

The Lawyer Well-Being Start-Up Kit: 10 Tools and Strategies for Legal Employers **By Anne Brafford**

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

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

1. Launch a Lawyer Well-Being Committee

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

2. Define Well-Being, Set Goals, & Create a Plan

Next, create a positive, concrete vision for your desired future. Start by defining well-being, which can be done either from scratch or by borrowing from the National Task Force's report (at pages 9-10), which takes a multi-dimensional approach. You then can create goals and plans for creating policies and practices needed to support the well-being vision. The following are just a few resources (that can be found on the Internet) to help in this step:

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

3. Measure Indicators of Well-Being

You're likely familiar with the popular saying "What gets measured, gets done." Measuring things makes us pay attention to them—especially when consequences are attached to the outcome. Measuring also informs us when to celebrate a success and when a course change is needed due to a lack of progress. Several ideas for scales (which can be found on the Internet) are provided below:

Subjective Well-Being

- Subjective well-being (SWB) is a widely-used measure of “happiness,” which has been used by Professor Larry Krieger (a contributor to this issue) and others in multiple studies of lawyer and law student well-being. SWB is an assessment of life satisfaction and the balance of negative and positive emotions. Relevant scales can be freely used for non-commercial purposes (available at <https://eddiener.com/>).

Burnout

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

Depression

- The Patient Health Questionnaire-9 is a free measure of depression.

Alcohol Abuse

- The Alcohol Use Disorder Identification Test (AUDIT) is a free measure.

Help-Seeking

- A number of scales measure people’s knowledge of how to seek help and their likelihood of doing so.

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

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

- The University of Pennsylvania’s Authentic Happiness website (www.authentichappiness.sas.upenn.edu) has a Questionnaire Center that includes self-assessments of, for example, optimism, depression, gratitude, strengths, grit, and work-life satisfaction.
- The “Wheel of Life” is a popular exercise (available free on many websites) to assess whether you’re satisfied with the current balance among major parts of your life. The free Wellness Assessment (found at www.funforwellness.com) takes a similar approach by asking you to assess your satisfaction in multiple life domains.
- The Florida Lawyer Assistance Program’s (FLAP) website (<http://fla-lap.org>) provides self-tests for alcohol abuse, depression, and cognitive decline.

5. Provide Education on Well-Being

Continually offer educational programs and create an information hub on your Intranet for well-being resources. Education should cover how to identify, address, and support colleagues with mental health and substance use disorders. The FLAP can help with this. You’ll also want to go beyond the detection and treatment of disorders and address causes and consequences of distress

and strategies aimed at being fully healthy and thriving. Appendix B of the National Task Force’s report provides many ideas for such educational content. Additionally, below are a few examples of the many great books and articles that also could serve as resources:

- Jeena Cho & Karen Gifford, *The Anxious Lawyer: An 8-Week Guide to a Joyful and Satisfying Law Practice Through Mindfulness & Meditation*.
- Cal Newport, *Deep Work: Rules for Focused Success in a Distracted World*.
- Karen Reivich & Andrew Shatte, *The Resilience Factor*.
- Tom Rath, *Are You Fully Charged?*
- Tony Schwartz & Catherine McCarthy, Manage Your Energy, Not Your Time, *Harvard Business Review* (October 2007).
- My book titled *Positive Professionals: Creating High-Performing, Profitable Firms through the Science of Engagement* published by the American Bar Association.
- The website of Patrick Krill, who led the 2016 study on lawyer mental health and substance abuse, provides helpful resources relating to those topics (www.prkrill.com).

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

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

7. Embed Well-Being into Meetings

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

- Including well-being as an agenda item of regular meetings.
- Incorporating engagement-boosting strategies, such as gratitude activities and praise for good work.
- Encouraging “walking meetings” outside rather than sitting in conference rooms.
- Setting new norms for long meetings in which it’s ok to stand in the back, walk around, or stretch.

8. Include Well-Being Topics in Organizational Transitions

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

9. Leverage Well-Being-Related Technology

You can leverage the growing field of well-being technology in a number of ways. For example, among the many factors that can hinder lawyers from seeking help for mental health conditions are a preference for self-reliance and a perceived lack time to fit treatment into busy schedules. To help address this, consider informing lawyers about electronic mental health tools or adding them to your organization's health plans. These include mental health apps as well as therapy via smart phone. A number of studies (which you can find on the Internet) have found that many of these tools can be effective. One computer-based technology that I've tried myself is Mood Gym (moodgym.com.au), which provides training on cognitive reframing—a key resilience capacity that helps combat negative self-talk that can lead to depression.

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

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

10. Develop Effective Leaders

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

Conclusion

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