

A person with long hair, seen from behind, is meditating in a lotus position on a rocky mountain peak. The background shows a vast, hazy mountain range under a clear sky. The text is overlaid on the center of the image.

# COLORADO WELL-BEING RECOGNITION PROGRAM FOR LEGAL EMPLOYERS

*Pilot Program Report and Recommendations*



**Colorado**

Well-Being Recognition  
Program For Legal  
Employers

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# Colorado Task Force on Lawyer Well-Being Recommendation for Well-Being Recognition Program

## Executive Summary

There is growing concern within the legal profession over a lack of attorney well-being. Data show attorneys suffer from a higher incidence of mental health and substance use issues, and there is a failure to thrive in the profession as evidenced by significant attorney attrition in leaving legal organizations and the profession generally. An expanding body of literature and surveys confirm the magnitude of the problems in our profession.

- A 2016 study of 13,000 currently practicing lawyers found that between 21% and 36% qualify as problem drinkers and 19% to 28% are struggling with significant levels of depression, anxiety, and stress.<sup>1</sup>
- These problems lead to high absenteeism and under-productive lawyers resulting in high costs to law firms.<sup>2</sup>
- Lawyers are leaving law firms at higher rates than ever before. In 2017, law firms lost to attrition an average of 16% associates annually. Forty-four percent of associates leave within three years and 75% leave within five years.<sup>3</sup>
- According to one estimate, the cost of replacing a departing associate ranges from \$200,000 to \$500,000, or roughly 1.5 to 2 times the annual salary of the associate. This only estimates hard costs and may not include lost productivity, other lawyers' time, and disrupted intrafirm and client relationships.<sup>4</sup>

As such, in 2017, the National Task Force on Attorney Well-Being called upon the legal profession to address well-being issues. In response, under the leadership of Justice Monica Márquez of the Colorado Supreme Court, a task force on attorney well-being was formed in 2018 to consider ways to increase lawyers' and legal organizations' awareness of these issues and to make them aware of the resources available.

The Colorado Supreme Court's Colorado Lawyer Assistance Program (COLAP) addresses these issues per Rule 254 through consultations with behavioral health specialists, voluntary monitoring for mental health and substance use issues, assistance for colleagues or family members who are concerned about a member of the legal profession, and education about both well-being and behavioral health issues. COLAP also assists legal employers through workplace well-being consultations. However, COLAP's resources are dedicated to serving the entire legal community of Colorado and is not specifically geared or equipped to focus exclusively on law firms or places of legal employment.

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<sup>1</sup> Patrick R. Krill, Ryan Johnson, & Linda Albert, *The Prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys*, 10 J. ADDICTION MED. 46 (2016).

<sup>2</sup> Jarrod F. Reich, *Capitalizing on Healthy Lawyers: The Business Case for Law Firms to Promote and Prioritize Lawyer Well-Being*, GEO. UNIV. LAW CENTER (2019), available at <http://scholarship.law.georgetown.edu/facpub.2193> and <https://ssrn.com/abstract=3438029>.

<sup>3</sup> NALP FOUNDATION, UPDATE ON ASSOCIATE ATTRITION 12 tbl. 6 (2017).

<sup>4</sup> Nancy Levit & Douglas O. Linder, *THE HAPPY LAWYER: MAKING A GOOD LIFE IN THE LAW* (2010).

In creating a step forward in shifting the culture of well-being in Colorado's legal workplaces, a primary recommendation of the Colorado Task Force on Lawyer Well-Being is to create a formal "Recognition Program" for Colorado legal employers and solo-practitioners who demonstrate commitment to promoting or improving the well-being of lawyers.

The ***Colorado Supreme Court Well-Being Recognition Program for Legal Employers Pilot Program*** was subsequently designed to assess the feasibility of a formal recognition program and to generate strategies to incentivize legal employers to implement organization-wide well-being strategies and recommendations.

The law is a demanding profession. Many of these demands are inherent in the profession. However, there are often artificial, unnecessary, or outmoded barriers that prevent lawyers from being able to perform at their best. The most often-cited reasons for the current problems in our profession include:

- Constant demands to perform exceptionally.
- A need to meet countless deadlines and respond to unexpected issues.
- The professional duty to avoid error.
- 24/7 work schedules due to technology – a lawyer's office is now always in their pocket or on a bedside table.
- The fine line of balancing professionalism with attacks on one's client and sometimes personal attacks from adversaries.<sup>5</sup>
- An inability to set real, effective boundaries and a failure to integrate professional lives with busy personal lives.<sup>6</sup>
- Lawyers are "paid worriers." This inclination to anticipate problems and poor outcomes breeds anxiety.
- Legal professionals report greater isolation than any other group of professionals, contributing to anxiety and stress.<sup>7</sup>
- Lawyers often view getting help as a sign of weakness, and there is a stigma associated with reaching out for assistance.<sup>8</sup>
- Current law firm models leverage a high associate-to-equity owner ratio that emphasize only billable hours and competition. This can erode the pillars of professional well-being: autonomy, relatedness, competence, and motivation.<sup>9</sup>

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<sup>5</sup> J. Monica M. Márquez & Jonathan White, *Call to Action: The Colorado Supreme Court's Task Force on Lawyer Well-Being*, 96 DEN. L. REV. 247, 248 (2019). See also Sarah Myers, *How to Deal with a Perfectionist*, COLO. LAW. ASSISTANCE PROGRAM (2017), available at: [http://coloradolap.org/wp-content/uploads/2017/07/UL\\_How-to-Deal-with-a-Perfectionist.pdf](http://coloradolap.org/wp-content/uploads/2017/07/UL_How-to-Deal-with-a-Perfectionist.pdf); and see John Doyle, *Creating a Culture of Civility in the Practice of Law*, LAW PRAC. TODAY, Jan. 14, 2019, available at <https://www.lawpracticetoday.org/article/culture-civility-practice-law/>.

<sup>6</sup> Dina Roth Port, *Lawyers Weigh-In: How to Prevent Stress, Substance Abuse, and Depression in the Profession*, ABA J., June 5, 2018, available at [http://www.abajournal.com/voice/article/lawyers\\_weigh\\_in\\_how\\_to\\_prevent\\_stress\\_substance\\_abuse\\_and\\_depression](http://www.abajournal.com/voice/article/lawyers_weigh_in_how_to_prevent_stress_substance_abuse_and_depression); Stewart Levine, *Well-Being for Attorneys*, LAW PRAC. TODAY, Jan. 14, 2019, available at <https://www.lawpracticetoday.org/article/well-being-for-attorneys/>.

<sup>7</sup> Shawn Achor et al., *America's Loneliest Workers According to Research*, HARV. BUS. REV., March 19, 2018.

<sup>8</sup> C.J. Jorge Labarga, *When Lawyers Need Help, Let's Make Sure They Don't Fear Getting It*, FLA. BAR NEWS, May 1, 2018; see also David Hersh, *The Good, The Bad, and The Ugly: Let's Get Real About It*, THE DOCKET (DENVER BAR ASS'N), Dec. 12, 2017.

<sup>9</sup> Reich, *supra* note 2.



- Law firm minimum billable hours continue to increase. Although inherently inefficient, the billable hour is the standard measure of work. It is “the biggest reason lawyers are so depressed.”<sup>10</sup>
- Clients increasingly harbor concerns that lawyer attrition will disrupt consistent representation and, therefore, increase costs. They want proof that law firms utilize well-being programs to maximize attorney retention and productivity.
- Law firms remain non-diverse, hierarchical cultures. All forms of diversity promote well-being.
- Solo and small firm practitioners face unique stressors competing for business against larger firms, collecting from clients, and having to balance administrative work with substantive client tasks.<sup>11</sup>

Colorado has the opportunity to be a national leader in lawyer well-being by creating a first-of-its-kind program to incentivize, support, and recognize legal employers for implementing well-being strategies and recommendations within their organizations.

The pilot program described in this report confirmed a need for ongoing, systemic well-being support for legal employers, in addition to the need for broader collaboration and partnership in well-being efforts among a wide range of stakeholders. The data collected from the pilot program indicates that a recognition program would not only be well received by the Colorado legal community, but also has the potential to create meaningful well-being change within Colorado’s legal organizations.

## Colorado Well-Being Recognition Program for Legal Employers Pilot Program Overview

### Purpose of the Pilot Program

The ***Colorado Supreme Court Recognition Program for Legal Employers Pilot Program*** (hereafter pilot program) incentivizes and recognizes a cross-section of Colorado’s solo-practitioners and legal employers for implementing within their organization well-being strategies and recommendations encompassing six goal areas: Creating a Culture of Well-Being; Fostering Competence; Developing Work/life Integration; Promoting Diversity & Inclusivity; Assessing Compensation Metrics; Making Clients Part of the Conversation.

The program provides participants with access to education, resources, support, and technical assistance to incorporate well-being strategies into their organizations. The program also creates a Legal Well-Being Leadership Network to encourage dialogue, innovation, and accountability in implementing well-being practices in legal workplaces.

The "Recognition Program" is based upon a collective impact model, which provides strategies to create collaboration across solo practitioners, law firms, government, non-profit, and corporate legal organizations to achieve significant and lasting social change.

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<sup>10</sup> Reich, *supra* note 2; Joshua E. Perry, *The Ethical Costs of Commercializing the Profession: First-Person Narratives from the Legal and Medical Trenches*, 13 PENN. J. L. & SOC. CHANGE 169, 184 n.57 (2009-2010).

<sup>11</sup> SMALL LAW FIRMS FACE FAMILIAR CHALLENGES, ABOVE THE LAW, Feb. 27, 2017, available at <https://abovethelaw.com/2017/02/small-law-firms-face-familiar-challenges-part-1/>.

Utilizing this framework, the pilot program collected feasibility data on the program's ability to promote lawyer well-being, educate & recognize participants, and support Colorado legal employers in achieving well-being objectives through a robust community network.

### Program Design & Resources

Promoting attorney well-being is good for business, good for clients, and the right thing to do.<sup>12</sup> The Recognition Program is completely voluntary and, much like the voluntary pro bono pledge, is based upon the honor system. This Recognition Program is not meant to replace existing programs, but it may provide additional ideas, incentives, and support for legal employers seeking to implement well-being best practices.

Because of the growing concern over substance abuse, mental health issues, and unhappiness in the profession, there is a large body of resources and literature on attorney well-being. A major goal of this Recognition Program is to distill what are considered to be the more significant issues and resources in lawyer well-being and provide a clearinghouse of “well-being best practices” in legal organizations based upon these resources.

There are several key resources that serve as the basis for the design of this program including, but not limited to: *The Path to Lawyer Well-Being: Practical Recommendations for Positive Change* and the ABA’s *Well-Being Toolkit for Lawyers and Legal Employers*<sup>13</sup>, the Massachusetts Supreme Judicial Court Steering Committee on Lawyer Well-Being Report to the Justices<sup>14</sup>, the Virginia State Bar publication, *The Occupational Risks of the Practice of Law*<sup>15</sup>, *What Makes Lawyers Happy? A Data-Driven Prescription to Redefine Professional Success* authored by Professors Krieger and Sheldon<sup>16</sup>, and *Capitalizing on Healthy Lawyers: The Business Case for Law Firms to Promote and Prioritize Lawyer Well-Being*<sup>17</sup>.

The pilot program encourages legal employers to strive to achieve well-being objectives in six primary goal areas:

**(1) Create a Culture of Well-Being Through Leadership, Accountability and Buy-In.**

- Well-being occurs from the top leadership through the rest of the legal organization. A committed law firm equity owner or committee including equity owner(s) should be responsible for developing an attorney well-being program with appropriate buy-in from attorneys throughout the firm. Likewise, leaders in other legal organizations must be involved. Goals should be developed along with assessment tools.

**(2) Foster Competence by Developing and Supporting Programs on Substantive Development and Mentoring.**

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<sup>12</sup> BREE BUCHANAN, JAMES C. COYLE, ET AL., *THE PATH TO LAWYER WELL-BEING, PRACTICE RECOMMENDATIONS FOR POSITIVE CHANGE* (2017), available at lawyerwellbeing.net.

<sup>13</sup> Id.;

<sup>14</sup> SUPREME JUDICIAL COURT STEERING COMMITTEE ON LAWYER WELL-BEING REPORT TO THE JUSTICES (2019), available at <http://www.coloradosupremecourt.com/PDF/AboutUs/WellBeing/SJC-Steering-Committee-Lawyer-Well-Being-Report-July-2019.pdf>.

<sup>16</sup> Lawrence Krieger & Kennon Sheldon, *What Makes Lawyers Happy? A Data-Driven Prescription to Redefine Professional Success*, 83 GEO. WASH. L. REV. 554 (2015).

<sup>17</sup> Reich, *supra* note 2.

- Professional development is an investment that pays off for legal employers on many levels: it enhances competence and effectiveness of lawyers, instills a sense of dedication and belonging, and this demonstrated support can improve overall morale and well-being.

**(3) Develop Work-Life Integration and Flexible Work Schedules.**

- Flexible work arrangements respect lawyers' desire for autonomy and some measure of control over professional and personal lives. There are multiple ways that legal employers can convey that work-life integration is not just accepted, but expected.

**(4) Promote Diversity, Inclusion, and Equity to Increase Organizational Success and Well-Being.**

- Organizations should promote diversity, inclusion, equity, and multiculturalism, not just as good business practices, but because they contribute significantly to lawyer and staff well-being. Organizations should recognize that increasing cultural competence, addressing institutional and systemic barriers to success for diverse lawyers, and providing welcoming and inclusive work environments and organizational climates will lead to increased attorney wellness and retention.

**(5) Assess Compensation Metrics to Promote Well-Being.**

- Consideration should be given to alternative ways to compensate lawyers and staff for performance rather than focusing on the billable hour exclusively. Moving away from this single metric can decrease stress on employees, promote greater productivity, and bolster recruitment and retention of lawyers who have families, plan to start families, are required to care for family members, or may be close to retirement.

**(6) Make Clients Part of the Conversation About Well-Being.**

- Enhanced lawyer well-being means better organizational success and thus, better service to clients.
- Many clients believe in a culture of well-being for their employees and should expect the same standard from their lawyers.
- Legal organizations must communicate to clients their commitment to and the value of lawyer well-being.
- Partnering with clients on well-being strategies can cement the lawyer-client relationship and promote buy-in by all parties.

The collective purpose of these goal areas is to encourage legal organizations in Colorado to address attorney well-being proactively. A full outline of the Six Program Goal Areas can be found in [Appendix A](#).

