

Call to Action: Attorney Well-Being for In-house Counsel

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February 28, 2019



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5 Goals for Today

- Understand why General Counsel should emphasize well-being
- Consider a case study—3M
- Get to know the ABA Well-Being Toolkit
- Consider the ABA Well-Being Pledge
- Convince you to be a leader on well-being



Why Focus on Well-Being?

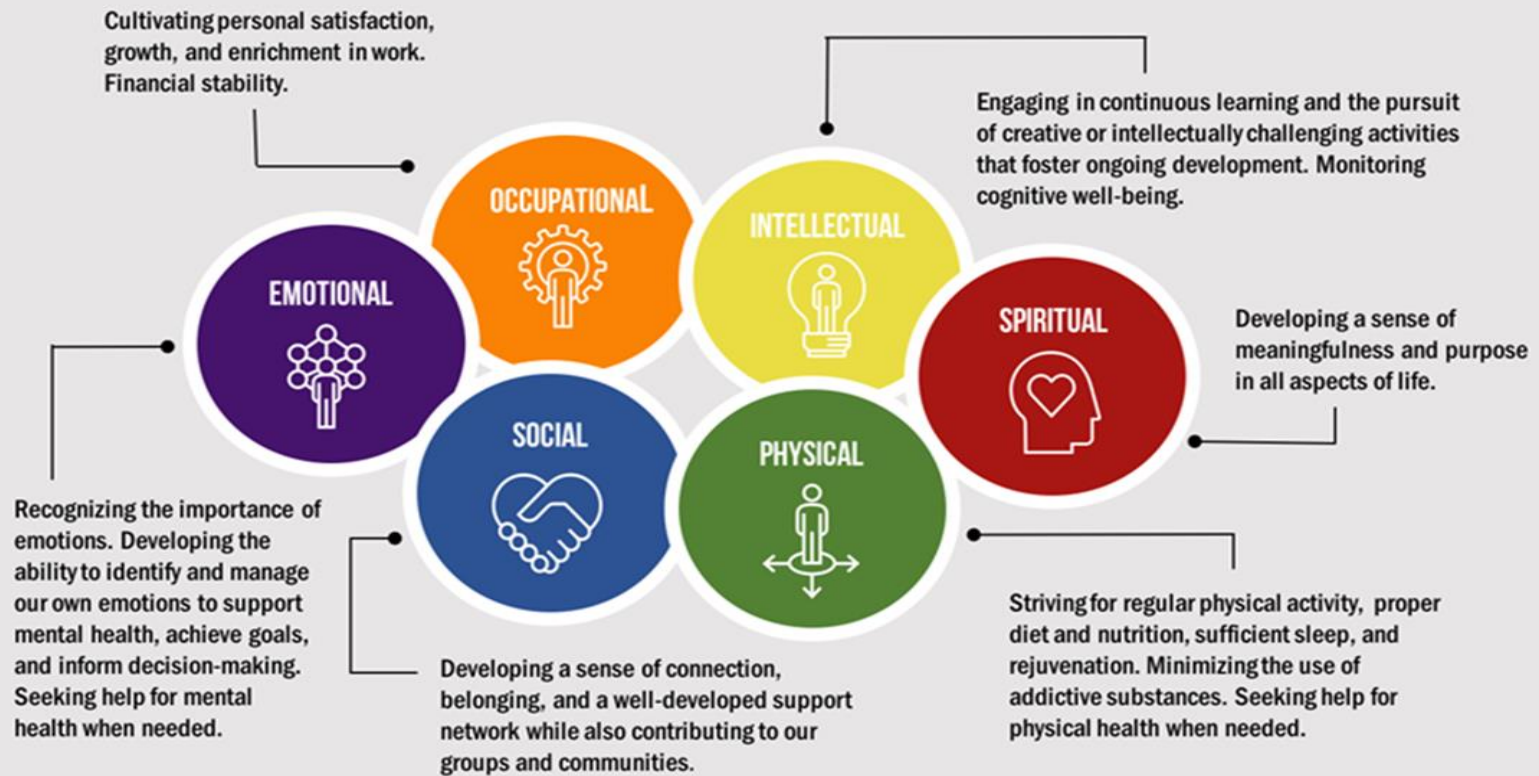
- Organizational success
 - Business unit sustainability
 - Client service
- Well-being influences ethics and professionalism.
 - Rule 1.1 – competence
 - Rule 1.3 – diligence
- Humanitarian reasons—untreated mental health and substance use disorders ruin lives and careers.



