

Well-Being is a Team Sport: Community-Based Efforts to Drive Well-Being Change in the Legal Profession

J. Ryann Peyton, Colorado Well-Being Recognition Program for Legal Employers
Colorado Supreme Court

Agenda

- Well-Being Challenges in the Legal Profession
- Community-Based Approaches to Well-Being
- Case Study of the Colorado Well-Being Recognition Program for Legal Employers
- Strategies for Implementing Community-Based Approaches

Well-Being Challenges For Legal Professionals



How does becoming a lawyer change you?



- Cautionary tales & fear-based narratives in law school change our brain chemistry
- Three years of “fight or flight” creates a huge negativity bias in the brain – this continues into legal workplaces and practice
- Executive functioning becomes diminished, and we begin to lose the ability to put the breaks on anxiety

KILLING THEM SOFTLY: NEUROSCIENCE REVEALS HOW BRAIN CELLS DIE FROM LAW SCHOOL STRESS AND HOW NEURAL SELF-HACKING CAN OPTIMIZE COGNITIVE PERFORMANCE

Debra S. Austin, J.D., Ph.D. Loyola Law Review (2013)



The Great Disconnect

Anticipated demands of Lawyering

- Responsibility
- Sacrifice
- Complicated Problem Solving
- Challenging clients and legal issues

Unanticipated demands of Lawyering

- Unhealthy workplace competition
- Subordination of personal values to economic values
- Reduced resources/support with increased profitability expectations
- Crushing workloads and unrealistic deadlines
- Isolationism
- A stigma of help-seeking



“Most Stressful Occupation in America”

Washington Post, January 2023

Resilience Culture

- So much is said in our profession about the importance of grit and resilience in overcoming setbacks.
- We commend people for being resilient instead of redesigning the systems of the profession that inherently make people suffer.





Hustle/Grind Culture

- Legal professionals are valued based on their ability to prioritize all their time and resources for economic efficiency and profit.
- Not only leads to burnout but is difficult on legal professionals who also serve as caregivers, a task which still disproportionately falls on the shoulders of women.

Stigma of Help-Seeking

The culture of the legal profession is one in which help-seeking is not encouraged and is seen as a sign of weakness.



Lawyers are the
loneliest of all
professionals

Harvard Business
Review
(2018)



A sequence of six matchsticks is shown against a white background, illustrating the stages of a burnout. From left to right: 1. A single, unlit matchstick. 2. A matchstick with a small, dark charred tip. 3. A matchstick with a larger, irregular charred tip. 4. A matchstick with a significantly larger, more rounded charred tip. 5. A matchstick with a very large, bulbous charred tip. 6. A pile of dark, granular ash and charred fragments. A black rectangular box with the word "Burnout" in white text is overlaid on the right side of the image.

Burnout

Not Just For the Unhappy Lawyer

Burnout results from workplace stress that has not been successfully managed!

Usually, a combination of factors work together over time to create overworked, stressed-out, burned-out lawyers:

1. **Personality Type** → High achieving and ambitious people can be intense
2. **Perfectionism** → Leads to greater lows and disappointment with failures (or perceived failures)
3. **Excessive Hours** → 86% of lawyers work outside of typical work hours and days
4. **Boredom** → Law can be monotonous and lawyers can be productive and unchallenged
5. **Professional Culture** → Overwork is a badge of honor in many legal communities
6. **Lack of Support** → Extra credit for doing it by yourself

The illustration depicts a person's head in profile, facing right. The head is filled with various symbols representing self-medication and addiction. On the left side, three syringes with blue, pink, and green liquid are shown. In the center, a brown pill is shown. On the right side, a lit cigarette is shown with smoke rising from it. The text 'Self-Medication & Addiction' is written in white on a black rectangular background that spans across the middle of the head.

Self-Medication & Addiction

Addiction & Burnout are Correlated

- Self-medication occurs when a person attempts to reduce or diminish unwanted symptoms with alcohol or drugs.
- The culture of the legal profession tends to normalize drinking or drug use during stressful times. As a result, self-medication often goes undetected or seems like a harmless act.
- Legal professionals with high burnout have 4.71 times higher odds of having a problem with drug abuse.