**Pilot Program Research Goals**

This Pilot Program aimed to develop, organize, and implement a sustainable and effective Lawyer Well-Being Recognition Program for legal employers seeking to implement and improve well-being

strategies and initiatives within their organizations. The specific pilot program research goals were as follows:

- Develop the practical components of a state-wide Lawyer Well-Being Recognition Program including program branding, communications strategies, reporting tools, and recognition mechanisms.
- Engage at least 25 Colorado legal employers (including solo practitioners) in promoting or improving well-being within their organizations by implementing well-being strategies from each of six program goal areas.
- Host a minimum of four Legal Well-Being Leadership Network collaboratives with key stakeholders from participating legal employers to engage in dialogue and shared learning about lawyer well-being.
- Utilize Legal Well-Being Leadership Network collaboratives to collect relevant data regarding the well-being strategies implemented by participants, outcomes associated with such strategies, the value of "recognition" as an incentive for program participation, general feedback and comment, and any other qualitative or quantitative data to demonstrate the impact of this pilot program on lawyer well-being in Colorado.
- Demonstrate, through proof of concept, the efficacy and feasibility of a formal Colorado Supreme Court Recognition Program to provide well-being leadership and capacity building to Colorado's legal community.

In completing program goals, the pilot aimed to achieve the following:

- Develop an effective operational plan for the program which encompasses program objectives, service delivery methods, key performance indicators, evaluative criteria, and administrative sustainability considerations.
- Create a "Legal Well-Being Leadership Network" with related curriculum customized to the unique needs of legal employers of various sizes, demographics, geography, and practice settings.
- Identify and activate influential legal community leaders to serve as ambassadors and communication conduits for well-being initiatives on behalf of the Colorado Supreme Court.
- Refine well-being strategies, best practices, tools, and recommendations within the six goal areas to serve legal employers of various sizes, demographics, geography, and practice settings.
- Leverage "recognition" as a meaningful business incentive for solo practitioners and larger legal employers to commit to promoting and improving lawyer well-being within their organizations.
- Deliver to the Colorado Supreme Court (for implementation and scaling) a robust model "Colorado Lawyer Well-Being Recognition Program" applicable to a diverse cross-section of legal employers with demonstrable positive impact on lawyer well-being.

### Pilot Program Timeline

The pilot program was designed between October 2019 and April 2020. As a result of the COVID-19 pandemic, the original launch date of May 2020 was postponed to July 2020. The general program timeline was as follows:



- **January - April 2020:** Formation of Pilot Advisory Board, recruitment of program participants, and design of pilot program operations, on boarding, and communications plans.
- **July 2020:** Participant Orientation Legal Well-Being Leadership Network Collaborative #1
- **October 2020:** Legal Well-Being Leadership Network Collaborative #2
- **January 2021:** Legal Well-Being Leadership Network Collaborative #3
- **May 2021:** Legal Well-Being Leadership Network Collaborative #4 and participant final Action Plans & Reports complete.
- **June 2021:** Completion of "post pilot" surveys and data collection.
- **July 2021:** Final Report on Pilot Program and final Recognition Program Operations Plan complete and submitted to Colorado Supreme Court with recommendations for implementation.

### Pilot Program Administration

The pilot program was administered by an advisory board and through the Colorado Attorney Mentoring Program (CAMP).

The pilot program advisory board included:

- Justice Monica Márquez (Chair, Colorado Supreme Court Well-Being Task Force)
- Jessica Yates (Office of Attorney Regulation Counsel)
- Ryann Peyton (Colorado Attorney Mentoring Program)
- Sarah Myers (Colorado Lawyer Assistance Program)
- Patrick O'Rourke (University of Colorado Executive Vice Chancellor and COO)
- Chris Lee (CSR consultant)
- Dr. Sandra Thebaud (Organizational Psychologist)
- Peter Goldstein (Colorado Bar Association Professionalism Coordinating Council)
- Mark Fogg (Chair, Well-Being Task Force Business Case Committee)
- Jonathan White (Co-Chair, Well-Being Task Force Resources Committee)
- David Stark (Chair, Well-Being Task Force Pledge Committee & Colorado Supreme Court Advisory Committee)

The purpose of the advisory board was to advise, assist, support, and advocate for the pilot program on matters that strengthen opportunity for success of the pilot program. The specific purposes of the Board included the following responsibilities:

- Recruit participants into the program.
- Facilitate cooperation and communication between the program and the broader Colorado legal community.
- Offer recommendations and advise the program administrator regarding program improvement and scalability.
- Assist the program in setting priorities, including participating in ongoing planning activities of the program.
- Third-party endorsements, introductions, making themselves available to attend Leadership Network Collaboratives when appropriate.
- Support and advocate the program by helping to raise its profile and visibility.

As pilot program administrator, key responsibilities for the CAMP office included:

- Own program management of key pilot implementations and successfully deliver program outcomes.
- Define necessary process steps that enable program management for program outcomes.
- Drive pilot success to help the Court achieve goal of implementing and scaling the Well-Being Recognition Program.
- Identify gaps in processes that are limiting ability to scale and work cross functionally to solve these gaps.
- Apply entrepreneurial principles to ensure fast decision making and proactive communication with participants and Pilot Advisory Board.
- Ensure overall learnings from pilot are captured, synthesized and communicated in final report to enable iterative improvement and implementation of the Well-Being Recognition Program.

### Data Collection & Measurement

In order to assess the success of each of the pilot program goals, the following data collection and measurement plan was utilized:

Goal	Measure(s)	How it will be collected	How often it will be collected	Definition of Success
<b>Goal #1:</b> Engage Colorado legal employers interested in improving well-being within their organizations.	Number of pilot program participants	Administrator will maintain records of participants and their engagement with the program on a monthly basis	Monthly	75% of legal employers consistently participate in all features of the pilot program
<b>Goal #2:</b> Host a minimum of four Legal Well-Being Leadership Network collaboratives with key stakeholders from participating employers.	# of participants attending collaboratives	Collaborative rosters	After each of the four collaboratives	All 25+ legal employers participate in the collaboratives
	Improved organizational and decision-maker awareness and knowledge on lawyer well-being strategies	Pre- and post-collaborative evaluation surveys	Before and after each of the four collaboratives	90% of survey respondents will report improved understanding of lawyer well-being strategies
	Increased opportunities for collaboration and partnership in well-being among legal employers	Pre- and post-collaborative evaluation surveys	Before and after each of the four collaboratives	90% of survey respondents will report identifying at least one collaborator on well-being
<b>Goal #3:</b> Develop operational components of a state-wide Well-Being Recognition Program.	Draft operational plan with relevant timing, budget, reporting, implementation, and administration information; Feedback received from program	Draft submitted to program ambassadors and community stakeholders for review and	Upon completion of draft plan	Operations plan adopted by the Colorado Supreme Court and implemented under CSC direction

	ambassadors and stakeholders	revision; Feedback survey		
<p><b>Goal #4:</b> Utilize Legal Well-Being Leadership Network collaboratives to collect qualitative or quantitative data on program efficacy.</p>	Quantitative data collected to assess impact/effectiveness of leadership collaboratives and proffered well-being strategies	Collaboratives and pilot program pre- and post-evaluation surveys	Before and after each of the collaboratives and before and after completion of the pilot program	75% of participants will complete pre- and post- evaluation surveys
	Qualitative data collected to assess participants' perceived impact of the leadership collaboratives and proffered well-being strategies	Focus group materials	2-3 focus groups held after the conclusion of the pilot program	20+ decision-makers or administrators from participant organizations will participate in focus groups
	Qualitative data collected from participants covering what organizational changes they plan to implement and how the well-being strategies and collaboratives helped them develop action plans	Shared Action Plans and Reports	14 days after conclusion the pilot program	75% of the participant organizations will turn in Action Plans or Reports
<p><b>Goal #5</b> Demonstrate proof of concept feasibility of the Colorado Supreme Court to provide well-being leadership and capacity building through a recognition and education program.</p>	Qualitative data collected from multiple community stakeholders focused on shifts in behavior and practice around lawyer well-being including: <ul style="list-style-type: none"> <li>• Reaction – Did the participants like the education / training activities?</li> <li>• Learning – What knowledge, skills or attitudes did the participants retain?</li> <li>• Behavior – What are the participants doing differently?</li> <li>• Results – What overall change happened in the community?</li> </ul>	Focus Groups and online feedback surveys	One month post pilot program	75% of participants will report positive engagement with the program, meaningful learning outcomes, modified behavior, and perceived overall improvement to the legal community

The data collected through these component measures is detailed in the [Results & Data](#) section of this report.

#### Pilot Program Participants

In an effort to collect as much data as possible and to revise and refine the program and its components based on organizational demographics, the pilot program engaged a cross-section of Colorado legal employers as follows:

- **5 “large law firms” defined as 50+ Colorado lawyers**

- Faegre Drinker Biddle & Reath LLP
- Holland & Hart LLP
- Davis Graham & Stubbs
- Lewis Roca Rothgerber Christie
- Gibson, Dunn & Crutcher LLP\*<sup>18</sup>
- **5 “medium-sized law firms” defined as 11-49 Colorado lawyers**
  - Burg Simpson Eldredge Hersh & Jardine, P.C.
  - Childs McCune
  - The Harris Law Firm
  - Michael Best
  - Lambdin & Chaney
- **4 “small firms” defined as 2-10 Colorado lawyers**
  - Bradford LTD
  - Johnson Kush
  - Symons & Ratner and Bryant & Ritsick
  - Waltz Reeves
- **4 “solo” practitioners**
  - James Garts
  - Laurie Schmidt
  - Erika Holmes
  - Lauren Lester
- **4 government law offices**
  - Boulder County District Attorney’s Office
  - Colorado Office of the Public Defender (Glenwood Springs Office)
  - Colorado Department of Law
  - Colorado Office of Attorney Regulation Counsel
- **3 non-profit or legal services organizations**
  - Colorado Legal Services
  - Legal Entrepreneurs for Justice
  - Rocky Mountain Victim Law Center
- **2 corporate legal departments**
  - DaVita
  - Air Methods
- **1 law school representative**  
University of Colorado School of Law\*

Each of the 26 active pilot organizations dedicated one to three high-level organizational leaders to participate in the pilot program. These organizational leaders pledged their organization’s support for the program’s six-point well-being framework, attended leadership network collaborative meetings, received 1:1 support from pilot program staff, led the development or implementation of their organizations’ well-being initiatives related to the pilot program, participated in data collection methods, and drafted their organization’s Well-Being Action Plan detailing how their organization has or will satisfy their pledged commitments during the program term.

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<sup>18</sup> \* Indicates an organization participating in a representative role and not an active role in the program.

## Communications & Marketing

The Pilot Advisory Board was primarily responsible for the recruitment of pilot participants. A marketing and communications plan was created in early 2020 which included a recruitment plan and timeline, the development of “leave behind” materials for prospective pilot participants, and the launch of a dedicated website [www.coloradolawyerwellbeing.org](http://www.coloradolawyerwellbeing.org) to serve as platform for program recruitment and communication to the legal community and to the public regarding the pilot program and its objectives. Examples of the Recruitment Plan, leave behind materials, and screen shots from the website are included in [Appendix B](#).

## Colorado Pledge to Lawyer Well-Being

In 2018, the American Bar Association launched a campaign to improve the substance use and mental health landscape of the legal profession, with an emphasis on helping legal employers support healthy work environments.<sup>19</sup> The primary vehicle for the campaign is a Pledge calling upon legal employers (including law firms, corporate entities, government agencies and legal aid organizations) to first: (a) recognize that substance use and mental health problems represent a significant challenge for the legal profession and acknowledge that more can and should be done to improve the health and well-being of lawyers; and, (b) pledge to support the campaign and work to adopt and prioritize the ABA’s seven-point framework for building a better future.

Following in the path of the ABA, the pilot program developed the “Colorado Pledge to Well-Being” which included a compilation of three well-being pledges. The “Colorado Pledge to Well-Being” contains a (1) pledge to work to adopt the pilot program’s six-point well-being framework, (2) the ABA well-being framework for legal organizations with 21+ lawyers, and (3) the Colorado Bar Association well-being framework for legal organizations with 1-20 Lawyers. In constructing the pledge to include all three components, the goal was to determine which “pledge items” are most relevant to different types of legal employers.

Some pilot participants pledged to adopt all three well-being frameworks, while others made intentional selections based on their organization’s size, demographics, environment, and clientele. Data regarding the pilot participant’s pledge responses can be found in the [Results & Data](#) section of this report. A sample Well-Being Pledge Form can be found in [Appendix C](#).

## Legal Well-Being Leadership Network Collaboratives

Throughout the pilot program, participants attended four “Legal Well-Being Leadership Network Collaborative” meetings. The original intention of these collaborative meetings was to provide pilot participants with a quarterly opportunity to gather with their peers to receive well-being education and best practices, group mentoring opportunities, and idea crowdsourcing to make their organizational well-being work more meaningful and relevant. The collaborative meetings also provided a direct touch point with program participants for program staff to collect relevant data to demonstrate impact of this program and to identify and activate influential legal community leaders to serve as ambassadors and communication conduits for well-being initiatives on behalf of the Colorado Supreme Court.

These meetings were intended to last half a day and include plenty of opportunity for networking and peer-to-peer support. However, as a result of the COVID-19 pandemic, the leadership

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<sup>19</sup> [https://www.americanbar.org/groups/lawyer\\_assistance/well-being-in-the-legal-profession](https://www.americanbar.org/groups/lawyer_assistance/well-being-in-the-legal-profession)



collaboratives were forced to move to a virtual forum. The virtual forum also necessitated a scaling back of the collaboratives from four hours per session to two hours per session. As a result, the collaboratives became primarily focused on providing well-being education and best practices. Nevertheless, Zoom breakout rooms allowed the pilot participants to engage in peer-to-peer mentoring and idea crowdsourcing opportunities at each collaborative meeting.

Collaboratives took place in July 2020, October 2020, January 2021, and March 2021. Each collaborative provided engaging speakers and experts, including a participant round table where program participants shared examples of their organization’s well-being initiatives, best practices, and lessons learned. Agendas from each collaborative meeting are included in [Appendix D](#).

At the conclusion of each collaborative, participants completed a “Post Collaborative Survey” to communicate their organization’s progress in meeting program-related well-being goals and to provide feedback on the benefit and relevancy of the collaborative meeting. Data collected from the Post Collaborative Surveys can be found in the [Results & Data](#) section of this report.

### Well-Being Action Plan

To establish accountability within the program and to create the “recognition” component of the program, each participating organization produced a Well-Being Action Plan which reflects the organization’s pledged well-being goals and the progress made by the organization in the past year to achieve those goals.

