



## LAWYERS CONCERNED FOR LAWYERS

Confidential Support for Legal Professionals

# The Path to Lawyer Well-Being: Practical Strategies for Positive Change

*National Task Force on Lawyer Well-Being, August 2017. Adopted, ABA House of Delegates, February 2018.*

### General Recommendations:

- Acknowledge the Problems and Take Responsibility.
- Use This Report as a Launch Pad for a Profession-Wide Action Plan.
- Leaders Should Demonstrate a Personal Commitment to Well-Being.
- Facilitate, Destigmatize, and Encourage Help-Seeking Behaviors.
- Build Relationships with Lawyer Well-Being Experts, including Lawyer Assistance Programs.
- Foster Collegiality and Respectful Engagement throughout the Profession.
  - Promote Diversity & Inclusion.
  - Create Meaningful Mentoring and Sponsorship Programs.
- Enhance Lawyers' Sense of Control.
- Provide High-Quality Educational Programs and Materials About Lawyer Well-Being.
- Guide and Support the Transition of Older Lawyers.
- De-emphasize Alcohol at Social Events.
- Support Recovery from Mental Health and Substance Use Disorders.
- Begin a Dialogue About Suicide Prevention.

## Resources

Lawyers Concerned for Lawyers offers CLE and other educational programs, coaching, consulting, and direct assistance regarding any issue that causes stress or distress: [www.mnlcl.org](http://www.mnlcl.org)

The Path to Lawyer Well-Being: Practical Recommendations for Positive Change:  
<http://ambar.org/lawyerwellbeingreport>

Well-Being Toolkit: <http://ambar.org/wellbeingtoolkit>

ABA Presidential Well-Being Working Group including the Well-Being Employer Pledge:  
<https://ambar.org/lawyerwellbeing>

Minnesota Supreme Court Well-Being site: <http://www.mncourts.gov/lawyer-well-being.aspx>



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# The Path to Lawyer Well-Being: Practical Strategies for Positive Change

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### Stakeholder Recommendations

#### Recommendations for Law Firms and Other Legal Employers:

- Establish Organizational Infrastructure to Promote Well -Being.
- Form a Lawyer Well-Being Committee.
- Assess Lawyers' Well-Being.
- Establish Policies and Practices to Support Lawyer Well-Being.
- Monitor for Signs of Work Addiction and Poor Self-Care.
- Actively Combat Social Isolation and Encourage Interconnectivity.
- Provide Training and Education on Well-Being, Including During New Lawyer Orientation.
- Emphasize a Service-Centered Mission.
- Create Standards, Align Incentives, and Give Feedback.

#### Recommendations for Judges:

- Communicate that Well-Being is a Priority.
- Develop Policies for Impaired Judges.
- Reduce the Stigma of Mental Health and Substance Use Disorders.
- Conduct Judicial Well-Being Surveys.
- Provide Well-Being Programming for Judges and Staff.
- Monitor for Impaired Lawyers and Partner with Lawyer Assistance Programs.

#### Recommendations for Law Schools:

- Create Best Practices for Detecting and Assisting Students Experiencing Psychological Distress.
- Provide Training to Faculty Members Relating to Student Mental Health and Substance Use Disorders.
- Adopt a Uniform Attendance Policy to Detect Early Warning Signs of Students in Crisis.
- Provide Mental Health and Substance Use Disorder Resources.

- Assess Law School Practices and Offer Faculty Education on Promotion Well-Being in the Classroom.
- Empower Students to Help Fellow Students in Need.
- Include Well-Being Topics in Courses on Professional Responsibility.

#### **Recommendations for Regulators:**

- Adopt Regulatory Objectives That Prioritize Lawyer Well-Being
- Modify the Rules of Professional Conduct to Endorse Well-Being as Part of a Lawyer's Duty of Competence.
- Implement Proactive Management-Based Programs (PMBP) That Include Lawyer Well-Being Components
- Adopt Diversion Programs and Other Alternatives to Discipline That Are Proven Successful in Promoting Well-Being.
- Expand CLE Requirements to Include Well-Being Topics.
- Adopt a Centralized Grievance Intake System to Promptly Identify Well-Being Concerns
- Modify Confidentiality Rules to Allow One-Way Sharing of Lawyer Well-Being Related Information from Regulators to Lawyer Assistance Programs
- Adjust the Admissions Process to Support Law Student Well-Being

#### **Recommendations for Bar Associations:**

- Encourage Education on Well-Being Topics in Coordination and in Association with Lawyer Assistance Programs.
- Sponsor High-Quality CLE Programming on Well-Being-Related Topics.
- Create Educational Materials to Support Individual Well-Being and "Best Practices" for Legal Organizations.
- Train Staff to Be Aware of Lawyer Assistance Program Resources and Refer Members.
- Sponsor Empirical Research on Lawyer Well-Being as Part of Annual Member Surveys.
- Launch a Lawyer Well-Being Committee.
- Serve as an Example of Best Practices Relating to Lawyer Well-Being at Bar Association Events.

