

How and Why to Bring the Lawyer Well-Being “Movement” to Your Law Firm

by Paula Davis-Laack and Patrick Krill

The ground-breaking report by the National Task Force on Lawyer Well-Being highlights the great need to prioritize lawyer well-being and offers a roadmap for action.

Lawyers and Well-Being

Over the past two years, issues surrounding the health and well-being of attorneys have come into much sharper focus, as growing empirical and anecdotal evidence of lawyer distress and dysfunction have collided with a heightened willingness to do something about the problems. Is the profession finally at a tipping point toward truly prioritizing the well-being of its members? Time will tell, but many indicators — including the increasing emphasis that law firms are placing on the subject — suggest that we may indeed be turning a corner.

As subject matter experts on issues relating directly to the health and well-being of lawyers, one of whom was a co-author of the ground-breaking 2017 report by the National Task Force on Lawyer Well-Being,¹ we will attempt in this article to outline some of the most important points for law firms to consider as they seek to engage with these topics. Regardless of whether firms are wanting to improve the well-being of their lawyers and staff out of humanitarian concerns, to improve their bottom line, to minimize and mitigate the risks that come along with struggling or impaired attorneys, or simply to be competitive with what other firms are doing in this space, the roadmap for how to get there is largely the same. Let's discuss.

What Is Well-Being and Why Is It Important?

Well-being is an often overlooked part of what it truly means to be a good lawyer, yet the skills associated with well-being

aren't usually taught in law school — or in many employment contexts. In fact, our experiences speaking in law firms confirm — on a weekly basis — that lawyers generally have very little working knowledge of the topics about which we've been hired to educate them. On the one hand, this lack of awareness and understanding creates an exciting opportunity to expand horizons. On the other hand, it creates a practical barrier to filling the room, as a fear of the unknown or lack of appreciation for why a subject is important can disincentivize attendance. For that reason, it is critical for law firm management to understand what well-being is, and why it is worth pursuing, and to then clearly communicate it as a firm priority. Not coincidentally, we tend to reach large audiences at firms where the managing partner or other firm leadership has communicated in an email or otherwise that the subject is important, and attendance at the presentation worthwhile.

More plainly, lawyer well-being is about thriving. It's about an overall healthy and positive quality of life that involves responsible choices for oneself and one's clients.

The Task Force Report defines 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.

More plainly, lawyer well-being is about thriving. It’s about an overall healthy and positive quality of life that involves responsible choices for oneself and one’s clients. Important to note, well-being is not defined solely by the absence of illness; it includes a positive state of wellness.

As the Report suggests, the importance of well-being is clearly demonstrated across at least three domains:

- **Lawyer well-being contributes to organizational success:** Employee well-being in the form of engagement leads to higher client satisfaction and loyalty, higher profitability, and more productivity²; greater well-being also equates with less addiction and mental health distress, thereby reducing costs associated with such conditions.
- **Lawyer well-being influences ethics and professionalism:** A minimum level of competence is required to protect clients and to avoid malpractice and discipline issues,³ and troubled lawyers can struggle with even minimum competence. Substance abuse and depression, for example, can both significantly impact the brain’s executive functioning, including diminished memory, attention, abstraction, and problem-solving abilities — all things that are vital to competent and effective lawyering.
- **Promoting well-being is just the right thing to do:** Untreated mental health and substance use disorders can diminish — if not destroy — lives, careers, and families, and they affect too many of our colleagues. Furthermore, many lawyers who do not struggle with substances or mental health problems nonetheless find themselves burned or burning out, disengaged, and completely disillusioned by a profession they worked very hard to enter. We deserve better.

