city scenes had no such effect.)
  - One thing that can help get your mind back into gear is exposing it to restorative environments, which, research has found, generally means the great outdoors.

- **Restorative environments:** You know that feeling where your brain seems to be sputtering to a halt? Researchers call that "mental fatigue."

- **Mental health:** Anxiety, depression, and other mental health issues may all be eased by some time in the great outdoors — especially when that's combined with exercise.
  - Studies have also found that natural beauty can elicit feelings of awe, which is one of the surest ways to experience a mental boost.
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- **Mental health:** Anxiety, depression, and other mental health issues may all be eased by some time in the great outdoors — especially when that's combined with exercise.
  - One study found that walks in the forest were specifically associated with decreased levels of anxiety and bad moods, and another found that outdoor walks could be "useful clinically as a supplement to existing treatments" for major depressive disorder.
  - "Every green environment improved both self-esteem and mood," found an analysis of 10 earlier studies about so-called "green exercise," and "the mentally ill had one of the greatest self-esteem improvements." The presence of water made the positive effects even stronger.
Sleep

Benefits of sleep

• Sleep helps your brain work properly. While you’re sleeping, your brain is preparing for the next day. It’s forming new pathways to help you learn and remember information.

• Studies show that a good night’s sleep improves learning. Whether you’re learning math, how to play the piano, how to perfect your golf swing, or how to drive a car, sleep helps enhance your learning and problem-solving skills.

• Sleep also helps you pay attention, make decisions, and be creative.

Sleep on the brain

• Studies also show that sleep deficiency alters activity in some parts of the brain.

• If you’re sleep deficient, you may have trouble making decisions, solving problems, controlling your emotions and behavior, and coping with change.

• Sleep deficiency also has been linked to depression, suicide, and risk-taking behavior.

• The sleep deprived may feel angry and impulsive, have mood swings, feel sad or depressed, or lack motivation. They also may have problems paying attention, and have lower work performance.

Sleep for the body

• Sleep is involved in healing and repair of your heart and blood vessels: ongoing sleep deficiency is linked to an increased risk of heart disease, kidney disease, high blood pressure, diabetes, and stroke.

• Sleep deficiency also increases the risk of obesity.

• Ongoing sleep deficiency can change the way in which your immune system responds. For example, if you’re sleep deficient, you may have trouble fighting common infections.

Sleep stealers

• Stress is the number one cause of short-term sleeping difficulties, according to sleep experts.

• Common triggers include
  • school- or job-related pressures,
  • a family or marriage problem, and
  • a serious illness or death in the family.

• Usually the sleep problem disappears when the stressful situation passes. However, if short-term sleep problems such as insomnia aren’t managed properly from the beginning, they can persist long after the original stress has passed.

• Drinking alcohol or beverages containing caffeine in the afternoon or evening,

• exercising close to bedtime,

• following an irregular morning and nighttime schedule,

• and working or doing other mentally intense activities right before or after getting into bed can disrupt sleep.

  • Like looking at a phone, tablet, or computer screen!
Sleep solutions

- According to leading sleep researchers, there are techniques to combat common sleep problems:
  - Keep a regular sleep/wake schedule
  - Don’t drink or eat caffeine four to six hours before bed and minimize daytime use
  - Don’t smoke, especially near bedtime or if you awake in the night
  - Avoid alcohol and heavy meals before sleep
  - Get regular exercise
  - Minimize noise, light and excessive hot and cold temperatures where you sleep
  - Try and wake up without an alarm clock
  - Attempt to go to bed earlier every night for certain period; this will ensure that you’re getting enough sleep

[Link](http://www.apa.org/topics/sleep/why.aspx)

Sleep solutions

- Certain therapies, like cognitive behavioral therapy teach people how to recognize and change patterns of thought and behavior to solve their problems. Recently this type of therapy has been shown to be very effective in getting people to fall asleep and conquer insomnia.

- According to a study published in the October 2004 issue of *The Archives of Internal Medicine*, cognitive behavior therapy is more effective and lasts longer than a widely used sleeping pill, Ambien, in reducing insomnia.

[Link](http://www.apa.org/topics/sleep/why.aspx)

Technology to the rescue!

Beddit Sleep Tracker

Athletic watches/bands

- Apple Watch – Breathe app
Spire breath and activity tracker

• Spire is the world's only breath and activity tracker proven to decrease stress.
OSBA YLS Book Club

**Objective:** Despite spending most of our working hours poring over the written word, lawyers can benefit from reading beyond cases and law review articles. Several studies have shown a strong correlation between reading books and higher levels of career success and leadership. Book clubs introduce readers to books they may not normally read and offer participants the opportunity to share their opinions of the book with others. For its inaugural book, the YLS Book Club has chosen *The Anxious Lawyer*. We think this book will provide an accessible and enjoyable entry into practices that can reduce anxiety, improve focus and clarity, and enrich the quality of life.

**Target club size:** 30 including 25 young lawyers and 5 OSBA leaders, such as the President, President-Elect, Executive Director, and members of the Board of Governors.

**Duration:** 8 weeks, a conference call at the end of each week, a mid-program meeting, and at the end of the program, there would be a CLE with the author(s) of the book.

**Next steps:**
- Ordering the books: discounts are available for bulk orders and special consideration will be given to state bars! Inquire with ABA Publishing.
- Contact guest speakers to determine schedules.
  - Schedule 8-week program according to guest speakers’ availability.
- Solicit YLS and OSBA participants via Member Community.
- Work with speakers and OSBA staff to create an end-of-program CLE.

*Better Lawyering Through Mindfulness*

Is your mind constantly going at 150 mph? Do you find yourself wasting precious time on thinking about the past or worrying about the future? Do you struggle to keep your attention on a task? Are you always multiskilling, unable to focus? Is stress or anxiety keeping you from doing your best work? Mindfulness and meditation practice is the key to increasing your legal focus and productivity! In this interactive workshop, you’ll learn:

- The latest research on lawyer burnout, stress, anxiety, depression, and other issues lawyers face
- Tools for stress and anxiety management for lawyers
- Understanding the stress response in lawyers
- How mindfulness can decrease distraction and increase productivity in lawyers
- Practical mindfulness practices you can incorporate into your day and law practice
- Increasing awareness and noticing when you’re distracted
- Tips for increasing focus and productivity in your legal career

Iwona Dhir, Esq., IV Law Group PC, San Francisco, CA

This presentation is made possible at the standard rate through the support of the Ohio State Bar Association Young Lawyer Section
Some who have given up booze altogether join "sober sometimes" friends to enjoy nonalcoholic drinks at Sans Bar in Austin, Texas.

Julia Robinson for NPR

At 8 p.m. on a Saturday night, people are starting to pack into a popular bar called Harvard & Stone in a hip Los Angeles neighborhood. The chatter gets louder as the booze begins to flow.

In the far corner, about a dozen women in a group are clearly enjoying themselves too, but they are not drinking alcohol. They're sipping handcrafted mocktails, with names like Baby's First Bourbon and Honey Dew Collins, featuring nonalcoholic distilled spirits.

They're part of a sober social club, made up mostly of women in their 30s who want to have fun and make friends without alcohol.

The members of this club work out, have demanding jobs and simply don't want to feel foggy or hungover anymore. Without alcohol, they say, they just feel better.

"Oh my gosh. Well, one thing that was noticeable to pretty much everybody was my overall health and, like, my skin, my eyes. ... I lost weight," says Stephanie Forte, who works in sales in the beauty industry.
Another social club member, Kathy Kuzniar, says she used to obsess over whether there was enough wine in the house. She says she feels calmer since she became sober, and she has lost 30 pounds.

"I'm creative again," Kuzniar says. "And I know I wouldn't be doing those things if I was still drinking."

Not too long ago, a group of women in a bar who were not drinking alcohol would have seemed kind of strange. According to the National Institute on Alcohol Abuse and Alcoholism, 86 percent of adults over 18 report having had an alcoholic drink or drinks at some point in their lifetime, and 56 percent say they've had alcohol in the past month. Still, abstaining from alcohol — on a short-term basis or longer term — is becoming more common.

"Not everybody wants to get wasted when they go to the bar," says Forte. Sometimes, being there is just about wanting to be social and fit in.

The proliferation of craft mocktails made with nonalcoholic distilled spirits is making it easier and more fun for people who abstain from alcohol to feel like they are still part of the party.

The "sober curious" or "sober sometimes" movement started as a challenge for those who felt they'd partied a little too hard over New Year's weekend. First there was "Dry January," when people could brag on social media about how they were taking a break from booze. Now there's "Dry July" and even "Sober September." And the movement has spread across the U.S., with people challenging each other to see what life is like without alcohol and share in that experience.

Instagram accounts like Sober Girl Society and Sober Nation have tens of thousands of followers, as does Ruby Warrington, author of the book Sober Curious: The Blissful Sleep, Greater Focus, Limitless Presence, and Deep Connection Awaiting Us All on the Other Side of Alcohol, which was released last December.
And while there is virtually no downside to taking a break from drinking alcohol — or quitting altogether — science is just beginning to study the ways abstinence might be good for you.

**Short breaks improve health**

So far, there are a handful of studies that point to some benefits of abstinence for even moderate drinkers — in addition to the widely recognized benefits for people who have alcohol use disorder.

A 2016 British study of about 850 men and women who volunteered to abstain from alcohol during Dry January found that participants reported a range of benefits. For instance, 82 percent said they felt a sense of achievement. "Better sleep" was cited by 62 percent, and 49 percent said they lost some weight.

Another study published last year by researchers in Britain compared the health outcomes among a group of men and women who agreed to stop drinking for one month, with the health of a group that continued to consume alcohol.

"They found that at the end of that month — just after one month — people, by and large, lost some weight," says Aaron White, the senior scientific adviser to the director at the National Institute on Alcohol Abuse and Alcoholism. "They had improvements in insulin sensitivity, their blood pressure numbers improved and their livers looked a little healthier." The improvements were modest, White says, but the broad range of benefits the researchers documented was noticeable.

To help understand how taking a break from alcohol can influence healthy functioning of the liver, researchers in the Netherlands carried out a separate study to document the biochemical effects of one month of alcohol abstinence.

The study was small. It included just 16 people who had been in the habit of drinking about two drinks per day on average. Still, the findings were provocative, scientists say, and merit following up.

After a month-long break, researchers measured levels of a liver enzyme called gamma-glutamyltransferase, or GGT. "There's an antioxidant made by the liver called glutathione. You can get an indirect measure of how much oxidative stress the liver is under by measuring an enzyme called GGT that helps replenish glutathione stores," White explains.

After one month, the researchers documented a reduction in the participants' GGT.

"The findings of these studies are actually very surprising," White says. Health risks linked to heavy, long-term drinking are well known, but this is some of the first evidence to help scientists understand how the body responds to even a short break from moderate alcohol use.

**The sobriety spectrum**

For drinkers who have become alcohol dependent, taking a short break is likely not an option. Many people who drink heavily have not had an easy road in managing their relationship with alcohol.
Chris Marshall of Austin, Texas, has been sober for the past 12 years. He started drinking in high school, he says, and got his first DUI at 16. Then he joined a fraternity in college and kept drinking.

"All my drinking was really centered around community and wanting that connection so badly with other people," he says.

He finally got sober with the help of Alcoholics Anonymous. He became a substance abuse counselor to help others but found that being in recovery was often really lonely.

"Those early days of abstinence from alcohol were so tough, because I had no friends," he says.
At Sans Bar, one popular mocktail is the Alright, Alright, Alright — a blend of muddled blueberries, Meyer lemon, smoked honey, apple cider vinegar and mint.

*Julia Robinson for NPR*

So he created Sans Bar, a sober bar in Austin. It's open on Friday nights and some Saturdays — a comfortable place where people can talk, make sober friends, listen to music and, of course, drink some good nonalcoholic drinks. (Marshall likes ginger beer, which he says offers a nice burn in the throat that people sometimes miss when they're no longer drinking alcohol.)

Sans Bar has become so popular that Marshall took the concept on the road this year. He organized pop-up bars in Washington, D.C., New York and Anchorage, Alaska. And he has opened new sober bars in Kansas City, Mo., and western Massachusetts.

"What I want to create across the country are these little incubators for social connection," he says.

Over the past 12 years, Marshall has seen a lot of changes in the way people view sobriety. Back when he was getting sober, you either drank — or you didn't, he says. Now there's a whole spectrum of sobriety.

"Not everyone identifies as sober all the time," Marshall says. And that's fine with him.

He welcomes to Sans Bar people who are in recovery and those just curious about the sober life, as long as they are substance free when they arrive and while they're there.

"You know, alcohol is the only drug in which you have to give a reason for why you don't do it," he says.

On a recent Friday night, Rob Zaleski and Kim Daniel walk into Marshall's bar in Austin. They're going without alcohol for 30 days, they explain, and are documenting their experience in a podcast and on Instagram at #boozelessATX.

"We came to a realization that we were drinking way too often and way too much," says Zaleski.

They wanted to see what new skills and activities they could try out while not consuming alcohol. So far, they've discovered archery lessons, played flag football, checked out motorcycles at a biker rally and joined a free improv class.

"We're finding that we can fill our days," Daniel says, "but sometimes the nights are hard." Then they discovered Sans Bar.
Chris Marshall has organized pop-up Sans Bars in New York, Washington, D.C., and Anchorage, Alaska. And he has expanded into permanent spaces in Kansas City, Mo., and western Massachusetts.

Julia Robinson for NPR

Now, if you're worried that you are one of the 17 million U.S. adults who are alcohol dependent, and alcohol is causing you stress or harm, seek medical advice. As we've reported, there are a variety of treatments beyond Alcoholics Anonymous, including counseling, medications and support groups to help people who want to end that dependency. This NIAAA guide can help you find a program or approach that's right for you.

But if you can and want to experiment with cutting out alcohol while others around you are drinking, Marshall offers these tips for sticking to it: Be vocal about your plans not to drink, bring a friend who supports you and demand a good substitute beverage.

SAVE THE DATE

ABA LAWYER RETREAT

This is not your typical legal conference.

Every lawyer deserves to be in control of their personal and professional life. Let us help you get there. We’ll provide a fun and relaxing environment to help you plan the trajectory for you, your firm, and your career. Learn how to:

- avoid burnout,
- keep high performers engaged for the long haul, and
- foster growth and productivity in your firm.

You’ll walk away with a renewed sense of purpose and clarity for your whole life. Save the date. Invest in you.

OCTOBER 5, 2018 | 8:00AM - 5:00PM
FOUR SEASONS RESORT | VAIL, CO

COMING SOON TO
WWW.ABALAWYERRETREAT.ORG
MARKETING PLAN

Mission Statement

“We believe that every lawyer can have full power and control over their personal and professional lives and create an environment where their career and business thrives while also having a fulfilled personal life. We want to support this belief by providing an experiential retreat where lawyers can develop learning tools for themselves.”

Target Audience: Senior attorneys/partners and their junior attorney staff, solos.

Needs: to be happier, less stressed, more effective

Wants: to make more money faster and easier, get promoted, have effective staff, less staff/HR headaches, be seen and heard and respected.

Challenges:

a) attorneys are fearful and generally don't try new things or do so more slowly. This is an opportunity for them to try on new things- slowly so they feel safe and like they are not busting out of their comfort zone too much.

b) attorneys, like most folks, are not often present.

c) attorneys are very linear thinkers and don't access their creative side well. We want activities that access their creative side.

d) attorneys have no real concept of "selling" from an individual perspective. They often believe their law firm brand is them. So they tend to rely on the law firm brand too much and don't take control of selling themselves.

e) attorneys are not effective leaders for all the reasons above and have difficulty leading/managing staff and collaborating with colleagues and opposing side.

f) attorneys are overly optimistic self-reliant who don’t need help or seek it.

Messaging:

- This is a retreat: bring your team and develop business skills and personal skills and connect with your team in Vail.
- Not your typical conference- meant for you to have fun, create a plan and trajectory for yourself and your career/firm and network.
- Choose to see your career differently, have fun, relax and learn
- Come learn new ways to keep your staff engaged, avoid burnout, and encourage growth, productivity and competency.
Budget:

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NOTES:
Registration of rates of:
$150 for participating entities
$175 for ABA members
$200 for non-members

Purpose
The purpose of this retreat is to provide a different way of learning how to better your practice of law and yourself. Our goal is to provide each participant with experiential learning so that you walk away with new tools you can implement right away in order to make your practice and personal life, as a lawyer, even better.

We will use the backdrop of Vail and the Four Seasons Resort to provide you with world class facilitators using the outdoor and indoor elements to your learning advantage.

We encourage you to bring your team with you- treat this like the retreat it is meant to be! It can be hard to find the quality time to spend with your team at work. Whether you are a small firm or a large firm lawyer with a particular team or practice group, this retreat provides you with the opportunity to connect with your practice group and team AND network and meet new attorneys from around the country.

Ask of the LP EC:
- Be willing to serve as the host committee
• Be a table host at one of the meals
• Be willing to introduce the facilitators
• Be willing to be highlighted within the agenda- “Best of” qualities
2018 ABA LAWYER RETREAT

DEVELOPMENT CALENDAR

January 2018

- Request facilitator proposals
- Review and narrow down facilitators
- Outreach to local CO bar

February 2018

- Finalize budget
- Create website
- Outreach to outlets for article submission
- Start seeking sponsors

March 2018

- Finalize website
- Finalize registration fee/speaker expenses
- Work on Denver/Vail Transportation landing page with that company

April 2018

- Finalize agenda and facilitators
- Site Planning Visit
- Finalize Denver/Vail Transportation landing page with that company

May 2018

- Develop collateral- see marketing plan

June 2018

- Open up online registration
- Finalize collateral/Execute marketing plan
- Continue seeking and booking sponsors

July 2018

- Finalize sponsors
- Plan social/networking activities
August 2018

- Finalize speaker travel/arrangements

September 2018

- Finalize hotel arrangements, etc

October 5, 2018 - Retreat

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Collateral

- Marketing Flier
- Who to send to?
- What means and methods?
- By when?
- Follow Up?

- Website
- Articles-
  - who will write/by when-outreach to coordinate
  - topics?
  - Where?
    - Law Practice Today
    - Litigation Journal?
    - GP Solo?
    - CPR?
    - ABA Journal?
    - Colorado Bar?
    - Denver Bar?
    - YLD
    - Law Practice Webzine?

- Social Media
  - Calendar
  - Outlets
### American Bar Association
### Expenses and Revenue Entry

ABA Entity: 01: ABA  
ABA Fund: 05: ABA SECTION FUND  
ABA Resp: 15110: LAW PRACTICE DIVISION  
ABA LOB: 0300170: ABA LAWYER RETREAT, VAIL, CO

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Note:
Dear [local sponsor],

I am writing to share an exciting opportunity that is right in your backyard and will serve to bolster your community outreach and brand value as a company.

As a member of the American Bar Association (ABA) Lawyer Retreat Steering Committee, I am very excited to announce the first annual ABA Lawyer Retreat being held on October 5, 2018 at the Four Seasons Resort in Vail, Colorado.

The mission of the ABA Lawyer Retreat is to offer lawyers experiential, hands-on programming that is tailored to enrich the “whole lawyer” from business development to personal development. We have curated an impressive faculty of facilitators presenting on a wide array of topics all working towards the mission.

We selected Vail as the destination for the ABA Lawyer Retreat because we believe that this setting will provide the perfect backdrop to assist participants to learn, apply the tools provided in the sessions, relax and rejuvenate - all at the same time. Registration includes many of your local Colorado legal community members including Colorado judges and lawyers. To learn more about the retreat, please go to www.abalawyerretreat.org.

Our ask of you and your company is two-fold:

1. Please consider becoming a sponsor of the retreat. Sponsorship packets offer a wide range of economical options. See www.abalawyerretreat.org/sponsors
2. Please consider spreading the word about the ABA Lawyer Retreat to any lawyers you may have on staff and/or know personally and professionally. Provide the lawyers in your life with the opportunity to grow both personally and professionally into their best selves.

What’s in it for you? Good question.

1. You receive targeted marketing and promotional communication about your business brand nationally as well as to those in your Colorado market at a very low sponsorship level.
2. As a sponsor, your company will be generating goodwill and community service recognition within and outside of Colorado. This in turn, boosts your brand recognition and brand affinity.

Ready to become a sponsor?! Please start the process on our website at https://www.abalawyerretreat.org/sponsorship.html.

Questions? Please feel free to reach out to me directly at [phone/email address] or [phone/email address].

ABA Sr. Meeting Planner, at [phone/email address] or [phone/email address].
Wellness & Practical Skills CLE

Civana Carefree Resort
Carefree, Arizona | Jan. 24-28, 2019

Hotel cut-off date | Dec. 28, 2018
Registration cut-off date | Jan. 18, 2019

Premier Level Sponsor
EVERSHEDS SUTHERLAND

12 CLE Hours

Co-sponsored by the State Bar of Georgia Wellness Committee
Schedule of Events

Thursday, Jan. 24

5 – 6 p.m. | Registration and Reception

Friday, Jan. 25

8 – 8:45 a.m. | Continental Breakfast

8:50 – 9 a.m. | Welcome—Kenneth B. Hodges III, President, State Bar of Georgia, Albany

9 – 11 a.m. | Preventing Burnout and Promoting Balance: Mindfulness for Attorneys

11 – 11:15 a.m. | Break

11:15 a.m. – 1:15 p.m. | Preventing Burnout and Promoting Balance: Mindfulness for Attorneys, continued

Saturday, Jan. 26

7:30 – 8:30 a.m. | Continental Breakfast

8:30 – 10 a.m. | Panel Discussion I—Why Wellness is Important to Lawyers

10 – 10:15 a.m. | Break

10:15 – 11:15 a.m. | Panel Discussion II—How to Live Well After Crisis

11:15 a.m. – 12:45 p.m. | Becoming the Happy Warrior: Science-Based Strategies to Boost Attorney Well-Being

Sunday, Jan. 27

7:30 – 8:30 a.m. | Continental Breakfast

8 – 9 a.m. | Imagining the Possibilities One Year Later: Designing Your Wellness Roadmap for Success

9 – 10 a.m. | Legal Case Management: ‘Cause They Don’t Teach You This in Law School

10 – 10:15 a.m. | Break

10:15 – 11:15 a.m. | Ethics: More Than Just a Set of Rules

11:15 a.m. – 12:15 p.m. | Professionalism

(12 CLE hours including 1 hour of professionalism and 1 hour of ethics)
CLE Sessions

Friday, Jan. 25

9 a.m. – 1:15 p.m.
Preventing Burnout and Promoting Balance: Mindfulness for Attorneys

Speakers
Judi Cohen, Lecturer, Berkley Law and Founder of Warrior One, Berkeley, California; Alisa Gray, Tiffany & Bosco, P.A., Certified Yoga Instructor, Phoenix, Arizona; Charity Scott, Professor of Law, Georgia State University, Atlanta

Saturday, Jan. 26

8:30 – 10 a.m.
Panel Discussion I—Why Wellness is Important to Lawyers

Panelists
R. Javoyne Hicks, Clerk, DeKalb State and Magistrate Courts, Decatur; Kenneth B. Hodges III, President, State Bar of Georgia, Albany; Kristy Weathers, Professional Development Partner, Eversheds Sutherland (US) LLP, Atlanta; LaKeisha R. Randall, Bendin Sumrall & Ladner, LLC, Atlanta; Hon. Kelly Lee Ellerbe, Fulton Superior Court, Atlanta; Danielle Berry, Partner, Lewis Brisbois, Atlanta

10:15 – 11:15 a.m.
Panel Discussion II—How to Live Well After Crisis

Panelists
Hon. Shondeana Morris, Judge, State Court of DeKalb County, Chair, State Bar of Georgia Suicide Prevention Committee, Decatur; Lynn Garson, Baker & Hostetler, Vice Chair, State Bar of Georgia Lawyers Assistance Program, Atlanta; Paul E. Knowlton, J.D., M.Div., Principal—Marketplace Initiative, Mercer University—Center for Theology and Public Life, Atlanta; Melody Z. Richardson, Richardson Bloom & Lines, Atlanta

11:15 a.m. – 12:45 p.m.
Becoming the Happy Warrior: Science-Based Strategies to Boost Attorney Well-Being

Speaker
Stacey Dougan, J.D., LL.M., M.S., NCC, Associate Professional Counselor, Workbest Consulting, Atlanta
8 – 9 a.m.  
Imagining the Possibilities One Year Later: Designing Your Wellness Roadmap for Success  
**Speaker**  
Tara Rice Simkins, Life Coach, Co-Founder, Press On Fund, Augusta

9 – 10 a.m.  
Legal Case Management: ‘Cause They Don't Teach You This in Law School  
**Speaker**  
Stacey Mohr, Partner, Eversheds Sutherland (US) LLP, Atlanta

10:15 – 11:15 a.m.  
Ethics: More Than Just a Set of Rules  
**Speaker**  
J. Tom Morgan, Professor, Western Carolina University, Former DeKalb County District Attorney, Decatur

11:15 a.m. – 12:15 p.m.  
Professionalism  
**Speakers**  
Kenneth B. Hodges III; Robert J. “Bob” Kauffman, Hartley, Rowe & Fowler, P.C., Past President, State Bar of Georgia, Douglasville
Hotel Accommodations

Cut-off date is Friday, Dec. 28, 2018
Civana Carefree Resort
37220 Mule Train Road
Carefree, AZ 85377
480-653-9000

Civana Carefree Resort is our host hotel, offering a discounted room rate of $174 single/double per night plus applicable taxes and a resort/experience fee of $25 per room per day. To make reservations and receive our special rate, call the Civana Carefree Resort at 480-653-9000 and ask for the “2019 Wellness Seminar.”

Reservations must be made by Friday, Dec. 28, 2018, as rooms will be on a space and rate availability basis after this date. There are many events taking place in Arizona during this time, so please be aware that you should make your hotel reservations as early as possible.

Check-in time is: 4 p.m.
Check-out time is: 12 p.m.

Transportation Information

Civana Carefree Resort is located about 35 miles from Phoenix Sky Harbor International Airport, roughly a 50-minute drive. The resort does not provide private shuttle service. They recommend the airport Super Shuttle starting at about $34 one way. Visit the www.supershuttle.com/airport/phoenix-sky-harbor-international-airport-phx/ to book ahead. You may also arrange a private car pickup through the resort at a cost of $89 (includes gratuity). Contact Diane Schure, Civana concierge, at 480-636-0500, for information and to book this service.

Resort/Experience Fee Includes:
- Stainless steel hydration bottle;
- Wireless Internet in guestrooms and public spaces;
- Instruction in classes such as meditation, fitness, spin classes, movement and art/enrichment;
- Ability to participate in onsite activities such as cycling, tennis and pickle ball; and
- Scheduled van shuttle to Carefree/Cave Creek shops, guided hikes and nearby golf.