What is Lawyer Well-Being?



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





Lawyers Concerned for Lawyers

- Since 1976, LCL serves lawyers, judges, law students and their families
- Up to 4 free counseling sessions on any issue causing stress or distress
- Statewide peer support
- Free and confidential; help available 24/7
- Legal organizations can call for guidance, coaching resources and training. Many have.
- 651-646-5590 • www.mnlcl.org • help@mnlcl.org

A Moment for questions

- What questions do you have about well-being in the workplace?



Case Study: 3M





3M Legal Affairs Well-Being Journey

Ivan Fong


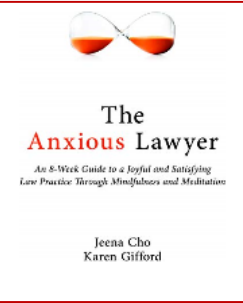
Senior Vice President,
Legal Affairs &
General Counsel

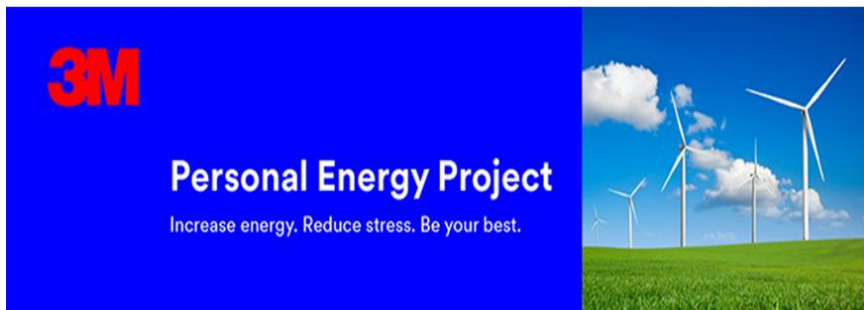
Deidre Rehfeld

Associate General
Counsel, Labor and
Employment

February 28, 2019

3M's SAP deployment heightened awareness around stress and well-being

<p>Summer 2016</p>	<p>Offered Virtual Training with SAP deployment</p>	
<p>Fall 2016</p>	<p>Legal Affairs invites author and lawyer Jeena Cho to speak on “Achieving Work Life Balance through Mindfulness”</p>	
<p>Winter 2017</p>	<p>3M launches survey and education to help employees improve energy</p>	



3M leaders recognized the need to help employees better manage stress



3M Legal Affairs also is prioritizing Well-Being

April 2018	<i>Resilience</i> added to Legal Affairs Strategic Intent and Development Programs
Spring 2018	“Mindful Meetings” posters introduced
June 2018	US Legal Affairs Employees Take Energy Audit
September 2018	Energy Audit Follow-up Engagement Session for US Legal Affairs with 3M Psychologist
September 2018	“A Mindful Minute” & “Boosting Mental Energy” at Global All Hands Meeting
November 2018	3M Legal Affairs signs ABA Pledge on Lawyer & Legal Professional Well-Being
January 2019	3M Legal Affairs launches 2019 Management Initiative - Workplace Inclusion, Satisfaction and Energy (“WISE”)

In 2018 we committed to elevate Well-Being and incorporated *Resilience* into our Legal Affairs Strategic Intent

