



COLORADO TASK FORCE ON LAWYER WELL-BEING

MEETING MINUTES

November 7, 2018, 1:00-3:00 p.m.

Colorado Supreme Court Conference Room, Fourth Floor

Ralph Carr Justice Center

2 East 14th Avenue

Denver, Colorado 80203

I. Welcome and Introduction (Justice Márquez)

Justice Márquez welcomed members to the second meeting of the Colorado Task Force on Lawyer Well-Being (Task Force). She thanked them for dedicating their time and energy to this effort. She mentioned that in addition to those present in the room, several folks were attending via webinar, and there are leaders from Wyoming's legal community joining the Task Force. She also thanked the planning committee for their assistance in organizing the Task Force and planning these meetings.

Justice Márquez recapped the Task Force's origins for members who were unable to attend the launch meeting in September. The National Task Force on Lawyer Well-Being, which was chaired by former Attorney Regulation Counsel Jim Coyle, convened following the release of new data on lawyer and law student mental health and substance use. Sarah Myers, Executive Director of the Colorado Lawyer Assistance Program (COLAP), and Jon White, Professional Development Counsel at the Office of Attorney Regulation Counsel, also served on this national task force. A 2017 report released by the national task force provided recommendations for stakeholders across the profession. It encouraged creation of individual state task forces. The Colorado Supreme Court formed this task force to address the well-being of the legal profession in this state as recommended by the national task force's report.

The Task Force's first meeting addressed what the term lawyer "well-being" means, as well as concrete initiatives and priorities that could emerge from the Task Force. These priorities may be initiatives focused around certain stakeholder groups (judges or law students, for example), or they may bring together representatives from across various stakeholder groups around a common goal. The Task Force should avoid duplication of efforts such as those already covered by COLAP and the Colorado Attorney Mentoring Program (CAMP). Discussion also focused on what information should be gathered on the well-being of the legal profession in Colorado.

Justice Márquez reviewed the agenda for the meeting. She reminded members to bring authenticity, honesty, and respect to the conversations at this and future meetings, and she

encouraged everyone to put away titles. She reminded members to respect information shared in working groups in confidence but that the work of the Task Force is public.

II. The Colorado Lawyer Assistance Program (COLAP) (Sarah Myers)

The Colorado Supreme Court created COLAP in 2011 to provide confidential assistance for Colorado lawyers, judges, and law students. Ms. Myers explained that Colorado Supreme Court Rule 254 ensures all contacts with COLAP are strictly confidential. COLAP engages in extensive outreach in the Colorado legal community. Ms. Myers said it is important to help lawyers better understand well-being issues that they are not trained to deal with, including stressors in the profession that can contribute to substance use disorders, vicarious trauma, anxiety, and depression. COLAP attempts to increase education about these issues, as well as ways to mitigate and prevent them. The goal is to normalize the conversation about getting help. It is also to familiarize lawyers and law students with resources COLAP offers and make them more comfortable seeking assistance.

COLAP averages over 60 first-time callers each month. A majority of the contacts it receives pertain to stress management, mental health issues, and, after longer discussions with contacts, other issues such as substance use, vicarious trauma, anxiety, depression or practice management issues are often revealed. Ms. Myers explained that while historically lawyer assistance programs formed to help lawyers and judges with substance use disorders, COLAP and most other lawyer assistance programs (LAPs) across the country are now considered broad-brush. Assistance is more comprehensive to address a multitude of issues, including any personal or professional issue compromising a lawyer's practice, well-being, or quality of life. For many entering the profession, the practice of law is often vastly different than expected. This can create anxiety, stress, and depression. Ms. Myers said she encounters lawyers who are often overwhelmed to the point they lose the ability to solve their own problems, leading to stress, procrastination, and a lack of engagement because a lawyer's focus is elsewhere.

Ms. Myers also conveyed that COLAP engages in extensive and sustained outreach to law students. Not only do law students call for assistance, but Ms. Myers said that COLAP has dedicated office hours at both law schools in the state. COLAP often participates in IL orientation, and it makes a concerted effort to be a part of the curriculum in professionalism courses. Other critical audiences for COLAP are bar applicants and new lawyers facing the challenges of entering and integrating into the profession.