#### **Recommendations for Lawyers' Professional Liability Carriers:**

- Actively Support Lawyer Assistance Programs.
- Emphasize Well-Being in Loss Prevention Programs.
- Incentivize Desired Behavior in Underwriting Law Firm Risk.
- Collect Data When Lawyer Impairment is a Contributing Factor to Claims Activity.

#### **Recommendations for Lawyers Assistance Programs:**

- Lawyer Assistance Programs Should Be Appropriately Organized and Funded.
- Pursue Stable, Adequate Funding.
- Emphasize Confidentiality.
- Develop High-Quality Well-Being Programming.



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### Landmark study in the *Journal of Addiction Medicine*, February 2016

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

A joint project of the ABA Commission on Lawyer Assistance Programs and the Hazelden Betty Ford Foundation, this is the first time that a study of this type has been conducted on a national basis. While the substance use numbers are just slightly higher than those reported in previous localized studies, the mental health statistics are considerably greater.

#### **Among the findings:**

- 20.6% of respondents met criteria for alcohol use disorder.
- Men reported higher rates of depression and women reported higher rates of anxiety and stress.
- Overall, the rate of depression was 28% and anxiety was 19%.
- 11.5% reported suicidal thoughts at some time during their careers.
- The rates of mental health and substance issues were significantly higher in respondents 30 years old and younger or who had worked in the profession for 10 or fewer years. This is contrary to earlier studies where the levels increased with longevity in the profession and age.
- Distress occurs in every type of job. Newer attorneys in law firms reported the highest overall rate.
- Barriers to seeking for help included "not wanting others to find out they needed help" and "concerns regarding privacy or confidentiality".

LCL services are absolutely confidential. Contact [LCL](#) for more information on the study, for a presentation at your organization or for any other assistance.





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### **LCL and Legal Employers: How Can LCL Help?**

- LCL provides free peer and professional support to lawyers, judges, law students, their organizations, and family members throughout Minnesota. This includes up to 4 counseling sessions and a 24/7 phone line. Though some firms have an Employee Assistance Program, lawyers may be more likely to contact LCL.
- 
- LCL offers CLE and other programming on well-being, impairment, stress management and other issues. LCL programs meet the criteria for diversity and inclusion programming often required by clients.
- LCL provides guidance on dealing with a potentially impaired lawyer
  - General concerns
  - Supervisory referrals
  - Interventions
  - Identification of appropriate treatment
  - Managing return to work issues
- LCL has worked with firms and organizations to assist non-attorney staff. This includes discussion and coaching on individual situations, identification of resources, and other services on a case by case basis.
- LCL can provide critical incident response if a tragedy or crisis impacts the firm or organization.
- LCL is absolutely confidential. We can discuss a situation without knowing the identity of the lawyer or your organization.



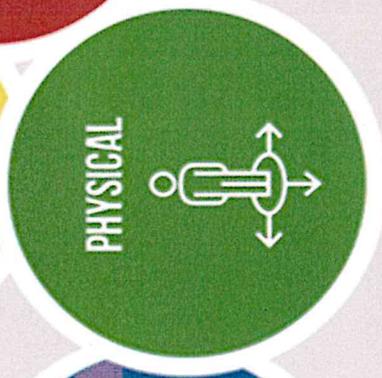
## A continuous process in which lawyers strive for thriving in each dimension of their lives:

Cultivating personal satisfaction, growth, and enrichment in work. Financial stability.

Engaging in continuous learning and the pursuit of creative or intellectually challenging activities that foster ongoing development. Monitoring cognitive well-being.



Developing a sense of meaningfulness and purpose in all aspects of life.



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.

Developing a sense of connection, belonging, and a well-developed support network while also contributing to our groups and communities.

Striving for regular physical activity, proper diet and nutrition, sufficient sleep, and rejuvenation. Minimizing the use of addictive substances. Seeking help for physical health when needed.

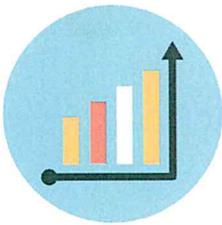


# Well-Being Toolkit Nutshell: 80 Tips For Lawyer Thriving

Many legal employers are ready to become positive change agents on the path to lawyer well-being but are unsure where to start. To help, the American Bar Association's Presidential Working Group to Advance Well-Being in the Legal Profession has launched the [Well-Being Toolkit for Lawyers and Legal Employers](#). This nutshell summarizes 80 of the Toolkit's key items to help get you started on a lawyer well-being initiative.