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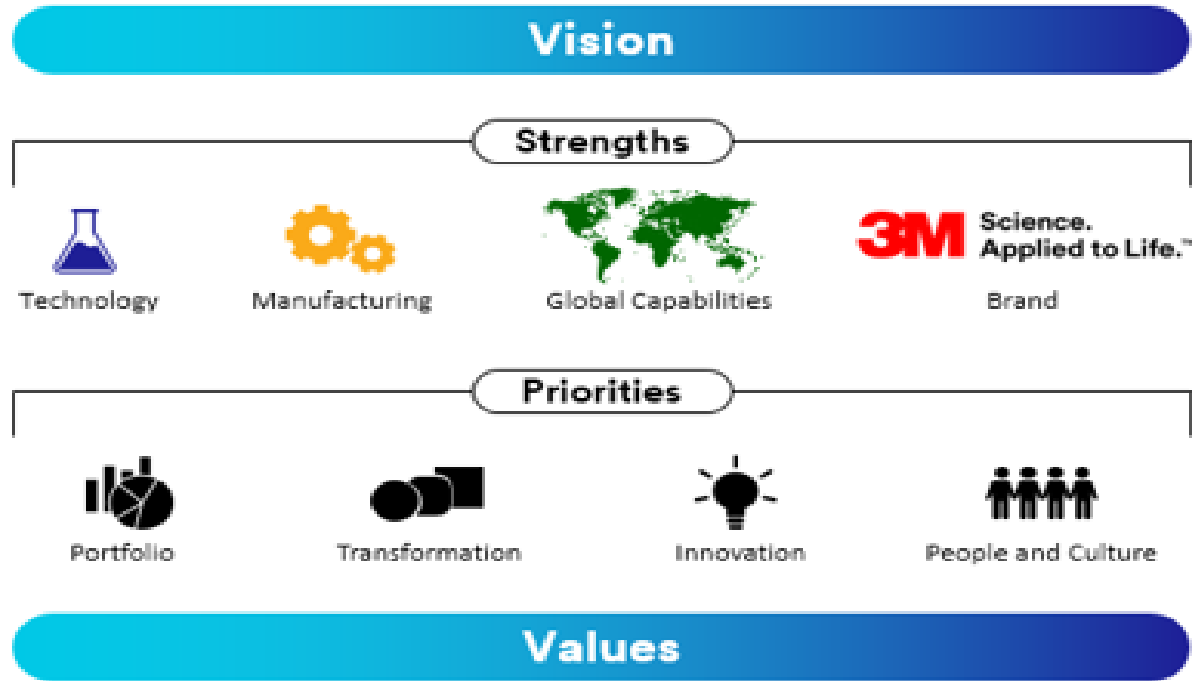


3M Legal Affairs Mission and Strategic Intent

3M Value Model **3M** Science.
Applied to Life.™

3M Legal
Affairs Mission

One Global Legal
Affairs Team
Partnering for
Ethical and
Sustainable
Growth
Serving 3M and
Community



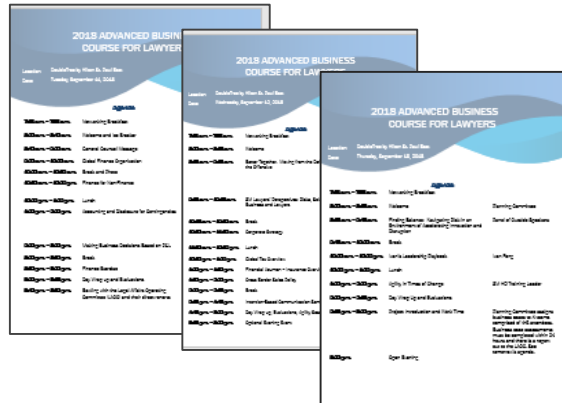
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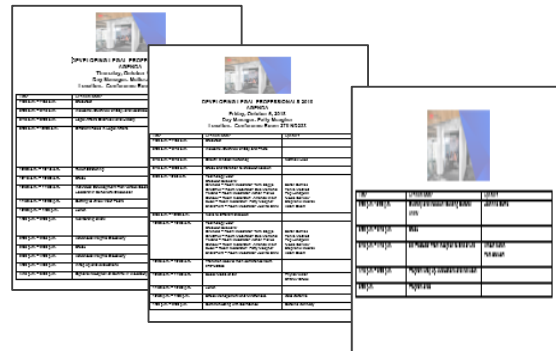
Agile, resilient leaders delivering customer-focused legal solutions to advance 3M's strategic priorities

“Resilience” training added to 3M Legal Affairs 2018 Leadership Development Programs