Area Recreation Information

Civana Resort and the neighboring towns of Carefree and Cave Creek offer a wide range of entertainment options, from botanical gardens to museums to hot air balloon rides, jeep tours and hiking. For information about local activities, please visit www.civanacarefree.com/local-activities/. For information about area attractions, visit www.civanacarefree.com/area-attractions/.

You may also visit the resort Concierge Desk or call 480-636-0500 for more information and assistance.
**DANIELLE BERRY**  
Partner  
*Lewis Brisbois Bisgaard & Smith LLP*

Danielle Berry is a partner in the Atlanta office of Lewis Brisbois Bisgaard & Smith LLP and a member of the complex business and commercial litigation, business practices, labor and employment, products liability and general liability practices. Her practice involves representing businesses in employment law related disputes, including litigation and administrative investigations regarding Title VII of the Civil Rights Act, the Fair Labor Standards Act, the Age Discrimination and Employment Act, the Americans with Disabilities Act, the Family Medical Leave Act and USERRA, and other state and federal laws. She assists clients in day-to-day issues regarding hiring and firing, disciplinary matters, employee relations, policy compliance, drafting, training and implementation, employee handbooks, independent contractor, employment, restrictive covenant, confidentiality and severance agreements. In addition, Berry defends insureds and companies against complex commercial litigation, premises liability, products liability/toxic torts and construction defect claims. A member of the State Bar of Georgia, Berry has also been a member of the American Bar Association; Gwinnett County Bar Association; Atlanta Bar Association; Federal Bar Association; and the Human Resource Membership Association. She received her B.B.A., *magna cum laude*, in 2001 and her J.D. in 2005, both from the University of Georgia.

**JUDI COHEN**  
Mindfulness Teacher, Lecturer  
*Berkley Law*

Judi Cohen is an attorney, mindfulness teacher and lecturer in mindfulness at Berkeley Law. She began practicing mindfulness in the late 1980s and has sat more than 100 days of silent retreat. Cohen is also the founder of Warrior One, which offers mindfulness training in its nationally acclaimed Essential Mindfulness for Lawyers® (EML) programs, which are integrations of classical mindfulness, modern neuroscience and the psychology of the legal mind. In addition to EML programs, Warrior One holds a bi-annual, year-long, Mindfulness in Law Teacher Training, for lawyers, law professors and judges interested in bringing mindfulness to their firms, organizations, courtrooms and classrooms. Before founding Warrior One, Cohen practiced as a real estate transactional lawyer from 1984-2014, and for 10 of those years also taught at the University of San Francisco School of Law. She is the Teachers Division chair for the Mindfulness in Law Society, and a founding member of the Bay Area Working Group for Law and Meditation.

**STACEY DOUGAN, J.D., LL.M., M.S., NCC**  
Associate Professional Counselor  
*Workbest Consulting, LLC*

Stacey Dougan is a therapist with nearly 20 years of previous experience as both a lawyer and member of senior management at Big Law firms. Dougan now works with individual lawyers and other professionals to help them align their needs and values with their personal and professional roles and responsibilities. As a shareholder and assistant general counsel at Greenberg Traurig, LLP, she counseled attorneys through the most daunting challenges of their careers, including malpractice, ethics, and employment discrimination claims. As the chief professional development officer at Powell Goldstein, LLP (now Bryan Cave Leighton Paisner), Dougan led efforts related to hiring and retention policies, attorney development, diversity, mentoring and work-life conflict. She frequently speaks to and consults with bar associations, law firms and legal organizations to improve the well-being of attorneys. Dougan is an associate professional counselor (under supervision of Anne McSorley, LPC, and direction of Dr. Christina Noble, Ph.D., LPC), a certified holistic health coach, holds a certification in clinical hypnotherapy and is trained in EMDR. She earned her B.A. from the University of Miami; J.D. from Florida State University College of Law; LL.M. from Columbia University Law School; and M.S. in Clinical Mental Health Counseling from Georgia State University.
ALISA GRAY
Partner
Tiffany & Bosco, P.A.

Alisa Gray is partner at Tiffany & Bosco, P.A., in Phoenix, Arizona. For more than 26 years, her practice has emphasized probate-related litigation, administration and mediation. She also regularly presents legal education seminars on probate and ethics, as well as mindfulness topics.

LYNN GARSON
Attorney
Baker & Hostetler LLP

Lynn Garson practices health care law at Baker & Hostetler LLP in the firm’s Atlanta office. Her areas of expertise include physician practice acquisitions, employment and related agreements, and regulatory research. Garson is also a mental health advocate and author. In July 2012, she published “Southern Vapors,” a memoir describing her journey from major clinical depression to recovery, and has since spoken widely, including a TEDx Emory talk: “Reforming the Approach to Mental Health in the U.S.,” and made numerous presentations to private and public organizations including the American Bar Association, American Health Lawyers Association and Devereux Georgia. As a member of the State Bar of Georgia’s Lawyer Assistance Program Committee, Garson has been instrumental in developing the Lawyers Helping Lawyers Program. The first of its kind in the country to utilize an online matching system, the goal of the program is to create a robust volunteer base so that those members of the Bar in need of assistance for a range of issues have the opportunity to find the best “match” possible. Garson graduated from Tulane University with a degree in art history and holds her law degree from Emory University School of Law (1981).

HON. KELLY LEE ELLERBE
Judge
Superior Court of Fulton County

Hon. Kelly Lee Ellerbe was elected to the bench in 2010, and re-elected in 2014 and 2018. Ellerbe currently presides over complex felony cases and civil cases such as contract disputes and personal injury actions. She serves on the court’s Executive Committee as well as the Business Court and Workload Assessment committees. Ellerbe is also serving her second three-year term presiding over Fulton County’s Adult Felony Drug Court. She is also a certified Bikram Yoga instructor. Ellerbe is a lifelong Georgian and graduated from the University of Georgia, Terry College of Business, and the University of Georgia School of Law. She is married to Harry L. Ellerbe III, resides in the city of Chattahoochee Hills and is an active member of Southside Church.

R. JAVOYNE HICKS
Clerk
DeKalb County State and Magistrate Courts

R. Javoyne Hicks is a member of the State Bar of Georgia and presently serves as chair of the Wellness Committee and as a member of the Board of Governors. In her regular capacity, she serves as the DeKalb County State and Magistrate Courts clerk. She is responsible for the management of public records for civil lawsuits, garnishments, eviction proceedings, personal property foreclosures, domestic violence hearings, traffic violations, ordinance violations and criminal misdemeanor cases. Prior to coming to the Clerk’s Office, Hicks served DeKalb County as the deputy chief assistant solicitor-general in charge of the Diversion Programs for the Solicitor-General’s Office. She supervised and expanded the operations of several diversion programs designed to give first time and youthful offenders and those with special circumstances a second chance at opportunities to avoid criminal prosecution. Hicks returned to DeKalb County after serving the federal government as the chief of staff of the Environmental Protection Agency, Region 4. Hicks implemented high level policy decisions, community engagement initiatives and executed organizational processes to help facilitate the region’s high-caliber technical, financial, legal and administrative performance. Hicks focused on Environmental Justice and Sustainability and led the region in its ability to meet critical deadlines while managing the overall health and maintenance of the organization and its people. For a majority of Hicks’ career, she served as a prosecutor for the Georgia Attorney General’s Office and as an assistant district attorney in three judicial circuits in Georgia. She also

Gray has served on many statewide councils and boards, including chair of two State Bar of Arizona sections: Mental Health and Elder Law, and Probate and Trust Law. She also served as co-chair for the Continuing Legal Education Committee. In 2010, Gray completed a 200-hour yoga teacher certification program and instructs weekly at Desert Song Healing Arts in Phoenix. She continues to deepen her teaching skills in different modalities, most recently becoming certified to lead Yoga Nidra Meditation. Gray serves on the advisory board of Warrior One and is one of the lead teachers for its Mindfulness in Law Teacher Training. She routinely presents to various bar-related groups on mindfulness, leadership and cultural competence, and has chaired numerous all day programs at several State Bar of Arizona conventions. Gray has a B.S. in Intercultural Communications from Arizona State University and a J.D. from the Sandra Day O’Connor School of Law at Arizona State University.
served as an associate magistrate judge in DeKalb County. Hicks is a past president of the DeKalb Bar Association and served on the boards of Georgia Association of Black Women Attorneys and Leadership Georgia.

KENNETH B. HODGES III
Judge-Elect, Court of Appeals of Georgia
President, State Bar of Georgia

Kenneth B. Hodges III, Ken Hodges Law, with offices in Albany and Atlanta, is a judge-elect of the Court of Appeals of Georgia and president of the State Bar of Georgia. Hodges has previously served as treasurer and president-elect of the State Bar and as a member of the Executive Committee and Board of Governors. He has also chaired the Attorney Wellness Task Force. On May 22, 2018, Hodges won a statewide election to serve on the Court of Appeals of Georgia and will assume that role in January 2019. Currently, he focuses his law practice on criminal defense and civil litigation, including but not limited to personal injury, commercial litigation and civil rights cases. Hodges spent 15 years as a prosecutor, including 12 as district attorney of the Dougherty Judicial Circuit. He was honored as Georgia’s District Attorney of the Year in 2002 and is a past recipient of the Justice Robert Benham Award for Community Service and the Commitment to Equality Award, both presented by the State Bar, and the Eagle Award, presented by the Criminal Justice Coordinating Council of Georgia. He was the Democratic nominee in the 2010 election for Georgia attorney general. Born and raised in Albany, he is a graduate of Emory University and the University of Georgia School of Law. Hodges was admitted to the State Bar in 1991. He is a past chairman of the Prosecuting Attorneys’ Council of Georgia and past president of the District Attorneys’ Association of Georgia and the Dougherty Circuit Bar Association. Hodges’ community activities include service as secretary of the Urban League of Greater Atlanta and co-chair of the Martin Luther King Jr. Celebration Day Committee in Albany. He is also a past president of the Sertoma Club; past board chair of Easter Seals of Southwest Georgia and has served on the boards of the American Heart Association in Albany, the Albany Civil Rights Institute (formerly Albany Civil Rights Museum) the Albany Chamber of Commerce and the Georgia Chamber of Commerce. He is also a graduate of Leadership Albany and a graduate and board member of Leadership Georgia. Hodges and his wife Melissa have two young children, Margaret and Jack. They are active in their church and in youth sports at the local YMCA.

ROBERT J. “BOB” KAUFFMAN
Attorney
Hartley, Rowe & Fowler, P.C

Robert J. “Bob” Kauffman, Hartley, Rowe & Fowler, P.C., Douglasville, past president, State Bar of Georgia, concentrates his law practice in the areas of commercial real estate transactions, real estate finance and general business law. Kauffman has assisted many clients in the sale, acquisition and financing of commercial and residential development projects all over Georgia. He has worked extensively with lenders, developers and owners, steering them through commercial financing and the numerous legal issues that naturally arise in the areas of development, sales and leasing. In addition to his transactional practice, Kauffman has helped numerous clients form their business entities, buy and sell businesses, and assists with a wide range of business issues.

PAUL E. KNOWLTON, J.D., M.Div.
Principal—Marketplace Initiative
Mercer University—Center for Theology and Public Life

Paul E. Knowlton is an accomplished attorney, law firm manager and executive leader. As an attorney his primary practice area is intellectual property, where he excels in both litigation and prosecution. While an associate at Kilpatrick Stockton and later as the co-founder of an IP boutique, he originated and second-chaired multi-state IP litigation that resolved in his client’s favor, including Rule 11 sanctions against opposing patent counsel in their jurisdiction; originated and first-chaired IP litigation that resolved in his client’s favor; initiated, grew, and managed IP corporate dockets of 100-400 matters; and maintained an active pro bono docket. These successes came with no small amount of stress that had to be addressed. While the co-founder/managing partner of one IP boutique and then the director of another, he originated and executed business plans; led talent acquisition and staff development; coached and mentored attorneys and staff; engaged and
on-boarded marquee clients with yearly billings of seven figures; supervised three office expansions; and had P/L responsibilities that realized year-over-year gains. These successes came with additional, unique stresses that demand to be navigated. As an executive leader he recently and very successfully completed an assignment as the CEO of a complex and diverse human services agency with a 320-acre campus and 115 employees that provides trauma informed residential care and education to an average census of 50 foster children, and mental health counseling to hundreds of families. The role of executive leader comes with additional burdens and stresses that must be faced, reshaped and turned to advantages. In addition to being authorized to practice in Georgia and the Northern District of Georgia, Knowlton is a registered patent attorney, Henning trained mediator and arbitrator, Martindale Hubbell Distinguished attorney, Georgia Trend Legal Elite and active member of the State Bar of Georgia’s Attorney Wellness and Lawyer Assistance Program committees. Leveraging his personal and professional successes, he is pleased to share his experiences of addressing the stresses of our honorable profession for the benefit of as many State Bar members as possible.

J. TOM MORGAN
Attorney
J.Tom Morgan, Attorney, LLC

J. Tom Morgan is a full time professor at Western Carolina University where he teaches criminal law and ethics. Morgan has dedicated his career to being an outstanding trial attorney and an outspoken champion for children and youth. He is an experienced trial attorney specializing in criminal defense and general civil litigation. During his career, he has tried more than 100 jury trials and successfully argued before the Court of Appeals and Supreme Court of Georgia. Since 2004, he has been in private practice after serving more than 20 years with the DeKalb County District Attorney’s office, including 12 years as district attorney. He is licensed to practice in Georgia and North Carolina and is admitted to practice before all Georgia and North Carolina state courts, the U.S. Northern and Middle District Courts of Georgia, and the U.S. Eleventh Circuit Court of Appeals. He enjoys the highest rating (AV) issued by the Martindale-Hubbell Law Directory and has been recognized as a Georgia Super Lawyer in general litigation by his peers. Prior to being elected district attorney in 1992, Morgan served as an assistant district attorney in DeKalb County for nine years and was the first prosecutor in Georgia to specialize in the prosecution of crimes against children. In 1992, then-Secretary of Health and Human Services Donna Shalala appointed Morgan to the U.S. Advisory Board on Child Abuse and Neglect. He also chaired Georgia’s Child Abuse Prevention Panel. Morgan is a founding board member of the Georgia Center for Child Advocacy, Inc. (formerly Georgia Center for Children), which provides free counseling to children who are victims of child abuse. He is also a founding board member of the National Alliance for Children (formerly National Network of Child Advocacy Centers). Morgan is a native of Albany, Ga. After graduating from Albany Junior College, he received his undergraduate degree in accounting cum laude from the University of Georgia in 1977 and his law degree from the University of Georgia School of Law in 1980.

HON. SHONDEANA CREWS MORRIS
Judge
DeKalb County State Court

Hon. Shondeana Crews Morris was appointed to the DeKalb County State Court—Traffic Division by Gov. Nathan Deal in 2015. In 2016, she was elected to a subsequent four-year term. Morris earned a Bachelor’s degree in Journalism from the University of Georgia and a Master’s degree in Criminal Justice from Albany State University. She graduated from Mercer University’s Walter F. George School of Law in 1997 and was admitted to the State Bar of Georgia that same year. After graduating law school, Morris served as an assistant solicitor in Atlanta. In 1999, she joined the Office of the Fulton County District Attorney and was promoted to deputy district attorney. In recognition of her outstanding trial expertise, Morris received the Association of Government Attorneys in Capital Litigation Trial Advocacy Award in 2009. Morris is a member of the State Bar of Georgia, the American Bar Association, the Georgia Association of Black Women Attorneys, the DeKalb Bar Association, the Atlanta Bar Association, the Gate City Bar Association and the Lawyers Club of Georgia. She serves on the Board of Governors of the State Bar of Georgia, the Judicial Review Committee for the Georgia Association of Black Women Attorneys and the Board of Directors for the Gate City Bar Association Judicial Section. An alumnus of Leadership DeKalb, Morris is an Executive Board Member of the Day League (formerly DeKalb Rape Crisis Center), International Women’s House, a nonprofit domestic violence shelter and a member of Atlanta Lions Club. She is a member of the Criminal Justice Advisory Board for Atlanta Technical College and frequently serves as a mentor and speaker on topics ranging from law and ethics to mental and physical wellness. Mor-
ris and her husband, attorney Joe Morris III, are the proud parents of two young children and are foster parents under Georgia Division of Family and Children Services.

LAKEISHA R. RANDALL
Associate
Bendin Sumrall & Ladner, LLC
LaKeisha R. Randall specializes in civil litigation defense and her practice focuses on medical malpractice, trucking litigation and general liability. A litigator and trial attorney, Randall has bench and jury trial experience, including several defense verdicts. She is a member of the State Bar of Georgia and the D.C. Bar. An Atlanta native, Randall graduated cum laude from Georgia State University with a B.A. in Sociology and earned her J.D. from North Carolina Central University School of Law. Since law school, Randall has served as the sole legal advisor to the 10 trial judges of the city of Atlanta and a corporate in-house trial attorney for a Fortune 50 insurance company. She routinely teaches continued learning education seminars for lawyers on litigation advocacy, trial strategy, attorney wellness, professionalism and professional development. And, in 2017, she was the youngest author and editor selected to contribute to “Her Story: Lessons in Success from Lawyers Who Live It”—a book published by the ABA Section of Litigation written by prominent women litigators from across the country. Outside of the profession, Randall is deeply involved in civic work—she mentors law students, does pro bono with Atlanta Volunteer Lawyers Foundation and is a proud member of Delta Sigma Theta Sorority, Inc. She also enjoys practicing yoga, hiking, boxing and traveling.

MELODY Z. RICHARDSON
Managing Member
Richardson Bloom & Lines, LLC
Melody Z. Richardson is a founding member of Richardson Bloom & Lines LLC (formerly known as Pachman Richardson, LLC), where she focuses primarily on complex and high asset matrimonial matters. Richardson is one of only about 1,700 attorneys nationwide to receive an invitation to be a Fellow of the American Academy of Matrimonial Lawyers. She is the current president of the Charles Longstreet Weltner Family Law Inn of Court. Richardson served as a board member of the Family Law Section of the Atlanta Bar Association from 2002-10, serving as chair in 2009. Richardson chaired several committees involved in community service projects and received numerous awards for those projects. In 2016, the Superior Court of Fulton County named an award for her and made her the first recipient of that award for her work to promote justice. She also received a Distinguished Service Award from the Atlanta Bar Association in 2016 for her work with the Equal Justice in Law Enforcement committee, and in 2015, received the Atlanta Bar Association’s Professionalism Award. Richardson received several other awards from the Atlanta Bar Association, including the Community Service Award, the Achievement Award and the Family First Award. She is an acknowledged leader in her field and has been repeatedly selected for inclusion as a Georgia Super Lawyer, one of Georgia’s Top 50 Women Lawyers, one of Georgia’s Top 100 Lawyers and for inclusion in The Best Lawyers in Georgia. Richardson is also a fellow of the Litigation Counsel of America.

PROF. CHARITY SCOTT, J.D., MSCM
Catherine C. Henson Professor of Law
Georgia State University College of Law
Prof. Charity Scott, Georgia State University College of Law, was the founding director of the Center for Law, Health & Society, whose health law program has been consistently ranked in the top 10 by U.S. News & World Report. Scott has taught courses on health law and policy, bioethics, tort law, negotiation, mediation and mindfulness. She publishes and is a sought-after speaker on these topics. A member of the American Law Institute, Scott has served on the Governing Council of the ABA Health Law Section, and as past chair of the Health Law Section of the State Bar of Georgia. She has been instrumental in developing the mindfulness and wellness programs at Georgia State Law. She graduated from Stanford University (A.B.), Harvard Law School (J.D.) and Kennesaw State University (MSCM).
TARA RICE SIMKINS
Co-Founder
Press On Fund

Tara Rice Simkins recently left a successful 20-year legal career to pursue a new calling—that of teacher, writer and co-founder of the Press On Fund. Inspired by her family’s journey inside the world of pediatric cancer, Simkins shares a unique understanding of what it means to potentially lose something very meaningful in your life, and in the face of such loss, to commit to living an extraordinary life. Her family’s journey brought Simkins to her knees. Literally. Her message is simple: “Deciding to fall deeper into love, to transform our difficulties and to summon the courage to press on is the privilege and practice of our lives.” Her signature line, “XOXO + Press on,” sums up this life philosophy. Simkins lives in North Augusta, South Carolina, with her husband, Turner, her three sons, Nat, Brennan and Christopher, and their dog, Lucky.

KRISTY WEATHERS
Professional Development Partner
Eversheds Sutherland (US) LLP

Kristy Weathers works with Eversheds Sutherland’s Professional Development Committee, individual practice groups and firm management to craft and implement the firm’s professional development strategy. She also works with the Professional Development Committee and individual practice groups to design and implement training programs for the firm’s attorneys and clients. Prior to assuming this position in 2006, Weathers was counsel with a large international law firm, where her practice focused on toxic tort and other litigation matters. She received her B.A., magna cum laude, from North Carolina State University, where she was an All-ACC tennis player and recipient of the NCSU Coaches Award for best record and leadership. She received her J.D., with honors, from the University of North Carolina at Chapel Hill, where she was a member of the Journal of International Law and Commercial Regulation. Weathers clerked for Chief Judge James C. Fox of the U.S. District Court for the Eastern District of North Carolina.
Please use this form to register by checking all events you plan to attend. Registration is required for all events. You may also register online at www.gabar.org. Final registration deadline is Friday, Jan. 18, 2019.

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NATIONAL TASK FORCE ON LAWYER WELL-BEING
Creating a Movement To Improve Well-Being in the Legal Profession

August 14, 2017

Enclosed is a copy of The Path to Lawyer Well-Being: Practical Recommendations for Positive Change from the National Task Force on Lawyer Well-Being. The Task Force was conceptualized and initiated by the ABA Commission on Lawyer Assistance Programs (CoLAP), 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. Additionally, CoLAP was a co-sponsor of the 2016 ABA CoLAP and Hazelden Betty Ford Foundation’s study of mental health and substance use disorders among lawyers and of the 2016 Survey of Law Student Well-Being.

To be a good lawyer, one has to be a healthy lawyer. Sadly, our profession is falling short when it comes to well-being. The two studies referenced above reveal that too many lawyers and law students experience chronic stress and high rates of depression and substance use. These findings are incompatible with a sustainable legal profession, and they raise troubling implications for many lawyers’ basic competence. This research suggests that the current state of lawyers’ health cannot support a profession dedicated to client service and dependent on the public trust.

The legal profession is already struggling. Our profession confronts a dwindling market share as the public turns to more accessible, affordable alternative legal service providers. We are at a crossroads. To maintain public confidence in the profession, to meet the need for innovation in how we deliver legal services, to increase access to justice, and to reduce the level of toxicity that has allowed mental health and substance use disorders to fester among our colleagues, we have to act now. Change will require a wide-eyed and candid assessment of our members’ state of being, accompanied by courageous commitment to re-envisioning what it means to live the life of a lawyer.
This report’s recommendations focus on five central themes: (1) identifying stakeholders and the role each of us can play in reducing the level of toxicity in our profession, (2) eliminating the stigma associated with help-seeking behaviors, (3) emphasizing that well-being is an indispensable part of a lawyer’s duty of competence, (4) educating lawyers, judges, and law students on lawyer well-being issues, and (5) taking small, incremental steps to change how law is practiced and how lawyers are regulated to instill greater well-being in the profession.

The members of this Task Force make the following recommendations after extended deliberation. We recognize this number of recommendations may seem overwhelming at first. Thus we also provide proposed state action plans with simple checklists. These help each stakeholder inventory their current system and explore the recommendations relevant to their group. We invite you to read this report, which sets forth the basis for why the legal profession is at a tipping point, and we present these recommendations and action plans for building a more positive future. We call on you to take action and hear our clarion call. The time is now to use your experience, status, and leadership to construct a profession built on greater well-being, increased competence, and greater public trust.

Sincerely,

Bree Buchanan, Esq.
Task Force Co-Chair
Director
Texas Lawyers Assistance Program
State Bar of Texas

James C. Coyle, Esq.
Task Force Co-Chair
Attorney Regulation Counsel
Colorado Supreme Court

“Lawyers, judges and law students are faced with an increasingly competitive and stressful profession. Studies show that substance use, addiction and mental disorders, including depression and thoughts of suicide—often unrecognized—are at shockingly high rates. As a consequence the National Task Force on Lawyer Well-being, under the aegis of CoLAP (the ABA Commission on Lawyer Assistance programs) has been formed to promote nationwide awareness, recognition and treatment. This Task Force deserves the strong support of every lawyer and bar association.”

David R Brink*
Past President
American Bar Association

* David R. Brink (ABA President 1981-82) passed away in July 2017 at the age of 97. He tirelessly supported the work of lawyer assistance programs across the nation, and was a beacon of hope in the legal profession for those seeking recovery.
THE PATH TO LAWYER WELL-BEING:
Practical Recommendations For Positive Change

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August 2017
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INTRODUCTION

THE PATH TO LAWYER WELL-BEING: Practical Recommendations For Positive Change

Although the legal profession has known for years that many of its students and practitioners are languishing, far too little has been done to address it. Recent studies show we can no longer continue to ignore the problems. In 2016, the American Bar Association (ABA) Commission on Lawyer Assistance Programs and Hazelden Betty Ford Foundation published their study of nearly 13,000 currently-practicing lawyers [the “Study”]. It found that between 21 and 36 percent qualify as problem drinkers, and that approximately 28 percent, 19 percent, and 23 percent are struggling with some level of depression, anxiety, and stress, respectively. The parade of difficulties also includes suicide, social alienation, work addiction, sleep deprivation, job dissatisfaction, a “diversity crisis,” complaints of work-life conflict, incivility, a narrowing of values so that profit predominates, and negative public perception. Notably, the Study found that younger lawyers in the first ten years of practice and those working in private firms experience the highest rates of problem drinking and depression. The budding impairment of many of the future generation of lawyers should be alarming to everyone. Too many face less productive, less satisfying, and more troubled career paths.

Additionally, 15 law schools and over 3,300 law students participated in the Survey of Law Student Well-Being, the results of which were released in 2016. It found that 17 percent experienced some level of depression, 14 percent experienced severe anxiety, 23 percent had mild or moderate anxiety, and six percent reported serious suicidal thoughts in the past year. As to alcohol use, 43 percent reported binge drinking at least once in the prior two weeks and nearly one-quarter (22 percent) reported binge-drinking two or more times during that period. One-quarter fell into the category of being at risk for alcoholism for which further screening was recommended.

The results from both surveys signal an elevated risk in the legal community for mental health and substance use disorders tightly intertwined with an alcohol-based social culture. The analysis of the problem cannot end there, however. The studies reflect that the majority of lawyers and law students do not have a mental health or substance use disorder. But that does not mean that they’re thriving. Many lawyers experience a “profound ambivalence” about their work, and different sectors of the profession vary in their levels of satisfaction and well-being.