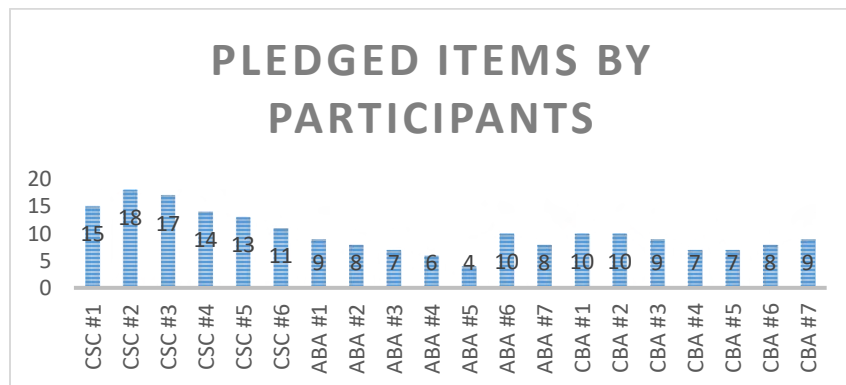
Acknowledging that every organization is at a different stage of well-being work, the participating organizations were given substantial latitude in describing how their organization has or will satisfy the commitments of the program. Participants were encouraged to make their Action Plan unique to their organization and to use the formation of the plan as a team building exercise.

Each action plan has been reviewed by pilot program staff through a peer review process to determine whether substantial progress has been made in the pledged areas of growth. Concluding data from this process can be found in the [Results & Data](#) section of this report.

### Results & Data

Data was collected through the entirety of the pilot program primarily through surveys and the submission of organizational documents. The resulting data is detailed below.

#### The Colorado Pledge to Lawyer Well-Being



The chart above indicates which of the pledge items included in the combined pledge framework the program participants committed to addressing in their organization's pledge document. The sample Well-Being Pledge Form found in [Appendix C](#) references the numbered pledge items indicated in the chart. For instance, 15 of the program participants pledged to address item #1 in the CSC section of the pledge, while only 4 participants pledged to address item #5 in the ABA section of the pledge.

#### **Most Frequently Pledged Items:**

- *We will endeavor to create a culture of well-being through leadership, accountability and buy-in from organizational leaders and stakeholders setting the tone for well-being in the organization.*
- *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.*

#### **Least Frequently Pledged Items:**

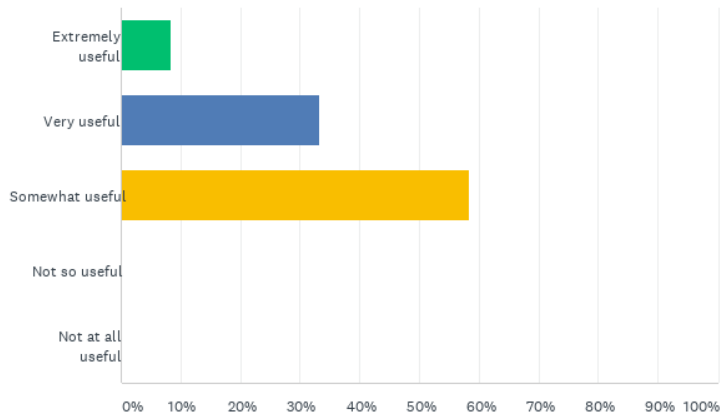
- *We will create or revise a proactive written protocol and leave policy that covers the assessment and treatment of substance use and mental health problems, including a defined back-to-work policy following treatment.*
- *We will provide confidential access to substance use and mental health experts and resources to all employees, including free, in-house self-assessment tool.*

In total, 23 of the 26 pilot participants submitted at least one of the available “pledges” to well-being. Of the three available well-being pledges, the pledge designed specifically for the pilot program was the most utilized by the participants, encompassing 44% of all pledges made. The Colorado Bar Association (CBA) and American Bar Association (ABA) pledges each respectively encompassed 30% and 26% of the pledges made.

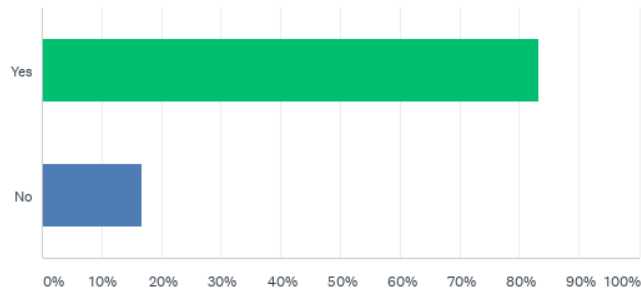
The data regarding pledge engagement from the pilot participants indicates that the ABA pledge is least applicable to solo practitioners and small law firms, while the CBA pledge is least applicable to government law offices and large law firms. The pilot program pledge, however, appears to be applicable to 100% of responding legal employers in the program.

Program participants also utilized the pledge document as a helpful resource during their time in the program. Data indicates that the majority of responding participants found the pledge document to be at least somewhat useful and referred back to the pledge document throughout the program to assist in drafting their organization's well-being action plan:

Q9 How useful was the Well-Being Pledge Form in assisting your organization in articulating its well-being goals and priorities for the pilot program?

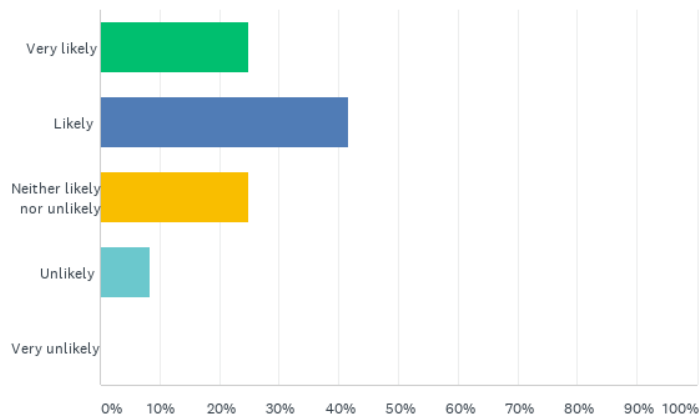


Q12 Are you utilizing your organization's completed pledge form in the creation or implementation of your organization's Well-Being Action Plan?



Finally, the majority of responding participants indicate that are likely or very likely to complete a similar pledge document if offered by a future Colorado Supreme Court well-being program:

Q13 How likely is your organization to complete a similar pledge document as part of a future Well-Being Recognition Program offered by the Colorado Supreme Court?



Participants' written feedback about the pledge included the following opinions:

- *It's good for keeping wellness in the front of the mind; much does not apply to solo firms.*
- *Broaden it to other professionals in the legal profession. I understand the focus on attorneys, but it ends up making other professionals in our office feel excluded.*
- *It would be helpful to have a part of the form to enumerate specific organizational goals, not just the overall pledges that are included.*
- *I think it's a really good idea to engage the participants with a written commitment no matter the compliance of all members of the organization or frequency it is used in the future. It serves as a sort of formal passage or gateway to commitment.*

#### The Leadership Network Collaboratives

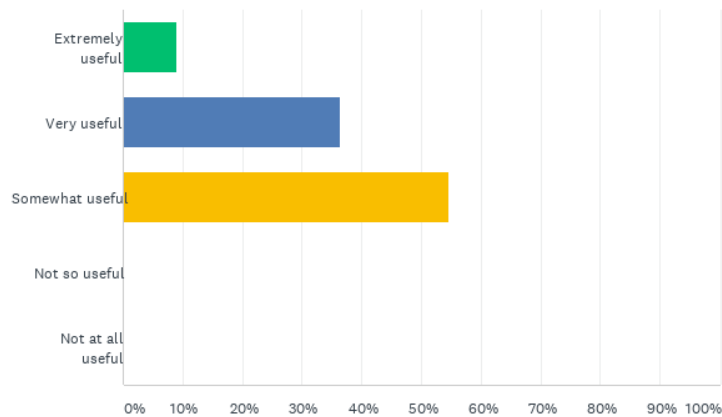
Following each Leadership Network Collaborative meeting, participants were asked to complete a short survey detailing their experience of the collaborative meeting and how the meeting impacted their organization's well-being efforts.

Engagement with these surveys was admittedly low (in total the surveys received only a 32% response rate). While engagement with the post-collaborative surveys was limited, the responses obtained from the survey results were generally positive toward the collaborative element of the pilot program.

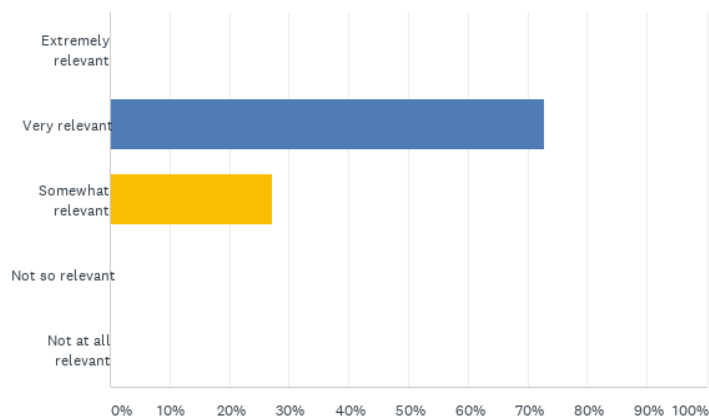
The Leadership Network Collaborative data provides three main "takeaways" regarding the peer-to-peer education and mentoring component of the pilot program:

- 1. The Collaborative meetings were useful in assisting participants in meeting their well-being goals and priorities for the program.**

Q16 How useful were the collaborative meetings in assisting your organization in meeting its well-being goals and priorities for the pilot program?



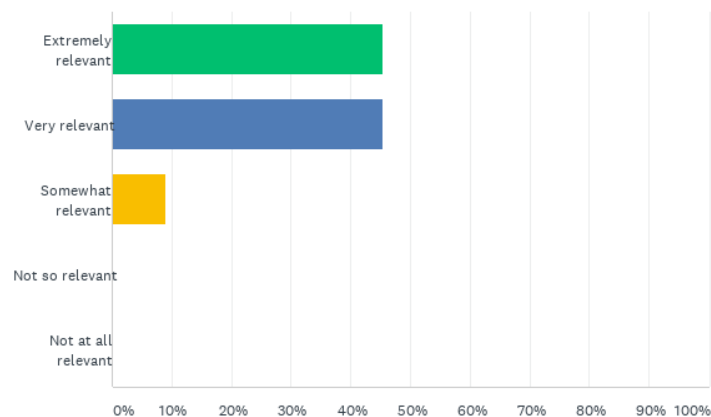
Q19 Generally speaking, how relevant was the content of the collaboratives to your organization's well-being goals and initiatives?



**2. Participants value the peer-to-peer discussion and group mentoring opportunities to collaborate around well-being goals and initiatives.**



Q20 Generally speaking, how relevant were the break out groups/small group discussions to your organization's well-being goals and initiatives?

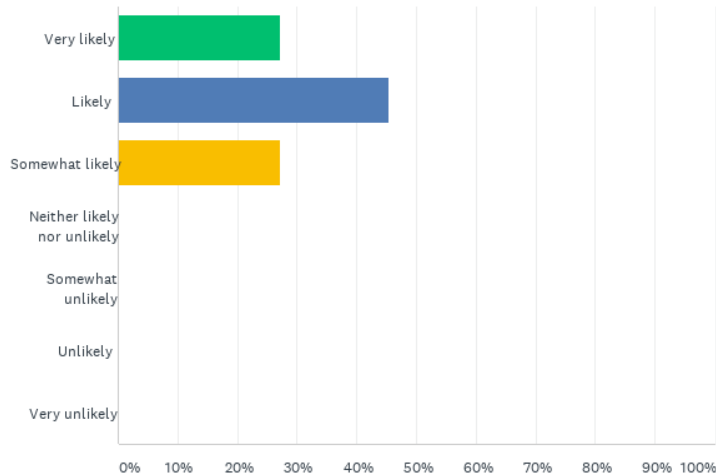


When asked “**What were the aspects of the collaborative meetings that were especially effective in helping you learn?**” participants responded as follows:

- *Breaking out into groups - discussing with fellow attorneys what works and what does not for their organization.*
- *Learning what other employers are working on.*
- *The variety of relevant topics, the speakers who contributed to our understanding of organizational buy-in for example, breaking into rooms and discussing our organization's efforts to increase well-being.*
- *Collaborative meetings are always helpful in developing ideas and hearing what others are doing to promote and foster a well-being program. We picked up some great ideas that we brought back to our firm management.*
- *Hearing insights.*
- *Understanding common challenges faced by other offices.*
- *Sharing of ideas and perspective in an open forum.*
- *It was useful to be exposed to the gamut of ideas surrounding well-being and the possibilities for innovation.*
- *Learning that another firm has "fun activities" and other out-of-the-box "fun" things that reminded me thinking about what this looks like should not be overwhelming. This was from break-out sessions more than presentations.*
- *I liked hearing of others' experiences.*

**3. The collaborative element of the pilot program was generally successful in achieving its objectives and participants are likely to participate in collaborative/peer-to-peer mentoring opportunities for legal employers as part of a future Well-Being Recognition Program offered by the Colorado Supreme Court.**

Q21 How likely are you to participate in collaborative/peer-to-peer mentoring opportunities for legal employers as part of a future Well-Being Recognition Program offered by the Colorado Supreme Court?



Pilot Program Conclusion Survey Data

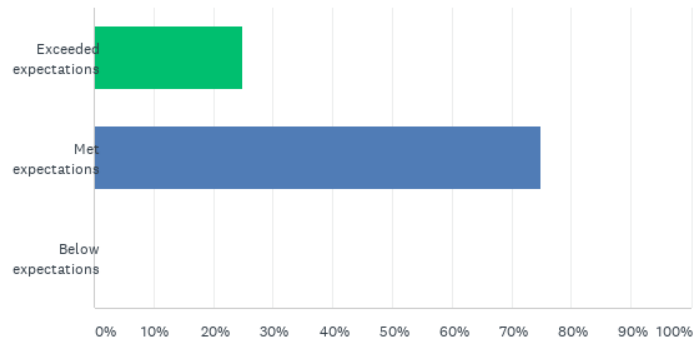
Approximately 48% of program participants completed the Pilot Program Conclusion Survey. The Concluding data regarding the pledge document and the Leadership Collaboratives is included above. Following the Kirkpatrick Model for evaluating the resulting data against four levels of criteria (reaction, learning, behavior, and results), the program conclusion data is divided into three categories:

1. Participant experience in the pilot program,
2. Evaluation of learning and behavior, and
3. Propensity for future engagement in a similar program.

*Participant Experience in the Pilot Program*

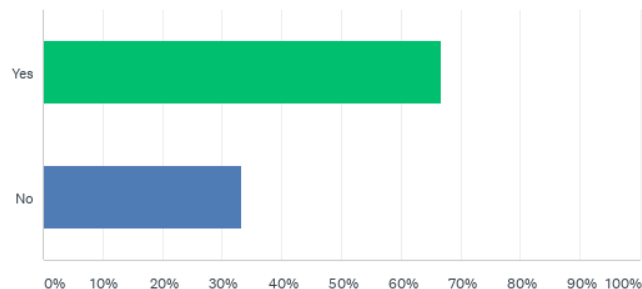
The participants' overall experience in the program was overwhelmingly positive. 100% of participant respondents indicated that the program met or exceeded their expectations. The majority of participants also agree that the program generally met its core objectives.