Advanced Business Course for Lawyers



Developing Legal Professionals



COURSES

- Agility in Times of Change
- Growth Management Workshop
- Stress Management and Mindfulness

Created “Mindful Meetings” Posters

3M Legal Affairs Supports Mindful Meetings



Mindfulness in Action

Pre-Meeting	Meeting	Post Meeting
<ul style="list-style-type: none"> • Include <u>transition time</u> ex. schedule 45 min rather than 1 hr. • <u>Invite</u> only those who are truly needed • Provide an <u>agenda / objectives</u> ahead of time 	<ul style="list-style-type: none"> • <u>Be on time</u> – or quietly enter the room if time is not on your side • <u>Be fully present</u> – turn devices off • Start the meeting by revisiting the agenda to ensure <u>alignment</u> • Practice thoughtful, <u>inclusive communication</u> – checking in with everyone, ensuring all ideas are heard • Practice <u>active listening</u> • Approach topics with a <u>beginner’s mind</u> • <u>Ask for clarification</u> when needed • End with <u>reflection and action items</u> • <u>Celebrate</u> if the meeting ends early 	<ul style="list-style-type: none"> • <u>Follow-up</u> in a timely manner / meeting notes • <u>Prepare</u> for next meeting with clearly defined objectives

When in doubt... Breathe.



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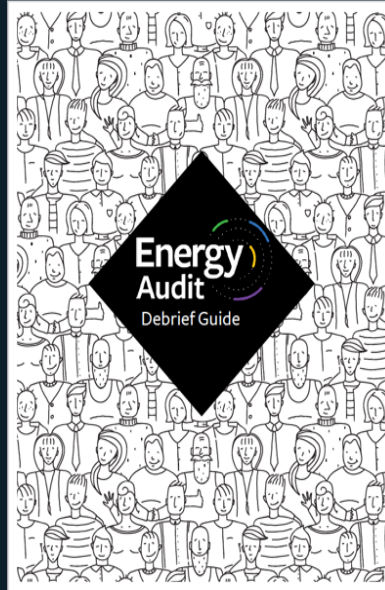
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Conducted Energy Audit Follow up Actions

3M's Employee Assistance Program Provided September Training Session



Energy Audit Debrief Guide

- Understand the language of the audit
- Interpret your scores
- Determine how to build an energy ritual to more proactively manage your energy, and build capacity and resilience.

It will ultimately help to leverage The Energy Audit® to build a healthier, happier, more focused, more purposeful life, as well as to perform more sustainably at your best.

At our Legal Affairs Communication Meeting in November the global organization learned about “Boosting Mental Energy” – beginning with a one minute meditation



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3M Legal Affairs Signed ABA Well-Being Pledge

“No one benefits from a burned-out lawyer or other legal professional. We want to ensure our people are aware of the support structures that exist in our company and to remove, or at least reduce, the stigma associated with seeking help. That is the way in which we can have the greatest impact,” Fong said Wednesday.

-Law 360, November 21, 2018

ABA Pledge Commitment Form

Recognizing that substance use and mental health problems represent a significant legal profession, and acknowledging that more can and should be done to it and well-being of lawyers and legal professionals, we the attorneys and legal staff of 3M Legal Affairs hereby pledge our support for this innovative campaign and adopt and prioritize its seven-point framework for building a better future.

3M Legal Affairs has taken the following steps to promote well-being in our department during the past year:

- 3M Legal Affairs has provided enhanced and robust educational opportunities and legal professionals on topics related to well-being, substance use and mental health distress. Describe at least one program your organization during the past year:

As part of an overall strategic initiative to focus on resilience and well-being, 3M department recently completed an energy survey, using a self-audit tool developed by Project. The survey assessed individual and organizational energy in four areas: physical and spiritual (i.e., purpose-driven). We reviewed the results of the survey in a legal department at a follow-up educational session with an Employee Assistance Program professional and published tips for reducing stress and enhancing well-being. We plan continue to host programs on well-being, resources to address substance abuse and mental health distress in the future.