Ogbonnaya UC, Thiese MS, Allen J. Burnout and Engagement's Relationship to Drug Abuse in Lawyers and Law Professionals. J Occup Environ Med. 2022 Jul 1;64(7):621-627.



The image features a pair of black scales of justice on a light beige, textured background. The left pan is elevated and contains a blue silhouette of an angel with white wings and a yellow halo. The right pan is lowered and contains a red silhouette of a devil with horns and a pitchfork. A black rectangular box with white text is overlaid on the left side of the scales.

Ethical/Civility Issues

Well-Being & Discipline

Research shows that 40% - 70% of disciplinary proceedings and malpractice claims against lawyers involve substance abuse or depression, and often both. (2016 Hazelden Betty Ford Study (ABA & CoLAP))



Neglect

- Lawyers who are suffering from stressors of all kinds are likely to be less diligent than they should be.
- Procrastination and avoidance are natural consequences of many mental health issues.
- For lawyers suffering from mental health challenges, these tendencies make it nearly impossible for them to adequately represent their clients under Rules 1.1 (competence) and 1.3 (diligence).



Client Communication & Confidentiality

- Depression, anxiety, or even a lack of confidence can cause a lawyer to withdraw from interacting with others, including clients, who can be, at times, demanding and unhappy. (Rule 1.4 Client Communication)
- Lawyers suffering from mental health challenges may unintentionally compromise client confidentiality by failing to maintain secure records, follow secure communication practices, or otherwise protect sensitive client information. (Rule 1.6 Confidentiality)



Telling Behaviors – Practice Based

1. Missed deadlines
2. Last minute requests for continuances
3. Frequent absenteeism
4. Sub-par work product
5. Lack of communication with clients and/or colleagues
6. Failure to advocate for client's interests
7. Late for or missed appointments and/or hearings
8. Errors in fiscal management
9. False representations

Telling Behaviors – Civility Based

1. Acting different from prior functioning
2. Socially withdrawn
3. Procrastination
4. Unpredictable and frequent mood swings
5. Unwarranted anger or hostility
6. Blaming others for personal failings

Community-Based Approaches to Lawyer Well-Being



Well-being exists on a spectrum.
It's a continuous process.



Self-care isn't enough.
We need community care to thrive.

Self-Care = If you want to feel better, you need to do the labor yourself, for yourself.

Community Care = The collectivistic belief that the well-being of the individual is intrinsically tied to the well-being of others, including the larger community.

Two Tenets of Community Care

Community care pushes individuals to think about their well-being as an extension of the well-being of the community they are a part of and belong to, thus individuals work collectively and in solidarity with one another to identify and respond to needs that impact communities as whole systems.

A foundational aspect of community care is the recognition of inequities that exist for individuals within communities.

These inequities are often tied to systemic barriers and structures that directly affect the well-being of individuals (i.e. economic factors, access to information, the physical environment, and other complex community structures.)