**3 Reasons  
To Care About  
Well-Being**

1. It's the right thing to do
2. It impacts competence
3. It's good for business



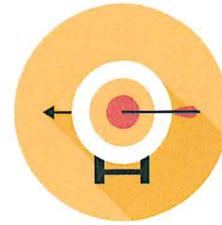
## 13 Healthy Workplace Factors

1. Culture of Trust
2. Mental Health Support
3. Effective Leadership
4. Civility & Respect
5. Good Person-Job Fit
6. Growth & Development
7. Recognition & Reward
8. Involvement & Influence
9. Workload Management
10. Employee Engagement
11. Work-Life Balance Support
12. Psychological Safety
13. Physical Safety



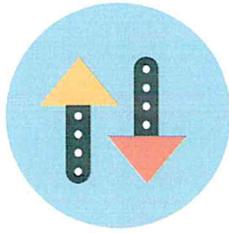
## 6 Dimensions Of Lawyer Well-Being

1. **Occupational:** Satisfaction, Growth, Financial Stability
2. **Emotional:** Manage Emotions & Protect Mental Health
3. **Physical:** Healthy Lifestyle, Help-Seeking When Needed
4. **Intellectual:** Learn, Pursue Challenge, Keep Developing
5. **Spiritual:** Meaning & Purpose
6. **Social:** Connection, Belonging, Contributing



## 8-Step Action Plan For Launching A Well-Being Program

1. Enlist Leaders
2. Start a Well-Being Committee
3. Define Well-Being
4. Do a Needs Assessment
5. Identify Priorities
6. Make & Execute an Action Plan
7. Create a Well-Being Policy
8. Measure, Evaluate, & Improve



## 15 Ideas for Well-Being Activities & Events

1. Use a Well-Being Scorecard to Assess Leader Effectiveness
2. Create a Well-Being Knowledge Hub
3. Start a Well-Being-Related Book or Video Club
4. Launch and Support a Leader Development Program
5. Invest in Professional Coaches
6. Measure Well-Being
7. Get Creative with CLEs, e.g., Spin Class CLE Events
8. Celebrate a Well-Being Week
9. Maintain a Calendar of Well-Being Events
10. Do Well-Being Goal-Setting
11. Embed Well-Being in Content & Format of Meetings
12. Incorporate Well-Being into Promotions & Other Transitions
13. Offer Treadmill/Standing Desks
14. Add Mental Health Apps to Insurance Plans
15. Audit policies/practices that may impact well-being.



## 18 Topic Ideas For Education & Development

1. Detecting Warning Signs of Mental Health & Alcohol Use Disorders
2. Facilitating & Destigmatizing Help-Seeking
3. Enhancing A Sense of Autonomy & Control
4. Elevating Focus on Client Care
5. Work Engagement & Burnout
6. Stress Mindset
7. Resilience & Optimism
8. Mindfulness
9. Rejuvenation
10. Leader Development
11. Conflict Management
12. Work-Life Conflict
13. Meaning & Purpose
14. Grit
15. Psychological Capital
16. Self-Determination Theory
17. Emotional Intelligence
18. Time Management/Alignment



