

Wellness Checkup: A Progress Report on Lawyer Well-Being Initiatives

By John Murph

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It is fairly known that lawyers suffer from alcoholism and mental health disorders at higher rates than the general population, but a landmark [study \(https://www.prnewswire.com/news-releases/aba-hazelden-betty-ford-foundation-release-first-national-study-on-attorney-substance-use-mental-health-concerns-300214321.html\)](https://www.prnewswire.com/news-releases/aba-hazelden-betty-ford-foundation-release-first-national-study-on-attorney-substance-use-mental-health-concerns-300214321.html) by the American Bar Association Commission on Lawyer Assistance Programs (CoLAP) and the Hazelden Betty Ford Foundation in August 2016 revealed just how widespread and alarming the problems were in the legal profession.

The study surveyed nearly 13,000 practicing lawyers and found that between 21 percent and 36 percent qualified as problem drinkers, almost 28 percent battled some levels of depression, 19 percent experienced anxiety, and 23 percent struggled with stress. The findings also noted that attorneys in their first 10 years of practice — particularly at private firms — experienced the highest rates of alcohol abuse and depression. Not surprisingly, younger lawyers also had the highest rate of problem drinking.

The study certainly raised alarm bells over the mental health of attorneys, but it also prompted stakeholders in the legal profession to take action to promote lawyer well-being. Here's a look at what the legal community has accomplished since the 2016 report.

National Task Force on Lawyer Well-Being

Soon after releasing the study, CoLAP, along with the National Organization of Bar Counsel and the Association of Professional Responsibility Lawyers, created the National Task Force on Lawyer Well-Being. In August 2017, the task force released the report [“The Path to Lawyer Well-Being: Practical Recommendations for Positive Change” \(http://lawyerwellbeing.net/\)](http://lawyerwellbeing.net/) to help the legal profession better address substance abuse and mental health problems confronting lawyers.

The report offered numerous recommendations, such as building relationships with lawyer well-being experts, enhancing lawyers' sense of control over balancing their professional and personal lives, de-emphasizing drinking alcohol at social events, and developing methods of monitoring and detecting declining forms of well-being. The recommendations were crafted around five core steps in accomplishing healthier work and educational cultures: identifying stakeholders, ending the stigma surrounding help-seeking behavior, emphasizing that well-being is an indispensable part of a lawyer's duty of competence, expanding educational outreach and programming on well-being issues, and changing the tone of the profession.

Firms Take a Well-Being Pledge

Since the release of “The Path to Lawyer Well-Being,” there's been an uptick in law firms, law schools, and courts around the country embracing the mission of creating better environments for legal professionals. In September 2018, the ABA launched the [Well-Being Pledge \(https://www.americanbar.org/groups/lawyer_assistance/working-group_to_advance_well-being_in_legal_profession/\)](https://www.americanbar.org/groups/lawyer_assistance/working-group_to_advance_well-being_in_legal_profession/), a campaign that encourages legal employers to take steps to improve the health and well-being of lawyers.

Forty legal employers, 39 of them law firms, have since taken the pledge, according to Terry Harrell, one of the founders of the National Task Force on Lawyer Well-Being, co-author of “The Path to Lawyer Well-Being,” and chair of the ABA Working Group to Advance Well-Being in the Legal Profession.

Harrell, who is also executive director of the Indiana Judges and Lawyers Assistance Program, says that law firms have been amazingly receptive to the recommendations outlined in “The Path to Lawyer Well-Being” report. The well-being pledge also paved the way for more collaborative efforts within the legal profession, Harrell says. “[People] want to connect with others who took the pledge so that they can share ideas and see what's working and what's not working,” she adds.

Harrell notes that the recommendations are optional, meaning law firms, corporations, law schools, and courts aren't obligated to implement them. In fact, while speaking at a law school event, she recalls getting a

little pushback on the recommendation about de-emphasizing drinking alcohol at social events. Some faculty members interpreted that recommendation as a zero-tolerance policy on alcohol at professional social gatherings. Harrell addressed those concerns by suggesting that faculty members model responsible drinking to the students.

“The idea is changing the focus of some of these lawyer events from drinking to socializing or networking,” Harrell says.

The National Task Force on Lawyer Well-Being also took into consideration the budgetary concerns of smaller law firms regarding implementation of costlier recommendations like hiring in-house wellness experts, initiating a wellness committee, or inviting expert speakers. However, Harrell argues that while smaller firms may lack financial resources to fund high-end wellness programs, they have greater flexibility in addressing some of their employees’ needs.