Community-Based Approaches

Peer Support Networks & Mentorship Programs

Wellness Committees and Initiatives

Flexible Work Arrangements

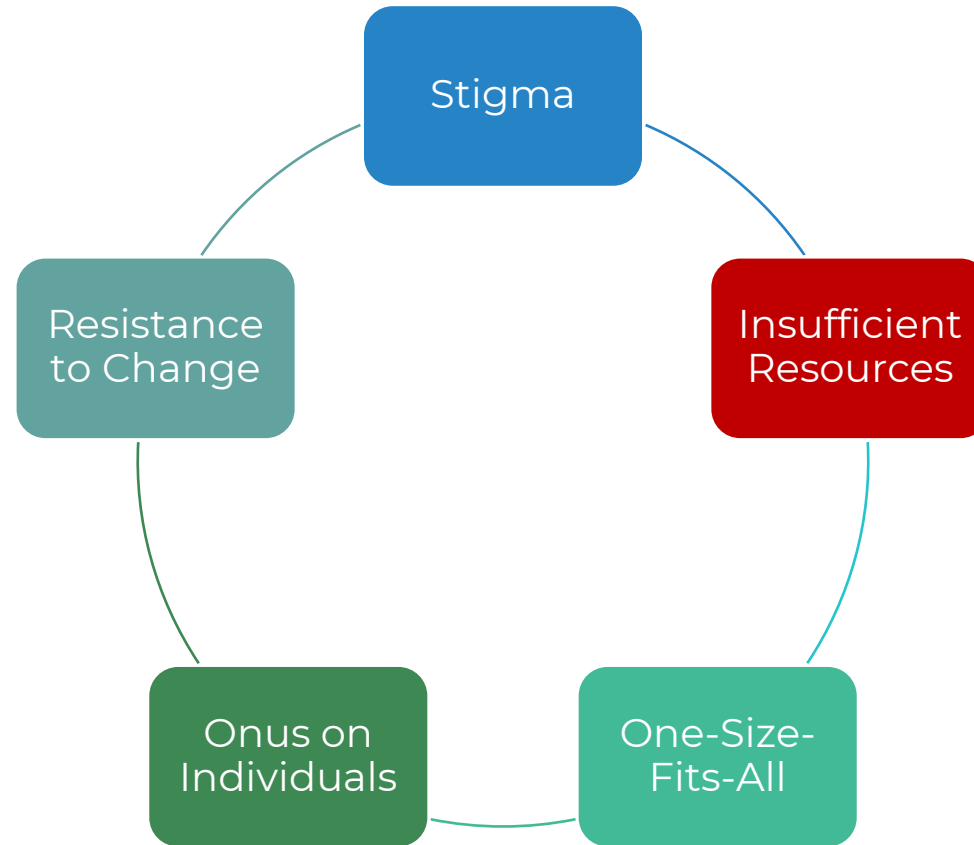
Diversity and Inclusion Programs

Employee Assistance Programs (EAPs)

Educational Workshops and Training



What's Not Working?



We don't need
to do more.

We need to do
different.





Colorado

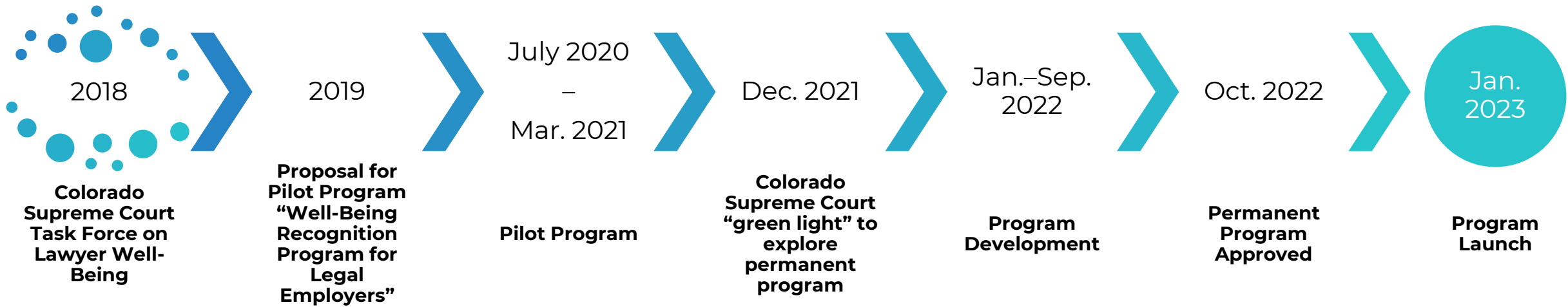
Well-Being Recognition
Program For Legal Employers

*If lawyers don't take
care of each
other...who will?*

Our mission is to support and recognize legal employers and solo practitioners seeking to adopt significant, ongoing, and purposeful lawyer well-being strategies and initiatives within their organizations.