Given this data, lawyer well-being issues can no longer be ignored. Acting for the benefit of lawyers who are functioning below their ability and for those suffering due to substance use and mental health disorders, the National Task Force on Lawyer Well-Being urges our profession’s leaders to act.

REASONS TO TAKE ACTION

We offer three reasons to take action: organizational effectiveness, ethical integrity, and humanitarian concerns.

First, lawyer well-being contributes to organizational success—in law firms, corporations, and government entities. If cognitive functioning is impaired as explained above, legal professionals will be unable to do their best work. For law firms and corporations, lawyer health is an important form of human capital that can provide a competitive advantage.6

For example, job satisfaction predicts retention and performance.7 Gallup Corporation has done years of research showing that worker well-being in the form of engagement is linked to a host of organizational success factors, including lower turnover, high client satisfaction, and higher productivity and profitability. The Gallup research also shows that few organizations fully benefit from their human capital because most employees (68 percent) are not engaged.8 Reducing turnover is especially important for law firms, where turnover rates can be high. For example, a 2016 survey by Law360 found that over 40 percent of lawyers reported that they were likely or very likely to leave their current law firms in the next year.9 This high turnover rate for law firms is expensive—with estimated costs for larger firms of $25 million every year.10 In short, enhancing lawyer health and well-being is good business and makes sound financial sense.

Second, lawyer well-being influences ethics and professionalism. Rule 1.1 of the ABA’s Model Rules of Professional Conduct requires lawyers to “provide competent representation.” Rule 1.3 requires diligence in client representation, and Rules 4.1 through 4.4 regulate working with people other than clients. Minimum competence is critical to protecting clients and allows lawyers to avoid discipline. But it will not enable them to live up to the aspirational goal articulated 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.” Troubled lawyers can struggle with even minimum competence. At least one author suggests that 40 to 70 percent of disciplinary proceedings and malpractice claims against lawyers involve substance use or depression, and often both.11 This can be explained, in part, by declining mental capacity due to these conditions. For example, major depression is associated

with impaired executive functioning, including diminished memory, attention, and problem-solving. Well-functioning executive capacities are needed to make good decisions and evaluate risks, plan for the future, prioritize and sequence actions, and cope with new situations. Further, some types of cognitive impairment persist in up to 60 percent of individuals with depression even after mood symptoms have diminished, making prevention strategies essential.\(^{12}\) For alcohol abuse, the majority of abusers (up to 80 percent) experience mild to severe cognitive impairment.\(^{13}\) Deficits are particularly severe in executive functions, especially in problem-solving, abstraction, planning, organizing, and working memory—core features of competent lawyering.

**Third,** from a humanitarian perspective, promoting well-being is the right thing to do. Untreated mental health and substance use disorders ruin lives and careers. They affect too many of our colleagues. Though our profession prioritizes individualism and self-sufficiency, we all contribute to, and are affected by, the collective legal culture. Whether that culture is toxic or sustaining is up to us. Our interdependence creates a joint responsibility for solutions.

**Defining Lawyer Well-Being**

A continuous process in which lawyers strive for thriving in each dimension of their lives:

- **Occupational:** Cultivating personal satisfaction, growth, and enrichment in work; financial stability.
- **Emotional:** Recognizing the importance of emotions. Developing the ability to identify and manage our own emotions to support mental health, achieve goals, and inform decision-making. Seeking help for mental health when needed.
- **Social:** Developing a sense of connection, belonging, and a well-developed support network while also contributing to our groups and communities.
- **Intellectual:** Engaging in continuous learning and the pursuit of creative or intellectually challenging activities that foster ongoing development; monitoring cognitive wellness.
- **Physical:** Striving for regular physical activity, proper diet and nutrition, sufficient sleep, and recovery; minimizing the use of addictive substances. Seeking help for physical health when needed.
- **Spiritual:** Developing a sense of meaningfulness and purpose in all aspects of life.

**DEFINING “LAWYER WELL-BEING”**

We define lawyer well-being as a continuous process whereby lawyers seek to thrive in each of the following areas: emotional health, occupational pursuits, creative or intellectual endeavors, sense of spirituality or greater purpose in life, physical health, and social connections with others. Lawyer well-being is part of a lawyer’s ethical duty of competence. It includes lawyers’ ability to make healthy, positive work/life choices to assure not only a quality of life within their families and communities, but also to help them make responsible decisions for their clients. It includes maintaining their own long term well-being. This definition highlights that complete health


is not defined solely by the absence of illness; it includes a positive state of wellness.

To arrive at this definition, the Task Force consulted other prominent well-being definitions and social science research, which emphasize that well-being is not limited to: (1) an absence of illness, (2) feeling happy all the time, or (3) intra-individual processes—context matters. For example, the World Health Organization (WHO) defines “health” as “a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity.” It defines “mental health” as “a state of well-being in which every individual realizes his or her own potential, can cope with the normal stresses of life, can work productively and fruitfully, and is able to make a contribution to her or his community.”

Social science research also emphasizes that “well-being” is not defined solely by an absence of dysfunction; but nor is it limited to feeling “happy” or filled with positive emotions. The concept of well-being in social science research is multi-dimensional and includes, for example, engagement in interesting activities, having close relationships and a sense of belonging, developing confidence through mastery, achieving goals that matter to us, meaning and purpose, a sense of autonomy and control, self-acceptance, and personal growth. This multi-dimensional approach underscores that a positive state of well-being is not synonymous with feeling happy or experiencing positive emotions. It is much broader.

Another common theme in social science research is that well-being is not just an intra-personal process: context powerfully influences it. Consistent with this view, a study of world-wide survey data found that five factors constitute the key elements of well-being: career, social relationships, community, health, and finances.

The Task Force chose the term “well-being” based on the view that the terms “health” or “wellness” connote only physical health or the absence of illness. Our definition of “lawyer well-being” embraces the multi-dimensional concept of mental health and the importance of context to complete health.

**OUR CALL TO ACTION**

The benefits of increased lawyer well-being are compelling and the cost of lawyer impairment are too great to ignore. There has never been a better or more important time for all sectors of the profession to get serious about the substance use and mental health of ourselves and those around us. The publication of this report, in and of itself, serves the vital role of bringing conversations about these conditions out in the open.

In the following pages, we present recommendations for many stakeholders in the legal profession including the judiciary, regulators, legal employers, law schools, bar associations, lawyers' professional liability carriers, and lawyer assistance programs. The recommendations revolve around five core steps intended to build a more sustainable culture:

1. Identifying stakeholders and the role that each of us can play in reducing the level of toxicity in our profession.
2. Ending the stigma surrounding help-seeking behaviors. This report contains numerous recommendations to combat the stigma that seeking help will lead to negative professional consequences.
3. Emphasizing that well-being is an indispensable part of a lawyer's duty of competence. Among the report's recommendations are steps stakeholders can take to highlight the tie-in between competence and well-being. These include giving this connection formal recognition through modifying the Rules of Professional Conduct or their comments to reference well-being.
4. Expanding educational outreach and programming on well-being issues. We need to educate lawyers, judges, and law students on well-being issues. This includes instruction in recognizing mental health and

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14 The WHO’s definition of “health” can be found at: http://www.who.int/about/mission/en. The definition of “mental health” can be found at: http://www.who.int/features/factfiles/mental_health/en/
substance use disorders as well as navigating the practice of law in a healthy manner. To implement this recommendation effectively, more resources need to be devoted to promoting well-being.

(5) Changing the tone of the profession one small step at a time. This report contains a number of small-scale recommendations, such as allowing lawyers to earn continuing legal education (CLE) credit for well-being workshops or de-emphasizing alcohol at bar association social events. These small steps can start the process necessary to place health, resilience, self-care, and helping others at the forefront of what it means to be a lawyer. Collectively, small steps can lead to transformative cultural change in a profession that has always been, and will remain, demanding.

Historically, law firms, law schools, bar associations, courts, and malpractice insurers have taken a largely hands-off approach to these issues. They have dealt with them only when forced to because of impairment that can no longer be ignored. The dedication and hard work of lawyer assistance programs aside, we have not done enough to help, encourage, or require lawyers to be, get, or stay well. However, the goal of achieving increased lawyer well-being is within our collective reach. The time to redouble our efforts is now.

RECOMMENDATIONS

Below, the Task Force provides detailed recommendations for minimizing lawyer dysfunction, boosting well-being, and reinforcing the importance of well-being to competence and excellence in practicing law. This section has two main parts. Part I provides general recommendations for all stakeholders in the legal community. Part II provides recommendations tailored to a specific stakeholder: (1) judges, (2) regulators, (3) legal employers, (4) law schools, (5) bar associations, (6) lawyers’ professional liability carriers, and (7) lawyer assistance programs.
RECOMMENDATIONS FOR ALL STAKEHOLDERS

“None of us got where we are solely by pulling ourselves up by our bootstraps. We got there because somebody bent down and helped us pick up our boots.” — Thurgood Marshall

First, we recommend strategies for all stakeholders in the legal profession to play a part in the transformational process aimed at developing a thriving legal profession.

1. ACKNOWLEDGE THE PROBLEMS AND TAKE RESPONSIBILITY.

Every sector of the legal profession must support lawyer well-being. Each of us can take a leadership role within our own spheres to change the profession’s mindset from passive denial of problems to proactive support for change. We have the capacity to make a difference.

For too long, the legal profession has turned a blind eye to widespread health problems.

For too long, the legal profession has turned a blind eye to widespread health problems. Many in the legal profession have behaved, at best, as if their colleagues’ well-being is none of their business. At worst, some appear to believe that supporting well-being will harm professional success. Many also appear to believe that lawyers’ health problems are solely attributable to their own personal failings for which they are solely responsible.

As to the long-standing psychological distress and substance use problems, many appear to believe that the establishment of lawyer assistance programs—a necessary but not sufficient step toward a solution—has satisfied any responsibility that the profession might have. Lawyer assistance programs have made incredible strides; however, to meaningfully reduce lawyer distress, enhance well-being, and change legal culture, all corners of the legal profession need to prioritize lawyer health and well-being. It is not solely a job for lawyer assistance programs. Each of us shares responsibility for making it happen.

2. USE THIS REPORT AS A LAUNCH PAD FOR A PROFESSION-WIDE ACTION PLAN.

All stakeholders must lead their own efforts aimed at incorporating well-being as an essential component of practicing law, using this report as a launch pad. Changing the culture will not be easy. Critical to this complex endeavor will be the development of a National Action Plan and state-level action plans that continue the effort started in this report. An organized coalition will be necessary to plan, fund, instigate, motivate, and sustain long-term change. The coalition should include, for example, the Conference of Chief Justices, the National Organization of Bar Counsel, the Association of Professional Responsibility Lawyers, the ABA, state bar associations as a whole and specific divisions (young lawyers, lawyer well-being, senior lawyers, etc.), the Commission on Lawyer Assistance Programs, state lawyer assistance programs, other stakeholders that have contributed to this report, and many others.

3. LEADERS SHOULD DEMONSTRATE A PERSONAL COMMITMENT TO WELL-BEING.

Policy statements alone do not shift culture. Broad-scale change requires buy-in and role modeling from top

leadership.17 Leaders in the courts, regulators’ offices, legal employers, law schools, and bar associations will be closely watched for signals about what is expected. Leaders can create and support change through their own demonstrated commitment to core values and well-being in their own lives and by supporting others in doing the same.18

4. FACILITATE, DESTIGMATIZE, AND ENCOURAGE HELP-SEEKING BEHAVIORS.

All stakeholders must take steps to minimize the stigma of mental health and substance use disorders because the stigma prevents lawyers from seeking help.

Research has identified multiple factors that can hinder seeking help for mental health conditions: (1) failure to recognize symptoms; (2) not knowing how to identify or access appropriate treatment or believing it to be a hassle to do so; (3) a culture’s negative attitude about such conditions; (4) fear of adverse reactions by others whose opinions are important; (5) feeling ashamed; (6) viewing help-seeking as a sign of weakness, having a strong preference for self-reliance, and/or having a tendency toward perfectionism; (7) fear of career repercussions; (8) concerns about confidentiality; (9) uncertainty about the quality of organizationally-provided therapists or otherwise doubting that treatment will be effective; and (10) lack of time in busy schedules.19

The Study identified similar factors. The two most common barriers to seeking treatment for a substance use disorder that lawyers reported were not wanting others to find out they needed help and concerns regarding privacy or confidentiality. Top concerns of law students in the Survey of Law Student Well Being were not wanting others to find out they needed help and concerns regarding privacy or confidentiality. The two most effective; and (10) lack of time in busy schedules.

Research also suggests that professionals with hectic, stressful jobs (like many lawyers and law students) are more likely to perceive obstacles for accessing treatment, which can exacerbate depression. The result of these barriers is that, rather than seeking help early, many wait until their symptoms are so severe that they interfere with daily functioning. Similar dynamics likely apply for aging lawyers seeking assistance.

Removing these barriers requires education, skill-building, and stigma-reduction strategies. Research shows that the most effective way to reduce stigma is through direct contact with someone who has personally experienced a relevant disorder. Ideally, this person should be a practicing lawyer or law student (depending on the audience) in order to create a personal connection that lends credibility and combats stigma.22 Viewing video-taped narratives also is useful, but not as effective as in-person contacts.

The military’s “Real Warrior” mental health campaign can serve as one model for the legal profession. It is designed to improve soldiers’ education about mental health disorders, reduce stigma, and encourage help-seeking. Because many soldiers (like many lawyers) perceive seeking help as a weakness, the campaign also has sought to re-frame help-seeking as a sign of strength that is important to resilience. It also highlights cultural values that align with seeking psychological help.23

5. BUILD RELATIONSHIPS WITH LAWYER WELL-BEING EXPERTS.

5.1. Partner With Lawyer Assistance Programs.

All stakeholders should partner with and ensure stable and sufficient funding for the ABA’s Commission on Lawyer Assistance Programs (CoLAP) as well as

RECOMMENDATIONS FOR ALL STAKEHOLDERS

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19 Krill, Johnson, & Albert, supra note 1, at 50.

20 Organ, Jaffe, & Bender, supra note 3, at 141.


22 Wade, Vogel, Armistead-Jehle, Meit, Heath, Strass, supra note 19. The Real Warrior website can be found at www.realwarriors.net.
for state-based lawyer assistance programs. ABA CoLAP and state-based lawyer assistance programs are indispensable partners in efforts to educate and empower the legal profession to identify, treat, and prevent conditions at the root of the current well-being crisis, and to create lawyer-specific programs and access to treatment.24 Many lawyer assistance programs employ teams of experts that are well-qualified to help lawyers, judges, and law students who experience physical or mental health conditions. Lawyer assistance programs’ services are confidential, and many include prevention, intervention, evaluation, counseling, referral to professional help, and on-going monitoring. Many cover a range of well-being-related topics including substance use and mental health disorders, as well as cognitive impairment, process addictions, burnout, and chronic stress. A number also provide services to lawyer discipline and admissions processes (e.g., monitoring and drug and alcohol screening).25

Notably, the Study found that, of lawyers who had reported past treatment for alcohol use, those who had used a treatment program specifically tailored to legal professionals reported, on average, significantly lower scores on the current assessment of alcohol use.26 This at least suggests that lawyer assistance programs, which are specifically tailored to identify and refer lawyers to treatment providers and resources, are a better fit than general treatment programs.

Judges, regulators, legal employers, law schools, and bar associations should ally themselves with lawyer assistance programs to provide the above services. These stakeholders should also promote the services of state lawyer assistance programs. They also should emphasize the confidential nature of those services to reduce barriers to seeking help. Lawyers are reluctant to seek help for mental health and substance use disorders for fear that doing so might negatively affect their licenses and lead to stigma or judgment of peers.27 All stakeholders can help combat these fears by clearly communicating about the confidentiality of lawyer assistance programs.

We also recommend coordinating regular meetings with lawyer assistance program directors to create solutions to the problems facing the profession. Lawyer assistance programs can help organizations establish confidential support groups, wellness days, trainings, summits, and/or fairs. Additionally, lawyer assistance programs can serve as a resource for speakers and trainers on lawyer well-being topics, contribute to publications, and provide guidance to those concerned about a lawyer’s well-being.

5.2. Consult Lawyer Well-Being Committees and Other Types of Well-Being Experts.

We also recommend partnerships with lawyer well-being committees and other types of organizations and consultants that specialize in relevant topics. For example, the American Bar Association’s Law Practice Division established an Attorney Well-Being Committee in 2015. A number of state bars also have well-being committees including Georgia, Indiana, Maryland, South Carolina, and Tennessee.28 The Florida Bar Association’s Young Lawyers Division has a Quality of Life Committee “for enhancing and promoting the quality of life for young lawyers.”29 Some city bar associations also have well-being initiatives, such as the Cincinnati Bar Association’s Health and Well-Being Committee.30 These committees can serve as a resource for education, identifying speakers and trainers, developing materials, and contributing to publications. Many high-quality consultants are also available on well-being subjects.

24 The ABA Commission on Lawyer Assistance Programs’ (CoLAP) website provides numerous resources, including help lines and a directory of state-based law assistant programs. See http://www.americanbar.org/groups/lawyer_assistance.html.
26 Krill, Johnson, & Albert, supra note 1, at 50.
27 Id. at 51.
We recommend that all stakeholders develop and enforce standards of collegiality and respectful engagement. Judges, regulators, practicing lawyers, law students, and professors continually interact with each other, clients, opposing parties, staff, and many others.\textsuperscript{31} Those interactions can either foment a toxic culture that contributes to poor health or can foster a respectful culture that supports well-being. Chronic incivility is corrosive. It depletes energy and motivation, increases burnout, and inflicts emotional and physiological damage. It diminishes productivity, performance, creativity, and helping behaviors.\textsuperscript{32} Civility appears to be declining in the legal profession. For example, in a 1992 study, 42 percent of lawyers and 45 percent of judges believed that civility and professionalism among bar members were significant problems. In a 2007 survey of Illinois lawyers, 72 percent of respondents categorized incivility as a serious or moderately serious problem\textsuperscript{33} in the profession. A recent study over 6,000 lawyers found that lawyers did not generally have a positive view of lawyer or judge professionalism.\textsuperscript{34} There is evidence showing that women lawyers are more frequent targets of incivility and harassment.\textsuperscript{36} Legal-industry commentators offer a host of hypotheses to explain the decline in civility.\textsuperscript{37} Rather than continuing to puzzle over the causes, we acknowledge the complexity of the problem and invite further thinking on how to address it.

Incivility appears to be on the rise.

As a start, we recommend that bar associations and courts adopt rules of professionalism and civility, such as those that exist in many jurisdictions.\textsuperscript{38} Likewise, law firms should adopt their own professionalism standards.\textsuperscript{39} Since rules alone will not change culture, all stakeholders should devise strategies to promote wide-scale, voluntary observance of those standards. This should include an expectation that all leaders in the profession be a role model for these standards of professionalism.

Exemplary standards of professionalism are inclusive. Research reflects that organizational diversity and inclusion initiatives are associated with employee well-being, including, for example, general mental and physical health, perceived stress level, job satisfaction, organizational commitment, trust, work engagement,


\textsuperscript{28}S. DAICOFF, LAWYER, KNOW THYSELF: A PSYCHOLOGICAL ANALYSIS OF PERSONALITY STRENGTHS AND WEAKNESSES (2004).


\textsuperscript{30}Krieger & Sheldon, supra note 5.


\textsuperscript{32}E.g., Campbell, supra note 34; A. T. Kronman, THE LOST LAWYER (1993); J. Smith, Lawyers Behaving Badly Get a Dressing Down from Civility Cops, WALL ST. J., Jan. 27, 2013, at A1; Walsh, Magley, Reeves, Davies-Schrisl, Marmet, & Gallus, supra note 32.

\textsuperscript{33}Examples of professionalism codes can be found on the ABA Center for Professional Responsibility’s website: https://www.americanbar.org/groups/professional_responsibility/committees_commissions/standingcommitteeprofessionalism2/professionalism_codes.html; see also AM. BAR ASS’N RESOL. 108 (2011), available at http://www.americanbar.org/content/dam/aba/directories/policy/2011_am_108.authcheckdam.pdf.

perceptions of organizational fairness, and intentions to remain on the job.43 A significant contributor to well-being is a sense of organizational belongingness, which has been defined as feeling personally accepted, respected, included, and supported by others. A weak sense of belonging is strongly associated with depressive symptoms.31 Unfortunately, however, a lack of diversity and inclusion is an entrenched problem in the legal profession.42 The issue is pronounced for women and minorities in larger law firms.43

6.1. Promote Diversity and Inclusivity.

Given the above, we recommend that all stakeholders urgently prioritize diversity and inclusion. Regulators and bar associations can play an especially influential role in advocating for initiatives in the profession as a whole and educating on why those initiatives are important to individual and institutional well-being. Examples of relevant initiatives include: scholarships, bar exam grants for qualified applicants, law school orientation programs that highlight the importance of diversity and inclusion, CLE programs focused on diversity in the legal profession, business development symposia for women- and minority-owned law firms, pipeline programming for low-income high school and college students, diversity clerkship programs for law students, studies and reports on the state of diversity within the state’s bench and bar, and diversity initiatives in law firms.44

6.2. Create Meaningful Mentoring and Sponsorship Programs.

Another relevant initiative that fosters inclusiveness and respectful engagement is mentoring. Research has shown that mentorship and sponsorship can aid well-being and career progression for women and diverse professionals. They also reduce lawyer isolation.46 Those who have participated in legal mentoring report a stronger sense of personal connection with others in the legal community, restored enthusiasm for the legal profession, and more resilience—all of which benefit both mentors and mentees.47 At least 35 states and the District of Columbia sponsor formal mentoring programs.48

7. ENHANCE LAWYERS’ SENSE OF CONTROL.

Practices that rob lawyers of a sense of autonomy and control over their schedules and lives are especially harmful to their well-being. Research studies show that high job demands paired with a lack of a sense of control breeds depression and other psychological disorders.49 Research suggests that men in jobs with such characteristics have an elevated risk of alcohol abuse.50 A recent review of strategies designed to prevent workplace depression found that those designed to improve the perception of control were among the

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48Ferris, Daniels, & Sexton, supra note 40; A. Ramaswami, G. F. Dreher, R. Bretz, & C. Wiethoff, The Interactive Effects of Gender and Mentoring on Career Attainment: Making the Case for Female Lawyers, 37 J. CAREER DEV. 692 (2010).
50Of the 35 programs, seven are mandatory (GA, NV, NM, OR, SC, UT, and WY) and some are approved for CLE credits. See the American Bar Association for more information: http://www.americanbar.org/groups/professional_responsibility/resources/professionalism/mentoring.html.
Research confirms that environments that facilitate control and autonomy contribute to optimal functioning and well-being.\textsuperscript{52}

We recommend that all stakeholders consider how long-standing structures of the legal system, organizational norms, and embedded expectations might be modified to enhance lawyers’ sense of control and support a healthier lifestyle. Courts, clients, colleagues, and opposing lawyers all contribute to this problem. Examples of the types of practices that should be reviewed include the following:

- Practices concerning deadlines such as tight deadlines for completing a large volume of work, limited bases for seeking extensions of time, and ease and promptness of procedures for requesting extensions of time;
- Refusal to permit trial lawyers to extend trial dates to accommodate vacation plans or scheduling trials shortly after the end of a vacation so that lawyers must work during that time;
- Tight deadlines set by clients that are not based on business needs;
- Senior lawyer decision-making in matters about key milestones and deadlines without consulting other members of the litigation team, including junior lawyers;
- Senior lawyers’ poor time-management habits that result in repeated emergencies and weekend work for junior lawyers and staff;
- Expectations of 24/7 work schedules and of prompt response to electronic messages at all times; and
- Excessive law school workload, controlling teaching styles, and mandatory grading curves.

All stakeholders should ensure that legal professionals receive training in identifying, addressing, and supporting fellow professionals with mental health and substance use disorders. At a minimum, training should cover the following:

- The warning signs of substance use or mental health disorders, including suicidal thinking;
- How, why, and where to seek help at the first signs of difficulty;
- The relationship between substance use, depression, anxiety, and suicide;
- Freedom from substance use and mental health disorders as an indispensable predicate to fitness to practice;
- How to approach a colleague who may be in trouble;
- How to thrive in practice and manage stress without reliance on alcohol and drugs; and
- A self-assessment or other check of participants’ mental health or substance use risk.

As noted above, to help reduce stigma, such programs should consider enlisting the help of recovering lawyers who are successful members of the legal community. Some evidence reflects that social norms predict problem drinking even more so than stress.\textsuperscript{53} Therefore, a team-based training program may be most effective because it focuses on the level at which the social norms are enforced.\textsuperscript{54}

Given the influence of drinking norms throughout the profession, however, isolated training programs are not sufficient. A more comprehensive, systemic campaign is likely to be the most effective—though certainly the most challenging.\textsuperscript{55} All stakeholders will be critical players in such an aspirational goal. Long-term strategies should consider scholars’ recommendations to incorporate mental health and substance use disorder training into broader health-promotion programs to help skirt the stigma that may otherwise deter attendance.

\textsuperscript{52}Y-L Su & J. Reeve, A Meta-Analysis of the Effectiveness of Intervention Programs Designed to Support Autonomy, 23 EDUC. PSYCHOL. REV. 159 (2011).
\textsuperscript{53}D. C. Hodgins, R. Williams, & G. Munro, Workplace Responsibility, Stress, Alcohol Availability and Norms as Predictors of Alcohol Consumption-Related Problems Among Employed Workers, 44 SUBSTANCE USE & MISUSE 2062 (2009).
\textsuperscript{54}Kolar & von Treuer, supra note 54.
Research also suggests that, where social drinking has become a ritual for relieving stress and for social bonding, individuals may resist efforts to deprive them of a valued activity that they enjoy. To alleviate resistance based on such concerns, prevention programs should consider making “it clear that they are not a temperance movement, only a force for moderation,” and that they are not designed to eliminate bonding but to ensure that drinking does not reach damaging dimensions.56

Additionally, genuine efforts to enhance lawyer well-being must extend beyond disorder detection and treatment. Efforts aimed at remodeling institutional and organizational features that breed stress are crucial, as are those designed to cultivate lawyers’ personal resources to boost resilience. All stakeholders should participate in the development and delivery of educational materials and programming that go beyond detection to include causes and consequences of distress. These programs should be eligible for CLE credit, as discussed in Recommendation 20.3. Appendix B to this report offers examples of well-being-related educational content, along with empirical evidence to support each example.