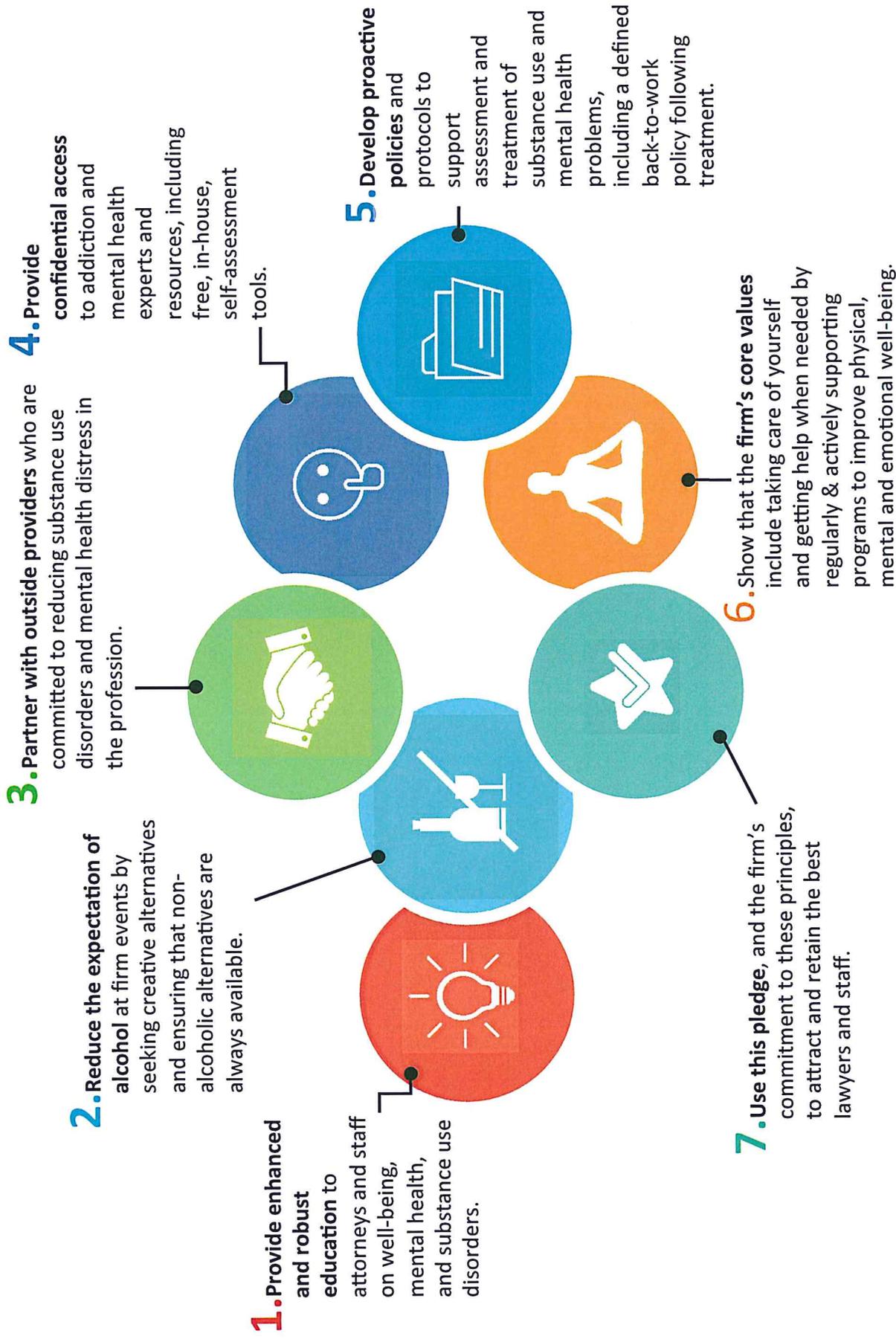
## 17 Well-Being Activity Worksheets To Try

1. How to Be Happier? Make it a Priority
2. Six Sources of Well-Being
3. Grow Your Gratitude
4. Do Acts of Kindness
5. Psychological Capital
6. Reframe Stress & Adversity
7. Mindfulness To Improve Well-Being & Performance
8. The Emotionally Intelligent Path to Well-Being
9. Well-Being & Confidence
10. Use Your Strengths
11. Capitalizing on Introverted Strengths
12. Overcoming Public Speaking Anxiety
13. Mind Your Marriage
14. Managers, Don't Forget Your Own Well-Being
15. Positive Leadership
16. Physical Activity & Vibrancy
17. Positive Golf Activities

### Today's Well-Being To Do List:

- ✓ Review the Toolkit
- ✓ Do one thing to get started
- ✓ Pass the Toolkit on to others
- ✓ Send questions to [abrafford@aspire.legal](mailto:abrafford@aspire.legal)

# The Well-Being Pledge for Legal Employers



Pledge Commitment Form

Recognizing that substance use and mental health problems represent a significant challenge for the legal profession, and acknowledging that more can and should be done to improve the health and well-being of lawyers, we the attorneys of \_\_\_\_\_ hereby pledge our support for this innovative campaign and will work to adopt and prioritize its seven-point framework for building a better future.

Our organization has taken the following steps to promote well-being over the past year:

- (1) We have provided enhanced and robust educational opportunities to our attorneys and staff on topics related to well-being, substance use disorders, and mental health distress. *Describe at least one program your organization put on during the past year:*

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- (2) We have disrupted the status quo of drinking-based events: *Describe at least one way in which your organization has de-emphasized alcohol:*

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- (3) We have developed visible partnerships with outside entities committed to reducing problematic substance use disorders and mental health distress in the profession. *Describe at least one way in which your organization has partnered with outside entities to promote well-being:*

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- (4) We have provided confidential access to addiction and mental health experts and resources to all employees, including free, in-house self-assessment tools. *Describe the ways in which your organization has fulfilled this commitment (optional):*

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- (5) We have a proactive written protocol and leave policy that covers the assessment and treatment of substance use and mental health problems, including a defined back-to-work policy following treatment. *Describe the ways in which your organization has fulfilled this commitment (optional):*

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- (6) We have actively and consistently promoted and encouraged help-seeking and self-care as core values of our organizations. *Describe at least one way in which your organization has fulfilled this commitment:*

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- (7) We have highlighted the adoption of this well-being framework to attract and retain the best lawyers and staff. *Describe at least one way in which your organization has fulfilled this commitment:*

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Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_



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# Are We Walking Past Colleagues Who Are in Trouble?