- 3M Legal Affairs has disrupted the status quo of drinking-based events: Describe at least one way in which your organization has de-stigmatized alcohol:

Our legal department has a longstanding practice of offering equally attractive non-alcoholic beverages at all our events. We take care to encourage responsible behavior at all our example, at a recent networking reception, we held an after-work bowling event instead of a bar to allow people to enjoy time connecting with one another in a setting free of alcohol.

- 3M Legal Affairs has developed visible partnerships with outside entities on reducing problematic substance use disorders and mental health distress in the profession. Describe at least one way in which your organization has participated outside entities to promote well-being:

For the last few years, we have partnered with a local non-profit organization, Lawyers Concerned for Lawyers (LCL), dedicated to helping members of the legal profession information and help to address chemical dependencies, mental health issues and other behavioral health concerns. The director of LCL came to one of our management meetings years ago to review the services it offers, and we have kept in touch with the organization periodically since then. We plan to host another presentation with them in early 2019.

- 3M Legal Affairs has provided confidential access to addiction and mental health experts and resources to all employees, including free, in-house self-assessments. Describe the ways in which your organization has fulfilled this commitment (optional):

Access to addiction and mental health experts is available to eligible US-based employees through 3M's health insurance benefits. 3M's confidential Employee Assistance Program (EAP) also provides employees and their eligible dependents with access to licensed mental health professionals who can assess a wide variety of issues, including substance abuse. Connections with EAP professionals can be in person or telephonic and are provided at no cost to the employee. 3M also offers a robust assortment of online resources designed to help identify potential substance abuse issues and to direct employees to the resources and local professionals which can be of most assistance to them.

- 3M Legal Affairs offers a leave program that covers the assessment and treatment of substance use and mental health problems, along with an interactive back-to-work process following treatment. Describe the ways in which your organization has fulfilled this commitment (optional):

3M provides health insurance and disability leave benefits to eligible US-based employees for certain behavioral health treatment programs for mental health and substance abuse disorders. 3M also partners with a third-party benefits administrator to intake and assess requests for reasonable accommodations, including intermittent leaves of absence for medical treatment, and to identify options for employees' return to work following a leave of absence.

- 3M Legal Affairs has actively and consistently promoted and encouraged help-seeking and self-care as core values of our organization. Describe at least one way in which your organization has fulfilled this commitment:

As mentioned above, well-being and resilience are key attributes of the 3M Legal Affairs strategic plan. To promote this value, 3M Legal Affairs has incorporated modules on these topics into legal training programs in September 2018 (for mid-level lawyers) and in October 2018 (for non-lawyer legal professionals). We have also committed to include resilience and well-being on the agendas of our departmental training programs going forward. We are also incorporating mindfulness training and well-being practices in our office operations. For instance, in many of our meeting rooms, we have a poster with "Mindful Meetings" reminders and tips. A member of our legal department leads the company's mindfulness employee group, and she has conducted sessions for our legal department and training for our leaders.

3M Legal Affairs has highlighted the adoption of this well-being framework to attract and retain the best lawyers and legal professionals. Describe at least one way in which your organization has fulfilled this commitment:

We plan to communicate this pledge within our legal department and will encourage members of our department to share the pledge and our actions with their colleagues and others as appropriate. Our general counsel and other senior leaders in our legal department will also take opportunities to highlight the activities described in this pledge, as part of our broader emphasis on communicating actions and plans to promote resilience and well-being within our department.

Name: Ivan Fong
Signature: [Signature]
Title: 3M GC - SVP, Legal Affairs + GC
Date: Nov. 19, 2018



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3M Is The 1st In-House Team To Sign ABA Well-Being Pledge

By **Alexis Cox**
Law360 (November 21, 2018, 7:14 PM EST) — Multinational giant 3M, led by General Counsel Ivan Fong, has become the first in-house legal department to sign on to the American Bar Association's well-being pledge aimed at improving lawyer mental health and fighting addiction in the profession.

3M joins 30 law firms that have signed the pledge. According to Fong, signing on to it is a tangible way for his legal department to show its commitment to addressing issues of depression, anxiety, substance abuse and mental health, and to hold itself accountable.