### Q35 Did the the pilot program meet your expectations?



Additionally, the majority of respondents report noticeable changes in their organization's well-being culture as a result of their participation in the pilot program.

### Q40 Are there noticeable changes in your organization's well-being culture as a result of your participation in the pilot program?



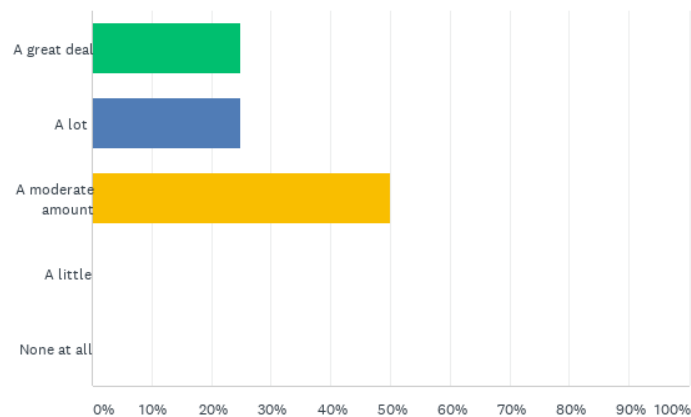
When articulating the noticeable changes, respondents stated as follows:

- *There is less tension and stress in the firm.*
- *We are more consistent with well-being.*
- *We are making strides to create an overlay of well-being on every aspect of program services.*
- *Acceptance and acknowledgement about the effect this job has on individuals and the subsequent need to take care of oneself. This is significantly improved.*
- *Diminished stigma.*
- *More peer support and focus on well-being by supervisors in our organization.*
- *A renewed dedication to be focused on well-being as an integral part of the everyday workplace.*
- *Increased focus on mental health.*
- *We have always been dedicated to attorney well-being, and it is part of our mission and embedded in our organization's purpose. Because of that, there has not been a huge change. However, we have embarked on a few new programs that were inspired by this pilot program.*

- *This is just such a hard year to ask. On the one hand, I have a partner going in for surgery next week to take out an ovary with cancer and another whose son is mentally and physically sick with an undiagnosed condition that has only become worse during this pandemic. On the other, we take moments of silence and express gratitude at the beginning of each of our weekly meetings and I feel supported and hope each of us feel that we have the firm as a resource for strength and well-being, but so much of that is because it is so hard right now.*
- *I communicate more clearly my needs to others and await compliance with more patience.*

Overall, the vast majority of respondents felt the pilot program helped their organization to reach its well-being goals and objectives.

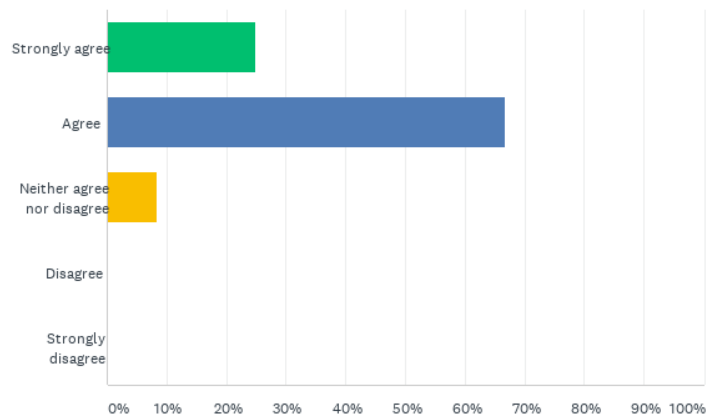
Q45 To what extent has the pilot program helped your organization to reach its well-being goals and objectives?



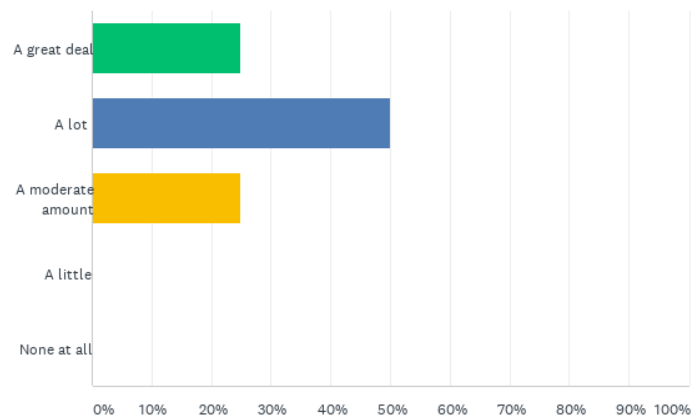
#### *Evaluation of Learning and Behavior*

Participants also reported statistically significant learning growth related to their participation in the pilot program. Participants overwhelmingly felt they learned the skills they needed to assist in creating or improving well-being initiatives within their organization and also feel they can apply those new skills to their well-being work within their organization. 100% of responding pilot participants report that they are utilizing the skills and knowledge they learned in the pilot program in their organizational well-being work.

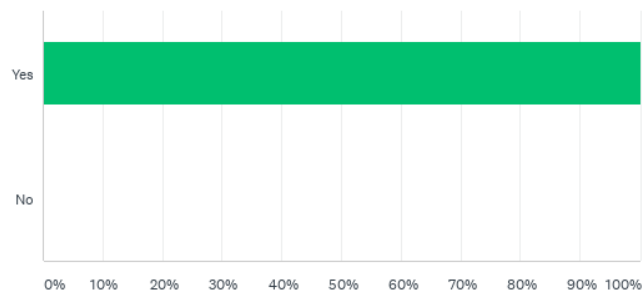
Q36 Do you think you've gained the skills you needed to learn to assist in creating or improving well-being initiatives within your organization?



Q37 To what extent do you feel as though you can apply what you learned to the well-being work in your organization?

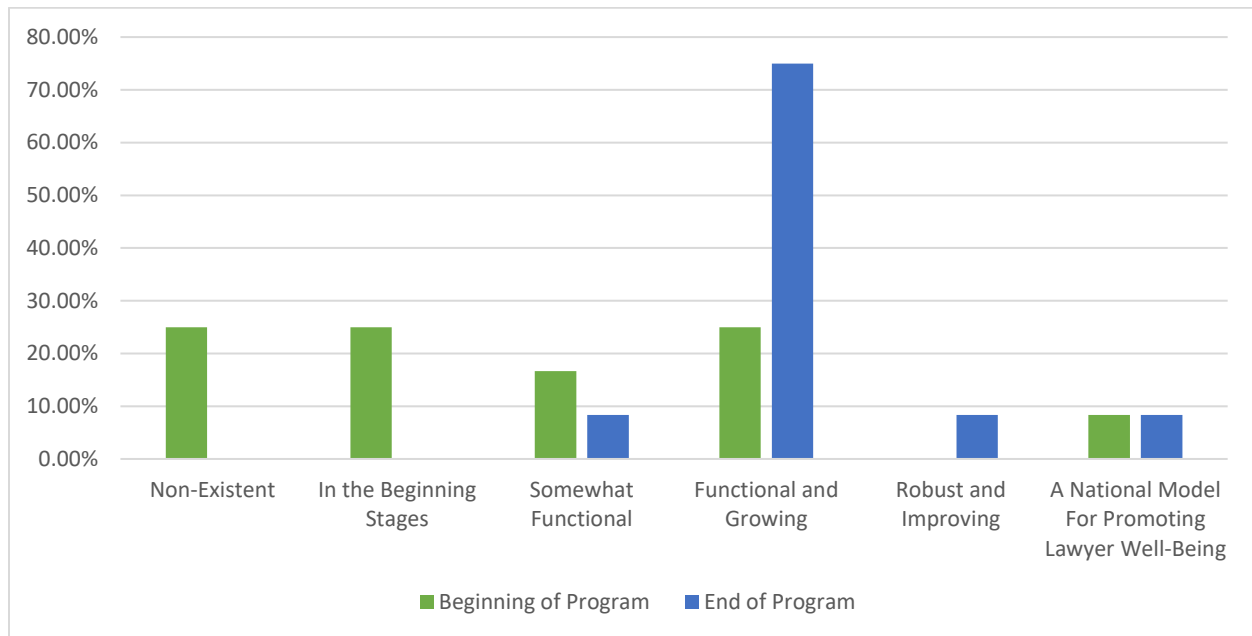


Q39 Are you using what you learned in the pilot program in your organizational well-being work?

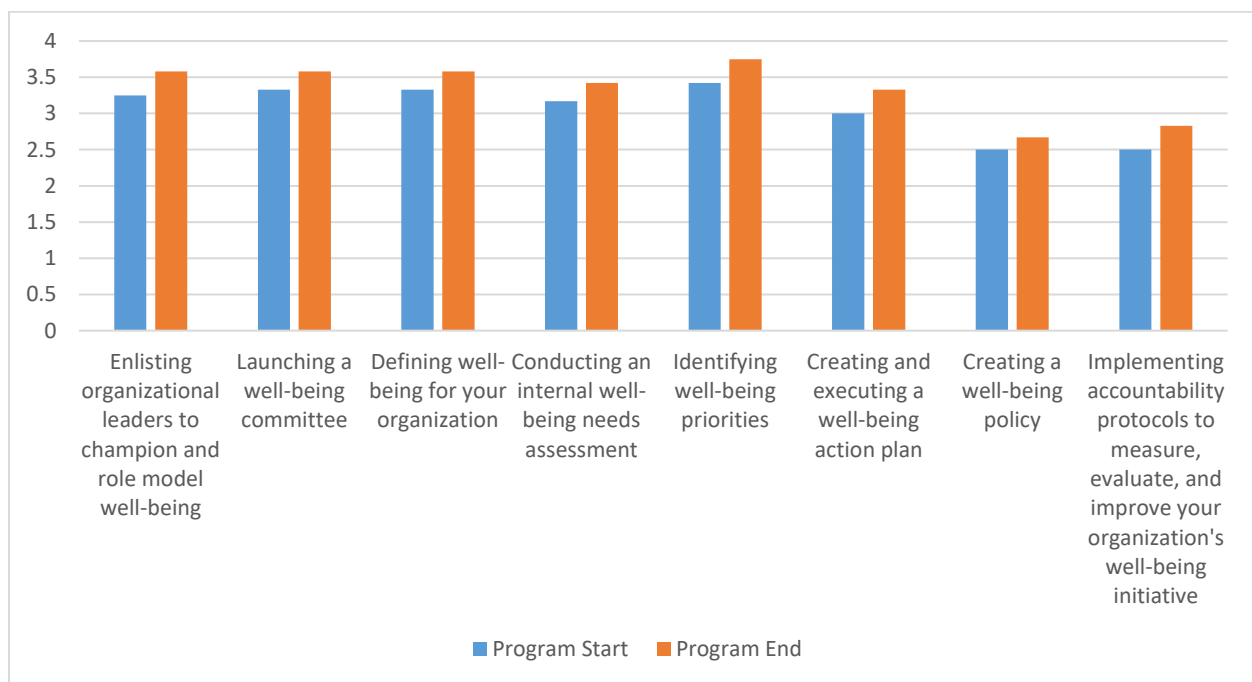




In addition to positive trends in skill and knowledge development, the data also indicates an overall improvement in the status of participant organizations' formal well-being initiatives. At the beginning of the pilot program, 25% of respondents deemed their organization's well-being efforts to be "Non-Existent" and 25% of respondents deemed their organization's well-being efforts to be "In the Beginning Stages." At the conclusion of the pilot program, 75% of respondents deemed the organization's well-being efforts to be "Functional and Growing" with 0% of respondents indicating non-existent or beginning stages well-being initiatives.



At the conclusion of the program, Respondents also reported across the board improvement in their organization's progress in achieving the strategies outlined in the American Bar Association's 8-Step Action Plan for legal employers.



Finally, with respect to the recommended actions from the "Six Program Goal Areas" of the pilot program, 100% of respondents completed at least one of the recommended actions while 50% of respondents completed at least 11 of the 45 possible recommended actions and 1/3 of participants completed at least 21 of the 45 possible recommended actions.

The goal areas achieved by the most program participants include:

- *Sign the Colorado pledge on attorney well-being. Begin a plan to fulfill the commitments of the pledge.*
- *Recruit committed leaders. Law firms should assign an equity owner interested in attorney well-being to review the available resources and educate the firm. An attorney, or a committee, should be designated as the well-being coordinator. Equity owner buy-in is critical to demonstrate personal commitment to well-being.*
- *Create a well-being plan.*
- *Ensure equal access to your organization's formal and informal professional development opportunities and mentoring opportunities for women and minority lawyers.*
- *Create transparency and encouragement for remote/flexible work policies.*
- *Offer a range of flexible work options.*

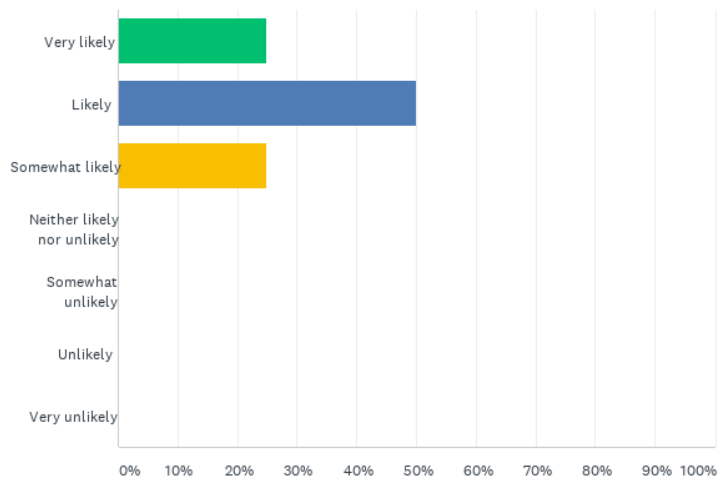
#### *Propensity for future engagement in a similar program*

When asked about challenges in engaging with the pilot program and meeting their organization's well-being goals, respondents identified three key challenges:

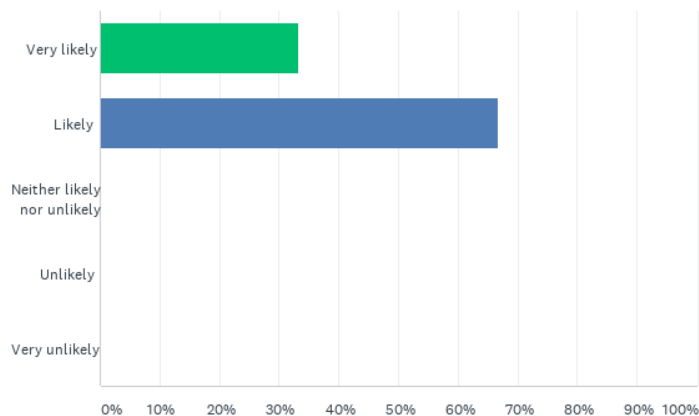
1. The ongoing COVID-19 pandemic and corresponding restraints and pressures associated with managing legal organizations through a pandemic,
2. The need to focus on internal equity, diversity, and inclusion efforts (which some respondents view as a separate focus area from well-being), and
3. A lack of internal staffing and budget resources to support a robust and sustainable well-being initiative.