By Joan Bibelhausen

I arrived at the airport early, found an empty gate, and settled in on a chair facing the concourse—a quiet place to reply to some emails. I noticed a seemingly abandoned small, soft, briefcase-type bag across the aisle. I became curious about the luggage. I watched passengers, airline staff, and airport workers stroll and scurry past the bag without giving it any notice. A gate agent walked past the bag and up to the desk. After a few minutes, I approached the agent and pointed out the bag. Very shortly after, she picked up the phone, and I got to watch what happened next. It was surreptitious, swift, and serious. I thought about the poor person who probably forgot their bag. They would likely have some difficulty recovering its contents.

There is a comparison with the legal profession. How often do we walk past a troubled colleague until we have to notice? Even then, we may leave them alone and hope things change. The suffering lawyer we left alone until someone had to do something may face major career and life consequences. Can we act sooner so the consequences might be less severe?

We know we have issues. According to a 2016 study, 20.6 percent of attorneys use alcohol in unhealthy ways, 28 percent have experienced depression, 23 percent report overwhelming stress, and 18 percent diagnosable anxiety during our careers. Over 10 percent of us have thought about suicide! This same study showed that stigma keeps lawyers from asking for help. We don't want others to know and we fear that our concerns, once expressed, will not be kept confidential. These same factors prevent us from offering help. We often don't know what to say and believe it's none of our business.

It is our business. What do you look for? First, take note of any changes in behaviors. This can take many forms and may not seem like much from day to day or week to week. However, if you think about a colleague who has changed, think back further. How different are they compared to six months ago, or a year ago? Are they drinking more? Are they angrier, withdrawing, or avoiding? Are support staff acting differently or complaining? Are deadlines just barely being met? Do support staff appear frustrated or are they actively expressing concerns? If they have concerns, would they feel safe telling someone? Are excuses being made

for lateness, absences or behavior? None of these incidents presents a diagnosis—and that's not our job—but they are all red flags.

What can you do? You can ask, "Are you ok?" (See [makeitok.org](http://makeitok.org) for a Minnesota campaign to reduce the stigma of mental illness.) Our tendency is to reassure someone expressing concern so if that happens, ask again with an example of why you are concerned. If they are forthcoming, the next step is to listen, just listen. Do so calmly. Give your full attention and be prepared for the time it takes to learn more. Be ready to suggest Lawyers Concerned for Lawyers or another resource. Pick up the phone yourself.

You can call LCL and we will guide you through how to approach your colleague. If appropriate, we'll help you make a plan ranging from suggested non-judgmental language to assisting with an intervention. If this is a colleague outside your firm or organization, we can help them, too. If you're reading this and wishing someone would reach out to you, that's what this article is about. Call LCL. We will help you. There is someone to talk to 24 hours a day and counseling is offered throughout Minnesota. You can help us reduce the stigma. To learn more or get involved, go to [mncl.org](http://mncl.org), call 651-646-5590, or email [help@mncl.org](mailto:help@mncl.org).

<sup>1</sup> Patrick R. Krill, Ryan Johnson & Linda Albert, *The Prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys*, 10 JOURNAL OF ADDICTION MEDICINE 46–52, 46–52 (2016). See the March 2016 issue of *Bench and Bar* for a more thorough report on the study.



**Joan Bibelhausen**

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Joan Bibelhausen is executive director of Lawyers Concerned for Lawyers (LCL). LCL provides free and confidential peer and professional support to lawyers, judges, law students, and their immediate family members on any issue that causes stress or distress.



# LAWYERS CONCERNED FOR LAWYERS

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## Suicide Prevention: Every Lawyer's Opportunity

*By Joan Bibelhausen, Executive Director, Lawyers Concerned for Lawyers*

Lawyer suicide is in the news. One heartfelt story, *Big Law Killed my Husband*, was written by Joanna Litt (also an attorney) the widow of LA attorney Gabriel MacConaill who died by suicide in October. Not long ago, I read a New York Times article, *A Suicide Therapist's Secret Past*. In it, Stacey Freedenthal, a therapist focusing on suicide prevention, described her own attempt many years earlier. Even though well known in the field of suicide prevention, stigma had kept her from revealing this part of her history. As I read these stories, I thought about our profession and the stigma that can keep us from reaching out in our most desperate hours.

Not only are lawyers at risk, but our clients are as well. Clients in many areas of law are facing crises, loss and other circumstances that can lead to a sense of desperation or hopelessness. Very similar cases may involve clients who respond to their situations very differently. If a client gives cues that they may be suicidal, attorneys have the opportunity to act.