9. GUIDE AND SUPPORT THE TRANSITION OF OLDER LAWYERS.

Like the general population, the lawyer community is aging and lawyers are practicing longer.57 In the Baby Boomer generation, the oldest turned 62 in 2008, and the youngest will turn 62 in 2026.58 In law firms, one estimate indicates that nearly 65 percent of equity partners will retire over the next decade.59 Senior lawyers can bring much to the table, including their wealth of experience, valuable public service, and mentoring of new lawyers. At the same time, however, aging lawyers have an increasing risk for declining physical and mental capacity. Yet few lawyers and legal organizations have sufficiently prepared to manage transitions away from the practice of law before a crisis occurs. The result is a rise in regulatory and other issues relating to the impairment of senior lawyers. We make the following recommendations to address these issues:

Planning Transition of Older Lawyers

1. Provide education to detect cognitive decline.

2. Develop succession plans.

3. Create transition programs to respectfully aid retiring professionals plan for their next chapter.

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57 A recent American Bar Association report reflected that, in 2005, 34 percent of practicing lawyers were age fifty-five or over, compared to 25 percent in 1980. See LAWYER DEMOGRAPHICS, A.B.A. SEC. OF LEGAL EDUC. & ADMISSIONS TO THE BAR (2016), available at http://www.americanbar.org/content/dam/aba/administrative/market_research/lawyer-demographics-tables-2016.authcheckdam.pdf.


First, all stakeholders should create or support programming for detecting and addressing cognitive decline in oneself and colleagues.

Second, judges, legal employers, bar associations, and regulators should develop succession plans, or provide education on how to do so, to guide the transition of aging legal professionals. Programs should include help for aging members who show signs of diminished cognitive skills, to maintain their dignity while also assuring they are competent to practice. A model program in this regard is the North Carolina Bar Association’s Senior Lawyers Division.

Third, we recommend that legal employers, law firms, courts, and law schools develop programs to aid the transition of retiring legal professionals. Retirement can enhance or harm well-being depending on the individual’s adjustment process. Many lawyers who are approaching retirement age have devoted most of their adult lives to the legal profession, and their identities often are wrapped up in their work. Lawyers whose self-esteem is contingent on their workplace success are likely to delay transitioning and have a hard time adjusting to retirement. Forced retirement that deprives individuals of a sense of control over the exit timing or process is particularly harmful to well-being and long-term adjustment to retirement.

To assist stakeholders in creating the programming to guide and support transitioning lawyers, the Task Force sets out a number of suggestions in Appendix C.

10. DE-EMPHASIZE ALCOHOL AT SOCIAL EVENTS.

Workplace cultures or social climates that support alcohol consumption are among the most consistent predictors of employee drinking. When employees drink together to unwind from stress and for social bonding, social norms can reinforce tendencies toward problem drinking and stigmatize seeking help. On the other hand, social norms can also lead colleagues to encourage those who abuse alcohol to seek help.

In the legal profession, social events often center around alcohol consumption (e.g., “Happy Hours,” “Bar Reviews,” networking receptions, etc.). The expectation of drinking is embedded in the culture, which may contribute to over-consumption. Legal employers, law schools, bar associations, and other stakeholders that plan social events should provide a variety of alternative non-alcoholic beverages and consider other types of activities to promote socializing and networking. They should strive to develop social norms in which lawyers discourage heavy drinking and encourage others to seek help for problem use.

11. UTILIZE MONITORING TO SUPPORT RECOVERY FROM SUBSTANCE USE DISORDERS.

Extensive research has demonstrated that random drug and alcohol testing (or “monitoring”) is an effective way of supporting recovery from substance use disorders and increasing abstinence rates. The medical profession has long relied on monitoring as a key component of its treatment paradigm for physicians, resulting in long-term recovery rates for that population that are between 70-96 percent, which is the highest in all of the treatment outcome literature. One study found that 96 percent of medical professionals who were subject to random drug tests remained drug-free, compared to only 64 percent of those who were not subject to mandatory testing. Further, a national survey of physician health programs found that among medical professionals who completed their prescribed treatment requirements (including monitoring), 95 percent were licensed and actively

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63 Id.
working in the health care field at a five year follow-up after completing their primary treatment program. In addition, one study has found that physicians undergoing monitoring through physician health programs experienced lower rates of malpractice claims.

Such outcomes are not only exceptional and encouraging, they offer clear guidance for how the legal profession could better address its high rates of substance use disorders and increase the likelihood of positive outcomes. Although the benefits of monitoring have been recognized by various bar associations, lawyer assistance programs, and employers throughout the legal profession, a uniform or “best practices” approach to the treatment and recovery management of lawyers has been lacking. Through advances in monitoring technologies, random drug and alcohol testing can now be administered with greater accuracy and reliability—as well as less cost and inconvenience—than ever before. Law schools, legal employers, regulators, and lawyer assistance programs would all benefit from greater utilization of monitoring to support individuals recovering from substance use disorders.

12. BEGIN A DIALOGUE ABOUT SUICIDE PREVENTION.

It is well-documented that lawyers have high rates of suicide. The reasons for this are complicated and varied, but some include the reluctance of attorneys to ask for help when they need it, high levels of depression amongst legal professionals, and the stressful nature of the job. If we are to change these statistics, stakeholders need to provide education and take action. Suicide, like mental health or substance use disorders, is a highly stigmatized topic. While it is an issue that touches many of us, most people are uncomfortable discussing suicide. Therefore, stakeholders must make a concerted effort towards suicide prevention to demonstrate to the legal community that we are not afraid of addressing this issue. We need leaders to encourage dialogue about suicide prevention.

One model for this is through a “Call to Action,” where members of the legal community and stakeholders from lawyer assistance programs, the judiciary, law firms, law schools, and bar associations are invited to attend a presentation and community discussion about the issue.

Call to Action

- Organize “Call to Action” events to raise awareness.
- Share stories of those affected by suicide.
- Provide education about signs of depression and suicidal thinking.
- Learn non-verbal signs of distress.
- Collect and publicize available resources.

When people who have been affected by the suicide of a friend or colleague share their stories, other members of the legal community begin to better understand the impact and need for prevention. In addition, stakeholders can schedule educational presentations that incorporate information on the signs and symptoms of suicidal thinking along with other mental health/

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71Id.
72The Colorado Lawyer Assistance Program sponsored one such Call to Action on January 21, 2016, in an effort to generate more exposure to this issue so the legal community better understands the need for dialogue and prevention.
substance use disorders. These can occur during CLE presentations, staff meetings, training seminars, at law school orientations, bar association functions, etc. Stakeholders can contact their state lawyer assistance programs, employee assistance program agencies, or health centers at law schools to find speakers, or referrals for counselors or therapists so that resources are available for family members of lawyers, judges, and law students who have taken their own life.

It’s important for all stakeholders to understand that, while lawyers might not tell us that they are suffering, they will show us through various changes in behavior and communication styles. This is so because the majority of what we express is non-verbal.73 Becoming better educated about signs of distress will enable us to take action by, for example, making health-related inquiries or directing them to potentially life-saving resources.

13. SUPPORT A LAWYER WELL-BEING INDEX TO MEASURE THE PROFESSION’S PROGRESS.

We recommend that the ABA coordinate with state bar associations to create a well-being index for the legal profession that will include metrics related to lawyers, staff, clients, the legal profession as a whole, and the broader community. The goal would be to optimize the well-being of all of the legal profession’s stakeholders.74 Creating such an index would correspond with a growing worldwide consensus that success should not be measured solely in economic terms. Measures of well-being also have an important role to play in defining success and informing policy.75 The index would help track progress on the transformational effort proposed in this report. For law firms, it also may help counter-balance the “profits per partner metric” that has been published by *The American Lawyer* since the late 1980s, and which some argue has driven the profession away from its core values. As a foundation for building the well-being index, stakeholders could look to, for example, criteria used in *The American Lawyer’s* Best Places to Work survey, or the Tristan Jepson Memorial Foundation’s best practice guidelines for promoting psychological well-being in the legal profession.76

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73 ALBERT MEHRABIAN, SILENT MESSAGES: IMPLICIT COMMUNICATION OF EMOTIONS AND ATTITUDES (1972).
Judges occupy an esteemed position in the legal profession and society at large. For most, serving on the bench is the capstone of their legal career. The position, however, can take a toll on judges’ health and well-being. Judges regularly confront contentious, personal, and vitriolic proceedings. Judges presiding over domestic relations dockets make life-changing decisions for children and families daily. Some report lying awake at night worrying about making the right decision or the consequences of that decision. Other judges face the stress of presiding over criminal cases with horrific underlying facts.

Also stressful is the increasing rate of violence against judges inside and outside the courthouse. Further, many judges contend with isolation in their professional lives and sometimes in their personal lives. When a judge is appointed to the bench, former colleagues who were once a source of professional and personal support can become more guarded and distant. Often, judges do not have feedback on their performance. A number take the bench with little preparation, compounding the sense of going it alone. Judges also cannot “take off the robe” in every day interactions outside the courthouse because of their elevated status in society, which can contribute to social isolation. Additional stressors include re-election in certain jurisdictions. Limited judicial resources coupled with time-intensive, congested dockets are a pronounced problem. More recently, judges have reported a sense of diminishment in their estimation among the public at large. Even the most astute, conscientious, and collected judicial officer can struggle to keep these issues in perspective.

We further recognize that many judges have the same reticence in seeking help out of the same fear of embarrassment and occupational repercussions that lawyers have. The public nature of the bench often heightens the sense of peril in coming forward. Many judges, like lawyers, have a strong sense of perfectionism and believe they must display this perfectionism at all times. Judges’ staff can act as protectors or enablers of problematic behavior. These are all impediments to seeking help. In addition, lawyers, and even a judge’s colleagues, can be hesitant to report or refer a judge whose behavior is problematic for fear of retribution.

In light of these barriers and the stressors inherent in the unique role judges occupy in the legal system, we make the following recommendations to enhance well-being among members of the judiciary.

14. COMMUNICATE THAT WELL-BEING IS A PRIORITY.

The highest court in each state should set the tone for the importance of the well-being of judges. Judges are not immune from suffering from the same stressors as lawyers, and additional stressors are unique to work as a jurist.

“A tree with strong roots laughs at storms.” — Malay Proverb
15. DEVELOP POLICIES FOR IMPAIRED JUDGES.

It is essential that the highest court and its commission on judicial conduct implement policies and procedures for intervening with impaired members of the judiciary. For example, the highest court should consider adoption of policies such as a Diversion Rule for Judges in appropriate cases. Administrative and chief judges also should implement policies and procedures for intervening with members of the judiciary who are impaired in compliance with Model Rule of Judicial Conduct 2.14. They should feel comfortable referring members to judicial or lawyer assistance programs. Educating judicial leaders about the confidential nature of these programs will go a long way in this regard. Judicial associations and educators also should promote CoLAP’s judicial peer support network, as well as the National Helpline for Judges Helping Judges.90

16. REDUCE THE STIGMA OF MENTAL HEALTH AND SUBSTANCE USE DISORDERS.

As reflected in Recommendation 4, the stigma surrounding mental health and substance use disorders poses an obstacle to treatment. Judges are undisputed leaders in the legal profession. We recommend they work to reduce this stigma by creating opportunities for open dialogue. Simply talking about these issues helps combat the unease and discomfort that causes the issues to remain unresolved. In a similar vein, we encourage judges to participate in the activities of lawyer assistance programs, such as volunteering as speakers and serving as board members. This is a powerful way to convey to lawyers, law students, and other judges the importance of lawyer assistance programs and to encourage them to access the programs’ resources.

17. CONDUCT JUDICIAL WELL-BEING SURVEYS.

This report was triggered in part by the Study and the Survey of Law Student Well-Being. No comparable research has been conducted of the judiciary. We recommend that CoLAP and other concerned entities conduct a broad-based survey of the judiciary to determine the state of well-being and the prevalence of issues directly related to judicial fitness such as burnout, compassion fatigue, mental health, substance use disorders and help-seeking behaviors.

18. PROVIDE WELL-BEING PROGRAMMING FOR JUDGES AND STAFF.

Judicial associations should invite lawyer assistance program directors and other well-being experts to judicial conferences who can provide programming on topics related to self-care as well as resources available to members of the judiciary experiencing mental health or

- Design well-being education specifically for judges.
- Connect judges for support and mentoring.
- Publish well-being resources tailored to judges.

substance use disorders. Topics could include burnout, secondary traumatic stress, compassion fatigue, strategies to maintain well-being, as well as identification of and intervention for mental health and substance use disorders.

Judicial educators also should make use of programming that allows judges to engage in mutual support and sharing of self-care strategies. One such example is roundtable discussions held as part of judicial conferences or establishing a facilitated mentoring

90The ABA-sponsored National Helpline for Judges Helping Judges is 1-800-219-6474.
program or mentoring circle for judicial members. We have identified isolation as a significant challenge for many members of the judiciary. Roundtable discussions and mentoring programs combat the detrimental effects of this isolation.91

Judicial associations and educators also should develop publications and resources related to well-being, such as guidebooks. For example, a judicial association could create wellness guides such as “A Wellness Guide for Judges of the California State Courts.” This sends the signal that thought leaders in the judiciary value well-being.

19. MONITOR FOR IMPAIRED LAWYERS AND PARTNER WITH LAWYER ASSISTANCE PROGRAMS

Judges often are among the first to detect lawyers suffering from an impairment. Judges know when a lawyer is late to court regularly, fails to appear, or appears in court under the influence of alcohol or drugs. They witness incomprehensible pleadings or cascading requests for extensions of time. We believe judges have a keen pulse on when a lawyer needs help. With the appropriate training, judges’ actions can reduce client harm and save a law practice or a life. We make the following recommendations tailored to helping judges help the lawyers appearing before them.

Consistent with Recommendation 5.1, judges should become familiar with lawyer assistance programs in their state. They should learn how best to make referrals to the program. They should understand the confidentiality protections surrounding these referrals. Judges also should invite lawyer assistance programs to conduct educational programming for lawyers in their jurisdiction using their courtroom or other courthouse space.

Judges, for example, can devote a bench-bar luncheon at the courthouse to well-being and invite representatives of the lawyers assistance program to the luncheon.

Judicial educators should include a section in bench book-style publications dedicated to lawyer assistance programs and their resources, as well as discussing how to identify and handle lawyers who appear to have mental health or substance use disorders. Further, judges and their staff should learn the signs of mental health and substance use disorders, as well as strategies for intervention, to assist lawyers in their courtrooms who may be struggling with these issues. Judges can also advance the well-being of lawyers who appear before them by maintaining courtroom decorum and de-escalating the hostilities that litigation often breeds.

90The ABA-sponsored National Helpline for Judges Helping Judges is 1-800-219-6474.
91For more information on judicial roundtables, see AM. BAR ASS’N COMM’N ON LAW. ASSISTANCE PROGRAMS, JUDICIAL ROUNDTABLES, available at https://www.americanbar.org/content/dam/aba/administrative/lawyer_assistance/ls_colap_Judicial_Roundtable_Protocols.authcheckdam.pdf.
Regulators play a vital role in fostering individual lawyer well-being and a professional culture that makes it possible. We broadly define “regulators” to encompass all stakeholders who assist the highest court in each state in regulating the practice of law. This definition includes lawyers and staff in regulatory offices; volunteer lawyer and non-lawyer committee, board, and commission members; and professional liability lawyers who advise law firms and represent lawyers in the regulatory process.

Courts and their regulators frequently witness the conditions that generate toxic professional environments, the impairments that may result, and the negative professional consequences for those who do not seek help. Regulators are well-positioned to improve and adjust the regulatory process to address the conditions that produce these effects. As a result, we propose that the highest court in each state set an agenda for action and send a clear message to all participants in the legal system that lawyer well-being is a high priority.

To carry out the agenda, regulators should develop their reputation as partners with practitioners. The legal profession often has a negative perception of regulators, who typically appear only when something has gone awry. Regulators can transform this perception by building their identity as partners with the rest of the legal community rather than being viewed only as its “police.”

Most regulators are already familiar with the 1992 Report of the Commission on Evaluation of Disciplinary Enforcement—better known as the “McKay Commission Report.” It recognized and encouraged precisely what we seek to do through this report: to make continual improvements to the lawyer regulation process to protect the public and assist lawyers in their professional roles. Accordingly, we offer the following recommendations to ensure that the regulatory process proactively fosters a healthy legal community and provides resources to rehabilitate impaired lawyers.

20. TAKE ACTIONS TO MEANINGFULLY COMMUNICATE THAT LAWYER WELL-BEING IS A PRIORITY.


In 2016, the Conference of Chief Justices adopted a resolution recommending that each state’s highest court consider the ABA’s proposed Model Regulatory Objectives. Among other things, those objectives sought to encourage “appropriate preventive or wellness programs.” By including a wellness provision, the ABA recognized the importance of the human element in the practice of law: To accomplish all other listed objectives, the profession must have healthy, competent lawyers. The Supreme Court of Colorado already has adopted

Transform the profession’s perception of regulators from police to partner.

See AM. BAR ASS’N RESOL. 105 (February 2016).


RESOL. 105, supra note 92.
a version of the ABA's Regulatory Objectives. In doing so, it recommended proactive programs offered by the Colorado Lawyer Assistance Program and other organizations to assist lawyers throughout all stages of their careers to practice successfully and serve their clients.\(^95\) The Supreme Court of Washington also recently enacted regulatory objectives.\(^96\)

We recommend that the highest court in each U.S. jurisdiction follow this lead. Each should review the ABA and Colorado regulatory objectives and create its own objectives that specifically promote effective lawyer assistance and other proactive programs relating to well-being. Such objectives will send a clear message that the court prioritizes lawyer well-being, which influences competent legal services. This, in turn, can boost public confidence in the administration of justice.

**20.2. Modify the Rules of Professional Conduct to Endorse Well-Being As Part of a Lawyer's Duty of Competence.**

ABA Model Rule of Professional Conduct 1.1 (Competence) states that lawyers owe a duty of competence to their clients. “Competent” representation is defined to require “the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.”\(^97\) We recommend revising this Rule and/or its Comments to more clearly include lawyers’ well-being in the definition of “competence.”

One alternative is to include language similar to California’s Rule of Professional Conduct 3-110, which defines “competence” to include the “mental, emotional, and physical ability reasonably necessary” for the representation.\(^98\) A second option is to amend the Comments to Rule 1.1 to clarify that professional competence requires an ability to comply with all of the Court’s essential eligibility requirements (see Recommendation 21.2 below).

Notably, we do not recommend discipline solely for a lawyer’s failure to satisfy the well-being requirement or the essential eligibility requirements. Enforcement should proceed only in the case of actionable misconduct in the client representation or in connection with disability proceedings under Rule 23 of the ABA Model Rules for Disciplinary Enforcement. The goal of the proposed amendment is not to threaten lawyers with discipline for poor health but to underscore the importance of well-being in client representations. It is intended to remind lawyers that their mental and physical health impacts clients and the administration of justice, to reduce stigma associated with mental health disorders, and to encourage preventive strategies and self-care.

**20.3. Expand Continuing Education Requirements to Include Well-Being Topics.**

We recommend expanding continuing education requirements for lawyers and judges to mandate credit for mental health and substance use disorder programming and allow credit for other well-being-related topics that affect lawyers' professional capabilities.

In 2017, the ABA proposed a new Model Continuing Legal Education (MCLE) Rule that recommends mandatory mental health programming. The Model Rule requires lawyers to earn at least one credit hour every three years of CLE programming that addresses the prevention, detection, and/or treatment of “mental health and substance use disorders.” We recommend that all states adopt this provision of the Model Rule. Alternatively, states could consider authorizing ethics credit (or other specialized credits) for CLE programs that address these topics. California and Illinois are examples of state bars that already have such requirements.\(^99\)

The ABA’s new Model Rule also provisionally recommends that states grant CLE credit for “Lawyer Well-Being Programming.” The provision encompasses a broader scope of topics than might fall under a narrow definition of mental health and substance use

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\(^98\) See RULES OF THE STATE BAR OF CAL., Title 2, Div. 4, R. 2.72 (2017); ILL. SUP. CT. R. 794(d)(1) (2017).
disorders. Tennessee is one example of a pioneering state that authorizes credit for a broad set of well-being topics. Its CLE Regulation 5H authorizes ethics and professionalism credit for programs that are designed, for example, to: enhance optimism, resilience, relationship skills, and energy and engagement in their practices; connect lawyers with their strengths and values; address stress; and to foster cultures that support outstanding professionalism. We recommend that regulators follow Tennessee’s lead by revising CLE rules to grant credit for similar topics.

20.4. Require Law Schools to Create Well-Being Education for Students as An Accreditation Requirement.

In this recommendation, the Task Force recognizes the ABA’s unique role as accreditor for law schools through the Council of the Section of Legal Education and Admissions to the Bar of the ABA. The Task Force recommends that the Council revise the Standards and Rules of Procedure for Approval of Law Schools to require law schools to create well-being education as a criterion for ABA accreditation. The ABA should require law schools to publish their well-being-related resources on their websites. These disclosures can serve as resources for other law schools as they develop and improve their own programs. Examples of well-being education include a mandatory one credit-hour course on well-being topics or incorporating well-being topics in to the professional responsibility curriculum.

A requirement similar to this already has been implemented in the medical profession for hospitals that operate residency programs. Hospitals that operate Graduate Medical Education programs to train residents must comply with the Accreditation Council for Graduate Medical Education (ACGME) Program Requirements. The ACGME requires hospitals to “be committed to and responsible for... resident well-being in a supportive educational environment.” This provision requires that teaching hospitals have a documented strategy for promoting resident well-being and, typically, hospitals develop a wellness curriculum for residents.

21. ADJUST THE ADMISSIONS PROCESS TO SUPPORT LAW STUDENT WELL-BEING.

To promote law student well-being, regulations governing the admission to the practice of law should facilitate the treatment and rehabilitation of law students with impairments.

21.1. Re-Evaluate Bar Application Inquiries About Mental Health History.

Most bar admission agencies include inquiries about applicants’ mental health as part of fitness evaluations for licensure. Some critics have contended that the deterrent effect of those inquiries discourages persons in need of help from seeking it. Not everyone agrees with that premise, and some argue that licensing of professionals necessarily requires evaluation of all risks that an applicant may pose to the public. Over the past several decades, questions have evolved to be more tightly focused and to elicit only information that is current and germane. There is continuing controversy over the appropriateness of asking questions about mental health at all. The U.S. Department of Justice has actively encouraged states to eliminate questions relating to mental health, and some states have modified or eliminated such questions. In 2015, the ABA adopted a resolution that the focus should be directed “on conduct or behavior that impairs an applicant’s ability to practice law in a competent, ethical, and professional manner.” We recommend that each state follow the ABA and more closely focus on such conduct or behavior rather than any diagnosis or treatment history.

104 AM. BAR ASS’N RESOL. 102 (August 2015).

Promoting lawyer well-being includes providing clear eligibility guidelines for lawyers with mental or physical impairments. Regulators in each state should adopt essential eligibility requirements that affirmatively state the abilities needed to become a licensed lawyer. Their purpose is to provide the framework for determining whether or not an individual has the required abilities, with or without reasonable accommodations.

At least fourteen states have essential eligibility requirements for admission to practice law.105 These requirements help the applicant, the admissions authority, and the medical expert understand what is needed to demonstrate fitness to practice law. Essential eligibility requirements also aid participants in lawyer disability and reinstatement proceedings, when determinations must be made of lawyers’ capacity to practice law.

21.3. Adopt a Rule for Conditional Admission to Practice Law With Specific Requirements and Conditions.

Overly-rigid admission requirements can deter lawyers and law students from seeking help for substance use and mental health disorders. To alleviate this problem, states should adopt conditional admission requirements, which govern applicants for admission to the practice of law who have successfully undergone rehabilitation for substance use or another mental disorder, but whose period of treatment and recovery may not yet be sufficient to ensure continuing success.106 Conditional admission programs help dismantle the stigma of mental health and substance use disorders as “scarlet letters.” Especially for law students, they send a meaningful message that even in the worst circumstances, there is hope: seeking help will not block entry into their chosen profession.

21.4. Publish Data Reflecting Low Rate of Denied Admissions Due to Mental Health Disorders and Substance Use.

At present, no state publishes data showing the number of applications for admission to practice law that are actually denied or delayed due to conduct related to substance use and other mental health disorders. From informal discussions with regulators, we know that a low percentage of applications are denied. Publication of this data might help alleviate law students’ and other applicants’ fears that seeking help for such disorders will inevitably block them from practicing law. Accordingly, we recommend that boards of bar examiners collect and publish such data as another means of encouraging potential applicants to seek help immediately and not delay until after their admission.

22. ADJUST LAWYER REGULATIONS TO SUPPORT WELL-BEING.

22.1. Implement Proactive Management-Based Programs (PMBP) That Include Lawyer Well-Being Components.

PMBP programs encourage best business practices and provide a resource-based framework to improve lawyers’ ability to manage their practice. Such programs

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106 About a quarter of all jurisdictions already have conditional admission rules for conduct resulting from substance use or other mental disorders. See 2016 NAT’L CONF. OF BAR EXAMINERS, COMPREHENSIVE GUIDE TO BAR ADMISSIONS REQUIREMENTS, Chart 2: Character and Fitness Determinations (2016). Those states include Arizona, Connecticut, Florida, Idaho, Illinois, Indiana, Kentucky, Louisiana, Minnesota, Montana, Nebraska, Nevada, New Jersey, New Mexico, North Dakota, Oregon, Puerto Rico, Rhode Island, South Dakota, Tennessee, Texas, West Virginia, Wisconsin and Wyoming. Additionally, Guam allows conditional admission for conduct related to substance abuse.
are designed to alleviate practice stress, improve lawyer-client relationships, and enhance career satisfaction.\textsuperscript{107} Further, PMBP programs allow regulators to engage with the profession in a service-oriented, positive manner, reducing the anxiety, fear, and distrust that often accompanies lawyers’ interactions with regulators.\textsuperscript{108} Transforming the perception of regulators so that they are viewed as partners and not only as police will help combat the culture of stress and fear that has allowed mental health and substance use disorders to proliferate.

\textbf{22.2. Adopt A Centralized Grievance Intake System to Promptly Identify Well-Being Concerns.}

We recommend that regulators adopt centralized intake systems. These allow expedited methods for receipt and resolution of grievances and help reduce the stress associated with pending disciplinary matters. With specialized training for intake personnel, such systems also can result in faster identification of and possible intervention for lawyers struggling with substance use or mental health disorders.\textsuperscript{109}

\textbf{22.3. Modify Confidentiality Rules to Allow One-Way Sharing of Lawyer Well-Being Related Information From Regulators to Lawyer Assistance Programs.}

Regulators’ information-sharing practices can contribute to the speed of help to lawyers in need. For example, admissions offices sometimes learn that applicants are suffering from a substance use or other mental health disorder. Other regulators may receive similar information during investigations or prosecutions of lawyer regulation matters that they consider to be confidential information. To facilitate help for lawyers suffering from such disorders, each state should simplify its confidentiality rules to allow admissions offices and other regulators to share such information immediately with local lawyer assistance programs.