"No one benefits from a burned-out lawyer or other legal professional. We want to ensure our people are aware of the support structures that exist in our company and to remove, or at least reduce, the stigma associated with seeking help. That is the way in which we can have the greatest impact," Fong said Wednesday.

A 2016 study conducted by the ABA and the Hazelden Betty Ford Foundation found that attorneys were more likely than their peers in other professions to experience substance abuse and mental health problems.

The survey of 15,000 attorneys from 19 states found that 21 percent of licensed, employed attorneys qualified as problem drinkers, 28 percent struggled with some level of depression and 19 percent demonstrated symptoms of anxiety.

Associates in their first decade of practice experienced the highest rate of problem drinking, 28.2 percent; the study found. The number dropped to 19.2 percent among attorneys in their second decade of professional life, and 15.6 percent for attorneys in their third decade of practice.

"There is a need for leadership on this issue," said Maureen Harms, associate general counsel and managing counsel of 3M. "We believe this is something that benefits all legal professionals — in-house,

The Well-Being Pledge For Legal Employers

- Provide enhanced and robust education to attorneys and staff on well-being, mental health and substance use disorders.
- Reduce the expectation of alcohol at firm events by seeking creative alternatives and ensuring that non-alcoholic alternatives are always available.
- Partner with outside providers who are committed to reducing substance use disorders and mental health distress in the profession.
- Provide confidential access to addiction and mental health experts and resources, including free, in-house, self-assessment tools.
- Develop proactive policies and protocols to support assessment and treatment of substance use and mental health problems, including a defined back-to-work policy following treatment.
- Show that the firm's core values include taking care of yourself and getting help when needed by regularly and actively supporting programs to improve physical, mental and emotional well-being.

11/21/2018 3M Becomes First In-House Department to Join ABA Initiative on Substance Abuse | Corporate Counsel

CORPORATE COUNSEL

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Page printed from: <https://www.law.com/corporatecounsel/2018/11/20/3m-becomes-first-in-house-department-to-join-aba-initiative-on-substance-abuse/>

3M Becomes First In-House Department to Join ABA Initiative on Substance Abuse

While 3M may be the first corporate law department to formally adopt the American Bar Association's initiative aimed at combating substance abuse and other mental health problems in the profession, other corporate legal bosses have expressed interest in the issue of lawyer well-being generally and the ABA's efforts specifically, 3M GC Ivan Fong said.

By Kristen Rasmussen | November 20, 2018



Ivan Fong, senior vice president of legal affairs and general counsel at 3M Co./courtesy photo

The corporate legal department at 3M Co. has become the first in-house team to sign onto the American Bar Association's initiative aimed at combating substance abuse and other mental health problems in the profession.

"Corporate counsel are no different from outside lawyers in dealing with depression, anxiety, and substance

<https://www.law.com/corporatecounsel/2018/11/20/3m-becomes-first-in-house-department-to-join-aba-initiative-on-substance-abuse/> printer-friendly

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The WISE Initiative

What is WISE? Workplace Inclusion, Satisfaction & Energy Initiative

The Concept

A simple leadership initiative to make progress on inclusivity, satisfaction and energy by:

- Leveraging existing LA and corporate programs and initiatives; and
- Identifying and encouraging additional actions that can be executed at 1 of 3 levels:
 - Individual employees
 - Legal Affairs leaders
 - Office/department

The Goal

- Reinforce leadership commitment to the workplace through coordinated action that resonates across employee groups.
- Make progress on well-being goals and commitments, including metrics

The Fundamentals

Simplicity -- Leverage -- Accessibility -- Visibility

Why Create an Initiative?

Opportunity to create a visible and strategically aligned approach to connect and drive progress on 3M and Legal Affairs employee-focused priorities