Timeline



Program Components

01

Colorado Pledge to
Lawyer Well-Being

02

Six-Goal areas with
recommendations
and quarterly
educational events

03

Recognition by the
Colorado Supreme
Court for
Participation

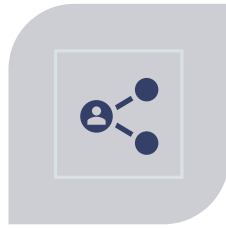
Six Well-Being Goal Areas



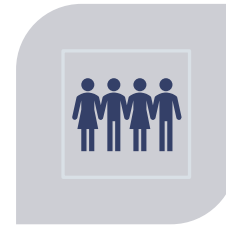
CREATE A CULTURE OF WELL-BEING THROUGH LEADERSHIP, ACCOUNTABILITY AND BUY-IN



FOSTER COMPETENCE BY DEVELOPING AND SUPPORTING PROGRAMS ON SUBSTANTIVE DEVELOPMENT AND MENTORING



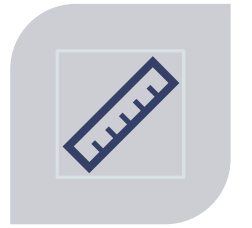
DEVELOP WORK-LIFE INTEGRATION AND FLEXIBLE WORK SCHEDULES



PROMOTE DIVERSITY AND BELONGING TO INCREASE ORGANIZATIONAL SUCCESS AND WELL-BEING



ASSESS COMPENSATION METRICS TO PROMOTE WELL-BEING



MEASURE OUTCOMES & MAKE IMPROVEMENTS

Encourage legal organizations to address attorney well-being proactively and to implement recommendations within their organizations to address each of the goal areas.

Designed on a spectrum from easy and comfortable to challenging and disruptive to traditional legal profession paradigms.

Each year, legal employers are encouraged to build upon the recommendations implemented in the prior year to progressively implement more revolutionary changes within their organization.

Action	Challenge Level
<p>Provide equal access to training and education for client development (“Rainmaking”) skills.</p>	<p>Easy</p>
<p>Provide bonus compensation tied to metrics other than strictly hours billed, clients retained, or profits realized.</p>	<p>Moderate</p>
<p>Assess and consider modifying your performance evaluation system.</p> <p>Put in place fair and objective performance evaluations with explicit, objective, observable, and measurable criteria applied equitably to all employees. Assure that all employees are fully aware of the factors considered in the performance evaluation system. Provide a good faith objective assessment to junior lawyers of how and when they can expect advancement in the firm.</p>	<p>Moderate - Challenging</p>
<p>Evaluate and incorporate alternative pricing models that provide cost predictability to clients and generate profit in ways other than hours billed.</p> <p>Examples of these pricing models include flat fee, subscription services, and unbundled representation.</p>	<p>Moderate - Challenging</p>
<p>Consider implementing multi-factor compensation structures.</p> <p>These structures may focus on client results and professional growth and development. These structures should also incentivize involvement in activities that promote balance and well-being.</p> <p>Consider providing billable hour credit for pro bono work, legal community activities (such as bar association or organization leadership) or well-being activities.</p> <p>Explain this multi-factor compensation structure to all attorneys.</p> <p>If it is appropriate for the organization, evaluate whether an open compensation system might positively impact the organization’s culture and advance well-being among lawyers.</p>	<p>Challenging</p>



Pledge for Legal Employers.

Pledge for Solo Practitioners & Individual Lawyers.

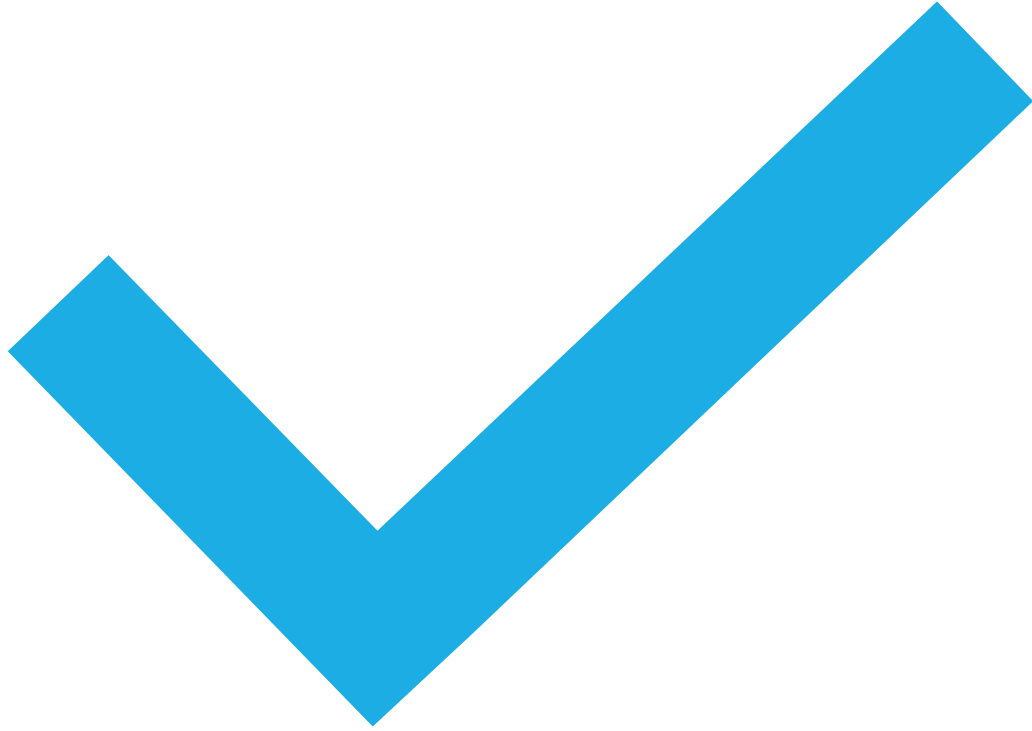
Contains action items in each of the six program goal areas.