Allowing this one-way flow of information can accelerate help to lawyers who need it. To be clear, the recommended information sharing would be one-way. As always, the lawyer assistance programs would be precluded from sharing any information with any regulators or others.

\textbf{22.4. Adopt Diversion Programs and Other Alternatives to Discipline That Are Proven Successful in Promoting Well-Being.}

Discipline does not make an ill lawyer well. We recommend that regulators adopt alternatives to formal disciplinary proceedings that rehabilitate lawyers with impairments. Diversion programs are one such alternative, and they have a direct and positive impact on lawyer well-being. Diversion programs address minor lawyer misconduct that often features an underlying mental health or substance use disorder.\textsuperscript{110} When lawyers enter a diversion program, they agree to follow

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\textsuperscript{109}The American Bar Association’s Model Rules for Lawyer Disciplinary Enforcement, Rule 1, defines a Central Intake Office as the office that “receive[s] information and complaints regarding the conduct of lawyers over whom the court has jurisdiction” and determines whether to dismiss the complaint or forward it to the appropriate disciplinary agency. The Model Rules for Lawyer Disciplinary Enforcement are available at http://www.americanbar.org/groups/professional_responsibility/resources/lawyer_ethics_regulation/model_rules_for_lawyer_disciplinary_enforcement.html.

\textsuperscript{110}Title 6 of Washington’s Rules for Enforcement of Lawyer Conduct provides an excellent overview of when diversion is appropriate and procedures for diversion. It is available through the Washington State Courts website at http://www.courts.wa.gov/court_rules/?fa=court_rules.list&group=ga&set=ELC. Some of the many jurisdictions to adopt such programs are Arizona, Colorado, the District of Columbia, Florida, Illinois, Iowa, Kansas, Louisiana, New Hampshire, New Jersey, Oklahoma, Oregon, Tennessee, Texas, Utah, Virginia, Washington, Wisconsin, and Wyoming.
certain conditions to continue practicing law. Those conditions can include training, drug or alcohol testing, peer assistance, and treatment. Monitoring plays a central role in ensuring compliance with the diversion agreement and helps lawyers successfully transition back to an unconditional practice of law and do so healthy and sober. By conditioning continued practice on treatment for an underlying mental health disorder or substance use disorder, diversion agreements can change a lawyer’s life.

In addition, probation programs also promote wellness. Lawyer misconduct that warrants a suspension of a lawyer's license may, under certain circumstances, qualify for probation. In most jurisdictions, the probation period stays the license suspension and lawyers may continue practicing under supervision and specified conditions that include training, testing, monitoring, and treatment. Once again, this places a lawyer facing a mental health or substance use crisis on the path to better client service and a lifetime of greater well-being and sobriety.

23. ADD WELL-BEING-RELATED QUESTIONS TO THE MULTISTATE PROFESSIONAL RESPONSIBILITY EXAM (MPRE).

A 2009 survey reflected that 22.9 percent of professional responsibility/legal ethics professors did not cover substance use and addiction at all in their course, and 69.8 percent addressed the topic in fewer than two hours. Notwithstanding the pressure to address myriad topics in this course, increased attention must be given to reduce these issues among our law students. The National Conference of Bar Examiners should consider adding several relevant questions to the MPRE, such as on the confidentiality of using lawyer assistance programs, the frequency of mental health and substance use disorders, and the tie-in to competence and other professional responsibility issues. Taking this step underscores both the importance of the topic and the likelihood of students paying closer attention to that subject matter in their course. In addition, professional responsibility casebook authors are encouraged to include a section devoted to the topic, which will in turn compel instructors to teach in this area.

112 See Krill, Johnson, & Albert, supra note 1, for the ABA Commission on Lawyer Assistance Programs and Hazelden Betty Ford Foundation Study; Organ, Jaffe, Bender, supra note 3, for Suffering in Silence: The Survey of Law Student Well-Being and the Reluctance of Law Students to Seek Help for Substance Use and Mental Health Concerns.
“Self-care is not selfish. You cannot serve from an empty vessel.” — Eleanor Brown

Legal employers, meaning all entities that employ multiple practicing lawyers, can play a large role in contributing to lawyer well-being. While this is a broad and sizable group with considerable diversity, our recommendations apply fairly universally. A specific recommendation may need to be tailored to address the realities particular to each context, but the crux of each recommendation applies to all.

24. ESTABLISH ORGANIZATIONAL INFRASTRUCTURE TO PROMOTE WELL-BEING.

24.1. Form A Lawyer Well-Being Committee.

Without dedicated personnel, real progress on well-being strategies will be difficult to implement and sustain. Accordingly, legal employers should launch a well-being initiative by forming a Lawyer Well-Being Committee or appointing a Well-Being Advocate. The advocate or committee should be responsible for evaluating the work environment, identifying and addressing policies and procedures that create the greatest mental distress among employees, identifying how best to promote a positive state of well-being, and tracking progress of well-being strategies. They should prepare key milestones, communicate them, and create accountability strategies. They also should develop strategic partnerships with lawyer assistance programs and other well-being experts and stay abreast of developments in the profession and relevant literature.


Legal employers should consider continually assessing the state of well-being among lawyers and staff and whether workplace cultures support well-being. An assessment strategy might include an anonymous survey conducted to measure lawyer and staff attitudes and beliefs about well-being, stressors in the firm that significantly affect well-being, and organizational support for improving well-being in the workplace. Attitudes are formed not only by an organization’s explicit messages but also implicitly by how leaders and lawyers actually behave. Specifically related to the organizational climate for support for mental health or substance use disorders, legal employers should collect information to ascertain, for example, whether lawyers:

- Perceive that you, their employer, values and supports well-being.
- Perceive leaders as role modeling healthy behaviors and empathetic to lawyers who may be struggling.
- Can suggest improvements to better support well-being.
- Would feel comfortable seeking needed help, taking time off, or otherwise taking steps to improve their situation.
- Are aware of resources available to assist their well-being.
- Feel expected to drink alcohol at organizational events.
- Feel that substance use and mental health problems are stigmatized.
- Understand that the organization will reasonably accommodate health conditions, including recovery from mental health disorders and addiction.


114 For guidance on developing their own strategic plan, Well-Being Committees could look to the Tristan Jepson Memorial Foundation’s best practice guidelines for promoting psychological well-being in the legal profession, see supra note 76. They might also consider creating an information hub to post all well-being related resources. Resources could include information about the growing number of mental health apps. See, e.g., R. E. Silverman, Tackling Workers’ Mental Health, One Text at a Time, WALL ST. J., July 19, 2016, available at https://www.wsj.com/articles/tackling-workers-mental-health-one-text-at-a-time-1468983056; B. A. Clough & L. M. Casey, The Smart Therapist: A Look to the Future of Smartphones and eHealth Technologies in Psychotherapy, 46 PROF. PSYCHOL. RES. & PRAC. 147 (2015).
As part of the same survey or conducted separately, legal employers should consider assessing the overall state of lawyers’ well-being. Surveys are available to measure concepts like depression, substance use, burnout, work engagement, and psychological well-being. The Maslach Burnout Inventory (MBI) is the most widely used burnout assessment. It has been used to measure burnout among lawyers and law students. Programs in the medical profession have recommended a bi-annual distribution of the MBI.

Legal employers should carefully consider whether internal staff will be able to accurately conduct this type of assessment or whether hiring an outside consultant would be advisable. Internal staff may be more vulnerable to influence by bias, denial, and misinterpretation.

### 25. ESTABLISH POLICIES AND PRACTICES TO SUPPORT LAWYER WELL-BEING

Legal employers should conduct an in-depth and honest evaluation of their current policies and practices that relate to well-being and make necessary adjustments. This evaluation should seek input from all lawyers and staff in a safe and confidential manner, which creates transparency that builds trust. Appendix D sets out example topics for an assessment.

Legal employers also should establish a confidential reporting procedure for lawyers and staff to convey concerns about their colleagues’ mental health or substance use internally, and communicate how lawyers and staff can report concerns to the appropriate disciplinary authority and/or to the local lawyer assistance program. Legal employers additionally should establish a procedure for lawyers to seek confidential help for themselves without being penalized or stigmatized. CoLAP and state lawyer assistance programs can refer legal employers to existing help lines and offer guidance for establishing an effective procedure that is staffed by properly-trained people. We note that the ABA and New York State Bar Association have proposed model law firm policies for handling lawyer impairment that can be used for guidance. The ABA has provided formal guidance on managing lawyer impairment.

### 25.1. Monitor For Signs of Work Addiction and Poor Self-Care

Research reflects that about a quarter of lawyers are workaholics, which is more than double that of the 10 percent rate estimated for U.S. adults generally. Numerous health and relationship problems, including depression, anger, anxiety, sleep problems, weight gain, high blood pressure, low self-esteem, low life satisfaction, work burnout, and family conflict can develop from work addiction. Therefore, we recommend that legal employers monitor for work addiction and avoid rewarding extreme behaviors that can ultimately harm their health. Legal employers should expressly encourage lawyers to make time to care for themselves and attend to other personal obligations. They may also want to consider promoting physical activity to aid health and cognitive functioning.

### 25.2. Actively Combat Social Isolation and Encourage Interconnectivity

As job demands have increased and budgets have tightened, many legal employers have cut back on social activities. This could be a mistake. Social support from colleagues is an important factor for coping with stress and preventing negative consequences like burnout. Socializing helps individuals recover from work demands.

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117 CoLAP’s website provides help-line information and a directory of state-based lawyer assistance programs: http://www.americanbar.org/groups/lawyer_assistance.html.


120 Bradford, supra note 2.

121 C. Maslach, W. B. Schaufeli, & M. P. Leiter, Job Burnout, 52 ANN. REV. OF PSYCHOL. 397, 415 (2001); T. Reuter & R. Schwarzer, Manage Stress at Work Through Preventive and Proactive Coping, in Locke, supra note 7.
and can help stave off emotional exhaustion.\textsuperscript{122} It inhibits lawyers feeling isolated and disconnected, which helps with firm branding, messaging, and may help reduce turnover. We recommend deemphasizing alcohol at such events.

26. PROVIDE TRAINING AND EDUCATION ON WELL-BEING, INCLUDING DURING NEW LAWYER ORIENTATION.

We recommend that legal employers provide education and training on well-being-related topics and recruit experts to help them do so. A number of law firms already offer well-being related programs, like meditation, yoga sessions, and resilience workshops.\textsuperscript{123} We also recommend orientation programs for new lawyers that incorporate lawyer well-being education and training.\textsuperscript{124} Introducing this topic during orientation will signal its importance to the organization and will start the process of developing skills that may help prevent well-being problems. Such programs could:

- Introduce new lawyers to the psychological challenges of the job.\textsuperscript{125}
- Reduce stigma surrounding mental health problems.
- Take a baseline measure of well-being to track changes over time.
- Provide resilience-related training.
- Incorporate activities focused on individual lawyers’ interests and strengths, and not only on organizational expectations.\textsuperscript{126}

Further, law firms should ensure that all members and staff know about resources, including lawyer assistance programs, that can assist lawyers who may experience mental health and substance use disorders. This includes making sure that members and staff understand confidentiality issues pertaining to those resources.


At its core, law is a helping profession. This can get lost in the rush of practice and in the business aspects of law. Much research reflects that organizational cultures that focus chiefly on materialistic, external rewards can damage well-being and promote a self-only focus. In fact, research shows that intrinsic values like relationship-development and kindness are stifled in organizations that emphasize extrinsic values like competition, power, and monetary rewards.\textsuperscript{127} Work cultures that constantly emphasize competitive, self-serving goals can harm lawyer well-being.

Work cultures that constantly emphasize competitive, self-serving goals can harm lawyer well-being.
bottom line since poor mental health can cause disability and lost productivity.

Consequently, we recommend that legal employers evaluate what they prioritize and value, and how those values are communicated. When organizational values evoke a sense of belonging and pride, work is experienced as more meaningful.\textsuperscript{130} Experiencing work as meaningful is the biggest contributor to work engagement—a form of work-related well-being.\textsuperscript{131}

\textbf{26.2. Create Standards, Align Incentives, and Give Feedback.}

Contextual factors (i.e., the structure, habits, and dynamics of the work environment) play an enormous role in influencing behavior change. Training alone is almost never enough. To achieve change, legal employers will need to set standards, align incentives, and give feedback about progress on lawyer well-being topics.\textsuperscript{132} Currently, few legal employers have such structural supports for lawyer well-being. For example, many legal employers have limited or no formal leader development programs, no standards set for leadership skills and competencies, and no standards for evaluating leaders’ overall performance or commitment to lawyer well-being. Additionally, incentive systems rarely encourage leaders to develop their own leadership skills or try to enhance the well-being of lawyers with whom they work. In law firms especially, most incentives are aligned almost entirely toward revenue growth, and any feedback is similarly narrow. To genuinely adopt lawyer well-being as a priority, these structural and cultural issues will need to be addressed.

Law students start law school with high life satisfaction and strong mental health measures. But within the first year of law school, they experience a significant increase in anxiety and depression. Research suggests that law students are among the most dissatisfied, demoralized, and depressed of any graduate student population.

The 2016 Survey of Law Student Well-Being found troublesome rates of alcohol use, anxiety, depression, and illegal drug use at law schools across the country.

42% of students needed help for poor mental health but only about half sought it out.

Equally worrisome is students’ level of reluctance to seek help for those issues. A large majority of students (about 80 percent) said that they were somewhat or very likely to seek help from a health professional for alcohol, drug, or mental health issues, but few actually did. For example, while 42 percent thought that they had needed help for mental health problems in the prior year, only about half of that group actually received counseling from a health professional. Only four percent said they had ever received counseling for alcohol or drug issues—even though a quarter were at risk for problem drinking.

The top factors that students reported as discouraging them from seeking help were concerns that it would threaten their bar admission, job, or academic status; social stigma; privacy concerns; financial reasons; belief that they could handle problems on their own; and not having enough time. Students’ general reluctance to seek help may be one factor explaining why law student wellness has not changed significantly since the last student survey in the 1990s. It appears that recommendations stemming from the 1993 survey either were not implemented or were not successful.

The Survey of Law Student Well-Being did not seek to identify the individual or contextual factors that might be contributing to students’ health problems. It is important to root out such causes to enable real change. For example, law school graduates cite heavy workload, competition, and grades as major law school stressors. Others in the legal community have offered additional insights about common law school practices, which are discussed below. Law school well-being initiatives should not be limited to detecting disorders and enhancing student resilience. They also should include identifying organizational practices that may be contributing to the problems and assessing what changes can be made to support student well-being. If legal educators ignore the impact of law school stressors, learning is likely to be suppressed and illness may be intensified.

The above reflects a need for both prevention strategies to address dysfunctional drinking and misuse of substances as well as promotion strategies that identify aspects of legal education that can be revised to support

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135 Organ, Jaffe, & Bender, supra note 3, at 143.
136 Id. at 140.
137 Id.
139 Id. at vi-vii.
141 Patthoff, supra note 134, at 424.
well-being. The recommendations below offer some ideas for both.

27. CREATE BEST PRACTICES FOR DETECTING AND ASSISTING STUDENTS EXPERIENCING PSYCHOLOGICAL DISTRESS.

Ignoring law school stressors can suppress learning and intensify illness.

Law schools should develop best practices for creating a culture in which all associated with the school take responsibility for student well-being. Faculty and administrators play an important role in forming a school’s culture and should be encouraged to share responsibility for student well-being.

27.1. Provide Training to Faculty Members Relating to Student Mental Health and Substance Use Disorders.

Faculty have significant sway over students but generally students are reluctant to approach them with personal problems, especially relating to their mental health. Students’ aversion to doing so may be exacerbated by a perception that faculty members must disclose information relating to students’ competence to practice to the state bar. To help remove uncertainty and encourage students to ask for help, law schools should consider working with lawyer assistance programs on training faculty on how to detect students in trouble, how to have productive conversations with such students, what and when faculty need to report information relating to such students, as well as confidentiality surrounding these services. Students should be educated about faculty’s reporting requirements to add clarity and reduce student anxiety when interacting with faculty.

Additionally, faculty members should be encouraged to occasionally step out of their formal teaching role to convey their respect and concern for students, to acknowledge the stressors of law school, and to decrease stigma about seeking help for any health issues that arise. Faculty should consider sharing experiences in which students confronted similar issues and went on to become healthy and productive lawyers.

To support this recommendation, deans of law schools must be engaged. The well-being of future lawyers is too important to relegate to student affairs departments. For faculty to take these issues seriously, it must be clear to them that deans value the time that faculty spend learning about and addressing the needs of students outside the classroom. With the full backing of their deans, deans of students should provide training and/or information to all faculty that includes talking points that correspond to students’ likely needs—e.g., exam scores, obtaining jobs, passing the bar, accumulating financial debt, etc. Talking points should be offered only as a guideline. Faculty should be encouraged to tailor conversations to their own style, voice, and relationship with the student.

Law schools should consider inviting law student and lawyer well-being experts to speak at faculty lunches, colloquia, and workshops to enhance their knowledge of this scholarship. Such programming should include not just faculty but teaching assistants, legal writers, peer mentors, and others with leadership roles in whom law students may seek to confide. Many of these experts are members of the Association of American Law Schools section on Balance in Legal Education. Their scholarship is organized in an online bibliography divided into two topics: Humanizing the Law School Experience and Humanizing the Practice of Law.

142 See Organ, Jaffe, & Bender, supra note 3, at 153. At American University Washington College of Law, as but one example likely among many, the dean of students invites faculty no less than every other year to meet with the University Counseling director and D.C. Bar Lawyer Assistance Program manager to discuss trends, highlight notable behaviors, discuss how to respond to or refer a student, and the importance of tracking attendance.


145 Id. at Bibliography.
27.2. Adopt a Uniform Attendance Policy to Detect Early Warning Signs of Students in Crisis.

While law students may occasionally miss class due to personal conflicts, their repeated absence often results from deteriorating mental health. Creating a system to monitor for chronic absences can help identify students for proactive outreach. Consequently, law schools should adhere to a consistent attendance policy that includes a timely reporting requirement to the relevant law school official. Absent such a requirement, deans of students may be left with only a delayed, reactive approach.

If faculty members are reluctant to report student absences, a system can be created to ensure that a report cannot be traced to the faculty member. Several law schools have adopted “care” networks or random check-ins whereby someone can report a student as potentially needing assistance. In these programs, the identity of the person who provided the report is kept confidential.

Certain models on this issue include the American University Washington College of Law, which implements random “check-in” outreach, emailing students to visit the Student Affairs office for brief conversations. This method allows for a student about whom a concern has been raised to be folded quietly into the outreach. Georgetown Law School allows anyone concerned about a student to send an email containing only the student's name, prompting relevant law school officials to check first with one another and then investigate to determine if a student meeting is warranted. The University of Miami School of Law uses an online protocol for a student to self-report absences in advance, thus enabling the dean of students to follow up as appropriate if personal problems are indicated.

27.3. Provide Mental Health and Substance Use Disorder Resources.

Law schools should identify and publicize resources so that students understand that there are resources available to help them confront stress and well-being crises. They should highlight the benefits of these resources and that students should not feel stigmatized for seeking help. One way to go about this is to have

Develop Student Resources

- Create and publicize well-being resources designed for students.
- Counter issues of stigma.
- Include mental health resources in every course syllabus.
- Organize wellness events.
- Develop a well-being curriculum.
- Establish peer mentoring.

Law schools also can hold special events, forums, and conversations that coincide with national awareness days, such as mental health day and suicide prevention day.

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146 See Organ, Jaffe, & Bender, supra note 3, at 152.
147 Id.
148 Id.
149 Id.
150 Id.
151 One example of such a provision is: “Mental Health Resources: Law school is a context where mental health struggles can be exacerbated. If you ever find yourself struggling, please do not hesitate to ask for help. If you wish to seek out campus resources, here is some basic information: [Website]. [Law School Name] is committed to promoting psychological wellness for all students. Our mental health resources offer support for a range of psychological issues in a confidential and safe environment. [Phone; email; address; hotline number].”
Developing a well-being curriculum is an additional way to convey that resources are available and that the law school considers well-being a top priority. Northwestern University’s Pritzker School of Law has accomplished the latter with well-being workshops, mindfulness and resilience courses, and meditation sessions as part of a larger well-being curriculum.152

Another noteworthy way to provide resources is to establish a program where law students can reach out to other law students who have been trained to intervene and help refer students in crisis. Touro Law School established a “Students Helping Students” program in 2010 where students volunteer to undergo training to recognize mental health problems and refer students confronting a mental health crisis.153

28. ASSESS LAW SCHOOL PRACTICES AND OFFER FACULTY EDUCATION ON PROMOTING WELL-BEING IN THE CLASSROOM.

Law school faculty are essential partners in student well-being efforts. They often exercise powerful personal influence over students, and their classroom practices contribute enormously to the overall law school experience. Whether faculty members exercise their influence to promote student well-being depends, in part, on support of the law school culture and priorities. To support their involvement, faculty members should be invited into strategic planning to develop workable ideas. Framing strategies as helping students develop into healthy lawyers who possess grit and resilience may help foster faculty buy-in. Students’ mental resilience can be viewed as a competitive advantage during their job searches and as support along their journeys as practicing lawyers toward sustainable professional and personal identities.

Evaluating classroom practices for their impact on student well-being.

Because organizational practices so significantly influence student well-being, we recommend against focusing well-being efforts solely on detecting dysfunction and strengthening students’ mental toughness. We recommend that law schools assess their classroom and organizational practices, make modifications where possible, and offer faculty programming on supporting student well-being while continuing to uphold high standards of excellence. Harmful practices should not be defended solely on the ground that law school has always been this way. Teaching practices should be evaluated to assess whether they are necessary to the educational experience and whether evidence supports their effectiveness.

29. EMPOWER STUDENTS TO HELP FELLOW STUDENTS IN NEED.

As noted above, students often are reluctant to seek mental health assistance from faculty members. Empowering students to assist each other can be a helpful alternative. One suggestion is to create a peer mentoring program that trains student mentors to provide support to fellow students in need. The ideal mentors would be students who are themselves in

152 Northwestern Law’s well-being curriculum can be found at http://www.law.northwestern.edu/law-school-life/studentservices/wellness/curriculum/.
recovery. They should be certified by the local lawyer assistance program or another relevant organization and should be covered by the lawyer assistance program’s confidentiality provisions. Peer mentors should not have a direct reporting obligation to their law school dean of students. This would help ensure confidentiality in the peer mentoring relationship and would foster trust in the law school community.\(^{155}\)

**30. INCLUDE WELL-BEING TOPICS IN COURSES ON PROFESSIONAL RESPONSIBILITY.**

Mental health and substance use should play a more prominent role in courses on professional responsibility, legal ethics, or professionalism. A minimum of one class session should be dedicated to the topic of substance use and mental health issues, during which bar examiners and professional responsibility professors or their designee (such as a lawyer assistance program representative) appear side-by-side to address the issues. Until students learn from those assessing them that seeking assistance will not hurt their bar admission prospects, they will not get the help they need.

**31. COMMIT RESOURCES FOR ONSITE PROFESSIONAL COUNSELORS.**

Law schools should have, at a minimum, a part-time, onsite professional counselor. An onsite counselor provides easier access to students in need and sends a symbolic message to the law school community that seeking help is supported and should not be stigmatized. Although the value of such a resource to students should justify the necessary budget, law schools also could explore inexpensive or no-cost assistance from lawyer assistance programs. Other possible resources may be available from the university or private sector.

**32. FACILITATE A CONFIDENTIAL RECOVERY NETWORK.**

Law schools should consider facilitating a confidential network of practicing lawyers in recovery from substance use to connect with law students in recovery. Law students are entering a new community and may assume that there are few practicing lawyers in recovery. Facilitating a confidential network will provide an additional support network to help students manage the challenges of law school and maintain health. Lawyers Concerned for Lawyers is an example of a legal peer assistance group that exists in many regions that may be a confidential network source.

**33. PROVIDE EDUCATION OPPORTUNITIES ON WELL-BEING-RELATED TOPICS.**

**33.1. Provide Well-Being Programming During the 1L Year.**

We agree with the Survey of Law Student Well-Being report’s recommendation that law schools should incorporate well-being topics into student orientation.\(^{156}\) We recommend that during 1L orientation, law schools should include information about student well-being and options for dealing with stress. Communications should convey that seeking help is the best way to optimize their studies and to ensure they graduate and move successfully into law practice. Other vulnerable times during which well-being-related programming would be particularly appropriate include the period before fall final exams, the period when students receive their first set of law school grades (usually at the start of spring semester), and the period before spring final exams. The Task Force commends Southwestern Law School’s IL “Peak Performance Program” and its goal of helping new law students de-stress, focus, and perform well in law school.\(^{157}\) This voluntary program is the type of programming that can have a transformative effect on law student well-being.

**33.2. Create A Well-Being Course and Lecture Series for Students.**

To promote a culture of well-being, law schools should create a lecture series open to all students and a course designed to cover well-being topics in depth. Well-being

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\(^{155}\) The University of Washington School of Law offers a “Peer Support Program” that includes peer counseling, that offers stress management resources, and support for multicultural engagement. More information on the program can be found at [https://www.law.uw.edu/wellness/resources/](https://www.law.uw.edu/wellness/resources/).

\(^{156}\) Organ, Jaffe, & Bender, supra note 3, at 148.

has been linked to improved academic performance, and, conversely, research reflects that well-being deficits connect to impaired cognitive performance. Recent research also has found that teaching well-being skills enhances student performance on standardized tests, and improves study habits, homework submission, relationships—all of which are required by the ABA’s Model Rules of Professional Conduct. The content of a well-being course could be guided by education reform recommendations. Appendix E provides content suggestions for such a course.

34. DISCOURAGE ALCOHOL-CENTERED SOCIAL EVENTS.

Although the overwhelming majority of law students are of legal drinking age, a law school sends a strong message when alcohol-related events are held or publicized with regularity. Students in recovery and those thinking about it may feel that the law school does not take the matter seriously and may be less likely to seek assistance or resources. A law school can minimize the alcohol provided; it can establish a policy whereby student organizations cannot use student funds for the purchase of alcohol. Events at which alcohol is not the primary focus should be encouraged and supported. Further, law school faculty should refrain from drinking alcohol at law school social events.

35. CONDUCT ANONYMOUS SURVEYS RELATING TO STUDENT WELL-BEING.


At a minimum, permission should be sought from the dean of students to serve alcohol at school-sponsored, school-located events, so administration is aware. Off-campus events should be only on a cash basis by the establishment. Professional networking events, and on campus events should be focused on the program or speaker, and not on drink specials or offers of free alcohol. Publicity of these events should avoid mention of discounted drink specials that could detract from the professional networking environment. In all instances, providing alcohol should be limited to beer and wine. Open bars not regulated by drink tickets or some other manner of controlling consumption should not be permitted.
Bar associations are organized in a variety of ways, but all share common goals of promoting members’ professional growth, quality of life, and quality of the profession by encouraging continuing education, professionalism (which encompasses lawyer competence, ethical conduct, eliminating bias, and enhancing diversity), pro bono and public service. Bar members who are exhausted, impaired, disengaged, or overly self-interested will not live up to their full potential as lawyers or positive contributors to society. Below are recommendations for bar associations to foster positive change in the well-being of the legal community which, in turn, should benefit lawyers, bar associations, and the general public.

