



## Utah State Bar Well-Being Committee for the Legal Profession

### *Progress Update and Status of Recommendations of the Utah Supreme Court Task Force on Lawyer and Judge Well-Being*

*June 2019 - April 2021  
April 2021 – 2022 Update*

#### Introduction

Established in June of 2019, The Utah State Bar’s Well-Being Committee for the Legal Profession (WCLP) is charged with creating a well-being movement in the Utah legal community.<sup>1</sup> To do so, the WCLP is implementing the recommendations set out in the February 2019 report of The Utah Task Force on Lawyer and Judge Well-Being. At the same time, the WCLP is working with the Utah Bar and other stakeholders in Utah’s legal community to help address the well-being challenges of the COVID-19 pandemic. This update provides a summary of significant activities and milestones accomplished by the WCLP to date. An update specific to the last calendar year, April 2021-2022 is included as a separate section.

#### WCLP History

- **February 2019:** The Task Force on Lawyer and Judge Well-Being publishes its report and recommendations.
- **June 2019:** The WCLP is established.
- **June 2019:** The Utah Bar contracts with Martha Knudson, JD, MAPP to serve as its first Executive Director.

#### WCLP Membership

The WCLP is currently comprised of 14 members and two co-chairs. Co-chairs are **Justice Paige Petersen** of the Utah Supreme Court and Attorney **Cara Tangaro**. The WCLP members represent the various perspectives of the shareholders in the Utah legal community, representatives from both Utah law schools, an occupational epidemiologist with extensive experience in studying the health and well-being of working populations, and mental health professionals familiar with the legal profession.

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<sup>1</sup> CREATING A WELL-BEING MOVEMENT IN THE UTAH LEGAL COMMUNITY: REPORT AND RECOMMENDATIONS FROM THE UTAH TASK FORCE ON LAWYER AND JUDGE WELL-BEING (Feb. 2019) [hereinafter THE TASK FORCE REPORT].

## Task Force Recommendations – Status Overview as of April 2022

Stakeholder	Task Force Recommendation	Completed	Ongoing	Pending
Lawyers / Legal Employers	Educate Legal Employers on Well-Being (Task Force Report, 11).		<input checked="" type="checkbox"/>	
	Assist Firms with Well-Being Policies and Practices (Task Force Report, 11).	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Regulators	Revise rules as needed to prioritize lawyer well-being (Task Force Report, 12).		<input checked="" type="checkbox"/>	
	Evaluate amending the rules of professional responsibility to endorse well-being as part of professionalism and duty of competence (Task Force Report, 12).	<input checked="" type="checkbox"/>		
	Expand CLE curriculum to include well-being topics (Task Force Report, 13).	<input checked="" type="checkbox"/>		
	Re-evaluate bar application inquiries about mental health history (Task Force Report, 13).		<input checked="" type="checkbox"/>	
State Bar	Sponsor a study to determine Utah lawyers' well-being baseline (Task Force Report, 14).	<input checked="" type="checkbox"/>		
	Create a framework for future studies at regular intervals (Task Force Report, 14).	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
	Sponsor high-quality CLE programming on well-being related topics (Task Force Report, 14).	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
	Create "best practices" model policies" (Task Force Report, 14).	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Law Schools <sup>2</sup>	Sponsor a study to determine 1L well-being baseline (Task Force Report, 15).	<input checked="" type="checkbox"/>		
	Create a framework for future surveys at regular intervals (Task Force Report, 15).	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
	Continue current well-being efforts at law schools (Task Force Report, 15).		<input checked="" type="checkbox"/>	
	Create new student organization to promote student well-being (Task Force Report, 16).	<input checked="" type="checkbox"/>		
	Continue developing peer-to-peer mentoring programs (Task Force Report, 16).		<input checked="" type="checkbox"/>	
	Educate professors on well-being issues specific to law students (Task Force Report, 16).			<input checked="" type="checkbox"/>
Judges <sup>3</sup>	Communicate that well-being is a priority (Task Force Report, 10).		<input checked="" type="checkbox"/>	
	Develop high-quality training on well-being for new judge orientation, the annual judicial conference, and annual bench-level conferences (Task Force Report, 10).		<input checked="" type="checkbox"/>	
	Update policies regarding impaired judges and educated judges about those policies (Task Force Report, 10).		<input checked="" type="checkbox"/>	
	Reduce stigma attached to substance abuse and mental health disorders and encourage		<input checked="" type="checkbox"/>	

<sup>2</sup> WCLP provides support and resources upon request by Utah's law schools.