“Smaller firms have more flexibility in deciding things like not working on Fridays during the summer, or accommodating someone coming in late three days a week [after] he or she goes for a long morning run,” Harrell said. “And it’s easier at small law firms to keep your eyes out for your colleagues.”

In its report, the task force also promoted the benefits of investing in firm employees by citing research conducted by Gallup, Inc., which found that employee well-being is linked to the success of many organizations. The healthier the workforce, the lower the turnover rate and the higher the productivity and profitability rates. That’s extremely important considering that a 2016 survey by Law360 found that more than 40 percent of lawyers reported they were likely or very likely to leave their current law firms in the following year. It also reported that high turnover for large law firms costs an estimated \$25 million every year.

Critics Say It’s Not Enough

“The Path to Lawyer Well-Being” report met with some criticism, however. In a September 20, 2018, [blog post \(http://www.lawyerswithdepression.com/articles/why-we-need-to-talk-about-lawyers-mental-health-now/\)](http://www.lawyerswithdepression.com/articles/why-we-need-to-talk-about-lawyers-mental-health-now/), Dan Lukasik, director of the Workplace Well-Being for the Mental Health Association in Buffalo, New York, argued that the report and task force didn’t address mental health issues enough. Lukasik said that “the emphasis on alcohol and substance abuse appears to push depression and anxiety to the back seat.”

“Historically, scant attention had been paid to lawyer mental health problems for years because most LAPs [lawyer assistance programs] found this to be outside their area of expertise or philosophy. Many who called LAP with these issues were referred for outside treatment. A good thing, no doubt. But there wasn’t much help beyond that,” Lukasik wrote.

Harrell, in response to Lukasik’s concerns, says the report did not intend to “minimize the importance of mental health, because it’s near and dear to most of our hearts.” “But we were looking at the entire population,” Harrell adds. “The aim of this report is to improve the well-being of the entire profession at organizational levels, which is a broad task.”

Law Schools Make Strides

While law firms and corporations are increasingly implementing wellness programs, some of which are separate from their Employment Assistance Programs, law schools also play a crucial role in changing the culture of the legal profession, thanks in part to the findings of the 2016 study “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.”

The Survey of Law Student Well-Being, which gathered information from 15 law schools and more than 3,000 law students, reported that 17 percent of respondents experienced some levels of depression, 14 percent experienced severe anxiety, 23 percent had mild anxiety, and 6 percent reported serious suicidal thoughts during that year.

Some law schools, such as American University’s Washington College of Law in Washington, D.C., have already started looking into noteworthy wellness initiatives prior to the release of “The Path to Lawyer Well-Being.”

David Jaffe, the associate dean of student affairs at Washington College of Law and a co-author of “The Path to Lawyer Well-Being,” observes that some law schools are doing a better job at introducing wellness in their student orientation at the beginning of the school year.

“Five years ago, most schools had a concern about the students being excited about [entering law school], then being quickly hit with [statistics] about the potential of dealing with stress, anxiety, and depression. I think we danced around that for a long time,” Jaffe says. “Maybe in light of the survey, I think a lot of law schools have changed their tune around that. Also, students coming to law school now are more self-aware and are wanting these things. So, for us at orientation, we have a session called ‘Tips and Skills for Your Success During Your First Year,’ but we really would fold into it another session on diet, sleep, mindfulness, meditation, yoga, and wellness.”

Throughout the school year, Washington College of Law provides wellness initiatives such as free weekly mindfulness meditation sessions, yoga classes, and aromatherapy. During its Mental Health Week, the school has offered massage chairs for its students, faculty, and staff members, and has hosted Puppy Day just prior to final exams so people can play with puppies to relieve momentary stress and anxiety.

“We ensure that we have satellite clinicians from the main campus put in a number of hours at the law school so that the law students can see them,” Jaffe says.

Student attendance is another important issue for Jaffe. He argues that monitoring attendance is a great indicator of a student’s well-being. “A student who is missing class on a regular basis is not just [missing] because they are not prepared for the class; it’s typically because there is something else that’s going on in the student’s life that we need to know about. We focus on attendance as a significant issue so that we can check in on students to see what’s going on,” he says.

Jaffe believes that law schools addressing wellness can greatly impact the future of law, producing graduates with a deeper understanding about the lifelong benefits of wellness.

“We are going to be graduating students who are going to be looking for wellness programs at law firms,” he says. “I don’t want to say ‘demanding’ necessarily, but asking for wellness will be part of their individual candidacy process. I think a lot of law firms are thinking about that also.”