Despite these challenges, 100% of respondents are "likely" to participate in a future Colorado Supreme Court Well-Being Recognition Program for Legal Employers, as well as recommend the program to colleagues and peers.

Q47 How likely is your organization to participate in a future Colorado Supreme Court Well-Being Recognition Program for Legal Employers?



Q48 How likely are you to recommend participation in a Colorado Supreme Court Well-Being Recognition Program for Legal Employers to your colleagues?



Well-Being Action Plans & Recognition

The culminating commitment of the pilot program engaged the participants in creating a “Well-Being Action Plan” for their organization. Of the original 26 active program participants, 18<sup>20</sup> submitted a Well-Being Action Plan on behalf of their organization.

Each well-being action plan is unique and reflects the progress each organization achieved in meeting its internal well-being goals, as well as the goals associated with the pilot program. The

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<sup>20</sup> Represents the number of plans received as of the date of this report. Three of the 26 active participating organizations did not submit a pledge and it is not expected that those organizations will submit an Action Plan. The five other active participating organizations have asked for additional time to submit an Action Plan for their organization due to unforeseen staffing turnover and personal matters impacting engagement with the program.

plans range from traditional written reports, to PowerPoint slide decks, to a 16-minute video. Copies of all Well-Being Action Plans can be found in [Appendix E](#).

Per the program's "recognition" element, those organizations demonstrating significant progress in meeting pledged areas of growth should be recognized by the Colorado Supreme Court for their well-being commitments and initiatives.

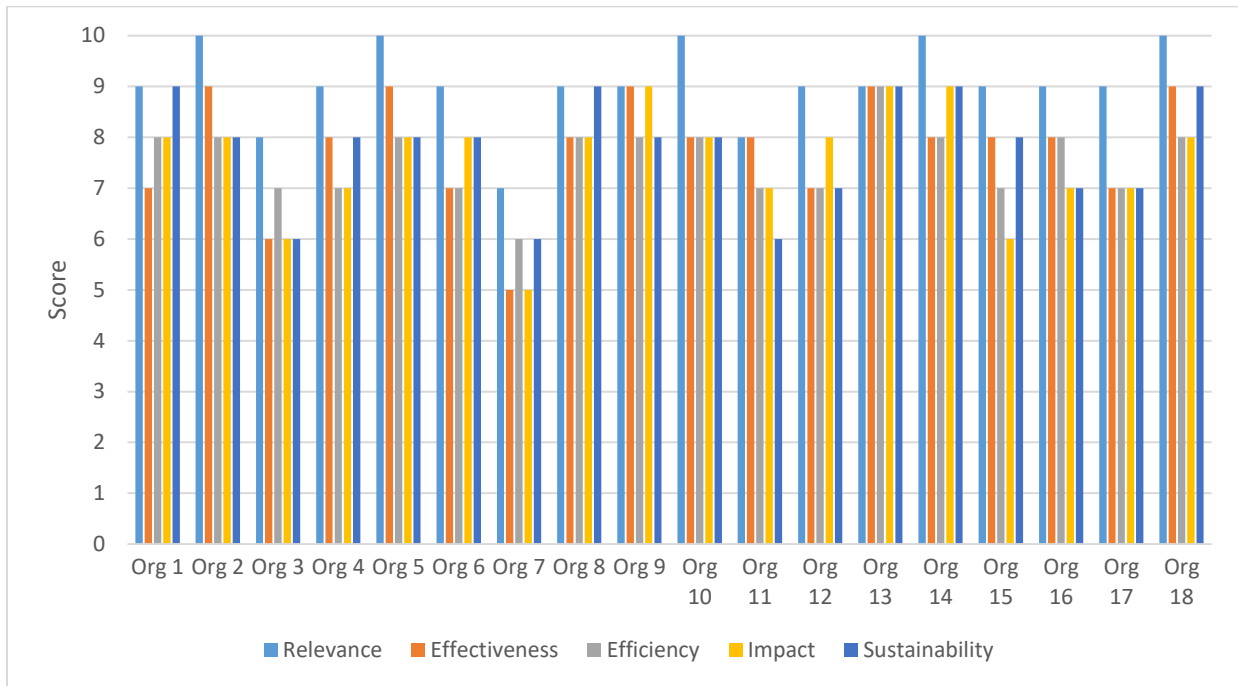
"Significant progress" is evaluated in this pilot program through five assessment criteria:

1. **RELEVANCE:** The extent to which the well-being actions respond to the pledged goals and organizational needs.
2. **EFFECTIVENESS:** The extent to which the well-being actions achieved (or are expected to achieve) their objectives, and their results, if any.
3. **EFFICIENCY:** The extent to which the well-being actions deliver, or are likely to deliver, results in an economic and timely way.
4. **IMPACT:** The extent to which the well-being actions have generated or are expected to generate significant positive or negative, intended or unintended, higher-level effects within the organization.

Note: Impact addresses the ultimate significance and potentially transformative effects of the well-being actions. It seeks to identify social, environmental and economic effects of the intervention that are longer term or broader in scope than those already captured under the effectiveness criterion. Beyond the immediate results, this criterion endeavors to capture the indirect, secondary and potential consequences of the intervention. It does so by examining the holistic and enduring changes in systems or norms, and potential effects on people's well-being.

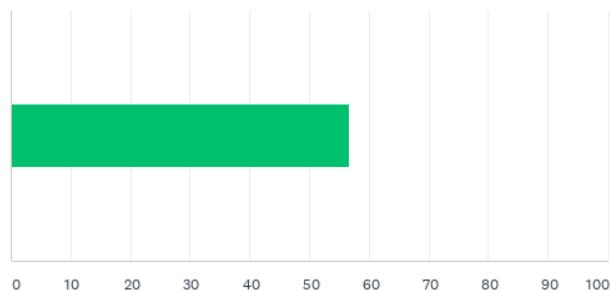
5. **SUSTAINABILITY:** The extent to which the net benefits of the well-being actions continue, or are likely to continue.

In peer reviewing the submitted Well-Being Action plans, it is the opinion of the pilot program staff that each of the participating organizations who submitted a Well-Being Action plan has demonstrated significant progress in meeting the pledged areas of growth for their organization. As a result, it is also recommended that the participating organizations achieving completion of the pilot program be recognized by the Court for their engagement and achievements.



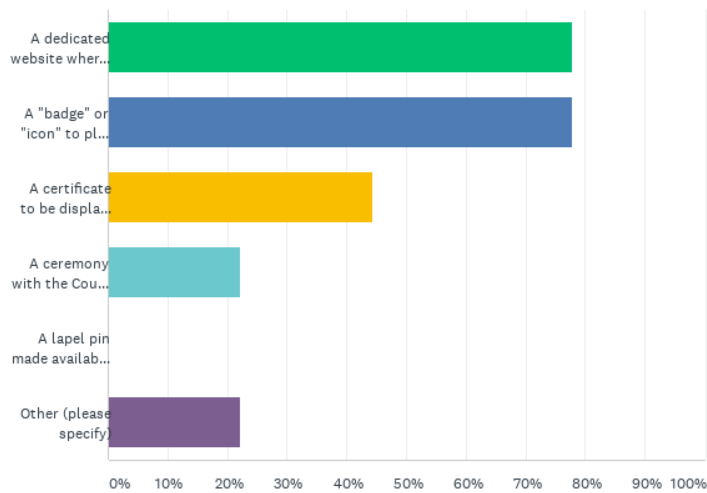
Recognition from the Colorado Supreme Court is moderately important to program participants. With respect to the “form” of recognition, the majority of responding participants would prefer to receive recognition in the form of a dedicated website for the program where their organization can be featured, as well as a "badge" or "icon" to place on their organization's website, e-mail signatures, letterhead, etc.

Q31 How incentivizing from 0 (not at all incentivizing) to 100 (extremely incentivizing) is public recognition from the Colorado Supreme Court to your organization's participation in a formal well-being program for legal employers?





Q32 What type of recognition from the Colorado Supreme Court would be most influential to your organization's participation in this pilot program? (Select All That Apply)



Overall Achievement in Meeting Program Research Goals

Goal	Definition of Success	Outcome
<b>Goal #1:</b> Engage Colorado legal employers interested in improving well-being within their organizations.	75% of legal employers consistently participate in all features of the pilot program	Achieved (23 completed pledges, 27 participated in collaboratives, 22 expected to provide action plans)
<b>Goal #2:</b> Host a minimum of 4 Legal Well-Being Leadership Network collaboratives with key stakeholders from participating employers.	All 25+ legal employers participate in the collaboratives	Achieved
	90% of survey respondents will report improved understanding of lawyer well-being strategies	Achieved
	90% of survey respondents will report identifying at least one collaborator on well-being	Goal changed as a result of virtual nature of program – participants were assigned collaboration peers in break out groups.
<b>Goal #3:</b> Develop operational components of a state-wide Well-Being Recognition Program.	Operations plan adopted by the Colorado Supreme Court and implemented under CSC direction	Proposed components are included in this report. Adoption by the Court is TBD.
<b>Goal #4:</b> Utilize Legal Well-Being Leadership Network collaboratives to collect qualitative or quantitative data on program efficacy.	75% of participants will complete pre- and post- evaluation surveys	Not achieved – Only 42% of participants completed evaluation surveys
	20+ decision-makers or administrators from participant organizations will participate in focus groups	Goal changed as a result of reduced program timeline as a result of COVID – Will occur during

		implementation phase if operations plan is approved.
	75% of the participant organizations will turn in Action Plans or Reports	Expected to be Achieved by August 31, 2021
<b>Goal #5</b> Demonstrate proof of concept feasibility of the Colorado Supreme Court to provide well-being leadership and capacity building through a recognition and education program.	75% of participants will report positive engagement with the program, meaningful learning outcomes, modified behavior, and perceived overall improvement to the legal community	Achieved in 75% of respondents to evaluation survey report positive engagement with the program

## Conclusions and Proposal for Colorado Well-Being Recognition Program for Legal Employers

Based on the qualitative and quantitative data collected in the formation and implementation of this pilot program, it is the recommendation of the Pilot Advisory Board that the Colorado Supreme Court adopt a formal, standing well-being recognition program for legal employers.

The efforts of the Colorado Task Force on Lawyer Well-Being have made clear that a lack of lawyer well-being in the legal profession is causing mental health issues and substance abuse problems, as well as significant attorney attrition in legal organizations and the profession generally. We believe the outcome of this pilot program provides a viable “proof of concept” for a sustainable and scalable statewide well-being program that will support and incentivize legal employers of all types to create or expand internal well-being initiatives.

The pilot program provides a clear roadmap for promotion, facilitation, and evaluation of a well-being recognition program that can be straightforwardly applied to a future statewide effort. Utilizing the feedback from pilot participants, the foundational scaffolding developed by the pilot program can be further improved to generate an effective and accessible, first-of-its-kind lawyer well-being program in Colorado.

### Recommendation of Program Components

We recommend that the *Colorado Well-being Recognition Program for Legal Employers* adopt a structure similar to that of the *Colorado Pro Bono Recognition Program*<sup>21</sup> currently managed by the Court.

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<sup>21</sup> The Colorado Supreme Court recognizes those law firms, solo practitioners, and in-house counsel or government groups that have committed to the annual goal of 50 hours of pro bono legal services. Reporting is done by calendar year. An email is all that is required to report achievement of the pro bono goal, renew the commitment despite falling short of the goal, or join the commitment for the first time.

[https://www.courts.state.co.us/Courts/Supreme\\_Court/Pro\\_Bono.cfm](https://www.courts.state.co.us/Courts/Supreme_Court/Pro_Bono.cfm)

The target audience for the program will include all Colorado legal employers across the state regardless of size, structure, practice area, or clientele.

In this proposed structure, legal employers will make an annual pledge to well-being which will incorporate a hybrid commitment representing the six-goal areas of the pilot program, the American Bar Association Pledge to Well-Being, and the Colorado Bar Association Pledge to Well-Being. This “pledge” will include the six specific goal areas of the pilot program (Creating a Culture of Well-Being; Fostering Competence; Developing Work/life Integration; Promoting Diversity & Inclusivity; Assessing Compensation Metrics; Making Clients Part of the Conversation) and be designed in multiple varieties to meet the unique needs on the type of legal employer submitting the pledge.<sup>22</sup> Employers will then have the corresponding calendar year to meet the goals committed to in the pledge form.

During the course of the “pledge year,” participants will have the option of participating in a facilitated peer-to-peer/group mentoring experience<sup>23</sup> to gather with their peers to receive well-being education and best practices, mentoring, and idea crowdsourcing to make their organizational well-being work more meaningful and relevant.

Additionally, the program will establish and maintain a resource library of electronic materials for the development of well-being initiatives, including but not limited to the following purposes: to promote a culture of lawyer well-being, to teach practical well-being leadership skills, to increase knowledge of well-being best practices, and to promote the services of the Colorado Lawyer Assistance Program (COLAP).

At the conclusion of the pledge year, participants will submit an attestation as to the pledged well-being goals achieved. In return, the Court will recognize legal organizations for their pledged commitment and their achievements.

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<sup>22</sup> For instance, the pledge for solo practitioners will contain different commitments than the pledge for a government law office.

<sup>23</sup> A mini-pilot program focused on small group, well-being mentoring is currently in process through the **Colorado Lawyer Well-Being Learning Pods** program. This pilot is set to conclude in August 2021. A supplement to this report will be developed following the conclusion of this program. More information about the Learning Pod pilot program can be found in [Appendix F](#).



### Recommendation for Implementation Committee

It is recommended that the Court appoint an implementation committee to vision and establish the specific components of a future statewide well-being recognition program for legal employers.

The Pilot Advisory Board recommends that this program continue to be housed with the Colorado Attorney Mentoring Program and managed by its director. The implementation committee, in coordination with the CAMP office, will be tasked with the following:

1. Design of specific program components including, but not limited to, the pledge document(s), forms of attestation, structure of peer-to-peer learning pods, and resource library elements. Specific attention should be given to creating program components that will support multi-year/repeat engagement by legal employers.
2. Determine the form of “recognition” to be provided to program participants, including whether recognition should be *tiered* based on the level of engagement participants have with the program and usage guidelines for recognition received.
3. Create a launch timetable and articulate program objectives and expected outcomes.
4. Develop an evaluation plan so that relevant data can be collected and tracked throughout the program. Key measures could include: the number of legal employers participating in the program; the satisfaction of program participants; and the value/impact of well-being objectives implemented or achieved.
5. Assess whether the program can continue to be housed with CAMP and if not, identify where the program will be housed within the judicial branch or another Court office and who or what will be responsible for managing and administering the program.
6. Determine the budgetary needs of the program based on program components, management responsibility, and housing.

