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JLAP: What are law firms doing to address well-being issues?

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Practicing law is stressful. Stress breeds anxiety, depression, problem drinking and other challenges to being a well-adjusted, successful lawyer. Help can come from many areas, such as friends, family and medical professionals. An American Bar Association-backed task force report recommends law firms should be squarely in this remedial mix.

“The Path to Lawyer Well-Being: Practical Recommendations for Positive Change,” an August 2017 report National Task Force on Lawyer Well-Being, recommends law firms take a variety of actions to help their lawyers. Firms are encouraged to form a lawyer well-being committee to evaluate the work environment, identify how best to promote a positive state of well-being, and develop partnerships with lawyer assistance programs. In Indiana, that program is the Judges and Lawyers Assistance Program.

JLAP’s executive director, Terry Harrell, was a member of the task force that authored the report, which also encourages law firms to assess lawyers’ well-being, monitor lawyers for signs of addiction, actively combat social isolation and emphasize a service-centered mission.

Harrell said that since the national task force issued its report, she has fielded a “handful” of calls from Indiana law firms seeking help in complying with the report’s recommendations.

“I think perhaps the ball just started rolling,” said Harrell, the immediate past chair of the ABA Commission on Lawyer Assistance Programs.

Harrell chairs the ABA Working Group to Advance Well-Being in the Legal Profession.

Harrell recently spoke to about 350 attorneys at a conference of the National Association for Law Placement in Washington, D.C., many of whom are responsible for lawyer well-being at their law firms.

“People were pretty fired up about ways to get their people more help,” Harrell said. “I feel like we’ve lit a fire.”

Some Indiana law firms are taking notice.

“We are very aware of the report,” said Dana Gray, director of professional development and engagement at Faegre Baker Daniels. “Our history is we’ve been pretty thoughtful about this issue anyway.”

Gray said Faegre sponsored JLAP-related training for its legal professionals before the report was issued, and plans to continue doing so.

The firm incorporated mindfulness training for all personnel in 2017, including meditation and a wellness challenge, according to Yvonne Miller, Faegre’s director of human resources.

“We tried to get people to think more about themselves and take care in times of stress,” Miller said.

In addition, Faegre offers lawyers alternative career paths other than just becoming a partner, an 1,850-billable-hour requirement and flexible work-from-home options. Gray also said every associate has an adviser within whom they can talk in confidence about substance abuse or other concerns. Faegre also has an employee assistance program, and offers a sabbatical program for partners.

Other Indiana law firms also are stepping up to provide the types of lawyer assistance recommended by the ABA task force report.

Linda K. Todd, professional responsibility counsel at Barnes & Thornburg, said there has been “kind of a call to action” at her firm in this area.

“We always talk about the tragedy of substance abuse,” Todd said. “It’s something we can prevent.”

Todd has been at Barnes & Thornburg for 20 years and said she has seen “a huge shift in firm culture in work-life balance.”

Her firm now offers a variety of professional tracks – associate, of counsel, staff attorney and partner – with each category having different billable hour requirements.

“We’ve expanded our way of thinking,” Todd said.

This includes a wellness program offered through the firm’s insurance company. The firm even sponsors yoga classes twice a week. Though, Todd recognizes that some people “would rather have a

beer than do yoga.”

Steve Badger, Barnes & Thornburg’s deputy general counsel, recognizes there’s still work to be done. “We’ve looked at our policy and determined we need to bolster it,” Badger said.

Badger said the firm strives to assess its risks and protect clients, while also supporting and protecting its people.

“It’s always a demanding job and a demanding profession,” Badger said. “You want to work in a workplace that is supportive and healthy.”

Despite training and education efforts, the culture of any law firm can be difficult to overcome. “It’s the elephant in the room,” Badger said.

Badger said that after a “big win” attorneys might reflexively go to a bar to celebrate.

“We’ve got to think of healthier ways to release the stress that we all go through,” Badger said. “That’s something that we all have to work harder on.”

While many large law firms have taken important steps to promote lawyer well-being, small firms lag behind, said Harrell.

“They don’t have the resources of the large law firms,” Harrell said.

However, Harrell said that small law firms do have an advantage over larger firms in that they have more flexibility to do what works in their situation. Harrell said in a small firm, a struggling lawyer’s colleagues may be more likely to notice a change in behavior that often can be a warning sign.

“I know of situations where the firm simply didn’t notice the person was going down,” Harrell said. “By the time it came to light, one guy simply died. It was a lack of awareness.”

Fortunately, JLAP equally assists law firms of all sizes. This assistance, combined with the ABA task force’s recommendations, provides hope for meaningful change to law firm culture.

A law firm’s approach to struggling lawyers can do more than just make a noticeable difference. It can save lives. Just ask “Mark,” which is not his real name. Mark is a partner at an Indiana law firm with approximately 100 lawyers. Mark had been a problem drinker at least since law school, and this behavior carried into his legal career. Mark began arriving late for work and regularly leaving by 3 p.m. to head to a bar. He thought the firm had no idea what he was up to. In 2011, he showed up for his annual partner evaluation, expecting the usual. Instead, he got an intervention.

“My managing partner said let’s go hit a conference room,” Mark said. “I walk in and there are maybe a half-dozen of my partners sitting around the conference table, which immediately led me to understand this was not my normal yearly evaluation. I knew the jig was up.”

Mark said his partners presented him with two options: treatment or termination. While this approach was stern, Mark said it also was compassionate.

“It was the greatest relief of my life,” he said. “I could admit that I needed help and get it.”

Mark began his sobriety the next day, checking into a premier treatment program in Chicago that cost over \$10,000. Mark's insurance company denied his claim, but his law firm accepted responsibility for the treatment cost while pursuing the claim on Mark's behalf. Mark stayed in the treatment program for six weeks, at which time he was successfully released.

Mark has remained sober ever since, has a successful law practice and volunteers his time helping JLAP clients.

Mark said his firm offered him the opportunity to receive the treatment he desperately needed. "It is a life and death situation," Mark said. "If you simply terminate the person with no offer of assistance, you may be signing their death warrant."•

• **Tim A. Baker** is a U.S. magistrate judge in the Southern District of Indiana and a member of the Indiana Judges and Lawyers Assistance Program Committee. The opinions expressed are those of the author.