The Reality on the Ground

Lawyers face consistent stress and pressure throughout the arc of their careers. Lawyers just out of law school must be “practice ready” on day one, possessing a toolkit that goes beyond

simply being a good legal technician; mid-level and senior associates work to build their books of business; partners must keep clients happy throughout a gauntlet of continuous change; and lawyers at every stage try to integrate often extreme work obligations with a semblance of a personal life. At the same time, lawyers are often ill-equipped and struggle to successfully manage those challenges, either because of their intrinsic personality traits, the lack of adequate training they receive, or their tendency to adopt unhealthy coping mechanisms (heavy drinking, workaholism, etc.).

As a result, well-being levels can vary. A large-scale 2016 study surveying nearly 13,000 currently practicing attorneys throughout the United States found much higher than average rates of problem drinking, depression, anxiety, and stress,⁴ and for some lawyers, the seeds for those problems are sewn in law school. A recent Survey of Law Student Well-Being found that law students experience higher than average rates of depression, anxiety, and binge drinking.⁵

While most lawyers and law students do not currently have a mental health or substance use disorder, that does not mean they are thriving. Many lawyers feel ambivalent about their work⁶ and different segments of the profession vary in their levels of satisfaction and well-being.⁷

Developing a Well-being Paradigm: Steps for Employers to Consider

There are many research-based tools available to lawyers to help them enhance their well-being, build their resilience to stress, and lower the likelihood of problematic substance use and mental health distress.

Evidence continues to support the health-protective features of psychological well-being in both reducing the risk for disease and promoting quality of life.⁸ There are many research-based

tools available to lawyers to help them enhance their well-being, build their resilience to stress, and lower the likelihood of problematic substance use and mental health distress. Additionally, it is critical for lawyers (and law students) to understand the symptoms of problematic substance use and mental health distress in themselves or their colleagues, and to feel comfortable seeking help at the earliest sign of trouble. To those ends, we suggest deploying the following strategies discussed in the Task Force Report:

1. **Form a Lawyer Well-Being Committee.** Whether incorporated into an existing department (i.e., lawyer development, human resources, or benefits) or conceived as a new, stand-alone group or position, 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 coordinating well-being-specific resources and trainings, 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 the progress of well-being strategies. Importantly, such a committee needs to have the public support and promotion of firm leadership and be funded at an appropriate level to ensure meaningful progress.

2. **Provide high-quality programs about lawyer distress and well-being.** It is crucial for legal employers to teach their lawyers about well-being topics, and to do so through science and evidence-based content with demonstrated efficacy in the lawyer population. These topics may include but are not limited to:

- 1) Work engagement and how to prevent burnout.
- 2) Understanding problem drinking, addiction, depression, and anxiety (including a self-assessment or other check of participants’ mental health and substance use risk).

3) Stress and how to recover and recharge in a healthy way (i.e., without reliance on alcohol and drugs).

4) The relationship between personal well-being, job performance, and career satisfaction.

5) Resilience and cognitive reframing techniques.

6) The basics of self-care, including nutrition, rest, exercise, and restorative practices such as mindfulness and meditation.

3. **Leaders should demonstrate a personal commitment to well-being.** Any type of wide-scale change requires buy-in and role modeling from leadership. Leaders should be encouraged to talk about ways they demonstrate well-being in their own lives, and seek to encourage well-being in those over whom they have influence. (Note: We have both found that management-specific trainings and workshops are an especially useful predicate to this process, whereby it is possible to help leaders understand and develop comfort with well-being concepts prior to expecting them to embrace or advocate for them within the firm.)

4. **Facilitate, destigmatize, and encourage help-seeking behaviors.** This is key, and it’s really tough. While leading an addiction treatment program for attorneys, judges, and law students, Patrick frequently saw patients who had waited until their substance use and mental health disorders had progressed to a point of such severity that their livelihoods, families, and even their lives hung in the balance. They could have sought help sooner, but were often too paralyzed by fear, shame, and denial to do so. Similarly, when Paula burned out at the end of her law career, she refused to tell anybody for fear of being singled out and identified as the “weak one.” While it’s a very common mindset, it isn’t helpful. Paula could have received help much sooner, but instead waited until she was getting near daily panic attacks and her options were more limited.