7. Meaningfully engage with collaborative partners and experts within the legal community to assist the program in developing its capacity building and leadership credibility in the area of lawyer well-being.

## Conclusion

The time for systemic solutions to well-being risk factors in legal organizations is now. The needed rebirth of well-being, at a critical juncture in the evolution of the legal profession, should be seen not as pain, but as gain. At the conclusion of a global pandemic, lawyer well-being is more important than ever. As the research conclusively bears out, (1) well lawyers are more effective and achieve better outcomes; (2) well-being breeds job satisfaction; and (3) well-being reduces the risk of attorney discipline.

Colorado has the opportunity to be a national leader in lawyer well-being by creating a first-of-its-kind program to incentivize, support, and recognize legal employers for implementing well-being strategies and recommendations within their organizations.

The pilot program confirmed a need for ongoing, systemic well-being support for legal employers, in addition to the need for broader collaboration and partnership in well-being efforts among a wide range of stakeholders. The data collected from the pilot program indicates that a recognition program would not only be well received by the Colorado legal community, but also has the potential to create meaningful well-being change within Colorado's legal organizations.

## APPENDIX A: The Six Program Goal Areas of Well-Being Recognition

### 1. Create a Culture of Well-Being Through Leadership, Accountability, and Buy-In

Individual attorneys can take steps to advance their own wellness. They can engage in healthy lifestyles, limit the stresses in their personal and professional lives, and seek help when the need arises. When individual attorneys take steps to promote their own wellness, they simultaneously promote greater wellness in the legal profession.

Individual effort, however, is not enough, and the legal profession will not achieve wellness unless the organizations that employ lawyers also commit to wellness. While improving wellness across these organizations will likely be in their best economic interests, in the form of reducing turnover and increasing productivity,<sup>24</sup> it will also make their organizations better places for their employees. But it will also require those organizations to change.

Change does not occur in organizations without leadership. Less than half of all organization change efforts meet their long-term goals.<sup>25</sup> Most of the time, change efforts fail because of employee resistance and lack of management support.<sup>26</sup> So the question becomes, “What are the actions that an organization must take to effectively change?”

Leaders in organizations play an active role in setting its culture. Culturally the legal profession has been slow to embrace attorney wellness and has, at times, celebrated self-destructive tendencies, such as overwork and the ability to “power through” personal challenges.<sup>27</sup> To break these cultural patterns, leaders in legal organizations cannot simply expect that change will occur without their active participation. The leaders must be the drivers and agents of change and be willing to lead the charge.<sup>28</sup> Stated another way, change is more likely to occur when leaders across the organization are willing to participate in the efforts for the betterment of a healthier whole.<sup>29</sup>

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<sup>24</sup> Jarrod F. Reich, Capitalizing on Healthy Lawyers: The Business Case for Law Firms to Promote and Prioritize Lawyer Well-Being, GEO. UNIV. LAW CENTER (2019), available at <http://scholarship.law.georgetown.edu/facpub.2193> and <https://ssrn.com/abstract=3438029>

<sup>25</sup> REED DESHER, THE ROLE OF LEADERSHIP IN CHANGE MANAGEMENT, available at [https://www.hci.org/system/files/article//files/field\\_content\\_file/The%20Role%20of%20Leadership%20in%20Change%20Management.pdf](https://www.hci.org/system/files/article//files/field_content_file/The%20Role%20of%20Leadership%20in%20Change%20Management.pdf)

<sup>26</sup> McKinsey & Company, CHANGING CHANGE MANAGEMENT, available at <https://www.mckinsey.com/featured-insights/leadership/changing-change-management>

<sup>27</sup> Lizzy McLellan, *Is the Legal Industry Ready for a Culture Shift on Mental Health?*, LAW.COM, May 30, 2019.

<sup>28</sup> LC GLOBAL, CHANGE LEADERSHIP V. CHANGE MANAGEMENT – WHAT IS THE DIFFERENCE AND WHY WE POSSIBLY NEED BOTH, available at <https://www.lc-global-us.com/change-talk/change-leadership-vs-change-management-whats-the-difference-and-why-we-possibly-need-both>

<sup>29</sup> GLENN LLOPIS, CHANGE MANAGEMENT REQUIRES LEADERSHIP CLARITY AND ALIGNMENT, available at <https://www.forbes.com/sites/glennllopis/2014/06/30/change-management-requires-leadership-clarity-and-alignment/>

Consequently, if an organization expects to promote change, its leaders must embrace a strategy that will allow it to forge a path to success. This path, derived from John Kotter's book *Leading Change*<sup>30</sup> should include:

- **Establishing a Sense of Urgency:** As described throughout this document, attorney wellness is a crisis that the legal profession must confront. And, if it is a crisis throughout the profession, attorney wellness is a challenge that legal organizations must confront openly and honestly. Unfortunately many organizations, including legal organizations, are change resistant.<sup>31</sup> If leadership does not clearly establish “why” it’s important for legal organizations to promote attorney wellness in a manner that can overcome complacency, particularly with mid and entry level<sup>32</sup> attorneys, any subsequent efforts may fall short.<sup>33</sup>
- **Creating the Guiding Coalition:** Many efforts to promote attorney wellness fail to thrive, despite good intentions, because leaders in the organization have not established ongoing responsibilities and support for them. The leaders in the organization must lead change from the top,<sup>34</sup> they must play an active role in supporting attorney wellness, they must identify and charge the people who are going to lead the efforts to promote wellness. That guiding coalition must necessarily contain visible leaders in the organization, but it should also include others, such as those vested with human resources or managerial functions, who can enable success.<sup>35</sup>
- **Developing a Vision and Strategy:** Attorneys are busy professionals who face competing demands for their time and attention. Unfortunately, it’s also true that many attorneys most in need of help are reluctant to admit it or seek it. To build empathy and shared purpose<sup>36</sup> and overcome some of the tendencies that could prevent a wellness effort from taking hold, the guiding coalition must first develop a vision of what the organization hopes to achieve and then develop an ongoing strategy to implement the vision across the organization.<sup>37</sup>
- **Communicating the Vision:** Most organizations underestimate the challenge of implementing change and fail to account for this difficulty when communicating their vision.<sup>38</sup> A coordinated communications strategy must first address the problems that prompted the organization to focus on attorney wellness and then provide ongoing

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<sup>30</sup> JOHN P. KOTTER, *LEADING CHANGE* (2012).

<sup>31</sup> OVERCOMING LAWYERS’ RESISTANCE TO CHANGE, *available at* <https://legal.thomsonreuters.com/en/insights/articles/overcoming-lawyers-resistance-to-change>.

<sup>32</sup> Kotter, *supra* note 7.

<sup>33</sup> MCKINSEY QUARTERLY: THE FOUR BUILDING BLOCKS OF CHANGE, *available at* <https://www.mckinsey.com/~media/McKinsey/Business%20Functions/Organization/Our%20Insights/The%20four%20building%20blocks%20of%20change/The%20four%20building%20blocks%20of%20change.ashx>

<sup>34</sup> LC GLOBAL, *supra* note 5.

<sup>35</sup> Kotter, *supra* note 7 at 51.

<sup>36</sup> MCKINSEY & COMPANY, *CHANGING CHANGE MANAGEMENT*, *supra* note 10.

<sup>37</sup> Desher, *supra* note 2.

<sup>38</sup> Kotter, *supra* note 7 at 51.

messaging about both the commitment and resources that will be focused toward addressing the problem.

- **Empowering Broad Based Action:** By their nature, many legal organizations are both hierarchical and siloed.<sup>39</sup> In such an environment, attorney wellness runs the risk of becoming classified as another person or department’s “problem.” Breaking down the hierarchy, removing structural barriers<sup>40</sup> and the silos, and thinking deliberately about how to empower people across the organization to work together to address attorney wellness creates broader-based support for a shared goal.<sup>41</sup>
- **Generating Short Term Wins:** Most change efforts fail because they never start.<sup>42</sup> Many organizations announce their ambitions and pledge to address a problem and then set to work figuring out how to address it. A better strategy recognizes that change is incremental and identifies some short-term wins that the organization can claim and highlight.<sup>43</sup> This strategy allows the organization to maintain interest in solving the problem, demonstrate to skeptics that progress can occur, and sets the foundation for additional efforts.<sup>44</sup>
- **Consolidating Gains and Producing More Change:** Attorney wellness is a multifaceted problem. The strategy for promoting attorney wellness must therefore be multifaceted as well. During the process, it’s important to take a step back and assess progress on multiple fronts, consolidate the gains that have been made across the organization, communicate them, and use them as the impetus for making more change.<sup>45</sup>
- **Anchoring New Approaches in the Culture:** As described above, leaders play a vital role in creating and sustaining organizational culture,<sup>46</sup> and attorney wellness efforts risk becoming short lived if they do not become part of the organization’s culture. Leaders must continuously renew the focus on attorney wellness, demonstrate that it is consistent with the organization’s best business interests, and invest stakeholders across the organization in building attorney wellness into the organization’s ongoing business practices.

### **Recommendations:**

1. Recruit committed leaders. Firms should assign an equity owner interested in attorney well-being to review the available resources and educate the firm. An attorney, or a committee, should be designated as the well-being coordinator. Equity owner buy-in is critical to demonstrate personal commitment to well-being. Similarly, leaders in other types of legal organizations need to be involved.

<sup>39</sup> OVERCOMING LAWYERS’ RESISTANCE TO CHANGE, *supra* note 8.

<sup>40</sup> Kotter, *supra* note 7 at 106.

<sup>41</sup> *Id.* at 119.

<sup>42</sup> LC GLOBAL, *supra* note 5.

<sup>43</sup> CHANGING CHANGE MANAGEMENT, *supra* note 2.

<sup>44</sup> Kotter, *supra* note 7 at 127.

<sup>45</sup> *Id.* at 150.

<sup>46</sup> *Id.* at 166.



<p>2. Reach a legal organization consensus with as much attorney input as possible on what constitutes well-being within the culture of the organization. Track the suggested areas contained in this template. Create any new areas deemed important.</p>
<p>3. Sign the Colorado pledge on attorney well-being. Begin a plan to fulfill the commitments of the seven-point pledge:</p> <ul style="list-style-type: none"> <li>• Provide education to attorneys and staff on well-being topics such as mental health and substance abuse.</li> <li>• Disrupt the status of drinking- based events.</li> <li>• Develop visible partnerships with outside resources committed to reducing substance use disorders and mental health distress.</li> <li>• Provide confidential access to free addiction and mental health experts/resources, including self-assessment tools.</li> <li>• Develop proactive policies and protocols to support assessments and treatment for substance use disorders and mental health problems.</li> <li>• Actively and consistently demonstrate that help-seeking and self-care are core firm cultural values.</li> <li>• Highlight the adoption of this well-being framework to attract and retain the best lawyers and staff.<sup>47</sup></li> </ul>
<p>4. Analyze the remaining gaps between the desired well-being environment and the current firm environment. Identify priorities to address.</p>
<p>5. Create a well-being plan. Consider:</p> <ul style="list-style-type: none"> <li>• The elimination or modification of existing policies that may be barriers to well-being.</li> <li>• The creation of new policies to promote well-being.</li> <li>• Provide training and education on attorney well-being and include during new lawyer orientation.</li> <li>• Include well-being goals in performance reviews.</li> <li>• Ask about any well-being issues during exit interviews.</li> <li>• Support attorneys in their personal well-being plans.</li> <li>• Inform attorneys of the resources offered by the Colorado Lawyer Assistance Program (COLAP), <a href="http://www.coloradolap.org">www.coloradolap.org</a>.</li> </ul>
<p>6. Create measurements and evaluations of well-being programs</p> <ul style="list-style-type: none"> <li>• Subjective satisfaction with, and attitudes toward, well-being programs.</li> <li>• The extent of learning new information and skills.</li> <li>• Positive behavioral changes.</li> <li>• Measures of individual lawyer well-being and elimination of unnecessary system stressors.</li> </ul>

**2. Foster Competence by Developing and Supporting Programs for Substantive Development and Mentoring**

<sup>47</sup> Bree Buchanan, James C. Coyle, et al., *The Path to Lawyer Well-Being, Practice Recommendations for Positive Change* (2017), available at [lawyerwellbeing.net](http://lawyerwellbeing.net).

Why implement a professional development training program at your legal organization? To keep your clients happy, you must teach your lawyers and staff how to serve them. To keep your lawyers happy, engaged, and thriving you must teach them how to do their job successfully.

Teach them how to write, advocate, and negotiate. Teach them the business of law, how to market, and how to interact with clients. Teach them your expectations, your firm culture, your beliefs, and your values.

Create a program that teaches them how to excel as attorneys so they can provide your clients the best representation and service possible. No matter how talented, how bright, or how experienced your lawyers are, you still need to shape them into attorneys representing clients according to your brand of representation and advocacy.

In study after study, millennials report that they want a meaningful and fulfilling career that makes a difference in the world. For example, three-quarters of millennials say that “it is more important to enjoy their work than to make a lot of money.” In a recent *PwC Millennials at Work* survey, personal learning and development was millennial employees’ first choice benefit.

Consequently, legal employers must focus on the “experience of practicing law.” For starters, firms can promote collegiality and collaboration at their legal organizations through mentoring and shared professional development experiences. Furthermore, legal employers can inspire consistent and committed hard work and effort by refocusing on investing in their lawyers.

This also makes professional development an increasingly important aspect of succession planning. By investing in future leaders, legal organizations will ensure that employees have the right skills to match the firm's growing needs and empower them to drive their own career advancements.

Investing in professional development creates a sense of belonging in lawyers which can improve your organization’s recruitment of talent and, more importantly, retention of that talent. When an attorney leaves a firm, the cost to the firm ranges from \$400,000 to more than \$800,000 (for experienced attorneys).<sup>48</sup> Turn over costs the legal industry roughly \$9.1 billion annually.<sup>49</sup> The value proposition of professional development is easily found in the potential savings on lawyer attrition.

Finally, investments in professional development also decrease the risk of legal malpractice claims and attorney discipline. Teaching lawyers how to do their jobs effectively and efficiently will have significant preventive benefits to your organization’s bottom line.

For more information regarding best practices of effective legal professional development programs consider the following resources:

- [TRAINING YOUR LAW FIRM ASSOCIATES](#), DRI (2017).
- Jill Switzer, [Millennial Lawyers Need Mentors, But The Legal Profession Is Slacking](#), ABOVE THE LAW, May 2, 2018.

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<sup>48</sup> Mark Levin & Bruce MacEwen, *Assessing Lawyer Traits & Finding a Fit for Success*, JD MATCH (March 2014), available at: <http://therightprofile.com/wp-content/uploads/Attorney-Trait-Assessment-Study-Whitepaper-from-The-Right-Profile.pdf>.