<sup>3</sup> Judicial well-being efforts are now housed within the judiciary. WCLP provides supported and resources upon request.

	help-seeking behavior (Task Force Report, 10).			
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### **WCLP Milestones – 2019 through April 2021**

Since its formation, the WCLP has implemented various Task Force Report recommendations and achieved a variety of milestones. Significant milestones are listed below, categorized by the major topic areas in the Task Force Report. The period between April 2021 and 2022 is specifically highlighted at the conclusion of this Status Report.

1. **Increasing Awareness of the Importance of Well-Being and Providing Education on Practical Tools for Building Well-Being.** Notably, the WCLP has offered at least 28 CLE sessions on well-being related topics. Details on dates, titles, and attendance numbers may be found in Addendum A.
  - ✓ Launched a WCLP website ([www.wellbeing.utahbar.org](http://www.wellbeing.utahbar.org)) to provide evidence-based information, resources, and tools relating to well-being in the legal profession.
  - ✓ Began disseminating regular well-being focused social media posts through the Utah State Bar’s Instagram and Facebook accounts.
  - ✓ Launched monthly “well-being bites” in both written and podcast form that are now included in each issue of the Utah State Bar’s e-bulletin.
  - ✓ Arranged for WCLP members to appear in numerous presentations and panels addressing the state of well-being in the Utah legal community and the work being done by the WCLP.
  - ✓ Arranged for WCLP members to present to law students on various well-being matters.
  - ✓ Coordinated with the Utah Bar’s CLE department to ensure the inclusion of a well-being track at the Utah Bar Fall Forum, Spring Convention, and Annual Meeting.
  - ✓ Advised the CLE Advisory Committee on developing standards to encourage high-quality well-being programming.
  - ✓ Published numerous articles on various Well-Being topics in the Utah Bar Journal.
  - ✓ Organized a celebration of National Well-Being Week in both 2020 and 2021 in collaboration with the Utah State Bar.
  - ✓ Planned and presented a free 5-part CLE series on building resilience and healthy coping practices during the COVID-19 pandemic.
  - ✓ Conducted a podcast interview with the Executive Director, Martha Knudson, released by The Institute for Well-Being in Law (formerly the National Task Force on Lawyer Well-Being).
  
2. **Working with Bar Association Leaders, Affinity Groups, and Legal Employers to Enhance Well-Being.**
  - ✓ Initiated and hosted meetings with various bar association leaders to share updates, discuss areas of collaboration, encourage well-being programs and initiatives, and provide support as needed.
  - ✓ Developed Phase 1 Best Practices for Legal Professionals, an evidence-based resource to assist legal professionals with learning to proactively pay attention to well-being. <https://wellbeing.utahbar.org/uploads/9/1/9/4/91940160/7f6a7503-b45b-4919-a9ca-9020a6c7a885.pdf>
  - ✓ Developed Phase 1 Best Practices for Legal Employers, an evidence-based guide to assist legal employers with creating a culture and practice of well-being in the workplace. <https://wellbeing.utahbar.org/uploads/9/1/9/4/91940160/6a39a0ee-6719-4343-9508-2fd49fac339c.pdf>
  - ✓ Developed Phase 1 Best Practices for the Courts, an evidence-based guide to assist the court’s with creating a culture and practice of well-being amongst their stakeholders.