For lawyers, we all know this is a stressful profession. Press coverage of lawyer suicides has magnified the potential impact of that stress. As a profession, we experience depression and alcohol use problems at a significantly higher rate than the general population. We also experience greater rates of anxiety, chronic stress and divorce, and we have a higher rate of suicide and suicidal ideation. If you've attended any of LCL's CLE programs in the past several years, you've heard us talk about this, but all of us we need to keep talking.

The chronic stress we experience may trigger depression or other illnesses, and may lead to a sense of helplessness, increasing anxiety and the inability to complete even mundane tasks. We're paid to solve the problems of others and feel we should be able to solve our own problems ourselves. We may feel shame because lawyers aren't supposed to feel helpless. That helplessness can become hopelessness and the risk for suicide grows exponentially.

What are the signs? Symptoms of depression include:

- loss of interest in normally pleasurable activities;
- difficulty concentrating, remembering or deciding;

- changes in sleep, appetite and weight;
- fatigue;
- having thoughts of suicide.

At the same time there may be a rising sense of anxiety, as if every unfinished project is a ticking time-bomb. Suicide enters one's thoughts as a reasonable solution to a seemingly insurmountable problem. The suicidal person may express a wish to die or make statements that appear to be saying goodbye. He may give away prized possessions, quickly wrap up files, or put his affairs in order. She may make a plan and acquire the means to carry it out, and that plan may simply be enough alcohol to be deadly. People who talk about their suicide, can die by suicide. We all need to talk about it.

Our profession is addressing these concerns through initiatives such as "The Path to Lawyer Well-Being: Practical Recommendations for Positive Change." This 2017 report demands that we begin a dialogue about suicide prevention. Lawyer Assistance Programs have worked to increase awareness for decades and are grateful to have additional allies in this critical effort. The Report's Call to Action recommends events to raise awareness, sharing stories of those affected by suicide, providing education about signs and suicidal thinking, learning signs of distress and making resources available. These are all good things that can make a difference.

The signs are not always verbal. Some warning signs of suicide include:

- hopelessness;
- withdrawal;
- desperation;
- increased use of alcohol and other controlled substances;
- impulsiveness or high-risk behavior;
- loss of engagement or sense of humor
- deterioration in functioning.

Lawyers sometimes think we need to be perfect or we are a failure. Any possible failure becomes an opportunity for intense self-scrutiny and every move we make can become defined by winning or losing. A compromise or settlement may be seen as a failure because we didn't get everything we asked for when we reached for the sky. In the case of Mr. MacConaill, his widow wrote "[S]imply put, he would rather die than live with the consequences of people thinking he was a failure." It doesn't have to be that way, but colleagues have to be observant and meaningfully give encouragement and permission for self-care.

What can you do? Have the courage to ask and to act and be sure you have the time to listen if you personally choose to reach out. If you observe these disturbing behaviors, ask directly, but ask in a way that is true to you. "Have you thought of harming yourself? Are you in a lot of pain? Do you feel unsafe? Are you thinking of suicide?" *Never* ask in a way that suggests you

need a “no” answer, such as “you’re not thinking about suicide, are you?” Asking directly allows the person to speak freely. If he says “no” and you are still concerned, rephrase it and ask again. Give a reason why you asked – the person who said no may be ready to change her answer if you ask again and show you care. The person who is so depressed that he is paralyzed may not be able to affirmatively ask for help but may be able to answer a direct question honestly.

What happens next? The next step is to listen, just listen. Do so calmly because this is not your situation or your crisis or your thing to fix. Give your full attention and be prepared for the time it takes to learn why the pain is so great that dying by suicide seems to be a reasonable option. If you believe suicide may be imminent, get them to professional help and be supportive as they get there. If they have a therapist, call that number. If not, consider taking them to an emergency room. Call 1-800-SUICIDE or 1-800-273-TALK – both are national suicide prevention hotlines. Counselors are also available 24/7 through LCL at 612-646-5590 or 1-866-525-6466.

Once the immediate crisis is past, support is critical to ongoing recovery. Therapy can help someone through the immediate mental illness and provide tools to develop resilience in the future. Medications are often appropriate, especially in the early stages. It’s hard for a lawyer to admit he is struggling financially, but many are and LCL can provide connections to resources to support the cost of ongoing treatment. Personal support and acceptance are critical. We need to know we’re not alone.

If these words generate thoughts of someone you’re concerned about or if you recognize some of these symptoms in yourself, please act. Dr. Freedenthal reported that as she began to feel the effects of her suicide attempt, her brain and body fought back and she lived. Knowing that one can come out on the other side of debilitating pain can provide incredible hope. Call for coaching if you need help on how to reach out to someone. Call for yourself if you find yourself realizing “I’ve thought about suicide.” Hundreds of your Minnesota colleagues called for help last year on many different issues that cause stress or distress in their lives. You’re not alone, and LCL is here to help.