COLAP relies on the time and dedication of carefully-vetted volunteers. For lawyers, COLAP's services range from assistance with relationship issues, to difficult opposing counsel, to helping lawyers seeking a practice area or even career change. In addition to direct assistance to lawyers through COLAP staff or volunteers, the program's website features an array of articles on well-being issues to further educate the Colorado legal community. Ms. Myers encouraged members of the Task Force to keep COLAP's many services in mind as they study ways to advance lawyer well-being in the state over the coming year.

III. The Colorado Attorney Mentoring Program (CAMP) (Ryann Peyton)

CAMP launched five years ago and has seen tremendous growth. In 2017, the program matched over 250 lawyers with mentors. It has the infrastructure to accommodate different mentoring needs and to provide individualized support through its programming. Mentees include lawyers who are new to the practice, lawyers new to practice in Colorado, lawyers seeking a change in their practice area, lawyers seeking leadership growth, and lawyers looking to build professional networks. Mentoring plans range from six to twelve months. To address lawyer well-being, CAMP has developed a specific mentoring plan to help lawyers improve their work-life integration. Continuing legal education credits are available for mentors and mentees. CAMP also features “Mentoring Circles” that allow lawyers to connect in small groups to discuss common issues. Topics include the pilot area of cannabis law, and there is an interest in creating a circle for lawyers who work with children and the mental health aspects of helping abused and neglected children.

Ms. Peyton said one of the biggest issues she sees as it relates to well-being is lawyer isolation. She noted that an article in *Harvard Business Review* earlier this year identified lawyers as among the most isolated professionals. She also encounters many lawyers who find the profession so toxic that they want to leave the practice. Some lawyers encounter a lack of professionalism and bullying from other lawyers that is detrimental to their well-being. CAMP works with these lawyers. CAMP strives to help these lawyers see the good in the profession and find a more sustainable path.

CAMP also engages in professional development programming through panels and newsletters. Each *CAMP Cairn* newsletter has an article on lawyer well-being. Further, CAMP created a resource library for mentors and mentees covering topics ranging from professionalism to wellness to diversity and inclusivity.

Ms. Peyton discussed various needs she perceives in the legal community. She is concerned about not reaching lawyers who would greatly benefit from the support of a mentor for professional development and well-being. In addition, while a number of firms have established mentoring programs for new associates, CAMP continues to be important to associates. Often these young attorneys want mentors separate from colleagues who may be responsible for promotion and compensation decisions.

IV. Discussion of Pre-Meeting Survey Responses re: Priorities (Justice Márquez)

Justice Márquez discussed themes revealed through conversations and survey feedback during and since the launch meeting in September. These are the foundations for possible Task Force priorities.

- (1) Making the business case for lawyer well-being. Justice Márquez said work on this topic will be pioneering.
- (2) Gathering data on the well-being of Colorado lawyers, as well as perhaps data on diversity in the profession. This may also include data on leave policies and compensation structures. In addition, it may encompass support for a project Professor Debra Austin is interested in, which is whether stress in the profession can cause cognitive impairment.
- (3) Creating a voluntary pledge to well-being that legal employers could adopt. This may also lead to the development of a toolkit for lawyers in toxic work environments.
- (4) Connecting lawyers to well-being resources through educational programming and outreach. This may cover topics that range from mental health awareness to suicide. It could involve creating well-being self-assessments.
- (5) Promoting well-being among law students to build the foundation of a successful, healthy practice.
- (6) Promoting well-being among judges and decreasing isolation experienced by some on the bench. This group will complement Judge Román's Peer-to-Peer Coaching for judges that launches in 2019.

Based on responses to the pre-meeting Survey Monkey poll sent to Task Force members, making the business case for lawyer well-being drew the most interest. Promoting well-being among law students, and education and outreach also received a significant amount of interest. One anonymous comment from the poll explained: "I think the root of a lot of this is our ability (or inability) to make a business case. If lawyer well-being doesn't contribute to the bottom line, I do not see firms engaging in any initiatives in any real, meaningful way. I would love to see a speaker focused on the business case."

One of the questions in the pre-meeting poll asked if members might have interest in leading a particular group. Justice Márquez reviewed the names of members who expressed interest in leading certain working groups.