“Resilience” as a core concept of our Statement of Strategic Intent

Diversity & Inclusion programming – US and International

Leadership commitment to improve our inclusion index scores up to 90% favorable

Mindfulness and well-being training and exercises

First In-House employer to sign the ABA Well-Being Pledge

Culture Project Leadership Action Items

Energy Audit indicates opportunities for improvement

Vision and Deliverables

High Level Vision

Simple, Accessible, Executable Ideas for Incremental Progress

	Inclusion	Satisfaction	Energy
Individual	<ul style="list-style-type: none"> Join an ERG 	<ul style="list-style-type: none"> Complete 30 minutes of Develop U Coursework every month Find an office mentor 	<ul style="list-style-type: none"> Join fitness center
Leader	<ul style="list-style-type: none"> Learn and adopt inclusive meeting practices 	<ul style="list-style-type: none"> Team Appreciation Cards Develop a team strategic plan Monthly 1:1s with all team members; discuss development 	<ul style="list-style-type: none"> Walking meetings Periodic offsite events Promote fitness center
Office	<ul style="list-style-type: none"> Reverse Mentoring Pilot Mentorship training for all leaders 	<ul style="list-style-type: none"> Formalized FlexAbility Adoption Dress for your Day (Jeans at Work) 	<ul style="list-style-type: none"> Mindfulness Desk Reference

WISE Deliverables

1

Master “Menus” to be leveraged by individuals and leaders

- Centralized resource(s) available to employees who are looking for ideas, inspiration or general information
- Delivery mechanism TBD – 3MGo, Sharepoint, other?

2

Department/office-level **programs or policies**, supported by senior leadership

3

Communications regarding WISE highlights, developments, programs, success stories, etc.

Discussion Questions

1. Is there a business case for enhancing Well-Being among Legal Professionals?
2. What approach would work in your company and legal department?
3. What are the barriers?
4. What action(s) can you take now?



The ABA Well-Being Toolkit



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The ABA Well-Being Toolkit

- It's a comprehensive road map for legal employers on the promotion of well-being in the legal workplace.
- It's an excellent tool for beginning—or expanding—well-being initiatives.



The ABA Well-Being Toolkit

- Well-being definitions.
- 8-step Action Plan.
- Policies & Practices Audit.
- Activities and events.
- Education and development.
- Assessments.
- Online resources and technology.



The Toolkit: Key Action Steps



- **WARNING:** The Toolkit's breadth and depth may appear daunting.
- **RECOMMENDATION:** Treat the Toolkit as a buffet. Pick some action steps that fit your organization.



The Toolkit:

Key Action Steps

- Enlist leaders.
- Create a Well-Being Committee.
 - With goal to create well-being as a cultural theme and core value.
- Define Well-being for your organization.
 - 3M “Agile, resilient leaders delivering customer-focused legal solutions to advance 3M’s strategic priorities.:
 - OLPR--We believe a healthy workplace is one in which everyone collaborates to continually improve processes to protect and promote personnel well-being and organizational success. We grow and thrive together when we align organizational and personnel goals and needs.



Key Action Steps from The Toolkit

- Conduct a needs assessment (surveys, audits).
 - Energy.org
 - Guarding Minds@Work--focused on the 13 Healthy Workplace factors.
- Identify Priorities.



Key Action Steps from The Toolkit

Make and Execute an Action Plan:

- Look for early wins
- Promote education and development
 - Stress/resilience & optimism
 - Mindfulness meditation
 - Work/life balance
 - Meaning and purpose



Key Action Steps from The Toolkit

Promote tech resources, such as smart phone or online apps for:

- Meditation
- Mental/emotional health
- Work breaks
- Cognitive reframing



Key Action Steps from The Toolkit

- Encourage organization to create a well-being policy or adopt your own specific to the legal department.
- Measure, Evaluate and Improve.



The ABA Well-Being Pledge



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The ABA Well-Being Pledge

- Provide robust education on well-being, mental health, and substance use disorders.
- Reduce the expectation of alcohol at company events and provide alternative beverages.
- Partner with outside providers committed to reducing substance use disorders and mental health distress.



The ABA Well-Being Pledge

- Provide confidential access to addiction and mental health experts and resources.
- Develop proactive policies and protocols on assessment and treatment of substance use and mental health problems.



The ABA Well-Being Pledge

- Show that the company's core values include self-care and getting help when needed: programs for physical, mental and emotional well-being.
- Use the pledge and the company's commitment to attract and retain the best lawyers and staff.



The ABA Well-Being Pledge

Can you pledge to be a positive force for change in the profession and in your organization?



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Thank you, and be well!

