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Zen and the Art of Practicing Law in a Pandemic
Ethics, well-being and work/life balance in stressful times

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“Sadly, our profession is falling short when it comes to well-being.”

Those stark words come from the 2017 Report of the National Task Force on Lawyer Well-Being. The report, produced by the American Bar Association, Hazelden and other groups, found a profession “at a tipping point,” with alarming levels of stress, anxiety, depression, burnout, alcoholism, substance abuse and suicide among lawyers and law students.

“We are at a crossroads. The legal profession is struggling,” the ABA report says. “To be a good lawyer, one has to be a healthy lawyer. To maintain public confidence in the profession, to meet the need for innovation in how we deliver legal services, to increase access to justice, and to reduce the level of toxicity that has allowed mental health and substance use disorders to fester among our colleagues, we have to act now. Change will require a wide-eyed and candid assessment of our members’ state of being, accompanied by courageous commitment to re-envisioning what it means to live the life of a lawyer.”

Download the 2017 Report of the National Task Force on Lawyer Well-Being here.

This manuscript contains:

- Key information on Lawyer Well-being
- Links to download the ABA Report on Well-Being
- Link to download the ABA Well-Being Pledge
- Steps to implement a well-being initiative in your firm
- How wellness is a smart business proposition
- How wellness is an ethical and professional responsibility
- How to think PERMA
- Practicing Mindfulness
- Why wellness is even more important in a pandemic
- How to ask for help if needed.

10 Well-Being Tips for You and Your Law Practice

Here are 10 pointers for maintaining a Zen-like state of well-being, ethical behavior and work/life balance in these unusually stressful times.

Well-Being Tip #1: Take a Holistic View of Lawyer Wellness

Well-being is not just the absence of dysfunction, and it's not the same as feeling happy.

From the [ABA Report](#): “Lawyer well-being [is] a continual process of seeking to thrive in each dimension of one’s life: Emotional, Occupational, Intellectual, Spiritual, Physical, and Social. [It] requires things like connection, belonging, continual growth, and aligning our lives with our values. It requires that we take care of all aspects of our lives.”

- **Emotional Well-being.** Value emotions. Develop ability to identify and manage our emotions to support mental health, achieve goals, and inform decisions. Seek help for mental health when needed.
- **Intellectual Well-being.** Engage in continuous learning. Pursue creative or intellectually challenging activities that foster ongoing development. Monitor cognitive wellness.
- **Occupational Well-being.** Cultivate personal satisfaction, growth, and enrichment in work. Strive to maintain financial stability.
- **Physical Well-Being.** Strive for regular activity, good diet, and nutrition, enough sleep, and recovery. Limit addictive substances. Seek help for physical health when needed.
- **Social Well-Being.** Develop connections, a sense of belonging, and a reliable support network. Contribute to our groups and communities.
- **Spiritual Well-Being.** Develop a sense of meaningfulness and purpose in all aspects of life.

Well-Being Tip #2: Use this ABA Well-Being Toolkit

The ABA Well-Being Toolkit contains best practices, online resources and even an 8-Step Action Plan for implementing a wellness program in your practice.

“This Toolkit is designed to help lawyers and legal employers improve well-being holistically and systemically,” [says attorney and psychologist Anne Brafford, one of the Toolkit’s creators, in n this ABA article](#). “This goal will require new choices, considerable effort, and changes that likely will upset the status quo.”

Included in the ABA Well-Being Toolkit: suggested activities, events and educational opportunities; how to assess and track progress on well-being goals; online resources and technology for well-being initiatives; reading recommendations; a list of organizations that focus on lawyer well-being; a list of speakers and consultants on well-being; an activity workbook; a Policy and Practice Audit.

Well-Being Toolkit 8-Step Action Plan

1. Enlist leaders
2. Launch a well-being committee
3. Define well-being
4. Conduct a needs assessment
5. Identify priorities
6. Create and execute an action plan
7. Create a well-being policy
8. Continually measure, evaluate and improve

[DOWNLOAD THE ABA WELL-BEING TOOLKIT HERE.](#)

Here's a [blogpost with more information on the ABA Well-Being toolkit](#).

Well-Being Tip #3: Take the Well-Being Pledge

Recognizing that high levels of problematic substance use and mental health distress present a significant challenge for the legal profession, and acknowledging that more can and should be done to improve the health and well-being of lawyers, we the attorneys of _____ hereby pledge our support for this innovative campaign and will work to adopt and prioritize its seven-point framework for building a better future.

1. Provide enhanced and robust education to attorneys and staff on topics related to well-being, mental health, and substance use disorders.
2. Disrupt the status quo of drinking-based events: (a) Challenge the expectation that all events include alcohol; seek creative alternatives. (b) Ensure there are always appealing nonalcoholic alternatives when alcohol is served.
3. Develop visible partnerships with outside resources committed to reducing substance use disorders and mental health distress in the profession: healthcare insurers, lawyer assistance programs, EAPs, and experts in the field.
4. Provide confidential access to addiction and mental health experts and resources, including free, inhouse, self-assessment tools.
5. 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.
6. Actively and consistently demonstrate that help-seeking and self-care are core cultural values, by regularly supporting programs to improve physical, mental and emotional well-being.
7. Highlight the adoption of this well-being framework to attract and retain the best lawyers and staff.