Structured to be built upon from year to year.

Easily set short- and long-term well-being goals.

Colorado Pledge to Lawyer Well-Being



Pledge Examples

Foster Competence

We will provide multiple educational opportunities to our attorneys and staff during work hours that employees do not have to clock-out for on topics related to well-being and behavioral health through visible partnerships with outside entities committed to reducing substance use and mental distress in the profession.

Examples

- Offer free COLAP well-being ethics CLE presentation.
- Offer free CAMP professional development ethics and Diversity, Equity, & Inclusion CLE presentation.
- Offer free OARC presentation on professionalism, proactive practices, the rules of conduct, succession planning, or other professional issues or topics that impact well-being.

Work-Life Integration

We will provide access to or seek to develop meaningful “work-life integration” through flexible work schedules and policies that respect lawyers’ desire for autonomy and some measure of control over professional and personal lives.

Examples

- Develop substantive and meaningful "remote work" or "work from home" policies and train managers on their effective implementation.
- Develop policies and schedules with an understanding and inclusion of neurodivergent working styles.
- Create effective teambuilding opportunities for remote and hybrid employees.

Compensation Metrics

We will actively and consistently assess our organization's compensation metrics through a well-being lens and make necessary adjustments to promote well-being in lawyers and staff.

Examples

- Conduct a pay equity analysis/audit and identify areas of misalignment along with corresponding hiring and/or promoting practices that may allow bias in compensation. Create a plan to re-align the salaries of individual employees where disparities exist.
- Based upon results of the pay equity audit, update hiring policy and practices, and provide training to hiring managers on how to eliminate bias in the hiring and compensation process.
- Implement a plan to ensure equal access to mentoring, leadership, and promotional experiences & opportunities which pays particular attention to addressing disparities identified in the pay equity audit.
- Improve the financial security of employees through:
 - Retention bonuses, accelerated promotions, and mobility programs that move talent internally
 - Offering consumer-directed health plans and retirement benefits
 - Engage in consistent, meaningful, and transparent feedback and evaluation of organizational benefits.

Culture of Well-Being

We will actively and consistently promote and encourage help-seeking and self-care as core values of our organization.

Examples

- Challenge the status quo of drinking by de-emphasizing the expectation of alcohol at events.
- Send all employees a newsletter, or create an in-house presentation, highlighting EAP offerings.
- Offer trainings for managing and supervising attorneys (and other applicable leadership) on how to encourage employees to safely ask for support.

Education & Collaborative Mentoring

Quarterly Lunch & Learns

- These events offer a space for discussion, support professional development goals, and provide micro-community building and networking opportunities for participants.
- The topics for these events are crowdsourced from program participants and feature local and national experts on well-being in the legal profession.

Annual Symposium

- The symposium includes workshops and panels conducted by national experts and local leaders to connect our incredible community of educators and knowledge-holders.
- General sessions focus on broad issues such as cultivating organizational culture change. Participants also engage in peer-to-peer, group mentoring sessions with legal employers of similar demographics to share best practices and discuss areas of challenge within their organizations.
- Networking and community-building opportunities are available throughout the day.