36. ENCOURAGE EDUCATION ON WELL-BEING TOPICS IN COORDINATION AND IN ASSOCIATION WITH LAWYER ASSISTANCE PROGRAMS.


In line with Recommendation 8, bar associations should develop and regularly offer educational programming on well-being-related topics. Bar leadership should recommend that all sections adopt a goal of providing at least one well-being related educational opportunity at all bar-sponsored events, including conferences, section retreats, and day-long continuing legal education events.

36.2. Create Educational Materials to Support Individual Well-Being and “Best Practices” for Legal Organizations.

We recommend that bar associations develop “best practice” model policies on well-being-related topics, for example practices for responding to lawyers in distress, succession planning, diversity and inclusion, mentoring practices, work-life balance policies, etc.

36.3 Train Staff to Be Aware of Lawyer Assistance Program Resources and Refer Members.

Educating bar association staff regarding lawyer assistance programs’ services, resources, and the confidentiality of referrals is another way to foster change in the legal community. Bar association staff can further promote these resources to their membership. A bar association staff member may be the person who coordinates a needed intervention for a lawyer facing a mental health or substance use crisis.

37. SPONSOR EMPIRICAL RESEARCH ON LAWYER WELL-BEING AS PART OF ANNUAL MEMBER SURVEYS.

Many bar associations conduct annual member surveys. These surveys offer an opportunity for additional research on lawyer well-being and awareness of resources. For example, questions in these surveys can gauge awareness of support networks either in law firms or through lawyer assistance programs. They can survey lawyers on well-being topics they would like to see addressed in bar journal articles, at bar association events, or potentially through continuing legal education courses. The data gathered can inform bar associations’ outreach and educational efforts.

“When we look at what has the strongest statistical relationship to overall [life satisfaction], the first one is your career well-being, or the mission, purpose and meaning of what you’re doing when you wake up each day.” — Tom Rath
38. LAUNCH A LAWYER WELL-BEING COMMITTEE.

We recommend that bar associations consider forming Lawyer Well-Being Committees. As noted in Recommendation 5.2, the ABA and a number of state bar associations already have done so. Their work supplements lawyer assistance programs with a more expansive approach to well-being. These committees typically focus not only on addressing disorders and ensuring competence to practice law but also on optimal functioning and full engagement in the profession. Such committees can provide a valuable service to members by, for example, dedicating attention to compiling resources, high-quality speakers, developing and compiling educational materials and programs, serving as a clearinghouse for lawyer well-being information, and partnering with the lawyer assistance program, and other state and national organizations to advocate for lawyer well-being initiatives.

The South Carolina Bar’s Lawyer Wellness Committee, launched in 2014 and featuring a “Living Above the Bar” website, is a good model for well-being committees. In 2016, the ABA awarded this Committee the E. Smythe Gambrell Professionalism Award, which honors excellence and innovation in professionalism programs.160

39. SERVE AS AN EXAMPLE OF BEST PRACTICES RELATING TO LAWYER WELL-BEING AT BAR ASSOCIATION EVENTS.

Bar associations should support members’ well-being and role model best practices in connection with their own activities and meetings. This might include, for example, organizing functions to be family-friendly, scheduling programming during times that do not interfere with personal and family time, offering well-being-related activities at events (e.g., yoga, fun runs, meditation, providing coffee or juice bars, organizing Friends of Bill/support group meetings), providing well-being-related education and training to bar association leaders, and including related programming at conferences and other events. For instance, several bar associations around the country sponsor family-friendly fun runs, such as the Maricopa County Bar Association annual 5k Race Judicata.

160 The South Carolina Bar’s lawyer well-being website is available at http://discussions.scbar.org/public/wellness/index.html.
Lawyers’ professional liability (LPL) carriers have a vested interest from a loss prevention perspective to encourage lawyer well-being. Happier, healthier lawyers generally equate to better risks. Better risks create stronger risk pools. Stronger risk pools enjoy lower frequency and often less severe claims. Fewer claims increases profitability. For lawyers, the stronger the performance of the risk pool, the greater the likelihood of premium reduction. Stakeholders interested in lawyer well-being would be well-served to explore partnerships with lawyers’ professional liability carriers, many of whom enjoy bar-related origins with their respective state bar and as members of the National Association of Bar-Related Insurance Carriers (or NABRICOs). Even commercial carriers active in the lawyers’ malpractice market enjoy important economic incentives to support wellness initiatives, and actively assess risks which reflect on the likelihood of future claims.\textsuperscript{161} Below are several recommendations for LPL carriers to consider in their pursuit of improving lawyer well-being.

**40. ACTIVELY SUPPORT LAWYER ASSISTANCE PROGRAMS.**

In certain jurisdictions, lawyers’ professional liability carriers are amongst the most important funders of lawyer assistance programs, appreciating that an ounce of prevention is worth a pound of cure. An impaired or troubled attorney who is aided before further downward spiral harms the lawyer’s ability to engage in high-quality professional services can directly prevent claims. Thus, LPL carriers are well-served to understand lawyer assistance program needs, their impact, and how financial and marketing support of such programs can be a worthy investment. At the same time, where appropriate, lawyer assistance programs could prepare a case for support to LPL carriers on how their activities affect attorneys, much like a private foundation examines the impact effectiveness of grantees. If the case for support is effectively made, support may follow.

**41. EMPHASIZE WELL-BEING IN LOSS PREVENTION PROGRAMS.**

Most LPL carriers, as a means of delivering value beyond just the promise of attorney protection in the event of an error or omission, are active in developing risk management programs via CLE, law practice resources, checklists, and sample forms designed to reduce the susceptibility of an attorney to a claim. These resources often center on topics arising from recent claims trends, be it law practice management tips, technology traps, professionalism changes, or ethical infrastructure challenges. LPL carriers should consider paying additional attention to higher level attorney wellness issues, focusing on how such programs promote the emotional and physical foundations from which lawyers can thrive in legal service delivery. Bar associations are increasingly exploring well-being programs as a member benefit, and LPL carriers could be helpful in providing financial support or thought leadership in the development of such programs.

\textsuperscript{161} Examples of LPL carriers serving the market from the commercial side include CNA, AON, Liberty Mutual, Hartford, among others.
42. INCENTIVIZE DESIRED BEHAVIOR IN UNDERWRITING LAW FIRM RISK.

The process of selecting, structuring, and pricing LPL risk is part art, part science. Underwriters, in addition to seeking core LPL information such as area of practice, claim frequency, claim severity, firm size, firm longevity and firm location, are also working to appreciate and understand the firm’s complete risk profile. The more effectively a firm can illustrate its profile in a positive manner, the more desirable a firm will be to a carrier’s risk pool. Most states permit carriers flexibility in applying schedule rating credits or debits to reflect the individual risk characteristics of the law firm. LPL carriers should more actively explore the application of lawyer well-being premium credits, much like they currently do for internal risk management systems, documented attorney back-up systems, and firm continuity.

43. COLLECT DATA WHEN LAWYER IMPAIRMENT IS A CONTRIBUTING FACTOR TO CLAIMS ACTIVITY.

LPL carriers traditionally track claims based on area of practice or the nature of the error. LPL carriers do not ordinarily track when substance abuse, stress, depression, or mental health are suspected to be contributing factors to the underlying claim. This is primarily due to the fact that most LPL claims adjusters, usually attorneys by trade, lack sufficient (or usually any) clinical training to make such a determination. That being said, anecdotal evidence suggests the impact is substantial. Thus, LPL carriers should consider whether a “common sense” assessment of instances where attorney impairment is suspected to be a contributing factor to the underlying claim. Such information would be helpful to lawyer assistance programs and as an important data point for what bar counsel or disciplinary units similarly see when investigating bar grievances. LPL carriers are in a prime position to collect data, share such data when appropriate, and assess the manner in which lawyer impairment has a direct correlation to claims activity.
“It is under the greatest adversity that there exists the greatest potential for doing good, both for oneself and others.” — Dalai Lama

Because lawyer assistance programs are so well-positioned to play a pivotal role in lawyer well-being, they should be adequately funded and organized to ensure that they can fulfill their potential.

Lawyer assistance programs should be supported to fulfill their full potential.

This is not consistently the case. While a lawyer assistance program exists in every state, according to the 2014 Comprehensive Survey of Lawyer Assistance Programs their structures, services, and funding vary widely. Lawyer assistance programs are organized either as agencies within bar associations, as independent agencies, or as programs within the state’s court system. Many operate with annual budgets of less than $500,000. About one quarter operate without any funding and depend solely on volunteers. The recommendations below are designed to equip lawyer assistance programs to best serve their important role in lawyer well-being.

44. LAWYERS ASSISTANCE PROGRAMS SHOULD BE APPROPRIATELY ORGANIZED AND FUNDED.

44.1 Pursue Stable, Adequate Funding.

Lawyer assistance programs should advocate for stable, adequate funding to provide outreach, screening, counseling, peer assistance, monitoring, and preventative education. Other stakeholders should ally themselves with lawyer assistance programs in pursuit of this funding.

44.2 Emphasize Confidentiality.

Lawyer assistance programs should highlight the confidentiality of the assistance they provide. The greatest concern voiced by lawyer assistance programs in the most recent CoLAP survey was under-utilization of their services stemming from the shame and fear of disclosure that are bound up with mental health and substance use disorders. Additionally, lawyer assistance programs should advocate for a supreme court rule protecting the confidentiality of participants in the program, as well as immunity for those making good faith reports, volunteers, and staff.

44.3 Develop High-Quality Well-Being Programming.

Lawyer assistance programs should collaborate with other organizations to develop and deliver programs on the topics of lawyer well-being, identifying and treating substance use and mental health disorders, suicide prevention, cognitive impairment, and the like. They should ensure that all training and other education efforts emphasize the availability of resources and the

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1622014 COMPREHENSIVE SURVEY OF LAWYER ASSISTANCE PROGRAMS, supra note 25, at 3.
163Id. at 5.
164Id. at 27.
165Id. at 49-50.
confidentiality of the process. Lawyer assistance programs should evaluate whether they have an interest in and funding to expand their programming beyond the traditional focus on treatment of alcohol use and mental health disorders. Some lawyer assistance programs already have done so. The 2014 Comprehensive Survey of Lawyer Assistance Programs reflects that some well-resourced lawyer assistance programs include services that, for example, address transition and succession planning, career counseling, anger management, grief, and family counseling. Increasingly, lawyer assistance programs are expanding their services to affirmatively promote well-being (rather than seeking only to address dysfunction) as a means of preventing prevalent impairments.

This expansion is consistent with some scholars' recommendations for Employee Assistance Programs that encourage engagement in a broader set of prevention and health-promotion strategies. Doing so could expand the lawyer assistance programs’ net to people who are in need but have not progressed to the level of a disorder. It also could reach people who may participate in a health-promotion program but would avoid a prevention program due to social stigma. Health-promotion approaches could be incorporated into traditional treatment protocols. For example, “Positive Recovery” strategies strive not only for sobriety but also for human flourishing. Resilience-boosting strategies have also been proposed for addiction treatment.

### 44.4 Lawyer Assistance Programs’ Foundational Elements.

All lawyer assistance programs should include the following foundational elements to provide effective leadership and services to lawyers, judges, and law students:

- A program director with an understanding of the legal profession and experience addressing mental health conditions, substance use disorders, and wellness issues for professionals;
- A well-defined program mission and operating policies and procedures;
- Regular educational activities to increase awareness and understanding of mental health and substance use disorders;
- Volunteers trained in crisis intervention and assistance;
- Services to assist impaired members of the legal profession to begin and continue recovery;
- Participation in the creation and delivery of interventions;
- Consultation, aftercare services, voluntary and diversion monitoring services, referrals to other professionals, and treatment facilities; and
- A helpline for individuals with concern about themselves or others.

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CONCLUSION

“This always seems impossible until it’s done.” — Nelson Mandela

This Report makes a compelling case that the legal profession is at a crossroads. Our current course, one involving widespread disregard for lawyer well-being and its effects, is not sustainable. Studies cited above show that our members suffer at alarming rates from conditions that impair our ability to function at levels compatible with high ethical standards and public expectations. Depression, anxiety, chronic stress, burnout, and substance use disorders exceed those of many other professions. We have ignored this state of affairs long enough. To preserve the public’s trust and maintain our status as a self-regulating profession, we must truly become “our brothers’ and sisters’ keepers,” through a strong commitment to caring for the well-being of one another, as well as ourselves.

The members of the National Task Force for Lawyer Well-Being urge all stakeholders identified in this report to take action. To start, please review the State Action Plan and Checklist that follows in Appendix A. If you are a leader in one of these sectors, please use your authority to call upon your cohorts to come together and develop a plan of action. Regardless of your position in the legal profession, please consider ways in which you can make a difference in the essential task of bringing about a culture change in how we, as lawyers, regard our own well-being and that of one another.

As a profession, we have the capacity to face these challenges and create a better future for our lawyers that is sustainable. We can do so—not in spite of—but in pursuit of the highest professional standards, business practices, and ethical ideals.


Gather all stakeholders

(Identify leaders in the jurisdiction with an interest in and commitment to well-being issues. Bring these leaders together in a Commission on Lawyer Well-Being. The attached list of potential stakeholder representatives offers guidance.)

Review the Task Force Report

Have Commission members familiarize themselves with the Task Force Report. It provides concrete recommendations for how to address lawyer well-being issues.

Do an inventory of recommendations

(Next, assess which recommendations can be implemented in the jurisdiction. This includes an assessment of the leadership and resources required to implement these recommendations.)

Create priorities

(Each jurisdiction will have its own priorities based on the inventory of recommendations. Which ones are the most urgent? Which ones will create the most change? Which ones are feasible?)

Develop an action plan

(Having inventoried the recommendations and prioritized them, now is the time to act. What does that path forward look like? Who needs to be involved? How will progress be measured?)
National Task Force on Lawyer Well-Being
State Action Plan & Checklist

Checklist for Gathering the Stakeholders

Item 1 of the Plan above recommends the gathering of stakeholders as a first step. The National Task Force suggests the Chief Justice of each state create a Commission on Lawyer Well-Being in that state and appoint representatives from each stakeholder group to the Commission. Below is a checklist of potential stakeholder representatives the Chief Justice may consider in making appointments.

**JUDICIAL**
- Supreme Court Chief Justice or designated representative
- Other judge representatives

**LAWYER ASSISTANCE PROGRAM (LAP)**
- LAP Director
- Clinical director
- Lawyer representative to the LAP

**LAW SCHOOLS**
- Dean representative
- Faculty representative
- Law student representative

**REGULATORS**
- Admissions (or Board of Law Examiners) representative
- Mandatory CLE program representative
- CLE provider representative
- Regulation/Bar/Disciplinary Counsel representative

**LAW FIRMS**
- Sole practitioner
- Small firm representative (2-5 lawyers)
- Medium firm representative (6-15 lawyers)
- Large firm representative (16+ lawyers)
- In-house counsel representative
- Non-traditional lawyer representative

**ALLIES**
- ASAM representative (addiction psychiatrist)
- Organizational/behavioral psychologist
- Members of the public

**BAR ASSOCIATIONS**
- Bar president
- Bar president-elect
- Executive director
- Young lawyer division representative
- Specialty bar representative
Recommendation 8 advises stakeholders to provide high-quality education programs and materials on causes and consequences of lawyer distress and well-being. Below is a list of example educational topics for such programming with empirical support.

### 8.1 Work Engagement vs. Burnout

The work engagement-burnout model can serve as a general organizing framework for stakeholders’ efforts to boost lawyer well-being and curb dysfunction. Work engagement is a kind of work-related well-being. It includes high levels of energy and mental resilience, dedication (which includes a sense of meaningfulness, significance, and challenge), and frequently feeling positively absorbed in work.\(^{172}\) Work engagement contributes to, for example, mental health, less stress and burnout, job satisfaction, helping behaviors, reduced turnover, performance, and profitability.\(^{173}\)

Burnout is essentially the opposite of engagement. It is a stress response syndrome that is highly correlated with depression and can have serious psychological and physiological effects. Workers experiencing burnout feel emotionally and physically exhausted, cynical about the value of their activities, and uncertain about their capacity to perform well.\(^{174}\)

The work engagement-burnout model proposes the idea of a balance between resources and demands: Engagement arises when a person’s resources (i.e., positive individual, job, and organizational factors, like autonomy, good leadership, supportive colleagues, feedback, interesting work, optimism, resilience) outweigh demands (i.e., draining aspects of the job, like work overload and conflicting demands). But when excessive demands or a lack of recovery from demands tip the scale, workers are in danger of burnout. Disengagement, alienation, and turnover become likely. Resources contribute to engagement; demands feed burnout. Using this framework as a guide, stakeholders should develop lawyer well-being strategies that focus on increasing individual and organizational resources and decreasing demands when possible.\(^{175}\)

The incidence of burnout vs. work engagement in the legal profession is unknown but has been well-studied in the medical profession. Research has found that 30-40 percent of licensed physicians, 49 percent of medical students, and 60 percent of new residents meet the definition of burnout, which is associated with an increased risk of depression, substance use, and suicidal thinking.\(^{176}\) Burnout also undermines professionalism and quality of patient care by eroding honesty, integrity, altruism, and self-regulation.\(^{177}\)

The medical profession’s work on these issues can serve as a guide for the legal profession. It has conducted

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\(^{174}\)Maslach, Schaufeli, & Leiter, supra note 121.


hundreds of studies, has identified many individual and organizational contributors to burnout, and has proposed wellness strategies and resilience programs.\textsuperscript{179} Bi-annually, the American Medical Association (AMA) co-sponsors an International Conference on Physician Health. The September 2016 conference was held in Boston with the theme, “Increasing Joy in Medicine.” The conference included 70 presentations, workshops, and plenary speaker sessions on a wide variety of well-being topics over a three-day period (See AMA website).

8.2 Stress

Stress is inevitable in lawyers’ lives and is not necessarily unhealthy.\textsuperscript{176} Mild to moderate levels of stress that are within our capability can present positive challenges that result in a sense of mastery and accomplishment.\textsuperscript{180} Much of our daily stress is governed by our beliefs about our coping abilities.\textsuperscript{181} When stress is perceived as a positive, manageable challenge, the stress response actually can enable peak performance.\textsuperscript{182} For example, in a study of a New Zealand law firm, researchers found that lawyers who frequently experience positive challenge reported the highest levels of work engagement. The researchers also found that, where lawyers felt overburdened by work, they were more likely to experience burnout.\textsuperscript{183}

This finding highlights the importance of positive challenge but also its paradoxical effect: Challenge contributes to work-related well-being, but it also can lead to negative consequences like burnout when it becomes overwhelming. Stressors that pose the greatest risk of harm are those that are uncontrollable, ambiguous, unpredictable, and chronic that we perceive as exceeding our ability to cope.\textsuperscript{184} Such stressors increase the rise of (or exacerbate) depression, anxiety, burnout, alcohol abuse, and physical conditions such as cardiovascular, inflammatory, and other illnesses that can affect lawyers’ health and capacity to practice.\textsuperscript{185} For example, in a 2004 study of North Carolina lawyers, more than half had elevated levels of perceived stress, and this was the highest predictor of depression of all factors in the study.\textsuperscript{186}

Stress also is associated with cognitive decline, including impaired attention, concentration, memory, and problem-solving.\textsuperscript{187} Stress also can harm one’s ability to establish strong relationships with clients and is associated with relational conflict, which can further undermine lawyers’ ability to competently represent and interact with clients. Both personal and environmental factors in the workplace contribute to stress and whether it positively fuels performance or impairs mental health and functioning.\textsuperscript{188} Research reflects that organizational factors more significantly contribute to dysfunctional stress responses than individual ones, and that the most effective prevention strategies target both.\textsuperscript{189}

8.3 Resilience & Optimism

The American Psychological Association defines resilience...
as a process that enables us to bounce back from adversity in a healthy way. It also has been defined as a “process to harness resources to sustain well-being”—a definition that connects resilience to the resource-balancing framework of the work engagement-burnout model discussed above. Our capacity for resilience derives from a host of factors, including genetics and childhood experiences that influence the neurobiology of our stress response—specifically, whether the stress response is both activated and terminated efficiently.\textsuperscript{191}

But resilience also derives from a collection of psychological, social, and contextual factors—many of which we can change and develop. These include, for example, optimism, confidence in our abilities and strengths (self-efficacy), effective problem-solving, a sense of meaning and purpose, flexible thinking, impulse control, empathy, close relationships and social support, and faith/spirituality.\textsuperscript{192} A model for developing many of these psychological and social competencies is provided by the U.S. Army’s Master Resilience Training program.\textsuperscript{193} As noted above, the medical profession also has designed resilience programs for physicians and residents that can serve as guides, and researchers have offered additional strategies.\textsuperscript{184}

Among the most important of the personal competencies is optimistic explanatory style, which is a habit of thought that allows people to put adverse events in a rational context and not be overwhelmed by catastrophic thinking. The principal strategy for building optimistic explanatory style is by teaching cognitive reframing based on cognitive-behavioral therapy research.\textsuperscript{199} The core of the technique is to teach people to monitor and dispute their automatic negative self-talk. Neurobiology scholars recently have argued that this capacity is so important to our regulation of stress that it constitutes the cornerstone of resilience.\textsuperscript{196}

This skill can benefit not only practicing lawyers but also law students.\textsuperscript{197} Stanford Law, for example, has offered a 3-hour course teaching cognitive framing that has been popular and successful.\textsuperscript{188} Lawyer assistance programs also could benefit from learning this and other resilience strategies, which have been used in addiction treatment.\textsuperscript{189}

Aside from individual-level skills and strengths, developing “structural resilience” also is important, if not more important. This requires leaders to develop organizations and institutions that are resource-enhancing to help give people the wherewithal to realize their full potential.\textsuperscript{200} Individual resilience is highly dependent on the context in which people are embedded. This means that initiatives to foster lawyer well-being should take a systemic perspective.

8.4 Mindfulness Meditation

Mindfulness meditation is a practice that can enhance cognitive reframing (and thus resilience) by aiding our ability to monitor our thoughts and avoid becoming emotionally overwhelmed. A rapidly growing body of research on meditation has shown its potential for help in addressing a variety of psychological and psychosomatic disorders, especially those in which stress plays a causal role.\textsuperscript{201} One type of meditative practice is mindfulness—a technique that cultivates the skill of being present by focusing attention on your breath and detaching from your thoughts or feelings. Research has found that mindfulness can reduce rumination, stress, depression, and anxiety.\textsuperscript{202} It

\textsuperscript{189} Southwick, Bonanno, Masten, Panter-Brick, & Yehuda, supra note 185.
\textsuperscript{191} Southwick, Bonanno, Masten, Panter-Brick, & Yehuda, supra note 185.
\textsuperscript{192} R. A. M., Alim, Lawson, & Neumeister, et al., supra note 170.
\textsuperscript{194} Id.; R. R. SINCLAIR, & T. A. BRITT, BUILDING PSYCHOLOGICAL RESILIENCE IN MILITARY PERSONNEL: THEORY AND PRACTICE (2013).
\textsuperscript{196} Id.
\textsuperscript{199} Stanford Law Professor Joe Bankman’s use of cognitive behavioral therapy concepts are described on the school’s website: http://news.stanford.edu/2015/04/07/bankman-law-anxiety-040715. He has posted relevant materials to educate other law schools how to teach this skill: http://www.colorado.edu/law/sites/default/files/Bankman%20-%20Materials%20for%20Anxiety%20Psychoeducation%20Course.pdf.
\textsuperscript{200} Alim, Lawson, & Neumeister, supra note 170.
also can enhance a host of competencies related to lawyer effectiveness, including increased focus and concentration, working memory, critical cognitive skills, reduced burnout, and ethical and rational decision-making.203 Multiple articles have advocated for mindfulness as an important practice for lawyers and law students.204 Evidence also suggests that mindfulness can enhance the sense of work-life balance by reducing workers’ preoccupation with work.205

8.5 Rejuvenation Periods to Recover From Stress

Lawyers must have downtime to recover from work-related stress. People who do not fully recover are at an increased risk over time for depressive symptoms, exhaustion, and burnout. By contrast, people who feel recovered report greater work engagement, job performance, willingness to help others at work, and ability to handle job demands.206 Recovery can occur during breaks during the workday, evenings, weekends, vacations, and even microbreaks when transitioning between projects.207 And the quality of employees’ recovery influences their mood, motivation, and job performance.