- ✓ Hosted “Well-Being Breakfast” for Utah law firm leaders encouraging the use of Phase 1 Best Practices for Legal Professionals and the creation of firm well-being committees and policy / practice shifts.
- ✓ Formed strategic partnership with UCLI.
  - Developed a 4-part CLE series focused on the importance of inclusion and belonging to both D&I and well-being efforts and providing evidence-based practical tools to help individuals and organizations increase efforts.
  - Developed a new component to UCLI certification that focuses on practical tools for building inclusion / belonging amongst all organizational members. Delivered in 2021 as a “train the trainer” session.
- ✓ Formed strategic partnership with the Pro Bono Commission to encourage pro bono work through the lens of well-being.
- ✓ Led the working group focused on encouraging diploma privilege candidates to use pro bono hours to help fill their admissions requirement for 360 hours of supervised practice. This resulted in over 3,000 pro bono hours completed by this cohort in 2020.
- ✓ Formed strategic partnership with the New Lawyer Training Program (NLTP).
  - Provided yearly mentor training on well-being issues.
  - New lawyer training session to emphasize the importance of well-being to a successful and sustainable practice.
  - Worked with NLTP Director to provide evidence-based resources and suggestions for mandatory a NLTP well-being module.
- ✓ Formed strategic partnership with then Utah Bar President Heather Farnsworth resulting in a CLE series focused on well-being issues in relationship to the pandemic.
- ✓ In the process of forming a strategic partnership with the Salt Lake Chamber of Commerce to provide mental fitness resources and training to local law firms and other legal employers.
- ✓ Working with the State of Utah experts on suicide prevention to help develop resources and strategies aimed at early intervention / prevention.
- ✓ WCLP representative works closely with national lawyer well-being efforts, serving on various committees for the Institute of Well-Being in Law.
- ✓ WCLP representative serves on the newly reformed board of Lawyers Helping Lawyers.

### **3. Identifying and Understanding the Well-Being Needs of the Utah Legal Community.**

- ✓ Worked with Dr. Matt Thiese of the University of Utah to develop, implement, gather data, and release findings from the initial study to determine the well-being baselines of Utah’s legal community.
- ✓ Worked with Dr. Matt Thiese to develop, implement, and gather data on 1L law students.
- ✓ Developing follow-up surveys to determine impact of the pandemic on well-being in the legal community and identify factors that either increased or diminished well-being.

### **4. Increasing Awareness of the Importance of Well-Being and Offering Well-Being Resources to Utah Law Schools.**

- ✓ The University of Utah school of law provides access to a licensed mental health counselor dedicated to law students.
- ✓ Brigham Young University school of law hired an in-house psychologist dedicated to working with law students.
- ✓ WCLP member and law school professor Cliff Rosky offers a Mindfulness in the Law course for law students and is conducting research on impact of mindfulness practice on student well-being and performance.
- ✓ BYU focuses on well-being as part of a 1L law practice management course.

- ✓ WCLP provides speakers at both law students on various well-being related topics.

#### **5. Working with Regulators to Improve Rules and Processes to Better Address Well-Being in the Legal Profession.**

- ✓ Worked with the MCLE Committee on the Rules of Professional Conduct to successfully amend Rule 14-402 (effective May 1, 2021) to expand CLE programming to include credit for well-being, diversity & inclusion, gender bias, and law practice management.
- ✓ Advised The Office of Professional Conduct on the need for expanded use of disciplinary diversions for certain actions and provided information and resources on potential avenues that have been successful in other jurisdictions. OPC has now contracted with Blomquist Hale to provide diversion support.
- ✓ Produced an hour-long recorded presentation on the importance of well-being for the OPC bi-annual ethics school.
- ✓ Worked Dr. Thiese in gathering confidential data from ethics school participants aimed at better understanding well-being issues for those under disciplinary review.

### **WCLP Updates - April 2021 – April 2022**

Since the last update in April of 2021, the WCLP has launched some new endeavors while continuing to build upon the programs, projects, and initiatives listed above. The following sections highlight April 2021-2022 WCLP efforts.