[DOWNLOAD THE ABA WELL-BEING PLEDGE HERE](#)

Well-Being Tip #4: Well-being is a Smart Business Proposition.

Promoting wellness initiatives in your office isn't just a good idea – it's a smart business strategy. Consider these statistics: lost productivity due to employee health problems costs US businesses more than \$225 billion per year. A similar amount is lost because of alcohol and substance abuse. And the stats get grimmer when you look only at law firms.

The ABA/Hazelden study found rates of substance abuse, depression and job stress are far higher in the legal industry than in the general population. This isn't just a health problem. It's a financial problem too. Every time a burned-out or unhappy employee walks out the door, the firm loses money. In fact, the estimated loss from law firm turnover is \$9 billion annually.

“While it is true that it makes sense to invest in well-being simply because it is the right thing to do—and some have argued it is an ethical and professional responsibility imperative—it *never* hurts to have the dollar signs on your side as well,” [says lawyer Jonathan Beitner, a co-writer of the ABA’s Well-Being Pledge, in the ABA Journal](#). “The good news is that the link between a healthy workforce and a healthy bottom line is becoming clearer and clearer.”

Pro tip: promoting well-being in your practice can also be fun! Find creative, productive ways to make your office a healthier, happier place to work.

[Here’s a blogpost with more information on the business advantages of promoting well-being.](#)

Well-Being Tip #5: Think PERMA.

If you want a happier and more prosperous Law Life, you simply need to be able to spell the word “permanent.”

Actually, you don’t even have to spell the whole word – just the first five letters. PERMA is the brainchild of Dr. Martin Seligman, a founder of the field of positive psychology.

In a TED Talk that has racked up a remarkable 6 million views, he explains the five core elements of psychological well-being – abbreviated as PERMA:

- Positive emotions – feeling good
- Engagement – finding flow
- Relationships- creating authentic connections
- Meaning – having a purpose
- Achievement – having a sense of accomplishment

Here’s how to put PERMA into practice: create time every day for activities that make you happy and get you in the flow; connect with people, not things; strive to make a difference, not just make money; celebrate even small wins.

[Here’s a blogpost with more information on PERMA.](#)

Well-Being Tip #6: Maintain Healthy Relationships.

Practicing law, even in a busy firm with lots of people running around, can be an isolating activity. In fact, in a survey of 1,600 workers, lawyers ranked number one on a “loneliness scale.” Read about the study in the [ABA Journal](#) and the [Harvard Business Review](#).

A balanced work/home life depends on healthy relationships. Grow and maintain strong, affirming relationships – both personally and professionally. Quality is more important than quantity.

“For most of us, over 50 percent of our waking daily lives is spent working,” [says Jonathan Beitner, co-author of the ABA Well-Being Pledge](#). “Given the dominance of work, enhancing the quality of our work lives can have an enormous impact on the quality of our lives as a whole healthy, positive choices to assure that we can be our best for our clients, families, organizations, and communities.”

Don’t neglect your family. Schedule time for family, friends and personal activities like exercise as rigorously as you schedule work commitments. Join professional groups and organizations. Sign up for a committee with your state or local bar association. Engage in community work and public service. Volunteer with Habitat for Humanity.

Well-Being Tip #7: Well-Being is an Ethical and Professional Responsibility.

- **ABA Model Rule of Professionalism 1.1 Competence:** “A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.”
- **ABA Model Rule of Professionalism - Preamble:** * [7] Many of a lawyer's professional responsibilities are prescribed in the Rules of Professional Conduct, as well as substantive and procedural law. However, a lawyer is also guided by personal conscience and the approbation of professional peers. A lawyer should strive to attain the highest level of skill, to improve the law and the legal profession and to exemplify the legal profession's ideals of public service.”
- **ABA Well-Being Pledge:** “Untreated mental health and substance use disorders ruin lives and careers,” writes pledge co-author Jonathan Beitner. “Though our profession prioritizes individualism and self-sufficiency, we all contribute to, and are affected by, the collective work culture. Whether that culture is toxic or sustaining is up to us.”

Well-Being Tip #8: Practice Mindfulness and Create Space for Silence

Creating space for silence and grounding in a profession as stressful as the law is imperative. Here are some ways to do it:

- Meditation
- Yoga and other mind/body practices
- Mindfulness
- A “quiet room” in the office
- Going into nature
- Exercise
- Prayer
- Deep breathing
- Turn off screens and machines

Well-Being Tip #9: Well-Being is Essential in a Pandemic.

More than one in four workers say their mental health has suffered during the pandemic. Seventy-seven (77) percent say receiving support for their emotional well-being will become even more important in the coming months, and 74 percent say it is important for managers to show empathy.

Almost all say they will need the tools, training and enlightened leadership required to help them adjust to working remotely and other aspects of the new normal.

What can law firm employers do? Work on “soft” management skills, starting with communication, empathy and wellness support.

Here’s a [blogpost with more information on why well-being is more important than ever in this time of COVID](#).

Well-Being Tip #10: Ask for Help if Needed.

To keep your law office thriving, eliminate the stigma of seeking help for stress, substance use, burnout and other issues. Cultivate a supportive and caring climate. Protect confidentiality.

Contact your state bar’s Lawyers Assistance Program or seek professional help elsewhere.

See the [ABA Report on Lawyer Well-Being](#) for an extensive list of professional resources as well as information on how and where to get help.