Researchers have identified four strategies that are most effective for recovering from work demands: (1) psychological detachment (mentally switching off from work), (2) mastery experiences (challenges and learning experiences), (3) control (spending time off as we choose), and (4) relaxation.208 Falling into the second category is physical activity (exercise and sports), which may be an especially effective form of recovery for people performing mentally demanding work—like lawyers. This is so because low-effort activities (e.g., watching TV) may actually increase subjective feelings of fatigue.209

Quality sleep is critically important in the recovery process.210 Sleep deprivation has been linked to a multitude of health problems that decay the mind and body, including depression, cognitive impairment, decreased concentration, and burnout. Cognitive impairment associated with sleep-deprivation can be profound. For example, a study of over 5,000 people showed that too little sleep was associated with a decline over a five-year-period in cognitive functioning, including reasoning, vocabulary, and global cognitive status. Research on short-term effects of sleep deprivation shows that people who average four hours of sleep per night for four or five days develop the same cognitive impairment as if they had been awake for 24 hours—which is the equivalent of being legally drunk.211 Given lawyers’ high risk for depression, it is worth noting evidence that sleep problems have the highest predictive value for who will develop clinical depression.212

8.6 Physical Activity

Many lawyers’ failure to prioritize physical activity is harmful to their mental health and cognitive functioning. Physical exercise is associated with reduced symptoms of anxiety and low energy. Aerobic exercise has been found to be as effective at improving symptoms of depression...
as antidepressant medication and psychotherapy.\cite{213} In a review of strategies for preventing workplace depression, researchers found that interventions to increase physical activity were among the most effective.\cite{214}

Research also shows that physical exercise improves brain functioning and cognition. Physical activity, which stimulates new cell growth in the brain, can offset the negative effects of stress, which causes brain atrophy. Greater amounts of physical activity (particularly aerobic) have been associated with improvements in memory, attention, verbal learning, and speed of cognitive processing.\cite{215} A growing body of evidence reflects that regular aerobic activity in middle age significantly reduces the risk of developing dementia and, in older age, can slow the progression of cognitive decline of those who already are diagnosed with Alzheimer’s disease.\cite{216}

### 8.7 Leader Development and Training

Leader development and training is critically important for supporting lawyer well-being and optimal performance. Low-quality leadership is a major contributor to stress, depression, burnout, and other mental and physical health disorders.\cite{217} Even seemingly low-level incivility by leaders can have a big impact on workers’ health and motivation. Research found harmful effects from leaders, for example, playing favorites; criticizing unfairly; and failing to provide information, listen to problems, explain goals, praise good work, assist with professional development, and show that they cared. On the other hand, positive leadership styles contribute to subordinates’ mental health, work engagement, performance, and job satisfaction.\cite{218}

Many studies confirm that positive leader behaviors can be trained and developed.\cite{219} Training is important for all levels of lawyers who supervise others. This is so because leaders with the most direct contact with subordinates have the most significant impact on their work experience.\cite{220} Subordinates’ immediate leader drives almost 70 percent of their perceptions of the workplace.\cite{221}

### 8.8 Control and Autonomy

As noted in Recommendation 7, feeling a lack of control over work is a well-established contributor to poor mental health, including depression and burnout. A sense of autonomy is considered to be a basic psychological need that is foundational to well-being and optimal functioning.\cite{222} Research confirms that leaders can be trained to be more autonomy-supportive.\cite{223} Other organizational practices that can enhance a sense of autonomy include, for example, structuring work to allow for more discretion and autonomy and encouraging lawyers to craft aspects of their jobs to the extent possible to best suit their strengths and interests.\cite{224}

The benefits of autonomy-support are not limited to manager-subordinate relationships for legal employers. Research reflects that law students with autonomy-supportive professors and school cultures have higher well-being and performance.\cite{225} Lawyer-client relationships also

\[\text{\textsuperscript{213} H Chu, J. Buckworth, T. E. Kirby, & C. F. Emery, Effect of Exercise Intensity on Depressive Symptoms in Women, 2 MENTAL HEALTH AND PHYSICAL ACTIVITY 37 (2009); M. P. Herring, M. L. Jacob, C. Suveg, & P. J. O’Connor, Effects of Short-Term Exercise Training on Signs and Symptoms of Generalized Anxiety Disorder, 4 MENTAL HEALTH & PHYSICAL ACTIVITY 71 (2011).}
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\[\text{\textsuperscript{214} S. Joyce, M. Modini, H. Christensen, A. Myklebust, R. Bryant, P. B. Mitchell, & S. B. Harvey, Workplace Interventions for Common Mental Disorders: A Systematic Meta-Review, 46 PSYCHOL. MED. 683 (2016).}
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\[\text{\textsuperscript{215} A. Kandola, J. Hendrikse, P. J. Lucassen, & M. Yücel, Aerobic Exercise as A Tool to Improve Hippocampal Plasticity and Function in Humans: Practical Implications for Mental Health Treatment, 10 FRONTIERS IN HUMAN NEUROSCIENCE 373 (2016).}
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\[\text{\textsuperscript{216} Id.; J. E. Ahlström, Y. E. Geda, N. R. Graff-Radford, & R. C. Petersen, Physical Exercise as a Preventive or Disease-Modifying Treatment of Dementia and Brain Aging, 86 MAYO CLINIC PROC. 876 (2011).}
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\[\text{\textsuperscript{219} E.g., B. J. Avolio & B. M. Bass, You Can Drag a Horse to Water, But You Can’t Make It Drink Except When It’s Thirsty, 5 J. LEADERSHIP STUDIES 1 (1998); K. E. Kelloway, J. Barling, & J. Heuvel, Enhancing Transformational Leadership: The Roles of Training and Feedback, 21 LEADERSHIP & ORG. DEV. J. 145 (2000).}
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\[\text{\textsuperscript{220} D. J. Therkelsen & C. L. Fleibich, The Supervisor: The Linchpin of Employee Relations, 8 J. COMM. MGMT. 120 (2003).}
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\[\text{\textsuperscript{222} BRAFFORD, supra note 131; Y-L. Su & J. Reeve, A Meta-Analysis of the Effectiveness of Intervention Programs Designed to Support Autonomy, 23 EDUC. PSYCHOL. REV. 159 (2011).}
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\[\text{\textsuperscript{223} Id.}
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\[\text{\textsuperscript{225} E.g., Sheldon & Krieger, supra note 5; see also G. F. Hess, Collaborative Course Design: Not My Course, Not Their Course, But Our Course, 47 WASHBURN L.J. 367 (2008).}
\]
can be enhanced by autonomy-supportive behaviors by both parties. Lawyers respect client autonomy by, for example, taking full account of their perspectives, not interrupting, affording choice, offering information respectfully, providing a rationale for recommendations, sharing power in decision-making (when appropriate), and accepting clients’ decisions.226 In the medical profession, this model of client-centered care has been found to result in better outcomes, patient satisfaction, and diminished risk of malpractice lawsuits.227

8.9 Conflict Management

Our legal system is adversarial—it’s rooted in conflict. Even so, lawyers generally are not trained on how to constructively handle conflict and to adapt tactics based on context—from necessary work-related conflicts to inter-personal conflicts with clients, opposing counsel, colleagues, or loved ones.228 Conflict is inevitable and can be both positive and negative.229 But chronic, unmanaged conflict creates physical, psychological, and behavioral stress. Research suggests that conflict management training can reduce the negative stressful effects of conflict and possibly produce better, more productive lawyers.230

8.10 Work-Life Conflict

The stress of chronic work-life conflict can damage well-being and performance.231 A study of a New Zealand law firm found that work-life conflict was the strongest predictor of lawyer burnout.232 Similarly, a study of Australian lawyers found that preoccupation with work was the strongest predictor of depression.233 Research in the medical profession repeatedly has found that work-life conflict contributes to burnout.234 A large scale study across a variety of occupations found that reports of work-life conflict increased the odds of poor physical health by 90 percent.235 On the other hand, work-life balance (WLB) benefits workers and organizations.236

WLB is a complex topic, but research provides guidance on how to develop a WLB-supportive climate. Adopting a formal policy that endorses flexibility is a threshold requirement. Such policies foster the perception of organizational support for flexibility, which is even more important to workers’ experience of WLB than actual benefit use. Policies should not be restricted to work-family concerns and any training should emphasize support for the full range of work-life juggling issues. Narrow family-focused policies can create feelings of resentment by workers who have valued non-family commitment.

WLB initiatives cannot end with formal policies or people will doubt their authenticity and fear using them. For example, nearly all large firms report having a flexible schedule policy.237 But a recent survey of law firm lawyers found that use of flexibility benefits was highly stigmatizing.238 To benefit from WLB initiatives, organizations must develop a WLB-supportive climate. Research has identified multiple factors for doing so: (1) job autonomy, (2) lack of negative consequences for using WLB benefits, (3) level of perceived expectation that work should be prioritized over family, and (5) supervisor support for WLB. By far, the most important factor is the last. Supervisors communicate their support for WLB by, for example, creatively accommodating non-work-related needs, being empathetic with juggling efforts, and role modeling WLB behaviors.239

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228M. T. Colatrella, A Lawyer for All Seasons: The Lawyer as Conflict Manager, 49 SAN DIEGO L. REV. 93 (2012).
232Hopkins & Gardner, supra note 183.
To support WLB, bar associations and regulators should work with legal employers to develop best practices and relevant training. Regulators and judges should consider whether any of their practices and policies can be modified to better support lawyer WLB.

### 8.11 Meaning and Purpose

Research has found that feeling that our lives are meaningful is important for physical and psychological well-being. It provides a buffer against stress. For example, meaning in life is associated with a reduced risk of anxiety, depression, substance use, suicidal ideation, heart attack, and stroke; slower cognitive decline in Alzheimer's patients; and lower overall mortality for older adults.

For many lawyers, an important part of building a meaningful life is through meaningful work. Experiencing for example, compelling goals, values, and beliefs plays an important role in workplace well-being and performance. Evidence suggests that the perception of meaning is the strongest predictor of work engagement.

Meaningfulness develops when people feel that their work corresponds to their values. Organizations can enhance the experience of fit and meaningfulness by, for example, fostering a sense of belonging; designing and framing work to highlight its meaningful aspects; and articulating compelling goals, values, and beliefs.

These same principles apply in law school. Studies in the college context have found that the majority of students want their educational experiences to be meaningful and to contribute to a life purpose. One study measured "psychological sense of community," which was proposed as a foundation for students to find greater meaning in their educational experience. It was the strongest predictor of academic thriving in the study. Deterioration of law students' sense of meaning may contribute to their elevated rate of psychological distress. Research reflects that, over the course of law school, many students disconnect from their values and become emotionally numb.

### 8.12. Substance Use and Mental Health Disorders

Recommended content for training on substance use and mental disorders is outlined above in Recommendation 8 in the body of this report.

### 8.13. Additional Topics

Many topics are possible for programming aimed at boosting work engagement and overall well-being (through resource-development) and curbing stress and burnout (by limiting demands) or otherwise promoting lawyer well-being. Additional topics to consider include: psychological

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246 Sheldon & Krieger, supra note 154.
capital (composed of optimism, self-efficacy, hope, and resilience),\textsuperscript{248} psychological hardiness (composed of commitment, control, and challenge),\textsuperscript{249} stress mindset,\textsuperscript{250} growth mindset,\textsuperscript{251} grit,\textsuperscript{252} effort-reward balance,\textsuperscript{253} transformational leadership,\textsuperscript{254} self-determination theory,\textsuperscript{255} strengths-based management,\textsuperscript{256} emotional intelligence and regulation,\textsuperscript{257} organizational fairness,\textsuperscript{258} nutrition,\textsuperscript{259} interpersonal skills,\textsuperscript{260} and political skills.\textsuperscript{261}

\textsuperscript{248}E.g., Avey, Luthans, & Jensen, supra note 181.


\textsuperscript{250}Crum, Salovey, Achor, supra note 50; McGonigal, supra note 182.

\textsuperscript{251}C. S. DWECK, MINDSET: THE NEW PSYCHOLOGY OF SUCCESS (2008).

\textsuperscript{252}A. DUCKWORTH, Grit: The Power of Passion and Perseverance (2016).


\textsuperscript{254}Krieger & Sheldon, supra note 5.

\textsuperscript{255}D. O. Clifton & J. K. Harter, Investing in Strengths, in Cameron, Dutton, & Quinn, supra note 32.


\textsuperscript{257}J. Greenberg, Positive Organizational Justice: From Fair to Fairer—and Beyond, in EXPLORING POSITIVE RELATIONSHIPS AT WORK: BUILDING A THEORETICAL AND RESEARCH FOUNDATION 159-78 (J. E. Dutton & B. R. Ragins eds., 2007).

\textsuperscript{258}T. RATH, EAT, MOVE, SLEEP (2013).

\textsuperscript{259}J. Mencl, A. J. Wefald, & K. W. van Ittersum, Transformational Leader Attributes: Interpersonal Skills, Engagement, and Well-Being, 37 LEADERSHIP & ORG. DEV. J. 635 (2016).

Appendix to Recommendation 9: 
Guide and Support The Transition of Older Lawyers.

Recommendation 9 advised stakeholders to create programs for detecting and addressing cognitive decline in lawyers, develop succession plans for aging lawyers, and develop reorientation programs to support lawyers facing retirement. Such initiatives and programs may include the following:

- Gathering demographic information about the lawyer population, including years in practice, the nature of the practice, the size of the firm in which the lawyer’s practice is conducted, and whether the lawyer has engaged in any formal transition or succession planning for the lawyer’s practice;

- Working with medical professionals to develop educational programs, checklists, and other tools to identify lawyers who may be experiencing incapacity issues;

- Developing and implementing educational programs to inform lawyers and their staff members about incapacity issues, steps to take when concerns about a lawyer’s incapacity are evident, and the importance of planning for unexpected practice interruptions or the cessation of practice;

- Developing succession or transition planning manuals and checklists, or planning ahead guidelines for lawyers to use to prepare for an unexpected interruption or cessation of practice;

- Enacting rules requiring lawyers to engage in succession planning;

- Providing a place on each lawyer’s annual license renewal statement for the lawyer to identify whether the lawyer has engaged in succession and transition planning and, if so, identifying the person, persons or firm designated to serve as a successor;

- Enacting rules that allow senior lawyers to continue to practice in a reduced or limited license or emeritus capacity, including in pro bono and other public service representation;

- Enacting disability inactive status and permanent retirement rules for lawyers whose incapacity does not warrant discipline, but who, nevertheless, should not be allow to practice law;

- Developing a formal, working plan to partner with Judges and Lawyer Assistance Programs to identify, intervene, and assist lawyers demonstrating age-related or other incapacity or impairment.

- Developing “re-orientation” programs to proactively engage lawyers in transition planning with topics to include:
  - financial planning;
  - pursuing “bridge” or second careers;
  - identity transformation;
  - developing purpose in life;
  - cognitive flexibility;
  - goal-setting;
  - interpersonal connection;
  - physical health;
  - self-efficacy;
  - perceived control, mastery, and optimism.


263 See generally W. Slease, et al., supra note 60.

264 See, e.g., S. D. Asebedo & M. C. Seay, Positive Psychological Attributes and Retirement Satisfaction, 25 J. FIN. COUNSELING & PLANNING 161 (2014); Dingemans & Henkens, supra note 62; Muratore & Earl, supra note 64.
Legal employers should consider topics like the following as part of their audits of current policies and practices to evaluate whether the organization adequately supports lawyer well-being.

**MENTAL HEALTH & SUBSTANCE USE DISORDERS**

- Is there a policy regarding substance use, mental health, and impairment? If so, does it need updating?
- Does the policy explain lawyers’ ethical obligations relating to their own or colleagues’ impairment?
- Is there a leave policy that would realistically support time off for treatment?
- Are there meaningful communications about the importance of well-being?
- Do health plans offered to employees include coverage for mental health and substance use disorder treatment?

**LAW PRACTICE MANAGEMENT PRACTICES AFFECTING LAWYER WELL-BEING**

- **Assessment of Well-Being:** Is there a regular practice established to assess work engagement, burnout, job satisfaction, turnover intentions, psychological well-being, or other indicators of well-being and to take action on the results?
- **Orientation Practices:** Are orientation practices established to set new lawyers up for success, engagement, and well-being?
- **Work-Life Balance-Related Policies & Practices:** Is there a policy that allows flexibility and an organizational climate that supports it? Is it a practice to recognize lawyers and staff who demonstrate a high standard of well-being?
- **Diversity/Inclusion-Related Policies & Practices:** Diversity and inclusion practices impact lawyer well-being. Are policies and practices in place with a specific mission that is adequately funded?\(^{265}\)
- **24/7 Availability Expectations:** Do practices allow lawyers time for sufficient rejuvenation? Are response-time expectations clearly articulated and reasonable? Is there an effort to protect time for lawyers to recover from work demands by regulating work-related calls and emails during evenings, weekends, and vacations?\(^{266}\)

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\(^{265}\)For example, a 2015 report found that most larger firms have some type of diversity training (80 percent) and all participating firms reported having a women’s affinity group. But the report also found that affinity groups were “woefully underfunded” and lacking clear goals and missions. See L. S. RIKLEEN, REPORT OF THE NINTH ANNUAL NAWL NATIONAL SURVEY ON RETENTION AND PROMOTION OF WOMEN IN LAW FIRMS, NAT’L ASSOC. OF WOMEN LAWYERS FOUND. (2015), available at http://www.nawl.org/2015nawlsurvey.

\(^{266}\)For example, McDonald’s and Volkswagen—along with one in four U.S. companies—have agreed to stop sending emails to employees after hours. See Fritz, Ellis, Demsky, Lin, & Guros, supra note 206. In the highly-demanding world of law, firms should consider the possibility of establishing new norms for lawyers that limit after-hours emails and calls to actual emergencies—especially to associates who have less work-related autonomy and, thus, are at a higher risk for fatigue and burnout.
• **Billing Policies & Practices:** Do billing practices encourage excessive work and unethical behavior?\(^{267}\)

• **Compensation Practices:** Are compensation practices fair? And are they perceived as fair? Do they follow standards of distributive (fair outcome), procedural (fair process), interpersonal (treating people with dignity and respect), and informational (transparency) fairness? Perceived unfairness in important practices can devastate well-being and motivation. For example, a large-scale study found that people were 50 percent more likely to have a diagnosed health condition if they perceived unfairness at work.\(^{268}\) Further, high levels of interpersonal and informational fairness should not be ignored—they can reduce the negative effect of less fair procedures and outcomes.\(^{269}\)

• **Performance Appraisal Practices:** Are performance appraisal practices fair and perceived as fair? Are observations about performance regularly noted to use in the review? Do multiple raters contribute? Are they trained on the process and to reduce common biases?\(^{270}\) Is feedback given in a two-way communication? Is specific, timely feedback given regularly, not just annually? Is feedback empathetic and focused on behavior not the person’s worth? Is good performance and progress toward goals regularly recognized? Is goal-setting incorporated?\(^{271}\) Is performance feedback balanced and injected with positive regard and respect to improve likelihood of acceptance?\(^{272}\) Are lawyers asked to describe when they feel at their best and the circumstances that contribute to that experience?\(^{273}\) Carefully managing this process is essential given evidence that bungled performance feedback harms well-being and performance.

• **Vacation Policies & Practices:** Is there a clear vacation policy? Does the organizational culture encourage usage and support detachment from work? In their study of 6,000 practicing lawyers, law professor Larry Krieger and psychology professor Kennon Sheldon found that the number of vacation days taken was the strongest predictor of well-being among all activities measured in the study. It was a stronger predictor of well-being even than income level.\(^{274}\) This suggests that legal employers should encourage taking of vacation—or at least not discourage or unreasonably interfere with it.

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\(^{270}\)F. Luthans & A. Stajkovic, Provide Recognition for Performance Improvement, in Locke, supra note 7, 239-53.


\(^{272}\)O. Bouskila-Yam & A. N. Kluger, Strengths-Based Performance Appraisal and Goal Setting, 21 HUMAN RES. MGMT. REV. 137 (2011).


\(^{274}\)Krieger & Sheldon, supra note 5.
Appendix to Recommendation 33.2: Creating a Well-Being Course and Lecture Series for Law Students

Recommendation 33.2 suggests that law schools design a lecture series dedicated to well-being topics. In 2007, the Carnegie Foundation for the Advancement of Teaching issued a report titled *Educating Lawyers: Preparation for the Profession of Law* (referred to as the “Carnegie Report”). The Carnegie Report describes three “apprenticeships” in legal education: (1) the intellectual apprenticeship, where students acquire a knowledge base; (2) the practice apprenticeship, where students learn practical legal skills; and (3) the professional identity apprenticeship, where students cultivate the attitudes and values of the legal profession. The 2016 *Foundations for Practice Report* by the Institute for the Advancement of the American Legal System recommends that law schools teach character attributes including courtesy, humility, respect, tact, diplomacy, sensitivity, tolerance, and compassion; and self-care and self-regulation skills such as positivity and managing stress; exhibiting flexibility, adaptability, and resilience during challenging circumstances; and decision-making under pressure. A well-being course can address the *Foundations for Practice Report* recommendations while helping law students develop a professional identity that encompasses a commitment to physical and mental well-being.

Appendix B includes topics that could be incorporated into a well-being course for law students. The list below includes additional topics and provides suggested student readings in the footnotes:

- **Basic Wellbeing and Stress Reduction:**

- **Cognitive Well-being and Good Nutrition:**

- **Restorative Practices, such as Mindfulness, Meditation, Yoga, and Gratitude:**

- **The Impact of Substances such as Caffeine, Alcohol, Nicotine, Marijuana, Adderall, Ritalin, Cocaine, and Opiates on Cognitive Function:**
  - Austin, *supra* note 280, at 826-27.

- **“Active bystander” training that educates students about how to detect when their fellow students may be in trouble with respect to mental health disorders, suicidal thinking, or substance use and what action to take:**

- **Cultivating a Growth Mindset:**

- **Improving Pathway (strategies for identifying goals and plans for reaching them) and Agency (sustaining motivation to achieve objectives) Thinking:**

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• Enhancing Emotion Regulation; 283
• Fostering Optimism and Resilience; 284
• Preparing for a Satisfying Legal Career; 285
• Developing Strong Lawyering Values, such as Courage, Willpower, and Integrity; 286
• Work Life Balance in the Law; 287 and
• Lawyers as Leaders. 288

Many resources for teaching well-being skills are available to legal educators in the online AALS Balance in Legal Education Bibliography. 289 Expert guest speakers can be found in the AALS Balance in Legal Education section, 290 and at local lawyer assistance programs and lawyer well-being committees.


289 See AALS, supra note 145.

290 See AALS, supra note 144.
The Report of the National Task Force on Lawyer Well-Being was primarily authored and edited by the Task Force members, whose biographies are below. The Task Force members were assisted in the creation of the Report by a team that included liaisons, contributing authors, peer reviewers, and individuals who contributed in a variety of other important capacities. Their biographies also are provided below.

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Bree Buchanan, J.D., is Director of the Texas Lawyers Assistance Program of the State Bar of Texas. She serves as co-chair of the National Task Force on Lawyer Wellbeing and is an advisory member of the ABA Commission on Lawyers Assistance Programs (CoLAP). Ms. Buchanan is also the appointed chair of CoLAP for 2017-2018.

Ms. Buchanan, upon graduation from the University of Texas School of Law, practiced in the public and private sector with a focus on representing both adult and child victims of family violence. She worked on public policy initiatives and systems change at both the state and federal level as the Public Policy Director for the Texas Council on Family Violence and the National Domestic Violence Hotline. After this position, Ms. Buchanan was appointed Clinical Professor and Co-Director of the Children’s Rights Clinic at the University of Texas School of Law.

Ms. Buchanan is a frequent speaker at CLE programs for national organizations, as well as for state and local bar entities. She is a graduate student at the Seminary of the Southwest where she is pursuing a Masters in Spiritual Direction, and is the proud parent of a senior at New York University. Ms. Buchanan tends to her own well-being by engaging in a regular meditation practice, rowing, staying connected to 12-Step recovery, and being willing to ask for help when she needs it.

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Jim Coyle is Attorney Regulation Counsel for the Colorado Supreme Court. Mr. Coyle oversees attorney admissions, attorney registration, mandatory continuing legal and judicial education, attorney discipline and diversion, regulation of the unauthorized practice of law, and inventory counsel matters. Mr. Coyle has been a trial attorney with the Office of Disciplinary Counsel or successor Office of Attorney Regulation Counsel since 1990. Prior to that, he was in private practice. He served on the National Organization of Bar Counsel (NOBC) board of directors from 2014 – 2016. Mr. Coyle was on the Advisory Committee to the ABA Commission on Lawyer Assistance Programs and is now a member of the Commission for the 2017 – 2018 term.

Mr. Coyle is active in promoting proactive regulatory programs that focus on helping lawyers throughout the stages of their careers successfully navigate the practice of law and thus better serve their clients. This includes working on and co-hosting the first ABA Center for Professional Responsibility (CPR)/NOBC/Canadian Regulators Workshops on proactive, risk-based regulatory programs, in Denver in May 2015, in Philadelphia in June 2016, and St. Louis in June 2017; participating in the NOBC Program Committee and International Committee, including as Chair of the Entity Regulation Subcommittee, now known as the Proactive Management-Based Programs Committee; and prior service on the NOBC Aging Lawyers and Permanent Retirement subcommittees. Mr. Coyle tends to his own well-being through gardening, exercise, and dreaming about retirement.
ANNE BRAFFORD (EDITOR-IN-CHIEF, AUTHOR)
Anne Brafford served as the Editor-in-Chief for the Task Force Report on Lawyer Well-Being. Anne is the Chairperson of the American Bar Association Law Practice Division’s Attorney Well-Being Committee. She is a founding member of Aspire, an educational and consulting firm for the legal profession (www.aspire.legal). In 2014, Anne left her job as an equity partner at Morgan, Lewis & Bockius LLP after 18 years of practice to focus on thriving in the legal profession. Anne has earned a Master’s degree in Applied Positive Psychology (MAPP) from the University of Pennsylvania and now is a PhD student in positive organizational psychology at Claremont Graduate University (CGU). Anne’s research focuses on lawyer thriving and includes topics like positive leadership, resilience, work engagement, meaningful work, motivation, and retention of women lawyers. She also is an Assistant Instructor in the MAPP program for Dr. Martin Seligman and, for two years, was a Teaching Assistant at CGU for Dr. Mihaly Csikszentmihalyi, the co-founders of positive psychology. Look for her upcoming book to be published this fall by the American Bar Association’s Law Practice Division called Positive Professionals: Creating High-Performing, Profitable Firms Through The Science of Engagement. It provides practical, science-backed advice on boosting work engagement for lawyers. Anne can be reached at abrafford@aspire.legal, www.aspire.legal.

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Josh Camson is a criminal defense attorney with Camson Law, LLC in Collegeville, Pennsylvania. He is a member of the Pennsylvania Bar Association Ethics Committee and the ABA Standing Committee on Professionalism. He is a former long-time staff writer for Lawyerist.com, a law practice management blog and the former editor of BitterLawyer.com, a comedy site for lawyers and law students.

CHARLES GRUBER (AUTHOR)
Charles A. Gruber is a solo practitioner in Sandy, Utah. He is a graduate of the University of Texas Law School. He is licensed to practice law in Utah and California. His areas of practice are personal injury, medical malpractice, and legal malpractice.

A former attorney with the Utah State Bar Office of Professional Conduct, Mr. Gruber represents and advises attorneys on ethics issues. A former member of the NOBC, he currently is a member of APRL. He serves on the Board of Utah Lawyers Helping Lawyers. Utah Lawyers Helping Lawyers is committed to rendering confidential assistance to any member of the Utah State Bar whose professional performance is or may be impaired because of mental illness, emotional distress, substance abuse or any other disabling condition or circumstance.

Mr. Gruber tends to his own well being by trying to remember and follow the suggestions of the 11th step of the 12 Steps.

As we go through the day we pause, when agitated or doubtful, and ask for the right thought or action. We constantly remind ourselves we are no longer running the show, humbly saying to ourselves many times each day “They will be done”. We are then in much less danger of excitement, fear, anger, worry, self-pity, or foolish decisions. We become much more efficient. We do not tire so easily, for we are not burning up energy foolishly as we did when we were trying to arrange life to suit ourselves. Big Book pg. 87-88.

TERRY HARRELL (AUTHOR)
Terry Harrell completed her undergraduate degree in psychology at DePauw University in 1986 and completed her law degree at Maurer School of Law in 1989. Following law school she practiced law with Ice Miller and then clerked for Judge William I. Garrard on the Indiana Court of Appeals.