Colorado Lawyer Well-Being Leadership Cohort

Colorado Lawyer Well-Being Leadership Cohort



Colorado
Well-Being Recognition
Program For Legal
Employers

- Designed for legal organization leaders seeking to address well-being challenges through:
 - A collaborative, systemic approach to lawyer well-being that includes everyone.
 - Opportunities to engage with and learn from other legal organizations across Colorado.
 - The development of workplace well-being leadership skills.
 - Exploration of practical tools and approaches to foster a culture of well-being in legal organizations.
- The program follows six learning modules:
 - **Modules 1 & 2** provide the “business case” and the “why” for leading workplace well-being initiatives in legal organizations.
 - **Modules 3 & 4** provide an overview of how to approach systemic, structural, and cultural changes in legal organizations following the program’s “Six Goal Areas” of lawyer well-being.
 - **Modules 5 & 6** provide a roadmap to sustainability and scalability in well-being initiatives through the leveraging of stakeholders and changemakers in legal organizations.



Recognition

After the program year, participants submit a certification form in which they certify that they have substantially fulfilled the spirit of the Colorado Well-Being Recognition Program for Legal Employers.

Participants who submit a certification form receive a Certificate of Achievement at a recognition ceremony, as well as an electronic badge to display on their organization's website or e-mail signature.



Program Data

4.8★
average rating



- 50 legal organizations and solo practitioners completed the Pledge in 2023
- Over 1,000 participants in educational events in 2023

- **Lunch & Learn Topics:**

- Bringing Well-Being Back to Earth
- Secondary Trauma & Compassion Fatigue
- Financial Well-Being
- Story Telling as a Means of Social Change
- Resilience Tools for a Successful & Sustainable Legal Career

- **Symposium Topics:**

- Getting Ahead of the Talent Curve
- Tools for Managers in the Well-Being Era
- Self-Advocacy: Maximizing the Return on Your “Ask” at Work
- Reducing Stigma and Barriers for Lawyer Well-Being

Strategies for Implementing Community-Based Approaches



- **Building a Supportive Culture:** Fostering an inclusive environment that encourages well-being initiatives.
- **Encouraging Participation:** Engaging professionals in community efforts through active involvement.
- **Measuring Success:** Using metrics to evaluate the effectiveness of well-being programs.

Building a Supportive Culture

Leadership Commitment and Role Modeling

- **Visible Support:** Leaders should openly support and participate in well-being initiatives, demonstrating their importance.
- **Actions Speak Louder Than Words:** Leadership should be an example of how to prioritize work-life blend, mental health, and overall well-being.

Developing a Comprehensive Well-Being Strategy

- **Needs Assessment:** Conduct surveys and assessments to understand the specific well-being needs and challenges of employees.
- **Clear Goals:** Establish clear, measurable goals for well-being programs.

Psychological Safety

- **Feedback Mechanisms:** Establish regular channels for employees to receive and provide feedback about their work and the organization's culture.
- **Transparency:** Maintain transparency in the sharing of information related to work allocation, compensation, and advancement.
- **Alignment of Values:** There is a relationship between what lawyers think their employer values most about them and well-being.

Encouraging Participation

Tailored Programs

- **Diverse Offerings:** Provide a variety of programs that cater to different interests and needs, such as fitness classes, mindfulness sessions, nutritional workshops, and mental health resources.
- **Employee Input:** Gather feedback from employees to tailor programs that address their specific preferences and needs. Seek partners, not vendors!

Integration into...

- **Mentoring & Peer Support Programs**
- **Community Building Events:** Organize social events and team-building activities to strengthen relationships and foster a sense of community.

Remove Barriers

- **Cost, Time, Position**
- **Be careful with incentives**

Measuring Success

Employee Feedback and Satisfaction

Participation and Engagement Rates

- **Attendance Tracking:** Monitor attendance and participation rates in well-being activities and events.
- **Engagement Metrics:** Measure engagement through the frequency and consistency of participation in various programs.

Metrics To Measure

- **Results Metrics:** Measure changes in quality of work, teamwork, client satisfaction, etc.
- **Performance Reviews:** Analyze performance review data to see if there are improvements in employee performance post-implementation of well-being programs.
- **Retention Rates:** Compare retention rates before and after implementing well-being programs to see if there is a reduction in employee turnover.

For program details
www.coloradolawyerwellbeing.org

Ryann Peyton
r.peyton@csc.state.co.us
303-928-7750



Colorado

Well-Being Recognition
Program For Legal
Employers