



COLORADO TASK FORCE ON LAWYER WELL-BEING

MEETING MINUTES

November 6, 2019, 1:08-2:55 p.m.
Conference Room 1D, Ralph Carr Building
1300 Broadway
Denver, Colorado 80203

I. Welcome and Introduction

Justice Márquez welcomed members and thanked them for dedicating time to this effort. She reviewed the meeting agenda. The agenda included a presentation from the members of the “business case” working group. Justice Márquez said she wants to know if the Task Force supports this working group’s proposal, which was distributed by email prior to the meeting. The agenda also included discussion of the final Task Force report format.

Justice Márquez reviewed the Task Force’s efforts. When the Task Force first convened in the fall of 2018, members were asked to respond to an anonymous survey about overarching goals. At that time, the Task Force also discussed the definition of well-being along with barriers to lawyer well-being. Based on the survey and the conversations, the Task Force divided into work groups to focus on concrete initiatives and recommendations. The working groups that formed following the first two meetings were:

- (1) Making the business case for lawyer well-being;
- (2) Creating a voluntary “pledge” for a law firm to commit to lawyer well-being;
- (3) Gathering data on lawyer well-being in Colorado;
- (4) Identifying existing and new resources to support lawyer well-being and educate lawyers about the importance of well-being;
- (5) Promoting law student well-being;
- (6) Enhancing the well-being of judicial officers.

Some of these working groups combined efforts.

Justice Márquez introduced Mr. Fogg, chair of the “business case” working group, to present on the group’s proposal. The proposal serves as both a toolkit and creates a recognition program somewhat akin to the Colorado Supreme Court Pro Bono Legal Service Recognition Program.

II. Business Case Group Draft Proposal

Mr. Fogg reviewed the process by which this working group developed its recognition program recommendation. The working group wanted to address associate and partner attrition

and an overall lack of thriving among lawyers that impacts the bottom of line of law practices. The group had at least ten meetings to develop the work product presented to the Task Force. It was a group effort. Each member worked on a specific part of the recognition program. The group presented the proposal preliminarily to Justice Márquez on November 1. Following that, the working group further refined the proposal.

The business case group determined that a pilot program makes the most sense to test the reception of the concept in the Colorado legal community.

Mr. Fogg described the different alternatives for a program the group considered. One was to assemble research concerning the link between well-being and business success and arrange that information in a document that could be presented to legal employers. Another was to create a program that resembled the Colorado Supreme Court's Pro Bono Legal Service Recognition Program. A third option was to develop a robust recognition program that offered a blueprint and concrete steps that firms would need to represent that they have taken in some capacity in order to attain recognition. The group recommends the third option.

Mr. Fogg reviewed the model for a recognition program, which he said may also be incentivized through CLE credit. The business case working group identified six important goal areas:

- (1) Creating a culture of well-being;
- (2) Fostering competence;
- (3) Developing work-life integration;
- (4) Promoting diversity & inclusivity;
- (5) Assessing compensation metrics;
- (6) Making clients part of the conversation.

Mr. Fogg introduced the working group participants. They include Task Force members David Stark, Jessica Yates, Peter Goldstein, Ryann Peyton, and Jon White, as well as non-members Chris Lee and Patrick O'Rourke. Task Force members Patty Powell and Amy Symons also helped provide feedback during working group meetings this past summer.

Mr. Fogg talked about the importance of having leadership support to create change and prioritize well-being. The pilot program would seek to identify leaders in the state's legal community and enlist the support of 20 to 25 law firms.

One of the proposed program's six pillars is fostering competence. Ms. Yates explained that there is a nexus between professional development and well-being that the program proposes firms explore. The recommendations in the proposal combine building professional skills with instilling in lawyers in a firm a sense of belonging, which is important to well-being.

Another program pillar is fostering diversity and inclusivity to enhance well-being within a legal organization. Ms. Peyton said that research indicates diverse and inclusive organizations

are often more successful and productive. The proposal seeks to leverage existing resources in Colorado and have organizations that commit to the program use those resources.

The proposed program also contemplates legal employers making greater commitments to work-life integration. Ms. Lee explained that more employers nationwide have come to recognize improving work environments means recognizing that there are times when work must take precedence but that there are other times in an employee's life where personal matters take priority. These two need to complement each other. She said it may be that allowing an employee to take time out of his/her day will help productivity overall. She noted Microsoft piloted a program in some of its offices in Japan to reduce the work week to four days. This resulted in a 40 percent increase in productivity. The proposed program contains recommendations for employers in the area of work-life integration.

