

Call to Action: Attorney Well-Being in Solo and Small Law Firms

Justice G. Barry Anderson

Robin Wolpert

Joan Bibelhausen

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**MINNESOTA
JUDICIAL BRANCH**

5 Goals for Today

- Understand why well-being is critical for solo and small firms
- Consider law firm examples
- Be introduced to the ABA Well-Being Toolkit
- Be introduced to the ABA Well-Being Pledge
- Provide tools to be a well-being leader in your firm and in your profession



Lawyers Concerned for Lawyers Will Help

- 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.
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Path to Well-Being Purposes

- Organizational success
 - Firm 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

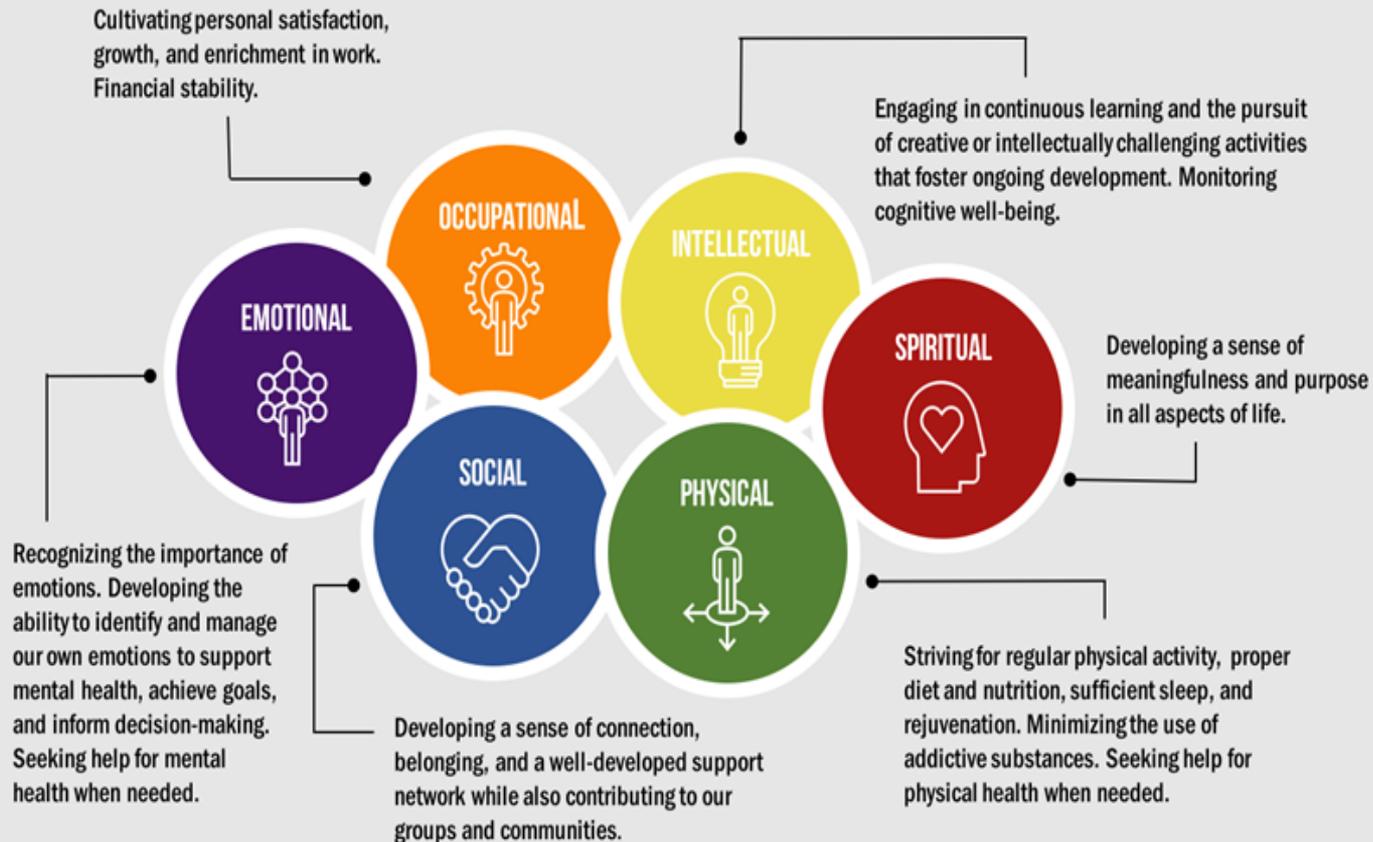
Why Focus on Well-Being?