#### **Life-Altering Events Resources and Programming**

Beginning during the summer of 2021, WCLP spearheaded an initiative focused on the impact life-altering events like significant illness, freak accidents, or other kinds of impairments can have on one's law practice and well-being. WCLP convened a group of leaders including human resources experts, insurance professionals, mental health practitioners, law firm leaders and clients, solo practitioners, Lawyers Helping Lawyers representatives, estate planning attorneys, malpractice carriers, and legal ethics experts. Together, this group developed extensive resources available to the Utah State Bar including estate planning documents, succession planning documents and guidance, ethics guidance, human resources checklists, insurance recommendations, and mental health contacts available through the WCLP website at <https://wellbeing.utahbar.org/life-events.html>

This information was presented at the Utah Bar's Fall Forum in a 2-hour CLE event titled: Life-Altering Events: Prepare Now to Protect Your Practice, Clients, and Family. Over 774 people attended live with many others continuing to request access to the recording.

#### **CLE Programming**

WCLP continues to provide robust and evidence-based CLE for the Utah State Bar. Details can be found elsewhere in this report and in the list of CLE events in Addendum A. Notably, expanded programming for well-being CLE is possible due WCLP efforts in providing language for the expanded definition of "Professionalism and Civility" found in Rule 14-402 of the Rules of Professional Conduct.

#### **Bar Committee, Section, and Affinity Bar Outreach**

The primary mission given to the WCLP in the Utah Supreme Court’s Task Force on Lawyer and Judge Well-Being is to “[create] a well-being movement in the Utah Legal Community.”<sup>4</sup> This broad call to action requires the input and assistance of leaders across our legal profession so the WCLP has been actively cultivating partnerships. Since summer 2021, WCLP has engaged with leaders from different Utah State Bar sections, Bar committees, and identity-based affinity associations on well-being projects, including the following efforts:

- ✓ Bar Committee and Section leadership invited to appoint a liaison to attend WCLP liaisons quarterly meetings and assist with identifying and planning well-being initiatives that align with their section or committee interests. To dates, WCLP has held a total of ten such meetings and a series of co-sponsored CLE programming.
- ✓ WCLP has continued partnering with UCLI in areas where well-being and DEI overlap.
  - Fall of 2021, WCLP developed and conducted training on “Leadership for Inclusion and Well-Being” as part of UCLI’s Certification program.
  - Spring of 2022, WCLP, UCLI, and Lawyers Helping Lawyers will hold a 3-hour CLE session focused on the ethics of inclusion for our LGBTQ+ population. Inclusion is a foundational and evidence-based well-being requirement. As part of the session, WCLP will offer evidence-based and actionable resources to attendees. Panelists will include members of the Utah legal profession and judiciary.
- ✓ WCLP collaboration with IP Section resulting in a December 2021 CLE titled “Mindsets Matter: Rethinking Your Approach to Stress and Work-Life Balance.”
- ✓ WCLP collaboration with Business section resulting in a December 2021 CLE titled “Wellness: Ideas for Juggling Work and Life During the Holidays and into the New Year.”
- ✓ WCLP collaboration with YLD Fit2Practice and bankruptcy practice groups for a 2-hour CLE event in May 2022 focused on the importance of proactive well-being strategies for a sustainable and successful legal practice with an emphasis on combatting stigma. This CLE will feature stories and strategies from lawyers in recovery. Upcoming May 2022.
- ✓ WCLP continues to provide well-being programming and mentor training for the NLTP.
- ✓ WCLP continues to provide well-being programming for the Office of Professional Conduct’s bi-annual Ethics School.
- ✓ WCLP continues to partner closely with Utah’s Lawyers Helping Lawyers.

### **Utah Community & Legal Employer Outreach**

Spring of 2021, the WCLP began collaborating with the foundation arm of the Salt Lake Chamber of Commerce to focus on promoting mental fitness in the legal workplace. To better understand the well-being challenges and needs of Utah’s legal employers, WCLP and the Chamber held roundtables with law firm leaders through the summer and fall of 2021. These efforts resulted in the following:

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<sup>4</sup> THE TASK FORCE REPORT, 5.