Another important aspect of the proposed program is assessment of compensation metrics. Mr. Stark presented and said that studies frequently cite the billable hour as a significant reason for lawyer dissatisfaction and stress. The recognition program does not recommend discarding the billable hour, but it does encourage firms to consider alternative billing arrangements that factor in relationships, results, and pro bono work.

A final component of the program involves bringing clients in to the conversation about well-being. Both Mr. Stark and Mr. Goldstein commented that the working group believes this is critical. The message that a firm takes its employees' well-being seriously benefits clients through better service. Mr. Goldstein said that the recognition program envisions firms having conversations with clients as to why a firm's dedication to employee well-being is in the client's best interests.

Mr. Fogg stressed that feedback is essential to the success of the program overall because some of the recommendations touch on sensitive issues. The working group also believes that having Colorado Supreme Court recognition is important to the program's success further. It may be helpful to develop a logo that firms committing to the program can display. Completion of program metrics would be on an honor system.

Mr. White reviewed the proposed program's goals. Those include identifying literature for employers that should be helpful to advancing well-being in their offices. The goals also include promoting innovation as well as growing the number of organizations in the legal community that recognize that well-being is important to business success.

Ms. Yates reviewed the target audience for the pilot program. It would be small to medium-sized law firms. Solo law firms are also an important and sizeable portion of the legal community in Colorado. Ideally as feedback comes in, information shared can help grow a program that would benefit solos. It may be valuable to set-up focus groups as the program develops to see how solo practitioners could gain from a recognition program and how a program could be tailored to these lawyers. The goal is to learn from a small slice of the legal community with a pilot program. Ms. Peyton said that a question that will need to be addressed is how to measure success.

The proposed pilot program would be administered by the Colorado Attorney Mentoring Program.

Following the working group's presentation, the Task Force discussed the proposal. Feedback included adding to the proposal data that would help convey to solo and small firm lawyers why investment in well-being is important to them. Other feedback included having a way to recognize individuals for their efforts, not just firms or organizations.

Mr. Fogg welcomed further feedback and shared his contact information. Many group members felt this was a good starting point and tremendous work has gone into this. The program proposal dovetails with the recommendation regarding an office of civility, and such an office could be a permanent home for the program.

The Task Force supported moving forward with this proposal. Justice Márquez said that she would report to the Court about the proposal.

III. Final Report Format

Justice Márquez reviewed the reports of other state lawyer well-being task forces. These include reports from Arkansas, Massachusetts, Utah, Vermont, and Virginia. She noted that on the whole, these reports tended to be in the 20-to-35-page range. The reports usually have a brief introduction or executive summary, a discussion of why well-being matters to the legal profession, a description of the task force and its members, followed by recommendations. Justice Márquez noted that several reports, including those from Massachusetts and Vermont, have appendices which contain extensive information such as specific reports from working groups or meeting minutes. These appendices are content-rich. They are not uniform as to format.

The Task Force had previously discussed that the report for Colorado should contain a positive theme and not be too dense. At this meeting, the Task Force discussed use of appendices to the main report as other jurisdictions have done. Several members said that this would be desirable and allow working groups the chance to go into details as necessary. The Task Force also discussed the audience for the report. It will be a broad-based audience. One member recommended the group consider that the report needs to be accessible to non-lawyers. The group also discussed the importance of making an appealing report through graphic design and uniformity as to branding. Several members discussed perhaps creating a website for the report.

Ultimately, the Task Force concluded that each working group should submit a summary that is two, and at most three, pages in length. That summary should not go into great detail about recommendations. The two to three pages can cover the "why" to situate the recommendations and explain their significance to the group's mission. The working groups can then submit a more detailed report to be placed in the appendices. There will not be a template for the group submissions in terms of a summary or information to be included in the appendices. However, final editing and design will strive for uniformity.

Justice Márquez requested the working groups have their drafts completed by January 24, 2020. At the upcoming February 5 meeting, the Task Force can review drafts and develop plans for the final event on April 30, 2020. Justice Márquez encouraged the groups to continue to focus on the themes articulated at the last meeting: peak performance and success. This helps destigmatize the topic.

IV. Next Meeting

The Task Force's next meeting is Wednesday, February 5, 2020, from 1:00 to 3:00 p.m. in the Ralph Carr Building, Conference Room 1D.