5. Foster collegiality and respectful engagement

throughout the profession. Chronic incivility depletes the legal profession’s most valuable resource — its people. Collegiality, on the other hand, fosters psychological safety — the feeling that the work environment is trusting, respectful, and a safe place to take risks.⁹ When lawyers don’t feel psychologically safe, they are less likely to seek or accept feedback, experiment, discuss errors, and to speak up about potential or actual problems.

ABA President Hilarie Bass has issued a call to action for the profession, having appointed a working group to develop model law firm policies on lawyer well-being.¹⁰ In today’s legal profession, focusing on organizational outcomes is only one part of the success equation; law firms need to also prioritize employee well-being in order to be sustainable. Only then will the profession truly flourish.

Endnotes

¹ Prompted primarily by recent data on lawyer and law student substance use and mental health distress, a National Task Force on Lawyer Well-Being was conceptualized and initiated comprising a collection of entities within and outside of the American Bar Association (the “Task Force”). In its report, [The Path to Lawyer Well-Being: Practical Recommendations for Positive Change](#) (the “Report”), the Task Force proposes a slate of recommendations for law firms, law schools, regulators, the judiciary, bar associations, and professional liability carriers.

² James K. Harter, Frank L. Schmidt, and Theodore L. Hayes, “Business-Unit-Level Relationship between Employee Satisfaction, Employee Engagement, and Business Outcomes: A Meta-Analysis,” 87(2) *J. of Applied Psychol.* 268-279 (2002).

³ *Supra* note 1 at 8.

⁴ Patrick R. Krill, Ryan Johnson, and Linda Albert, “The Prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys,” 10 *J. Addiction Med.* 46 (2016).

⁵ Jerome M. Organ, David B. Jaffe, and Katherine M. Bender, “Suffering in Silence: The Survey of Law Student Well-Being and the Reluctance of Law Students to Seek Help for Substance

Abuse and Mental Health Concerns,” 66 *J. Legal Educ.* 116 (2016).

⁶ David L. Chambers, “Overstating the Satisfaction of Lawyers,” 39 *Law & Soc. Inquiry* 1-21 (2013).

⁷ Jerome M. Organ, “What Do We Know about the Satisfaction/Dissatisfaction of Lawyers? A Meta-Analysis of Research on Lawyer Satisfaction and Well-Being,” 8 *U. St. Thomas L. J.* 225 (2011).

⁸ Carol D. Ryff, “Psychological Well-Being Revisited: Advances in the Science and Practice of Eudaimonia,” 83 *Psychotherapy and Psychosomatics* 10-28 (2013).

⁹ Christine Porath, [“How Rudeness Stops People from Working Together,”](#) *Harvard Business Review*, January 20, 2017.

¹⁰ Hilarie Bass, [“ABA Works to Address Attorney Substance Use and Mental Health Disorders,”](#) *ABA Journal*, December 2017.

About the Authors



Paula Davis-Laack, JD, MAPP, is a former practicing lawyer, an internationally-published writer, speaker, media contributor, and a stress and resilience expert who has taught burnout prevention and resilience workshops for thousands of professionals around the world. Paula left her law practice after seven years and

earned a master’s degree in applied positive psychology from the University of Pennsylvania. As part of her post-graduate training, Paula was selected to be on the University of Pennsylvania faculty teaching and training resilience skills to soldiers for the Army’s Comprehensive Soldier and Family Fitness program. The Penn team provided training in resilience skills to more than 30,000 soldiers.

