Establishing a Foundation for Well-Being

Phase 1: Getting Started

Best Practices: Legal Employers

Prepared by The Utah State Bar's Well-Being Committee for the Legal Profession

WCLP

Well-being Committee For The Legal Profession

WCLP Best Practices are adapted from the 2017 report from The National Task Force on Lawyer Well-Being and The Well-Being Tool Kit for Lawyers and Legal Employers. Both are available online.

02

The Job at Hand

To be a competent lawyer, you also have to be a healthy one. Healthy lawyers are better practitioners, more productive, professional, and live more satisfying lives. Unfortunately, Utah lawyers are not doing as well as they should be when it comes to well-being.

A 2019 study of Utah lawyers reveals that too many lawyers experience chronic stress, burnout, high rates of depression, substance use, and a lack of social support from peers. These findings raise troubling implications for basic competence, continued public trust, and overall quality of life.

Legal employers play a vital role in the state of lawyer well-being. Certainly, strategies aimed at the individual lawyer are important. But policies, cultures, and practices of our legal employers must also be addressed because they have enormous influence on the state of lawyer health. It is time for our institutions to pay attention, take a hard look at our organizational practices, and begin to implement strategies to better support lawyer well-being. The WCLP can help. This is Phase 1.

03

Legal Employers: Phase 1

1

Form a Well-Being Council or Appoint a Champion

Include leader(s) that can make things happen and will role model well-being behaviors. Invite a cross-section of committed people that represent different stakeholders across the organization. A proposed meeting agenda is attached at Appendix A.

2

Understand Well-Being & Why it Matters

To better support lawyer well-being, it is important for legal employers to understand what "well-being" means and why it is so vital for attorneys and the organizations they work for. See Appendix B for details.

3

Measure the Organization's Well-Being Baseline

Measurement is key for tracking progress on well-being goals. See Appendix C for recommendations.

4

Audit Policies, Practices & Culture

Understand potential challenges or barriers to well-being by conducting an audit. See Appendix D for a well-being audit checklist.

Need help getting started? Already moved past Phase 1 and ready for Phase 2? Please contact the WCLP for assistance at Martha.knudson@utahbar.org

Appendix A

Well-Being Committee Agenda

Attendees: Committee Members / Stakeholders

Objective: Inaugural meeting to set goals, objectives, and timelines

Agenda:

Welcome (Committee Chair)

Committee Introductions

Review WCLP Recommended Best Practices – Phase 1

Adopt recommended definition of Well-Being

Determine action items for audit and determine committee responsibilities and completion date

Set dates for follow up and next committee meeting

Adjourn

Appendix B

Understanding Well-Being

There are some pretty big reasons why well-being matters. It's strongly correlated with professional success, higher cognitive ability, better memory, improved executive functioning, physical health and longevity, better relationships, lower divorce rates, resilience to stress, better perceptions of work / life balance, and a lower risk of developing the mental health and substance use concerns that too many of our colleagues face. Well-Being is also linked to civility and professionalism.

What is well-being? You can think of it as "'a continuous process toward thriving'" in all areas of our lives. This process is expansive. It involves developing the positive qualities, strengths, and life conditions that allow us to productively engage with our work and communities, enjoy what we do and be successful doing it, recognize our own potential, achieve meaningful goals, cope with the normal stress of life in healthy ways, and still have energy left over to enjoy the other parts of life.

Well-being will look a little different for each of us, but it includes our attention to the following six life dimensions:

Emotional: Recognizing the importance of emotions; developing the ability to identify and manage our own emotions to support mental health, achieve goals, and inform our decision-making; seeking help for mental health when needed.

Occupational: Cultivating personal satisfaction, growth, and enrichment in our work; obtaining financial stability. Intellectual: Engaging in continuous learning and the pursuit of creative or intellectually challenging activities that foster ongoing development; monitoring cognitive wellness.

Spiritual: Developing a sense of meaning and purpose in one's life.

Physical: Striving for regular physical activity, proper diet and nutrition, sufficient sleep, and recovery; minimizing the use of addictive substances; seeking help for physical health when needed.

Social: Developing a sense of connection, belonging, and a well-developed support network while also contributing to our groups and communities.

It is important to give attention to each of these dimensions. The way you function in one of them will impact your ability to function in others.

Creating a Well-Being Movement in the Utah Legal Community 6 (Feb. 2019) (quoting The Path to Lawyer Well-Being: Practical Recommendations for Positive Change 9 (Aug. 2017) (citing research on lawyer and law student mental health).

Appendix C

Measurement of Organizational Well-Being

"What gets measured gets done." WCLP recommends that legal employers begin by measuring the organization's well-being baseline. Then to periodically do so again in order to track progress on well-being goals.

Dr. Matt Thiese from the University of Utah School of Medicine has agreed to work with Utah legal employers to conduct this assessment. The process is easy and confidential. It only requires each employee to compete a short and anonymous survey administered by Dr. Thiese.

Organization level survey results will be provided by Dr. Thiese directly to each employer. Anonymity of individual employee responses will be protected with all possible identifying information removed. For benchmarking purposes, employers will also be provided confidential analysis of their well-being levels in relation to other participating legal organizations. Each organization will be assigned an identifier and blinded to all others in that ranking.

The Utah State Bar will not receive any identifying information from the survey results from either the individual or organizational level.