<sup>49</sup> *Id.*

- Jonathan White, [\*Self-Assessment Program Aims to Enhance Lawyer Competency and Client Satisfaction\*](#), COLORADO LAWYER, Oct. 2017.
- Jordan Furlong, [\*Professional Development for the Future Law Firm\*](#), PD QUARTERLY, Nov. 2017.
- Sarah Kellogg, [\*The Professional Development Imperative: Ongoing Training Keeps New Lawyers Invested\*](#), WASHINGTON LAWYER, July/August 2015.

**Recommendations:**

- |   |
|---|
| <ol style="list-style-type: none"> <li>1. Create or redesign a professional development program that is available to all attorneys and incorporates all or a portion of the following best practices and characteristics:             <ol style="list-style-type: none"> <li>a. The program is strongly supported and driven by the leadership of the organization.</li> <li>b. The program incentivizes lawyers to participate either as students or as faculty members. For example, an organization's commitment to stated billable hours goals or elements of its compensation system should reward active participation in professional development programs by all of its lawyers.</li> <li>c. The program is targeted at all of the lawyers in the organization, not just new or young lawyers.</li> <li>d. The program is designed to deliver appropriate levels of training at different stages of a lawyer's career.</li> <li>e. The program covers "soft skills" as well as technical legal skills. For instance, topics such as leadership, business development, client relationship management, emotional intelligence, supervision, teamwork, communications, and the like.</li> <li>f. The program links formal training with on-the-job learning through coordination of assignments, mentoring, and otherwise.</li> <li>g. The program incorporates highly interactive teaching methods.</li> </ol> </li> </ol> |
| <ol style="list-style-type: none"> <li>2. Implement assignment systems that ensure equal access to challenging work and key clients. Create an assignment system that gives lawyers opportunities to develop expertise and to work with colleagues at all levels of influence. Incentivize partners to choose different associates for different projects.             <ul style="list-style-type: none"> <li>• Monitor associates' work experience.</li> <li>• Ensure women and minority lawyers have the same opportunities to work on quality and challenging projects with senior lawyers.</li> </ul> </li> </ol>   |

3. Create a meaningful evaluation system. Provide ongoing and timely feedback to lawyers so they can improve their skills. Incorporate associate-driven professional goal-setting into the evaluation process, to include work for the firm and other professional and civic activities.
- Focus on creating dynamic evaluations with substantive, meaningful feedback to provide lawyers with direction regarding career advancement.
  - Include discussion of the status and accomplishment of the associate’s individualized goals and expectations as an agenda item at the time of the associate’s annual performance review.

4. Create an effective and sustainable internal mentoring and sponsorship program that addresses and promotes the growth and development of junior lawyers – providing a sense of certainty that:
- They are on the road to a rewarding career.
  - They are part of a team with more-experienced lawyers always available for consultation and advice.
  - Their work is important.
  - They receive constructive feedback.
  - Their professional development and individual career goals are important and supported by the organization.

One approach is to use the Colorado Attorney Mentoring Program to assist in developing these programs or improving current internal mentoring and sponsorship programs. Visit [www.coloradomentoring.org](http://www.coloradomentoring.org) for more information on the CAMP program.

5. Create an effective and sustainable “reverse mentoring” program where senior lawyers are paired with junior lawyer mentors to:
- Close the knowledge gaps.
  - Empower emerging leaders.
  - Bring generations together.

One approach is to use the Colorado Attorney Mentoring Program to assist in developing these programs or improving current internal mentoring and sponsorship programs. Visit [www.coloradomentoring.org](http://www.coloradomentoring.org) for more information on the CAMP program.

6. Complete the [Colorado Lawyer Self-Assessment](#) or incorporate the Self-Assessment into your organization’s professional development/training program.

7. Ensure equal access to your organization’s formal and informal professional development opportunities and mentoring opportunities for women and minority lawyers.

One approach is to use the [Center for Legal Inclusiveness](#) to provide training on topics such as:

- Implicit bias.
- Institutional barriers to inclusion.
- Best practices for creating inclusive legal organizations.

### 3. Develop Work-Life Integration and Flexible Work Schedules

Work-life integration is different from work-life balance. Work-life balance views work and life as separate spheres competing against one another for time and attention. It didn’t work well, especially in the knowledge economy where it’s difficult to shut down one part of life for another part of life. Work-life integration acknowledges that each part of life shouldn’t compete for time seeking an equal balance. Through integration, each part of life helps to support and nurture other parts of life. It’s creating supportive structures within our professional, personal lives and communities and not a single-minded focus on maximizing one aspect of life. It’s the intersectionality of: work, home, community, and self. What that translates to is that each aspect of life- work, home, community and self- becomes integrated without seeing any aspect as a sacrifice, viewing each part as supporting and nurturing of other parts.

Perhaps the most important aspect is finding the through-line or passion for each person. If a person can thread, for example, a love of art through each sector of their lives, that attorney will be much more likely to find not only success but sustainability. If a person is allowed to pursue their passion at work for 5-10% of their time, they are much more likely to be happy, healthy and will remain longer at a position.<sup>50</sup> If you’re able to pinpoint what truly inspires a colleague, you’re able to make a connection. That connectedness is critical in identifying how to retain an employee and also how to engage and motivate them. It’s the difference between thriving in a workplace and surviving in a workplace.

Google, for example, has a 20% rule which allows employees to devote an entire day each week to a Google-related passion project of their own choosing. The results are “phenomenal”.<sup>51</sup>

Start by considering three principles: be real, be whole, and be innovative. To be real is to act with authenticity by clarifying what’s important to you. To be whole is to act with integrity by recognizing how the different parts of your life (work, home, community, self) affect one another. This increases

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<sup>50</sup> Samantha Radocchia, *Why Encouraging Your Team to Work on Passion Projects Benefits Your Company*, HACKERNOON, Aug. 2, 2015, available at <https://hackernoon.com/why-encouraging-your-team-to-work-on-passion-projects-benefits-your-company-c62eb2a5592f>.

<sup>51</sup> Bryan Adams, *How Google’s 20 Percent Rule Can Make You More Productive and Energetic*, INC., Dec. 28, 2016, available at <https://www.inc.com/bryan-adams/12-ways-to-encourage-more-free-thinking-and-innovation-into-any-business.html>.

productivity, recruitment and retention in very real ways; it also enhances a firm or individual's reputation – what many refer to as “brand enhancement.”

Some recommendations:

- 1) Set values rather than policies in a workplace.
- 2) Encourage flexible schedules including remote work and project based work.
- 3) Encourage and award vacations to avoid burnout.
- 4) Reward employees who exemplify values of a firm and not simply winning or bringing in a new client.
- 5) Encourage dialogue.
- 6) Encourage self-expression.
- 7) Encourage using “work hours” to fulfill personal/home needs.
- 8) Support individuals bringing their authentic selves to work.
- 9) Consider on-site services (in-house health clinics and mental health services so employees can seek help early; some companies offer free nutritious meals and massage therapists on-site).

Flexible schedules and remote work are critical for a future workforce. Many industries already use different work arrangements to maximize productivity and to reduce burnout. The COVID-19 pandemic required the legal profession to pivot swiftly to incorporate flexible work spaces and schedules into the profession's culture. However, the legal profession has yet to adopt many practices already in place in many fields. It's not unusual for employees to work during a vacation, it shouldn't be viewed as unusual if an employee takes time off work to attend a school event. In fact, it should be encouraged as the ability to attend life events during the day nurtures work and loyalty in employees.

Flexible schedules and remote work respect lawyers' desire for autonomy and control over professional and personal lives. Legal organizations can promote that sense of autonomy is by strategically delivering a message of balance when it comes to billable hour targets. Creating policies that explain that an inability to meet a billable hour target will not automatically result in termination or that encourage lawyers to proactively discuss why they may not meet a target without fear of penalty, convey an important message. They demonstrate that the firm values employee health, renewal, and commitment to family more than a single metric of time. Likewise, setting a maximum limit on the number of billable hours that may be rewarded reinforces the message that quality performance and client service is the firm's main objective. In addition: there is value in time off. Assume every firm employee will have at least two weeks of vacation a year when creating billable hour targets.

Further, legal employers should recognize that an inability to “disconnect” due to technology interferes with well-being. Studies show individuals will actually hold their breath while scrolling through and checking email.<sup>52</sup> Accordingly, think about an organization policy to discourage email use at night or before a certain hour in the morning. Lawyers, staff, and clients may be grateful not

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<sup>52</sup> Leslie Gordon, *How Lawyers Can Avoid Burnout and Debilitating Anxiety*, ABA JOURNAL, July 1, 2015, available at: [http://www.abajournal.com/magazine/article/how\\_lawyers\\_can\\_avoid\\_burnout\\_and\\_debilitating\\_anxiety](http://www.abajournal.com/magazine/article/how_lawyers_can_avoid_burnout_and_debilitating_anxiety).

to hear their phone chime at midnight. Leadership is instrumental in forming new habits for an organization. Partners and other leaders within a legal organization should not routinely break the rule of respecting a person's time and should refrain from emailing late into the evening.

Businesses lose between \$450 billion and \$550 billion per year due to employee disengagement and burnout.<sup>53</sup> Research shows that more autonomy produces a happier and more engaged employee rather than increased pay, especially with regard to Millennials.<sup>54</sup>

A foundation for increasing autonomy is a flexible work schedule which includes flexibility over daily schedules and over a person's career arc. A tangential effect is increasing diversity within a workplace.<sup>55</sup>

Beyond flexible schedules, employees should be encouraged to disconnect from work and recharge by taking vacations and not engaging in any work while they are on vacation. Taking extended breaks from work makes employees happier and more productive (68%).<sup>56</sup> Some companies have encouraged employees to use vacation time by paying them.<sup>57</sup> Burnout is a very real danger which many tech industry leaders have already recognized, and they've used creative ways to encourage time away from the office. FullContact started giving "paid, paid vacations" where they pay employees \$7,500 to take a full vacation.<sup>58</sup> The legal profession should value their attorneys and employees as much as other industries.

The increase in remote work due to COVID reveals the inequitable distribution of home/life responsibilities with women having to bear the burden of "domestic work" in opposite-sex couples.<sup>59</sup> Women do more of the domestic work and child-related planning even when the woman makes more money.<sup>60</sup> However, there is an opportunity to improve the ability for women to pursue career aspirations by making remote work permanent. Led by the technology sector, many companies are actively making remote work permanent for many, if not all of their employees. From the open office, to even more agile developments, trends in the tech sector have a way of percolating into the broader corporate world. Some companies outside tech are following suit in the move to permanent remote work.<sup>61</sup> Many people would benefit from flexible work arrangements and understanding about childcare needs.

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<sup>53</sup> Jayson DeMers, *Research Says This is the Secret to Being Happy at Work*, BETTER, May 22, 2017, <https://www.nbcnews.com/better/careers/research-says-secret-being-happy-work-n762926>.

<sup>54</sup> *Id.*

<sup>55</sup> Sylvia Ann Hewlett & Carolyn Buck Luce, *Flexibility Key to Retaining Women*, HARV. BUS. SCH., May 5, 2005, available at <https://hbswk.hbs.edu/archive/flexibility-key-to-retaining-women>.

<sup>56</sup> Lisa Frye, *More People Are Taking Time Off, and That's Good For Business*, SHRM, June 1, 2018, <https://www.shrm.org/resourcesandtools/hr-topics/employee-relations/pages/workers-taking-more-vacation-.aspx>.

<sup>57</sup> Nancy Mann Jackson, *Science Says Your Employees Need Days Off*, FORBES, June 1, 2018, <https://www.forbes.com/sites/adp/2018/06/01/science-says-your-employees-need-days-off/#2d52aea62218>.

<sup>58</sup> Jena McGregor, *Five Clever Ways Companies Are Helping Employees Fight Burnout*, THE WASHINGTON POST, Sept. 30, 2014, <https://www.washingtonpost.com/news/on-leadership/wp/2014/09/30/five-clever-ways-companies-are-helping-employees-fight-burnout/>

<sup>59</sup> Jessica Bennett, *"I Feel Like I Have Five Jobs": Moms Navigate the Pandemic*, N.Y. TIMES, March 20, 2020, available at <https://www.nytimes.com/2020/03/20/parenting/childcare-coronavirus-moms.html>

<sup>60</sup> *Id.*

<sup>61</sup> Angus Loten, *For Many, Remote Work Is Becoming Permanent in Wake of Coronavirus*, WALL ST. J., May 21, 2020, <https://www.wsj.com/articles/for-many-remote-work-is-becoming-permanent-in-wake-of-coronavirus-11590100453>

## **Recommendations:**

1. Transparency and encouragement about remote/flexible work policies.
2. Real-time feedback – it's critical for employees to obtain real-time feedback, especially in remote work situations.
3. Required in office touch points – there is such a thing as too much of a good thing. There should be regular check-ins and face time to allow colleagues an ability to connect/share knowledge.
4. Change – an acknowledgement that work arrangements are an evolution and will continue to change as the labor market and technology change.
5. Offer a range of flexible work options including, but not limited to: <ul style="list-style-type: none"><li>• Remote working availability;</li><li>• Reduced work hours plan;</li><li>• Balanced hours plan;</li><li>• Sabbatical availability;</li><li>• Job sharing;</li><li>• Compressed schedules;</li><li>• On-ramping.</li></ul>
6. Consider a maximum cap on the number of billable hours for which lawyers can be rewarded or compensated in any given year.
7. Explain to lawyers that an inability to meet the minimum hour requirement will not automatically trigger termination.
8. If it is within the firm's business model, promote non-partner track options that are less focused on billable hours.
9. Set an annual minimum hour requirement based on the assumption that a lawyer will take at least two weeks off during the course of the year. Consider paying for vacations in addition to the PTO in order to encourage vacations. *More firms permitting unlimited PTO, but don't take it. *Firm should have a vacation policy and make sure it is followed, with leadership modeling this policy openly
10. Clearly communicate that if a family or personal obligation arises and interferes with a lawyer's ability to meet billable hour requirements, the firm will endeavor to provide flexibility and support.
11. Permit employees to engage in pro bono legal services and have those hours count towards billable hours.
12. Develop policies that encourage lawyers and staff to curb email use. Share those policies with clients.