- Our most precious asset is. . . EACH OTHER!
 - Hearts and minds together
 - Supportive environments
- The next generation
 - More at risk or more open?
 - An opportunity for change

What is lawyer “well-being”?



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



A Moment of Personal Reflection

- What is your personal connection to well-being in the workplace?
- Using the components of well-being:
 - Where are your Strengths?
 - Where are your Challenges?

Prepare to Take Action

- One size does not fit all; each lawyer's and firm's approach will be different.
- Different sizes and resources
- Different cultures
- Different individual perspectives



Prepare to Take Action

- The scope of the problem is large; there is no simple fix.
- A comprehensive approach is best – but some initial steps are better than doing nothing.



Five core steps for a sustainable culture in the legal profession:

1. Identify stakeholders and their roles in bringing about culture change
2. Diminish stigma associated with seeking help for disorders
3. Emphasize that well-being is part of duty of competence
4. Expand educational outreach on mental health and substance use disorders, as well as issues related to well-being
5. Change tone of legal profession to make health and well-being a top priority

General Recommendation: Acknowledge the Problems and Take Responsibility

- Every sector of the legal profession must support lawyer well-being.
- Each of us should take a leadership role within our own spheres to change the profession's mindset.
- Transform passive denial of problems to proactive support for change.

Maximizing the Differences for Solo and Small Firms

Advantages

- Flexibility
- Easier to get everyone on board
- Everyone can be a leader in their own sphere

Challenges

- Fewer staff to help implement programs and recommendations
- Fewer examples to follow
- Isolation

The ABA Well-Being Toolkit

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—your firm's 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 firm.

The Toolkit:

Key Action Steps

Solos:

- Make a Commitment
- Engage staff if you have them
- Know what you will do if you are struggling

Non-Solos:

- Enlist leaders.
- Create a Well-Being Committee.
- Create a Well-Being Policy that includes what happens when an attorney is impaired.



Key Action Steps from The Toolkit

- Conduct a needs assessment (surveys, audits).
- Consider the range of firm practices that impact well-being:
 - Orientation
 - Billing policies and practices
 - Vacation policies
 - 24/7 availability expectations
 - Diversity



Key Action Steps from The Toolkit

- Announce well-being as a cultural theme and core value.
- Create and execute an action plan, with activities and events.
- Accumulate quick, small “wins.”



Key Action Steps from The Toolkit

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 Tools from the Toolkit

Firm leaders: Don't forget your own well-being:

- Ask for help to implement change
- Don't add to your workload; manage expectations
- Be consistent in leadership – who makes which decisions?
- Commit to a shared vision
- Look for outside support

Key Tools from the Toolkit

Positive Leadership: Bring out (y)our best by supporting and implementing:

- Autonomy
- Connection and Belonging
- Competence
- Service



The ABA Well-Being Pledge

The ABA Well-Being Pledge

- Provide robust education on well-being, mental health, and substance use disorders.
- Reduce the expectation of alcohol at firm and profession events and provide alternatives.
- 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 firm's core values include self-care and getting help when needed: programs for physical, mental and emotional well-being.
- Use the pledge and the firm's commitment to attract and retain the best lawyers and staff.

What is Your Well-Being Pledge?

- Do you understand your risks?
- Has the entire staff been involved?
- Do you support well-being initiatives in your firm and profession?
- Can you say no?
- What is one step you can commit to today?

ABA Model Impairment Policy (Proposed)

Impairment defined: Inability to render services with reasonable skill and safety, caused by, but not limited to:

- Use of alcohol/drugs, mental health disorder, or physical illness/condition that adversely affects cognitive, motor or perceptive skills.



ABA Model Impairment Policy (Proposed)

The Policy covers:

- Duty to report
- Confidentiality
- Prohibition against retaliation



Procedures Upon Determination of Impairment

- Leave of absence
- Referral and treatment
- Support restriction of work duties
- Review of lawyer's activity
- Remedial action on client matters
- Reporting to disciplinary authorities
- Conditional employment
- Termination



Support During Impairment

- Lawyer Assistance Programs have resources
- Accommodate like any other disabling condition
- By providing a path to ask for and access help early, the risk for employment consequences or malpractice and professional regulation issues can be greatly reduced.
- A punitive policy leads to shattered careers and reputations.

Thank you, and be well!