To participate, please contact Dr. Matt Thiese directly at:

Matthew S. Thiese, PhD, MSPH
University of Utah School of Medicine
Matt.thiese@hsc.utah.edu
801.587.3322 – Work 801.598.7530 – Cell

Appendix D

Well-Being Audit: Policies & Practices

Well-Being Policies & Practices

- Is there a written policy expressly communicating well-being to be an organizational value and priority?
- Does the organization provide meaningful recognition to those who demonstrate a high standard of well-being or who support and elevate it in others?

Work / Life Balance

- Are work / life balance related policies in place?
- If so, do these policies allow for flexibility when needed?
- Are people expressly encouraged to take time for self and to attend to personal obligations?
- Does organizational culture support these policies / practices?

Vacation Policies & Practices

- Does the organization have a clear vacation policy?
- Does organizational culture and practice encourage using vacation?
- Are lawyers actively encouraged to disengage from work during vacation? Are policies or practices in place to handle matters, email, and phone calls in lawyers' absence?
- Or, are lawyers expected to work while on vacation - to check in often and keep up on email and voicemail?

Adapted from Recommendation 25 of The Path to Lawyer Well-Being: Practical Recommendations for Positive Change 31 (Aug. 2017)

Well-Being Audit: Policies & Practices

Daily / Weekly Recovery

- Are efforts made to allow daily recovery from work demands by regulating work calls, emails, and text messages during evenings and weekends? If so, is this clearly and regularly communicated?
- Are expectations of response times reasonable and clearly communicated?
- Is there an express or implicit expectation of 24/7 availability?

Diversity & Inclusion

- Are diversity and inclusion policies and practices in place?
- If so, are they being followed?
- Has the organization received training and/or certification through the Utah Center for Legal Inclusion?

Billing & Compensation

- Do billing practices encourage excessive work, inefficient work, or unethical billing practices?
- Are compensation practices fair and are they *perceived* as fair?
- Are incentives tied solely to revenue generation?
- Are incentives aligned with and offered for behaviors that encourage well-being? For example, improving and using positive leadership skills? Mentoring? Building motivation or self-efficacy in others?
- Do incentives reward extreme behaviors that can ultimately harm lawyer health?

Well-Being Audit: Policies & Practices

Feedback

- Is feedback provided on a regular basis?
- What practices are used to give feedback?
- Is feedback clear, specific, timely, and meaningful?
- Does feedback emphasize progress and growing capabilities more than weaknesses?
- Is corrective feedback focused on behavior and not the person's worth?
- Is positive recognition given? Are lawyers told "what went well?"
- Do any members of the organization seem to avoid wanting to give or receive feedback?

Performance Reviews

- Are performance reviews given?
- Are they fair and are they *perceived* as fair?
- Do they emphasize positive growth and goal achievement in addition to any critical feedback? Are lawyers told "what went well?" Why and how they are valued?
- Is any corrective feedback focused on behavior and not the person's worth?

Movement & Nutrition

- Does the organizational environment support healthy nutrition and regular movement?
- Are healthy options available in vending machines, break rooms, or at catered events?
- Are standing desks made available? Treadmill desks? Walking meetings considered?
- Does the organization provide access and time for daily exercise?

Well-Being Audit: Policies & Practices

Leadership

- Is clear, effective, and supportive leadership in place?
- Is the leadership team cohesive and do they operate well together?
- Do leaders help those they lead know what they need to do and how the work they do contributes to the organization?
- Is clear, timely, and meaningful communication provided?
- Are lawyers able to share feedback with leaders? Do leaders listen?
- Is there meaningful evaluation for leadership performance and commitment to lawyer well-being?
- Do leaders truly value employees? Do employees *perceive* they are valued?

Culture of Civility, Trust & Fairness

- Are people respected, supported and cared about as people and not just employees who function to complete certain job tasks?
- Do people interact with kindness, civility and respect? Is gratitude expressed often and are the words "please" and "thank you" regularly used?
- Does the organization provide opportunities for growth and development?
- Are "wins" (whether big or small) recognized and celebrated?
- Does the organization look for signs of social isolation and encourage interconnectivity?
- When in the same office, how do co-worker conversations usually take place? Are they face to face? Or are they over the phone or through email?
- Does the organization have a clearly articulated mission and values? Does everyone know how she/he fits within them?

Well-Being Audit: Policies & Practices

Substance Use, Mental Health & Impairment Policies

- Does the organization have policies regarding substance use, mental health, and impairment? If so, do they need updating?
- Does policy explain lawyer and judge ethical obligations relating to impairment? Either their own or that of colleagues?
- Is information about the services of Lawyers Helping Lawyers provided?
- Does the culture encourage help seeking behaviors? Or are they stigmatized?
- Is there a leave policy that would realistically support time off for treatment?
- Any peer monitoring for signs of work addiction, burnout, and poor self-care?
- Do health plans offered to employees include coverage for mental health and substance use disorder treatment?
- Are lawyers aware of the mental health services made available to lawyers and their families through Blomquist Hale Counseling? These services are covered as part of yearly bar dues. Given information on how to contact them?

Blomquist Hale Counseling: Services include marital and family counseling, help with stress, anxiety or depression, personal and emotional challenges, grief or loss, financial or legal problems, and assistance with substance abuse or addictions. Services available in-person or by phone.
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