An additional question in the pre-meeting poll asked members to offer suggestions as to other projects or objectives the Task Force should prioritize. Responses included:

- Integrating gender equity and diversity/inclusivity efforts into discussions regarding lawyer well-being;
- Establishing "Wellness Pioneers" who would be willing to serve as cultural ambassadors to the well-being movement. These may include lawyers who either proactively or retroactively have addressed their own well-being;
- Creating a lawyer well-being "self-assessment" tool to help lawyers spot warning signs and encourage them to engage in help-seeking behaviors;
- Launching programs pertaining to suicide awareness;
- Build a toolkit for lawyers who find themselves in toxic, unprofessional work environments or who might be experiencing bullying from other lawyers.

V. Focus Group Discussions

The group broke into group discussions centered on the six themes identified by Justice Márquez. At the end of the discussions, a leader from each group reported back to the Task Force as follows:

(1) Creating a well-being pledge

David Stark reported this group reviewed The Well-Being Pledge for Legal Employers created by the ABA Working Group to Improve Lawyer Well-Being. That pledge is Attachment A to these minutes. Mr. Stark said that 25 of the largest law firms in the United States have signed the pledge. In addition, there is a new Well-Being Toolkit for Lawyers and Legal Employers created by one of the authors of the report of the National Task Force on Lawyer Well-Being for use by the American Bar Association. The toolkit will be posted on the Task Force's website. He said that the toolkit could be used to implement pledge priorities. Mr. Stark said it is important that this group partner with the group looking to make the business case for lawyer well-being. This group believes any pledge should be marketed in a way that allows law students and lawyers seeking to transition employment settings to evaluate whether an employer has signed this pledge. The pledge should also be unique and specific to Colorado legal employers. In addition, this group also believes that a well-being self-assessment could complement the pledge.

(2) Gathering data on lawyer well-being

Margaret Funk reported on this group's discussion. The group wants to do more than survey individual lawyers, but also survey legal employers, perhaps through managing partners. They think it is important to look at the cultural attitudes that either support lawyer well-being or detract from it. Some members advocated tying attorney registration to a survey on Colorado lawyer well-being. The group also believes that such surveys might also gather baseline data on diversity in the legal profession in Colorado.

(3) Promoting well-being among law students

Sarah Myers reported that there are significant efforts at both law schools to address this subject. Nonetheless, the group believes it is important to engage faculty on what the national data show regarding law student well-being, the resources available through COLAP, and encourage them to place information about COLAP and other resources in their academic syllabi. The group also discussed potentially creating a mentoring program geared to more than career placement but that addresses issues of law student isolation. This mentoring would also, ideally, support students of diverse backgrounds and focus on belonging.

(4) Connecting lawyers to well-being resources

Jon White said this group discussed creating a replicable program that can be promoted across the state, before different employers. The group believes it would be desirable to have speakers who can discuss the importance of lawyer well-being from a first-hand perspective, and speakers need to be able to address the varying meaning of well-being across practice settings. One subject that these speakers should also be prepared to touch on is the neuroscience of stress. Integral to this programming is the business case for lawyer well-being. Moreover, it is critical to have a pulse on the stressors unique to lawyers in remote parts of the state. The group also discussed the issue of funding: there are lawyers and law students who do not seek help because they do not have the financial means to do it. The group wonders if this is something that can be addressed by this Task Force.

(5) Making the business case for lawyer well-being

Emily Mendoza reported that this group would like to survey other professions and what they have done to articulate the business case for well-being. The group believes it is important to understand what strategies have worked. They also identified a need for additional data on how lawyer well-being impacts productivity, and they want to work with the group exploring connecting more lawyers to well-being resources as well as the group that seeks to create a Colorado pledge to lawyer well-being.

(6) Judicial well-being

Judge Anderson reported that this group discussed the unique stressors judges face when it comes to well-being. Those include vicarious trauma and compassion fatigue. In addition, judges are constantly under a magnifying glass, a pressure that leads to stress. They, too, must be mindful that they cannot speak out about political or social issues. Judges in smaller communities are also prone to isolation. This group plans to continue the conversation by telephone conference in January to identify what issues among these several it would like to make priorities and begin creating an action plan.

VI. Conclusion

The Task Force will meet again on Wednesday, February 6, 2019. Justice Márquez encouraged groups to circulate contact information and convene by phone between now and the February meeting to continue the conversations started today. Format for future meetings will follow that of today's: presentations and discussion time. The planning committee will continue to meet and identify speakers, and Justice Márquez said she appreciated suggestions provided in the pre-meeting survey.