- ✓ The publication of Living Well in Law: A Guide to Building Resilience, Engagement and Well-Being in the Legal Profession. This guide is applicable to legal employers and is also easily adaptable to small groups and solo practitioners. The resource section of the guide is also applicable to all legal professionals. A copy of Living Well in Law is attached as Addendum B.
- ✓ Fall Forum CLE titled Seven Steps to Building Well-Being in Legal Organizations. An event attended by 350 law firm leaders.
- ✓ April 18, 2022, mental fitness event hosted by the SL Chamber, featuring speakers Utah Supreme Court Justice Paige Petersen, Bar Commissioner Andrew Morse, and several law firm leaders who participated in the roundtables. The session will focus on the importance of addressing burnout, engagement, and resilience, and how the new resource guide will help law firms make a difference.
- ✓ Well-Being Wednesdays at The Utah State Bar. This initiative involves weekly social media postings that focus on different aspects of well-being and ideas on how to incorporate them into life and work.

### **Law School Outreach**

WCLP has partnered with Utah's Lawyers Helping Lawyers to provide outreach to both of Utah's law schools to improve well-being for law students and help prepare law students to thrive in the profession. In the past calendar year, WCLP and LHL have spoken to law students on two separate occasions at both the University of Utah and BYU schools of law. A milestone for BYU Law is the formation of their own student well-being committee.

### **Third Annual Well-Being Week in Law**

WCLP is organizing, promoting, and offering programming for the third annual Well-Being Week in Law held the first week of May 2022.

**Addendum A: WCLP Continuing Legal Education 2019 – Present**  
**Sessions either sponsored by WCLP or co-sponsored with other Bar Committees, Sections or**  
**Affinity Bars**

<b>Title</b>	<b>Begin Date</b>	<b>Attended</b>
Feel Good - Improving Relationships and Well-Being	6/22/22	TBD
Belonging and LGBTQ+ - title to be decided. 3 Hours of CLE, including 1 ethics and 1 professionalism	6/9/22	TBD
Feel Rest - How to Relax and Recharge with Mindfulness	5/18/22	TBD
Panel Discussion on Well-Being and Recovery - Title TBD	5/1/22	TBD
2021 Fall Forum - Seven Steps to Building Well-Being in Legal Organizations	1/13/22	350
Meaningful Work: A Powerful Tool for Building Resilience & Enhancing Professionalism	12/16/21	
Wellness: Ideas for Juggling Work and Life During the Holidays and into the New Year	12/15/21	48
Lawyers Helping Lawyers	12/2/21	84
Life-Altering Events: Prepare Now to Protect Your Practice, Clients, and Family	11/19/21	774
The Thriving Lawyer: Resilience Strategies for Criminal Law Practice	7/22/21	
Retaining Talent Through Wellbeing and Inclusive Practices	6/2/21	102
Onboarding Talent Through Wellbeing and Inclusive Practices	5/26/21	63
Behind the Looking Glass - Utah Justices and Attorneys at Risk	4/1/21	77
2021 Virtual Spring Convention	3/26/21	740
Well-Being and the Family Law Attorney	11/20/20	86
CRACKING THE STRESS CODE AND BUILDING RESILIENCE THROUGH CARING AND CONNECTION	11/18/20	163
2020 Virtual Fall Forum - Diversity in our Industry - Our Well-Being and Our Strength	11/12/20	286
From out of darkness, there is light - Presentation by Kent Scott for WCLP and LHL	9/22/20	229
Well Being CLE Series - Part III - Building Organizational Resources for Increased Lawyer Resilience	5/4/20	373
Well Being CLE Series Part II - Building Individual Lawyer Resources for Increased Resilience	4/27/20	410
Well Being CLE Series - Part I - Simple Strategies to Start Using Today	4/20/20	396
2020 Fall Forum - the B.R.I.E.F. Study: results and WCLP Update	11/14/19	409
Well-Being: Innovation with Impact	Fall 2019	
2019 Summer Convention in Park City	7/18/19	524
2019 Spring Convention - introduction of well-being and proposed study	3/12/19	471
4 Sessions for Judicial Conferences on the B.R.I.E.F. Study and the importance of Well-Being	Spring 2019	

## **Addendum B**

### **Living Well in Law: A Guide to Building Resilience, Engagement, and Well-Being for the Legal Profession**