Her articles on stress, burnout prevention, resilience, and thriving at work are prominently featured on her blogs in *The Huffington Post*, *Forbes*, *Fast Company*, and *Psychology*

Today. She is the author of three e-books, the latest one titled, *STRONG: Stress Relief Strategies When You Have 10 Minutes or Less*. In addition, she is contributing a chapter to a book on well-being in the law to be published by the American Bar Association. Her expertise has been featured in and on *O, The Oprah Magazine*, *Redbook*, *Time.com*, *Today.com*, The Steve Harvey TV show, *Huffington Post Live*, and a variety of media outlets. She has also been featured in and on the *Lawyerist*, numerous *Law360.com* articles, several ABA articles, including in *Law Practice Daily*, various ABA webinars, and the *Women’s Law Journal*.

She is the Founder and CEO of the Stress & Resilience Institute, a training and consulting firm that partners with law firms and organizations to teach resilience and well-being strategies to help lawyers better manage stress and prevent burnout and process the challenges and setbacks connected with business development, leadership development, and innovation (www.pauladavislaack.com). You can reach Paula at paula@pauladavislaack.com.



Recognized as one of the leading authorities on the addiction and mental health problems of lawyers, Patrick Krill, JD, LL.M., MA, is the founder of [Krill Strategies](http://KrillStrategies.com), a behavioral health consulting firm exclusively for the legal profession. In that role, he serves as trusted advisor to mid-size and large law firms throughout

North America and Europe, educating them about and helping them navigate addiction, mental health, and well-being issues. Patrick is an attorney, licensed and board-certified alcohol and drug counselor, author, public speaker, and thought leader. His ground-breaking work in the field of attorney behavioral health includes initiating and serving as lead author of the 2016 ABA/Hazelden Betty Ford study on attorney substance use and mental health that was published in *The Journal of Addiction Medicine*.

Patrick is a member of the National Task Force on Lawyer Well-Being, and was a co-author of its 2017 report discussed in this article. Patrick also serves on the Advisory Committee to the American Bar Association Commission on Lawyer Assistance Programs, and in October 2017, was honored with the Commission’s Meritorious Service Award for Outstanding Contribution to Lawyer Well-Being. In 2017 he was also appointed to ABA President Hilarie Bass’s Working Group to Improve Lawyer Well-Being.

Patrick is the former director of the Hazelden Betty Ford Foundation’s Legal Professionals Program, a preeminent clinical treatment program for addicted attorneys, judges, and law students. While leading that program, 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.

Patrick has authored more than sixty articles related to addiction and mental health, including his biweekly advice column for *Law.com*, and frequent contributions to *CNN.com*, the *Huffington Post*, and other national outlets. Also a regular source for print and broadcast media, he 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. Patrick has been a guest on numerous national broadcasts, including multiple appearances on NPR and the Dr. Drew Podcast. He can be contacted at Patrick@prkrill.com.

PD Quarterly



We hope you have found this article from PD Quarterly helpful.
Read more articles by subscribing today!

PD Quarterly is a journal offering thoughtful, in-depth explorations of lawyer and law student professional development and talent management topics written by thought leaders in PD and talent management. This digital publication is available online with enhanced navigation tools or you can download a PDF of each issue. The choice is yours!

Subscribe now and your four-issue subscription will start with the May 2018 issue. As a bonus you will immediately receive the current February 2018 issue and access to content from previous issues.

Order Form

Order Date: _____

Name: _____

Title: _____

Organization: _____

Address: _____

City: _____ State: _____ Zip: _____ Country: _____

Phone: _____ Fax: _____

Email to which the subscription should be sent: _____

Subscription Pricing

- Law school, government, or public interest organization employee - **\$150/year** (4 issues)
- NALP or PDC member - **\$250/year** (4 issues)
- Non-Member of NALP or PDC - **\$350/year** (4 issues)

Payment Information

Enclosed is a check payable to NALP in the amount of \$ _____

Charge my Visa MasterCard American Express in the amount of \$ _____

Card #: _____ Expiration: _____

Name on card: _____

Signature: _____

Return completed form to: NALP, 1220 19th Street, NW, Suite 401, Washington, DC 20036
Phone: 202-835-1001 | Fax: 202-835-1112 | info@nalp.org