**Lawyers Concerned for Lawyers** provides free and confidential peer and professional support to lawyers, judges, law students and their immediate family members on any issue that causes stress or distress. Through LCL, up to 4 free counseling sessions are available statewide. Services are free, confidential and available 24 hours a day. You can help us reduce the stigma. To learn more, to get involved, or to request LCL’s Suicide Prevention CLE program, go to [www.mnlcl.org](http://www.mnlcl.org), call 651-646-5590, or email (replied to during business hours) [help@mnlcl.org](mailto:help@mnlcl.org).



## LAWYER WELL-BEING

Robin Wolpert

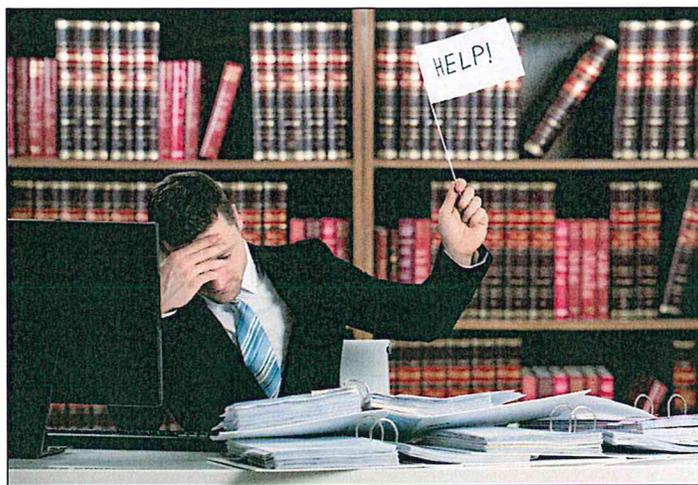
# To be a good lawyer, you must be healthy

**Robin M. Wolpert**  
Special to Minnesota Lawyer

The legal profession is the most hazardous of all professions to our health, research shows. What's more, our future generation of lawyers is most at risk, with younger lawyers suffering the highest rates of problem drinking and depression.

If you think you are just fine and don't have to worry about lawyer well-being, think again. Lawyer well-being isn't just about us individually. It's about the vitality and workability of our colleagues, our teams, and our organizations. Moreover, when one of us is struggling, it comes back to us individually. We may pick up the slack, cover for others, or become enablers. We may suffer challenges to our own mental health. All of this impacts lawyer competence and client service in every sector of the legal profession.

To be a good lawyer, you have to be a healthy lawyer. That's why the Lawyers Professional Responsibility Board and the Office of Lawyers Professional Responsibility are committed to strong, proactive leadership in changing the culture of our legal profession in a manner



DEPOSIT PHOTOS

that promotes lawyers' health. We are grateful for the leadership of the Minnesota Supreme Court, Chief Justice Lorie Gildea, and the court's liaison to the Lawyers Board, Justice David Lillehaug.

This article is the first of a series focusing on the multi-faceted crisis of lawyer well-being. One goal of this series is to provide some basic information about the mental health and chemical dependency challenges facing our lawyers. A second goal is to spark discussion about how we can move from being spectators to agents in creating solutions and building cultural

change in our profession.

Minnesota State Bar Association President Paul Godfrey reminds us that we are "one profession." It is only by acting together that we can take on this challenge. The problem is too big for any one person to solve. And, in my experience, the group of us is smarter than any one of us anyway.

### What is lawyer well-being?

Lawyer well-being is not just the absence of illness. And it's not feeling happy all the time. The National Task Force

on Lawyer Well-Being defines lawyer well-being as a continuous process whereby lawyers seek to thrive across all life's dimensions—emotional health, occupational pursuits, creative or intellectual endeavors, sense of spirituality or greater purposes in life, physical health, and social connections with others.

The taskforce emphasizes that 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."

### A primer: The 2016 ABA Hazelden Study

Just two years ago, our profession got a loud wake-up call. A blockbuster study of nearly 13,000 currently-practicing lawyers was published by the Hazelden Betty Ford Foundation and the ABA Commission on Lawyer Assistance Programs. The 2016 ABA Hazelden Study

concluded that attorneys experience problematic drinking that is hazardous, harmful, and consistent with alcohol use disorders at a higher rate than other professional populations. Significant proportions of attorneys experience some level of depressive symptoms and elevated anxiety. Here are just a few of the staggering statistics:

- Between 21 and 36 percent of lawyers are problem drinkers.
- Lawyers 30 years of age or younger are significantly more likely to engage in hazardous drinking than older lawyers.
- 28 percent of lawyers struggle with depression.
- 19 percent of lawyers struggle with anxiety.
- 23 percent of lawyers struggle with stress.