In 1993 she completed her Master of Social Work Degree (MSW) at Indiana University. Terry is a Licensed Clinical Social Worker (LCSW), a Licensed Clinical Addictions Counselor (LCAC) in Indiana, and has a Master Addictions Counselor certification from NAADAC. In 1992 Terry began working for Midtown Community Mental Health Center. While there she worked in a variety of areas including inpatient treatment, crisis services, adult outpatient treatment, wrap around services for severely emotionally disturbed adolescents, and management. In 2000 Terry began working as the Clinical Director for JLAP and in 2002 became the Executive Director.

From 2007 through 2010 Terry served on the Advisory Committee to the American Bar Association’s Commission on Lawyer Assistance Programs (CoLAP).
She served from 2010 through 2013 as a commissioner on CoLAP. She is past Chair of the Senior Lawyer Assistance Subcommittee for CoLAP and an active member of the CoLAP National Conference Planning Committee. In August 2014 Terry became the first ever LAP Director to be appointed Chair of the ABA Commission on Lawyer Assistance Programs. Locally, Terry is a member of the Indiana State Bar Association and is active with the Professional Legal Education Admission and Development Section, the Planning Committee for the Solo Small Firm Conference, and the Wellness Committee.

DAVID B. JAFFE (AUTHOR)
David Jaffe is Associate Dean for Student Affairs at American University Washington College of Law. In his work on wellness issues among law students over the last decade, he has served on the D.C. Bar Lawyer Assistance Program including as its chair, and continues to serve on the ABA Commission on Lawyer Assistance Programs (CoLAP) as co-chair of the Law School Assistance Committee. Jaffe co-authored “Suffering in Silence: The Survey of Law Student Well-Being and the Reluctance of Law Students to Seek Help for Substance Use and Mental Health Concerns”, reporting the results of a survey he co-piloted in 2014. He also produced the “Getting Health, Staying Healthy” video that is used as a resource in many Professional Responsibility classes around the country, and is responsible for modernizing the “Substance Abuse & Mental Health Toolkit for Law Students and Those Who Care About Them”.

Jaffe has presented frequently on law student wellness, including to the National Conference of Bar Examiners, the ABA Academic Deans, the ABA Young Lawyers Division, CoLAP, AALS, the D.C. Bar, and NALSAP. He received the 2015 CoLAP Meritorious Service Award in recognition of his commitment to improving the lives of law students, and the 2009 Peter N. Kutulakis Award from the AALS Student Services Section for outstanding contributions to the professional development of law students. Jaffe states that he seeks self-care each day by being in the moment with each of his two daughters.

TRACY L. KEPLER (AUTHOR)
Tracy L. Kepler is the Director of the American Bar Association’s Center for Professional Responsibility (CPR), providing national leadership in developing and interpreting standards and scholarly resources in legal and judicial ethics, professional regulation, professionalism and client protection. In that role, she manages and coordinates the efforts of 18 staff members and 13 entities including five ABA Standing Committees (Ethics, Professionalism, Professional Regulation, Client Protection, and Specialization), the ABA/BNA Lawyers’ Manual on Professional Conduct, the Center’s Coordinating Council and other Center working committees.

From 2014-2016, Ms. Kepler served as an Associate Solicitor in the Office of General Counsel for the U.S. Patent & Trademark Office (USPTO), where she concentrated her practice in the investigation, prosecution and appeal of patent/trademark practitioner disciplinary matters before the Agency, U.S. District Courts and Federal Circuit, provided policy advice on ethics and discipline related matters to senior management, and drafted and revised Agency regulations. From 2000-2014, she served as Senior Litigation Counsel for the Illinois Attorney Registration and Disciplinary Commission (ARDC), where she investigated and prosecuted cases of attorney misconduct.

From 2009-2016, Ms. Kepler served in various capacities, including as President, on the Board of the National Organization of Bar Counsel (NOBC), a non-profit organization of legal professionals whose members enforce ethics rules that regulate the professional conduct of lawyers who practice law in the United States and abroad. Ms. Kepler also taught legal ethics as an Adjunct Professor at American University’s Washington College of Law. Committed to the promotion and encouragement of professional responsibility throughout her career, Ms. Kepler has served as the Chair of the CPR’s CLE Committee and its National Conference Planning Committee, and is a frequent presenter of ethics related topics to various national, state and local organizations. She has also served as the NOBC Liaison to the ABA CPR Standing Committees, and to the ABA Commission on Lawyer Assistance Programs (CoLAP), where she was a Commission member, a member of its Advisory Committee, the Chair of its Education and Senior Lawyer Committees, and also a member of its National Conference Planning Committee. Ms. Kepler also participates as a
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PATRICK KRILL (AUTHOR)
A leading authority on the addiction and mental health problems of lawyers, Patrick is the founder of Krill Strategies, a behavioral health consulting firm exclusively for the legal profession. Patrick is an attorney, licensed and board certified alcohol and drug counselor, author, and advocate. His groundbreaking work in the field of attorney behavioral health includes initiating and serving as lead author of the first and only national study on the prevalence of attorney substance use and mental health problems, a joint undertaking of the American Bar Association Commission on Lawyer Assistance Programs and the Hazelden Betty Ford Foundation that was published in The Journal of Addiction Medicine.

Patrick is the former director of the Hazelden Betty Ford Foundation’s Legal Professionals Program, where he counseled many hundreds of legal professionals from around the country who sought to better understand and overcome the unique challenges faced on a lawyer’s road to recovery. He has authored more than fifty articles related to addiction and mental health, and has been quoted in dozens of national and regional news outlets, including the New York Times, Wall Street Journal, Washington Post, Chicago Tribune, and countless legal industry trade publications and blogs. As a frequent speaker about addiction and its intersection with the law, Patrick has taught multiple graduate-level courses in addiction counseling, and has spoken, lectured, or conducted seminars for over one hundred organizations throughout the United States, including professional and bar associations, law firms, law schools, and corporations.

Patrick maintains his own wellbeing by prioritizing his personal relationships and exercising daily. Whether it be hiking, yoga, or weight lifting, his secret to managing stress is a dedication to physical activity. Patrick can be reached at patrick@prkrill.com, www.prkrill.com.

CHIEF JUSTICE DONALD W. LEMONS, SUPREME COURT OF VIRGINIA (AUTHOR)
Chief Justice Donald W. Lemons received his B.A. from the University of Virginia in 1970. Before entering law school, he served as a Probation Officer in Juvenile and Domestic Relations Court. In 1976, he earned his J.D. from the University of Virginia School of Law. From 1976 until 1978, he served as Assistant Dean and Assistant Professor of Law at the University of Virginia School of Law. Thereafter, he entered the private practice of the law in Richmond, Virginia. Chief Justice Lemons has served at every level of the court system in Virginia. He served as a substitute judge in General District Court and in Juvenile and Domestic Relations Court. In 1995, he was elected by the General Assembly to be a Judge in the Circuit Court of the City of Richmond. While serving in that capacity, Chief Justice Lemons started one of the first Drug Court dockets in Virginia. He was then elected by the General Assembly to serve as a Judge on the Court of Appeals of Virginia. In 2000, he was elected by the General Assembly as a Justice of the Supreme Court of Virginia. In 2014, the Justices of the Supreme Court of Virginia elected Justice Lemons to serve as the next Chief Justice, following the retirement of Chief Justice Cynthia D. Kinser on December 31, 2014. Chief Justice Lemons is also the Distinguished Professor of Judicial Studies at the Washington and Lee University School of Law, serves on the Board of Directors for the Conference of Chief Justices, is the former President of the American Inns of Court (2010 – 2014), and an Honorary Bencher of Middle Temple in London. He is married to Carol Lemons, and they have three children and six grandchildren. He and Carol reside in beautiful Nelson County, Virginia, in the foothills of the Blue Ridge Mountains.

SARAH MYERS (AUTHOR)
Sarah Myers is the Clinical Director of the Colorado Lawyer Assistance Program. She received her B.A. from the University of Richmond in Virginia, her M.A. from Naropa University in Boulder, Colorado, and her J.D. at the University of Denver in Colorado. She is a Colorado licensed attorney, licensed marriage and family therapist, and licensed addiction counselor. Ms. Myers is also a licensed post-graduate level secondary teacher, certified trauma and abuse psychotherapist, and certified LGTBQ
therapist. She has over 18 years of experience as a professor and teacher, psychotherapist, clinical supervisor, and program director.

Ms. Myers specializes in stress management, psychoneuroimmunology, and psychoeducation, topics that she presents to thousands of judges, lawyers, and law students each year. In addition, she has authored hundreds of articles on wellness concepts such as compassion fatigue, professional burnout, mental health support, and life-enhancing techniques for the legal community. Ms. Myers strives to “practice what she preaches” for self-care, which includes: simple meditation throughout the day to relax her nervous system, using humor and laughter to cope with difficult situations or personalities, cultivating positive relationships with friends and family, and engaging in hobbies such as gardening, caring for numerous pets (including a koi pond), yoga, learning new things, and reading science fiction and fantasy novels.

CHRIS L. NEWBOLD (AUTHOR)

Chris Newbold is Executive Vice President of ALPS Corporation and ALPS Property & Casualty Company. In his role as Executive Vice President, Mr. Newbold oversees bar association relations, strategic and operational planning, risk management activities amongst policyholders, human resources, and non-risk related subsidiary units. Internally at ALPS, Mr. Newbold has developed leading conceptual models for strategic planning which have driven proven results, ensured board and staff accountability, focused organizational energies, embraced change, integrated budgeting and human resource functions into the process and enabled a common vision for principal stakeholders. Externally, Mr. Newbold is a nationally-recognized strategic planning facilitator in the bar association and bar foundations worlds, conducts risk management seminars on best practices in law practice management and is well-versed in captive insurance associations and other insurance-related operations.

Mr. Newbold received his law degree from the University of Montana School of Law in 2001, and holds a bachelor’s degree from the University of Wisconsin-Madison. Following his graduation from law school, he served one year as a law clerk for the Honorable Terry N. Trieweiler of the Montana Supreme Court. He began his career at ALPS as President and Principal Consultant of ALPS Foundation Services, a non-profit fundraising and philanthropic management consulting firm. Mr. Newbold is currently a member of the State Bar of Montana, the American Bar Association, and is involved in a variety of charitable activities. Mr. Newbold resides in Missoula, Montana, with his wife, Jennifer, and their three children, Cameron (11), Mallory (9) and Lauren (5).

JAYNE REARDON (EDITOR, AUTHOR)

Jayne Reardon is the Executive Director of the Illinois Supreme Court Commission on Professionalism. A tireless advocate for professionalism, Jayne oversees programs and initiatives to increase the civility and professionalism of attorneys and judges, create inclusiveness in the profession, and promote increased service to the public. Jayne developed the Commission’s successful statewide Lawyer-to-Lawyer Mentoring Program which focuses on activities designed to explore ethics, professionalism, civility, diversity, and wellness in practice settings. She spearheaded development of an interactive digital and social media platform that connects constituencies through blogs, social networking sites and discussion groups. A frequent writer and speaker on topics involving the changing practice of law, Jayne asserts that embracing inclusiveness and innovation will ensure that the profession remains relevant and impactful in the future. Jayne’s prior experience includes many successful years of practice as a trial lawyer, committee work on diversity and recruiting issues, and handling attorney discipline cases as counsel to the Illinois Attorney Registration and Disciplinary Commission Review Board.

Jayne graduated from the University of Notre Dame and the University of Michigan Law School. She is active in numerous bar and civic organizations. She serves as Chair of the American Bar Association’s Standing Committee on Professionalism and is a Steering Committee member of the National Lawyer Mentoring Consortium. Jayne also is active in the ABA Consortium of Professionalism Initiatives, Phi Alpha Delta Legal Fraternity, Illinois State Bar Association, Women’s Bar Association of Illinois, and the Chicago Bar Association. Jayne lives in Park Ridge, Illinois, with her husband and those of her four children who are not otherwise living in college towns and beyond.
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HON. DAVID SHAHEED (AUTHOR)
David Shaheed became the judge in Civil Court 1, Marion County, Indiana, in August, 2007. Prior to this assignment, Judge Shaheed presided over Criminal Court 14, the Drug Treatment Diversion Court and Reentry Court. The Indiana Correctional Association chose Shaheed as 2007 Judge of the Year for his work with ex-offenders and defendants trying to recover from substance abuse.

Judge Shaheed has worked as a judicial officer in the Marion County Superior Court since 1994 starting as a master commissioner and being appointed judge by Governor Frank O’Bannon in September 1999. As a lawyer, Judge Shaheed was Chief Administrative Law Judge for the Indiana Unemployment Appeals Division; Legal Counsel to the Indiana Department of Workforce Development and served as Counsel to the Democratic Caucus of the Indiana House of Representatives in 1995. He was also co-counsel for the Estate of Michael Taylor, and won a 3.5 million dollar verdict for the mother of a sixteen year-old youth who was found shot in the head in the back seat of a police car.

Judge Shaheed is an associate professor for the School of Public and Environmental Affairs (SPEA) at Indiana University in Indianapolis. He is also a member of the ABA Commission on Lawyers Assistance Programs (CoLAP). Judge Shaheed was on the board of directors for Seeds of Hope, (a shelter for women in recovery), and former officer for the Indiana Juvenile Justice Task Force and the Interfaith Alliance of Indianapolis.

LYNDA C. SHELY (EDITOR, AUTHOR)
Lynda C. Shely, of The Shely Firm, PC, Scottsdale, Arizona, provides ethics advice to over 1400 law firms in Arizona and the District of Columbia on a variety of topics including conflicts of interest, fees and billing, trust account procedures, lawyer transitions, multi-jurisdictional practice, ancillary businesses, and ethics requirements for law firm advertising/marketing. She also assists lawyers in responding to initial Bar charges, performs law office risk management reviews, and trains law firm staff in ethics requirements. Lynda serves as an expert witness and frequently presents continuing legal education programs around the country. Prior to opening her own firm, she was the Director of Lawyer Ethics for the State Bar of Arizona. Prior to moving to Arizona, Lynda was an intellectual property associate with Morgan, Lewis & Bockius in Washington, DC.

Lynda received her BA from Franklin & Marshall College in Lancaster, PA and her JD from Catholic University in Washington, DC. Lynda was the 2015-2016 President of the Association of Professional Responsibility Lawyers. She serves on several State Bar of Arizona Committees, and as a liaison to the ABA Standing Committee on Ethics and Professional Responsibility. She is an Arizona Delegate in the ABA House of Delegates. Lynda has received several awards for her contributions to the legal profession, including the 2007 State Bar of Arizona Member of the Year award, the Scottsdale Bar Association’s 2010 Award of Excellence, and the 2015 AWLA, Maricopa Chapter, Ruth V. McGregor award. She is a prior chair of the ABA Standing Committee on Client Protection and a past member of the ABA's Professionalism Committee and Center for Professional Responsibility Conference Planning Committee. Lynda was the 2008-2009 President of the Scottsdale Bar Association. She has been an adjunct professor at all three Arizona law schools, teaching professional responsibility.

WILLIAM D. SLEASE (AUTHOR)
William D. Slease is Chief Disciplinary Counsel for the New Mexico Supreme Court Disciplinary Board. In addition to his duties as Chief Disciplinary Counsel, he serves as an adjunct professor at the University of New Mexico School of Law where he has taught employment law, ethics and trial practice skills. He currently chairs the Supreme Court of the State of New Mexico’s Lawyer’s Succession and Transition Committee which has developed a comprehensive set of materials for lawyers to use in identifying and responding to incapacities that affect lawyers’ abilities to practice law. He is a member and the 2016-17 President of the National Organization of Bar Counsel and previously served as the Chair of the NOBC-APRL-CoLAP Second Joint Committee on Aging Lawyers charged with studying and making recommendations for addressing the so-called “senior tsunami” of age-impaired lawyers. Bill takes care of his own wellness by spending time with his family, and by fishing for trout in the beautiful lakes and streams of New Mexico.
TASK FORCE LIAISONS

LINDA ALBERT
Linda Albert is a Licensed Clinical Social Worker and a Certified Alcohol and Drug Counselor. She received her Master's Degree from UW-Madison in Science and Social Work. Linda has worked over the past 34 years as an administrator, consultant, trainer, program developer and psychotherapist in a variety of settings including providing services to impaired professionals.
Linda served on the ABA Commission on Lawyer Assistance Programs heading up the Research section. She co-facilitated a research project on compassion fatigue and legal professionals resulting in two peer reviewed publications and multiple articles. She is co-author of the ABA, Hazelden Betty Ford collaborative national research study on the current rates of substance use, depression and anxiety within the legal community. Linda has done multiple presentations for conferences at the local, state and national level. She loves her work and is driven by the opportunity to make a positive contribution to the lives of the individuals and the fields of practice she serves.
Currently Linda is employed by The Psychology Center in Madison, Wisconsin, where she works as a professional trainer, consultant, and psychotherapist.

DONALD CAMPBELL
Donald D. Campbell is a shareholder at Collins Einhorn Farrell in suburban Detroit, Michigan. Don’s practice focuses on attorney grievance defense, judicial grievance matters, and legal malpractice defense. He has extensive experience in counseling and advising lawyers and judges regarding professional ethics. He is an adjunct professor of law at the University of Detroit School of Law, where he has taught professional responsibility and a seminar in business law and ethics. Prior to joining the Collins Einhorn firm, Don served as associate counsel with the Michigan Attorney Grievance Commission, the Michigan Supreme Court’s arm for the investigation and prosecution of lawyer misconduct. He also previously served as an assistant prosecuting attorney in Oakland County, Michigan. He currently serves as the President of the Association of Professional Responsibility Lawyers (see APRL.net). Don tends to his well-being by cheering for the Detroit Lions (and he has been about as successful).

ERICA MOESER
Erica Moeser has been the president of the National Conference of Bar Examiners since 1994. She is a former chairperson of the Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association, and has served as a law school site evaluator, as a member of the Section's Accreditation and Standards Review Committees, and as the co-chairperson of the Section’s Bar Admissions Committee. She served as the director of the Board of Bar Examiners of the Supreme Court of Wisconsin from 1978 until joining the Conference. Ms. Moeser holds the following degrees: B.A., Tulane University, 1967; M.S., the University of Wisconsin, 1970; and J.D., the University of Wisconsin, 1974. She was admitted to practice law in Wisconsin in January 1975. Ms. Moeser holds honorary degrees from three law schools. Ms. Moeser has taught Professional Responsibility as an adjunct at the University of Wisconsin Law School. She was elected to membership in the American Law Institute in 1992.

In 2013 Ms. Moeser received the Kutak Award, honoring “an individual who has made significant contributions to the collaboration of the academy, the bench, and the bar,” from the ABA Section of Legal Education and Admissions to the Bar.

ACKNOWLEDGEMENTS

PAUL BURGOYNE, TERRY HARRELL, AND LYNDA SHELY
The Task Force gratefully acknowledges the contributions of Paul Burgoyne, immediate past president of the National Organization of Bar Counsel and Deputy Chief Disciplinary Counsel, The Disciplinary Board of the Supreme Court of Pennsylvania, as well as Terry Harrell, President of the ABA Commission on Lawyer Assistance Programs (ABA CoLAP), and Lynda Shely, past president of the Association of Professional Responsibility Lawyers (APRL), for their formal endorsement of the Task Force’s formation in the spring of 2016 on behalf of their respective organizations.

JONATHAN WHITE (AUTHOR, EDITOR)
Jonathan White is the Task Force Staff Attorney and also served as a contributing author and editor to the Report. Mr. White is a staff attorney at the Colorado Supreme Court
Office of Attorney Regulation Counsel. He is the day-to-day project manager for the Colorado Supreme Court Advisory Committee’s Proactive Management-Based Program (PMBP) Subcommittee. The subcommittee is developing a program to help Colorado lawyers better serve their clients through proactive practice self-assessments. The self-assessments also promote compliance with the Colorado Rules of Professional Conduct. Mr. White rejoined the Office of Attorney Regulation Counsel in November 2016 after previously working for the office as a law clerk in 2009 and 2010.

Mr. White practiced civil defense litigation for several years before rejoining the Office of Attorney Regulation Counsel. Mr. White also served as a judicial law clerk to the Honorable Christopher Cross and the Honorable Vincent White of the Douglas County District Court in Castle Rock, Colorado. He is a 2010 graduate of the University of Colorado Law School. While in law school, he was an articles editor for the Colorado Journal of International Environmental Law & Policy. The Journal published his note, “Drilling in Ecologically and Environmentally Troubled Waters: Law and Policy Concerns Surrounding Development of Oil Resources in the Florida Straits,” in 2010. In 2009, fellow law students selected him to receive the annual Family Law Clinic Award in recognition of his work in the law school’s clinical program.

Mr. White received his B.A. from Middlebury College in 2003. He recently volunteered as a reading tutor to elementary school students in the Denver Public Schools during the 2015-2016 academic year.

ED BRAFFORD, GRAPHIC DESIGNER

Edward Brafford donated his skills and talents to design the layout for the Task Force Report. Mr. Brafford designs for The Firefly Creative LLC (www.thefireflycreative.com) and can be reached at Ed@tffcreative.com.

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DEBRA AUSTIN, PH.D.

Dr. Austin is a law professor and lawyer wellbeing advocate. She writes and speaks about how neuroscience and positive psychology research can help law students, lawyers, and judges improve their wellbeing and performance. Her seminal work, Killing Them Softly, shines a bright light on lawyer depression, substance abuse, and suicide, and its application of neuroscience to the chronic stresses of law school and law practice depicts how law students and lawyers suffer cognitive damage that impairs them from doing precisely what their studies and practices require. Drink Like a Lawyer uses neuroscience research to demonstrate how self-medication with substances like alcohol, marijuana, and study drugs impairs law student and lawyer thinking. Food for Thought examines neuroscience research that explores the relationship between diet and increased risk of cognitive damage, such as dementia and Alzheimer’s disease, and describes optimal nutrition habits that build and maintain a healthy lawyer brain. Positive Legal Education proposes a new field of inquiry and a new method of training lawyer leaders that will enhance lawyer effectiveness and wellbeing. Dr. Austin’s presentations connect lawyer wellbeing to performance and ethical obligations, and they are accredited for general and ethics CLE in multiple states.

Dr. Austin teaches at the University of Denver Sturm College of Law. She received her Bachelor of Music Education from University of Colorado; her J.D. from University of San Francisco; and her Ph.D. in Education from University of Denver. She received the William T. Driscoll Master Educator Award in 2001. To maintain her wellbeing, Dr. Austin meditates, practices yoga, and cycles on the beautiful trails around Colorado.

HON. ROBERT L. CHILDERS

Judge Childers was the presiding judge of Division 9 of the Circuit Court of Tennessee for the 30th Judicial District from 1984 to 2017. He is a past president of the Tennessee Judicial Conference and the Tennessee Trial Judges Association. He has also served as a Special Judge of the Tennessee Supreme Court Workers’ Compensation Panel and the Tennessee Court of Appeals. He served on the ABA Commission on Lawyer Assistance Programs (CoLAP) from 1999 to 2011, including serving as Chair of the Commission from 2007-2011. He is a founding member, past president and Master of the Bench of the Leo Beamann Sr. Inn of Court. The Memphis Bar Association recognized Judge Childers in 1986, 1999, and 2006 as Outstanding Judge of the Year, and he was recognized by the MBA Family Law Section in 2006. He was recognized as Outstanding
Judge of the Year by the Shelby County (TN) Deputy Sheriffs Association in 1990. He received the Judge Wheatcraft Award from the Tennessee Coalition Against Domestic and Sexual Violence for outstanding service in combating domestic violence in 2001. He has received the Distinguished Alumnus Award from the University of Memphis (2002), the Justice Frank F. Drowota III Outstanding Judicial Service Award from the Tennessee Bar Association (2012), and the Excellence in Legal Community Leadership Award from the Hazelden Foundation (2012). In 2017 he received the William M. Leech Jr. Public Service Award from the Fellows of the Tennessee Bar Association Young Lawyers Division.

Judge Childers is currently serving as president of the University of Memphis Alumni Association. He has been a faculty member at the National Judicial College at the University of Nevada-Reno, the Tennessee Judicial Conference Judicial Academy, and a lecturer at the Cecil C. Humphreys School of Law at the University of Memphis. He has also been a frequent lecturer and speaker at CLE seminars and before numerous schools, civic, church and business groups in Tennessee and throughout the nation.

COURTNEY WYLIE

Courtney recently joined the professional development team at Drinker Biddle & Reath LLP. In this position, she designs and implements programs for the firm’s attorneys on leadership, professionalism, and lawyer well-being topics. Prior to joining DBR, Courtney Wylie worked at the University of Chicago Law School as the Associate Director of Student Affairs & Programs. In this position, she was primarily responsible for the Keystone Leadership and Professional Program and the Kapnick Leadership Development Initiative. Before that Courtney worked in both the private and public sector as an attorney.

Courtney is the current appointed ABA Young Lawyer’s Division Liaison to the Commission on Lawyer Assistance Programs (COLAP) and an appointed Advisory Committee Member of (COLAP). Though an initial skeptic regarding meditation and exercise, she now makes an effort to make it part of her daily practice to remain healthy, positive, focused, and centered. She similarly regularly lectures on the importance of self-care for attorneys and law students.

PEER REVIEWERS

Carol M. Adinamis, Adinamis & Saunders, Past President Indiana State Bar Association, Indianapolis, IN

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Patrick Flaherty, Executive Director, Colorado & Denver Bar Associations, Denver, CO

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Kathleen M. Uston, Assistant Bar Counsel, Virginia State Bar, Richmond, VA

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Carol P. Waldhauser, EAP, SAP, Executive Director, Delaware Lawyers Assistance Program, Wilmington, DE

Elizabeth Winiarski, Associate, Jones Day, Chicago, IL
### Our Challenges

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<tr>
<th>Challenge</th>
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<tr>
<td>21-36% problem drinkers</td>
</tr>
<tr>
<td>28% depression</td>
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<tr>
<td>19% anxiety</td>
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<tr>
<td>23% elevated stress</td>
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<tr>
<td>25% work addiction</td>
</tr>
<tr>
<td>High suicide rate</td>
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<tr>
<td>Sleep deprivation</td>
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<tr>
<td>Work-life conflict</td>
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<tr>
<td>Avoid seeking help</td>
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<tr>
<td>Job dissatisfaction and attrition</td>
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### Our Potential

<table>
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<tr>
<th>Potential</th>
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<tbody>
<tr>
<td>Physically healthy</td>
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<tr>
<td>Mentally thriving</td>
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<tr>
<td>Contributing to society</td>
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<tr>
<td>Focusing on client care</td>
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<tr>
<td>Feeling connected and a sense of belonging</td>
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<tr>
<td>Willing to seek help</td>
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<tr>
<td>Engaged at work</td>
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<tr>
<td>Continually seeking intellectual growth</td>
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<tr>
<td>Emotionally intelligent</td>
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<tr>
<td>Experiencing a sense of meaning and purpose</td>
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**The Path to Lawyer Well-Being:**

Practical Recommendations For Positive Change