A link to the study is available with this article at [minnlawyer.com](http://minnlawyer.com)

### The 2016 Law Student Survey

Six months later, the 2016 Survey of Law Student Well-Being was published, providing additional cause for alarm. After surveying 15 law schools and over 3,300 law students, the report found the following:

- One-quarter of the law student population is at risk for alcoholism.
- 43 percent reported binge drinking at least once in the past two weeks.
- 22 percent reported binge-drinking two or more times in the past two weeks.
- 17 percent experienced some level of depression.
- 14 percent experienced severe anxiety.
- 23 percent suffered mild or moderate anxiety.
- 6 percent reported suicidal thoughts in the past year.

A link to this study is available with this article at [minnlawyer.com](http://minnlawyer.com).

### The 2017 National Task Force Report

In response to these two studies and their implications for the health of our profession,

the National Task Force on Lawyer Well-Being published its report and recommendations in August 2017. The Task Force's key message is this: "To be a good lawyer, one has to be a healthy lawyer" and "the current state of lawyers' health cannot support a profession dedicated to client service and dependent on the public trust."

The Task Force Report is a call for action. It sets forth a blueprint for creating a movement to improve well-being in the legal profession. It contains specific recommendations and action items for all stakeholders in the legal profession—judges, lawyer regulators, legal employers, law schools, bar associations, lawyers professional liability carriers, and lawyer assistance programs.

A link to the Task Force Report is available with this article at [minnlawyer.com](http://minnlawyer.com).

### The Toolkit

This past summer, the ABA launched a well-being toolkit for lawyers and legal employers. The toolkit makes the business, professional and moral case for lawyer well-being and goes on to provide an 8-step action plan for legal employers:

1. Enlist leaders in the organization who will commit, support, and role model lawyer well-being and communicate the business case for well-being.
2. Launch a well-being committee to lead the initiative.
3. Define well-being.
4. Conduct a needs assessment to determine the gap between the desired and current state of lawyer well-being, including an audit of policies and practices that influence well-being.
5. Identify priorities that are manageable and achievable.
6. Create and execute an action plan.
7. Create a well-being policy.
8. Continually measure, evaluate, and improve.

A link to the toolkit is available with this article at [minnlawyer.com](http://minnlawyer.com).

### The Pledge

Recently, the ABA Working Group to Advance Well-Being in the Legal Profession published a "Well-Being Pledge" for legal employers. The ABA asks lawyers and organizations to pledge their support to creating a better future and adopt the following seven-point framework:

1. Provide enhanced and robust educational opportunities to lawyers and staff on topics related to well-being, substance use disorders, and mental health distress.
2. Disrupt the status quo of drinking-based events.
3. Develop visible partnerships with outside entities committed to reducing problematic substance use disorders and mental health distress in the profession.
4. Provide confidential access to addiction and mental health experts and resources to all employees, including free, in-house self-assessment tools.
5. Create a proactive written protocol and leave policy that covers the assessment and treatment of substance use and mental health problems, including a defined back-to-work policy following treatment.
6. Actively and consistently promote and encourage help-seeking and self-care as core values of the organization.
7. Highlight the adoption of this well-being framework to attract and retain the best lawyers and staff.

A link to the pledge is available with this article at [minnlawyer.com](http://minnlawyer.com).

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### What's happening in Minnesota

At the annual convention of the Minnesota State Bar Association this past June, Chief Justice Gildea announced that the Minnesota Supreme Court is working on a profession-wide initiative involving all stakeholders in the profession to improve and promote lawyer well-being. The court will be announcing the details of its comprehensive initiative later this fall.

In April 2018, the Office of Lawyers Professional Responsibility and the Lawyers Professional Responsibility Board adopted a strategic plan that included a strong commitment to promoting lawyer well-being and working with all stakeholders in the profession to effectuate meaningful change. The office and the board are working to get information about well-being to our lawyers and spark movement among all stakeholders toward creating a cultural change in our profession and enhancing the ethical practice of law.

It bears emphasizing that lawyer well-being may be new for many of us. But Lawyers Concerned For Lawyers (LCL), a superb organization, has been around for 42 years, providing confidential peer and professional assistance to Minnesota's lawyers, judges, law students, and their immediate family members. The best place to get resources about lawyer well-being is the LCL website: <https://www.mncl.org/>. And the best people to call are Joan Bibelhausen, the executive director of LCL, and her colleagues at LCL, unstoppable champions for lawyers' health.

### Well-being is a team sport

Individual well-being is not just a function of our traits and qualities—it depends on the context within which we operate. Situational factors like workload, a sense of control and autonomy, adequate rewards, a sense of community, fairness, and alignment of values with our organizations influence whether we are engaged or experience burnout.

This, in the end, is why lawyer well-being depends on us as a group, as a profession, as "one profession." The Lawyers Professional Responsibility Board and the Office of Lawyers Professional Responsibility look forward to working with you to improve our professional culture and enhance the ethical practice of law. Will you join us?