13. Allow for time off for childcare and personal needs without penalizing attorneys.

#### 4. Promote Diversity, Inclusivity and Equity to Increase Organizational Success and Well-Being

The research is clear: Diverse organizations perform better. Not only are they more profitable,<sup>62</sup> but they are in a better position to recruit talent.<sup>63</sup> Their diverse teams make better decisions than homogeneous groups.<sup>64</sup>

While diversity alone is a laudable goal, organizations and the individuals within them fare better when they pursue diversity, inclusion, and equity. Consequently, organizations should define them separately:

- Diversity —The presence of difference within a given setting. Often diversity will refer to the social identities of people within an organization.<sup>65</sup>
- Inclusion —The process by which people with different identities feel valued and welcomed in a given setting.<sup>66</sup> Inclusion is a set of behaviors that embrace diversity and leverage them to make the organization more successful.<sup>67</sup> An organization can be diverse without being inclusive.<sup>68</sup>
- Equity — A process to ensure people have access to the same opportunities, while recognizing that not everyone starts from the same place and that eliminating barriers may be necessary to ensure opportunity.<sup>69</sup>

The United States Supreme Court has recognized the value of diversity in many contexts, and, in one case commented, “Effective participation by members of all racial and ethnic groups in the civic life of our Nation is essential if the dream of one Nation, indivisible, is to be realized.”<sup>70</sup> The benefits of diversity, however, are not limited to race and ethnicity, and apply with equal force to other social identities, including gender and gender identity, sexual orientation, age, ability status, religion and creed. And effective participation in the civil life of our Nation should include the opportunity to receive a legal education and practice the profession of law.

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<sup>62</sup> DELIVERING THROUGH DIVERSITY, MCKINSEY & COMPANY (2018).

<sup>63</sup> Shele Bannon, Kelly Ford, & Linda Meltzer; *Understanding Millennials in the Workplace*, 81 THE CPA J. 61-65, (2011).

<sup>64</sup> Erik Larson, *New Research: Diversity + Inclusion = Better Decision Making at Work*, FORBES, Sept. 2017.

<sup>65</sup> MEG BOLGER, WHAT’S THE DIFFERENCE BETWEEN DIVERSITY, EQUITY, AND INCLUSION, *available at* <https://generalassemb.ly/blog/diversity-inclusion-equity-differences-in-meaning/>

<sup>66</sup> *Id.*

<sup>67</sup> WILLIAM ARRUDA, THE DIFFERENCE BETWEEN DIVERSITY AND INCLUSION AND WHY IT IS IMPORTANT TO YOUR SUCCESS, *available at* <https://www.forbes.com/sites/williamarruda/2016/11/22/the-difference-between-diversity-and-inclusion-and-why-it-is-important-to-your-success/#217eb885f8f5>

<sup>68</sup> BOLGER, *supra* note 61.

<sup>69</sup> *Id.*

<sup>70</sup> *Grutter v. Bollinger*, 539 U.S. 306 (2003).

Despite the importance of diversity in promoting a just society, law remains one of the least diverse professions, both in terms of racial and ethnic diversity and gender diversity.<sup>71</sup> Equally concerning is the fact that approximately 70% of diverse associate attorneys and approximately 85% of diverse lateral attorneys leave their firms within five years of being hired.<sup>72</sup>

Diversity and inclusion impact the well-being of employees within organizations. In one study, over 80% of employees who experienced, or even witnessed, bias in the workplace reported that it had a negative effect upon their happiness, confidence, and well-being.<sup>73</sup> Unfortunately, in many organizations, employees often feel that they must “cover” one or more aspects of their identities, even though research demonstrates that their performance suffers when they do so.<sup>74</sup> Ultimately, a sense of belonging within an organization reduces employees’ stress levels and improves their physical health and emotional well-being.<sup>75</sup>

To achieve these benefits of inclusion and promote well-being, organizations must do more than simply treat diversity as a question of demographics. Organizations that value diversity only as measured by the demographic profile of designated groups will fare less well than organizations that broadly value inclusion.<sup>76</sup> Consequently, organizations should focus upon dimensions of organizational culture that promote employee belonging and retention, including:

- Common purpose — Individuals experience a connection to the mission, vision, and values of the organization.
- Trust — Individuals have confidence that the policies, practices, and procedures of the organization will allow them to bring their best and full self to work.
- Appreciation of individual attributes — Individuals perceive that they are valued and can successfully navigate the organizational structure in their expressed group identity.
- Sense of belonging — Individuals experience their social group identity as being connected with and accepted in the organization.

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<sup>71</sup> ALLISON E. LAFFEY & ALLISON NG, DIVERSITY AND INCLUSION IN THE LAW: CHALLENGES AND INITIATIVES, *available at* <https://www.americanbar.org/groups/litigation/committees/jiop/articles/2018/diversity-and-inclusion-in-the-law-challenges-and-initiatives/>

<sup>72</sup> NALP 2018 UPDATE ON ASSOCIATE ATTRITION.

<sup>73</sup> DELOITTE, LLP, THE BIAS BARRIER: ALLYSHIPS, INCLUSION, AND EVERYDAY BEHAVIORS, *available at* <https://www2.deloitte.com/content/dam/Deloitte/us/Documents/about-deloitte/us-inclusion-survey-research-the-bias-barrier.pdf>

<sup>74</sup> Dorie Clark & Christie Smith, *Help Your Employees Be Themselves at Work*, HARV. BUS. REV., Nov. 3, 2014, *available at* <https://hbr.org/2014/11/help-your-employees-be-themselves-at-work>

<sup>75</sup> Pat Wadors, *Diversity Efforts Fall Short Unless Employees Feel That They Belong*, DIVERSITY EFFORTS FALL SHORT UNLESS EMPLOYEES FEEL THAT THEY BELONG, HARV. BUS. REV., Aug. 10, 2016, *available at* <https://hbr.org/2016/08/diversity-efforts-fall-short-unless-employees-feel-that-they-belong>

<sup>76</sup> DELOITTE, LLP, REWRITING THE RULES FOR THE DIGITAL AGE, 2017 DELOITTE HUMAN CAPITAL TRENDS, *available at* <https://www2.deloitte.com/content/dam/Deloitte/us/Documents/human-capital/hc-2017-global-human-capital-trends-us.pdf>

- Access to opportunity — Individuals perceive that they are able to find and utilize support for their professional development and advancement.
- Equitable reward and recognition — Individuals perceive the organization as having equitable compensation practices and nonfinancial incentives.
- Cultural competence — Individuals believe the institution has the capacity to make creative use of its diverse workforce in a way that meets business goals and enhances performance.
- Respect — Individuals experience a culture of civility and positive regard for diverse perspectives.<sup>77</sup>

Ultimately, the employees within an organization are less likely to thrive and experience wellness if the organization itself does not promote diversity, inclusion, and equity. If an organization commits to promoting diversity and reflects that commitment through a culture of inclusion and by enacting policies that provide equity of opportunity, it will likely experience greater success.

**Recommendations:**

<b>Action</b>
1. Participate in the Colorado Pledge to Diversity to introduce your organization to talented law students from traditionally underrepresented backgrounds and provide summer clerkship opportunities to diverse law students. Visit <a href="https://coloradoplege.com/">https://coloradoplege.com/</a> for more information on joining The Pledge.
2. Join the Center for Legal Inclusiveness to provide your employees with access to diversity, inclusion, and equity training, resources, and events. Visit <a href="https://centerforlegalinclusiveness.org/">https://centerforlegalinclusiveness.org/</a> for more information on joining CLI.
3. Create an effective and sustainable internal mentoring and sponsorship program for women and diverse lawyers. Utilize the resources of the Colorado Attorney Mentoring Program to assist in developing these programs or improving current internal mentoring and sponsorship programs. Visit <a href="http://www.coloradomentoring.org">www.coloradomentoring.org</a> for more information on the CAMP program.
4. Directly offer or support lawyers in attending business development symposia or other educational opportunities specifically designed for women and traditionally underrepresented lawyers.

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<sup>77</sup> SD Person et al., *Measuring Diversity and Inclusion in Academic Medicine*, ACADEMIC MEDICINE (2015).

<p>5. Develop a robust and substantive diversity, inclusion, and equity initiative within the organization.</p> <ul style="list-style-type: none"> <li>• Consider creating a position dedicated to improving and sustaining diversity, inclusion, and equity within the organization.</li> <li>• Develop a diversity &amp; inclusion action plan.</li> <li>• Include diversity, inclusion, and equity goals in the organization’s business or strategic plan.</li> <li>• Create ongoing programming and educational opportunities for lawyers regarding implicit bias.</li> <li>• Evaluate institutional barriers to the success of women and diverse lawyers and create a plan to remedy those barriers.</li> <li>• Survey employees on organizational culture, lawyer autonomy, and morale.</li> </ul>
<p>6. Modify the organization’s “billable” hour models or requirements to incentivize participation in diversity, inclusion, and equity education and initiatives.</p>
<p>7. Collaborate with clients and other legal organizations to advance the discussion of inclusion and equity in the profession, generate ideas, and develop strategic initiatives to address racism and sexism in the legal profession.</p>
<p>8. Expand your organization’s diversity and inclusion efforts to include unconscious bias and antiracism trainings to help your organization members effectively address and combat prejudice, discrimination, and racism.</p>
<p>9. Expand pro bono commitments, explore new relationships with organizations that are on the front lines of advancing equity and inclusion in the legal system, and financially support initiatives that seek to end racial inequity in the justice system.</p>
<p>10. Provide organizational leaders/managers with training in leading through crisis to effectively deal with the emotions, behaviors, and attitudes of the people involved in or facing a crisis and better understand the disparate impact of crisis on women and lawyers of color.</p>
<p>11. Encourage and support attorneys joining and assuming leadership roles in diversity bar associations, such as the Colorado Women’s Bar Association, Sam Cary Bar Association, Colorado Hispanic Bar Association, Asian Pacific American Bar Association, South Asian Bar Association, Colorado Lesbian, Gay, Bisexual, Transgender Bar Association, and the Colorado Indian Bar Association.</p>
<p>12. Evaluate compensation practices within the organization to determine and remedy any disparate impact upon diverse attorneys and staff.</p>

**5. Assess Compensation Metrics to Promote Well-Being**

Creating a culture of well-being entails thoughtful reexamination of the traditional billable hour model as the primary performance metric for lawyers. This does not mean dispensing with the model entirely, but it does mean assessing alternative or additional ways to compensate lawyers and staff for performance. As mentioned among the challenges in the introduction to this Recognition Program, the billable hour is a source of stress and anxiety. Considering how to value lawyers and staff’s contributions in other ways may positively impact this well-being risk factor.

Multifactor compensation systems are one possible starting point. These should focus on both results and professional growth. These multi-factor compensation structures can also tie to laudable results, such as a successful result for a client or positive client feedback.

Consideration should also be given to bonus compensation structures that consider more than a lawyer's impact on the organization's profits realized. Legal employers can look to client results, going above-and-beyond on a certain project, and a willingness to take on new challenges and be supportive of other members of the firm. The goal is to reward employees for involvement in activities that both enhance the firm's bottom-line and that they find fulfilling on a professional level. Doing so will bolster overall morale and well-being and promote a culture of initiative taking within the organization.

Taking a careful look at performance evaluations is another way to reduce stress and the mystery associated with who advances and who does not. Firms should implement fair and objective performance evaluations with explicit, objective, observable, and measurable criteria applied fairly to all associates. Some suggestions for improving the performance review process may be found in these articles:

- Jill Switzer, [\*Performance Reviews Suck But This Biglaw Firm Is Trying to Change the Game\*](#), ABOVE THE LAW, April 18, 2018.
- Marian Carlson, [\*Grading the Teacher: Association Evaluations of Partner Performance\*](#), THE COLORADO LAWYER, March 2004.
- Gayle Cinquegrani, [\*Some Law Firms Are Ditching Annual Reviews for Associates\*](#), BLOOMBERG LAW, April 18, 2018.
- [\*US BigLaw Firms Could Be Next to Abolish Annual Reviews\*](#), LAW360, June 13, 2017.
- David Lat, [\*An Inside Look at the Skadden Annual Review Process\*](#), ABOVE THE LAW, Oct. 13, 2011.

Last, client development opportunities need to demonstrate equal access for all lawyers. A firm should look at whether after-hours client interactions, or those that require travel, ensure equal access. Some lawyers may have family commitments that limit their ability to participate. Client development needs to be available for all lawyers who wish to participate in it.

### **Recommendations:**

1. Consider multi-factor compensation structures that take into consideration more than billable hours. 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.
  - Consider providing billable hour credit for pro bono work, legal community activities (such as bar association or organization leadership) or well-being activities.
  - Explain this multi-factor compensation structure to all attorneys.
  - If it is appropriate for the firm or organization, evaluate whether an open compensation system might positively impact the organization's culture and advance well-being among lawyers.

2. Provide bonus compensation tied to metrics other than strictly hours billed, clients retained, or profits realized.
3. Assess and consider modifying your performance evaluation system. Put in place fair and objective performance evaluations with explicit, objective, observable, and measurable criteria applied fairly to all associates. Assure that all attorneys are fully aware of the factors considered in the performance evaluation system. Provide a good faith objective assessment to junior attorneys of how and when they can expect advancement in the firm.
4. Provide equal access to training and education for client development (“Rainmaking”) skills.
5. Evaluate alternative pricing models that reward efficiency and results, rather than hours billed.

## 6. Make Clients Part of the Conversation about Well-Being

Attorney well-being is good for clients. This message must be broadcast to all clients of legal organizations. Thus, we must give clients a seat at the table as stakeholders and discuss the ways in which lawyer well-being will result in a better work product for the client.<sup>78</sup>

In today’s competitive environment, clients are demanding more legal work at a lower price. The days of billing as many hours from as many lawyers as possible are over. And clients will no longer accept invoices with no questions asked. This is shown by limitations on inexperienced lawyers working on matters, rules limiting how many lawyers may attend a trial or deposition, travel restrictions, and many other “outside counsel guidelines.”<sup>79</sup> In short, clients expect real-time, concise, practical advice tailored to the client’s unique business strategy and risk profile, and delivered in a technologically savvy method.<sup>80</sup>

Because law is a service business, it stands to reason that better lawyer well-being means better organizational success and enhanced service to clients.<sup>81</sup> Many clients believe in well-being for their employees and expect the same from their lawyers. Clients are also concerned with certainty in the cost of legal services and, above all, efficiency and results.

Legal organizations must explain the value of sustained well-being for their lawyers. These values include: more engagement; lower lawyer turnover; higher productivity; and more institutional knowledge.

Firms and law departments must tell clients that they intend to accommodate the whole of the employee and not merely view them as a unit of production. As another ultimate benefit to the client, this will give these firms and departments a competitive advantage for the best talent.<sup>82</sup>

<sup>78</sup> Meg McEvoy, *Law Firms Respond to Demand for Alt. Fee Models*, BLOOMBERG LAW ANALYSIS, June 17, 2019.

<sup>79</sup> *Working Effectively with Outside Counsel Checklist*, THOMPSON REUTERS (2016).

<sup>80</sup> Nicholas Gaffney, *The Future Practice of Law*, LAW PRACTICE TODAY, Dec. 2016 (Panel Discussion), available at <https://www.lawpracticetoday.org/article/the-future-practice-of-law/>.

<sup>81</sup> Bree Buchanan, James C. Coyle, et al., *The Path to Lawyer Well-Being, Practice Recommendations for Positive Change (2017)*, available at [lawyerwellbeing.net](http://lawyerwellbeing.net).

<sup>82</sup> Gaffney, *supra* note 57.

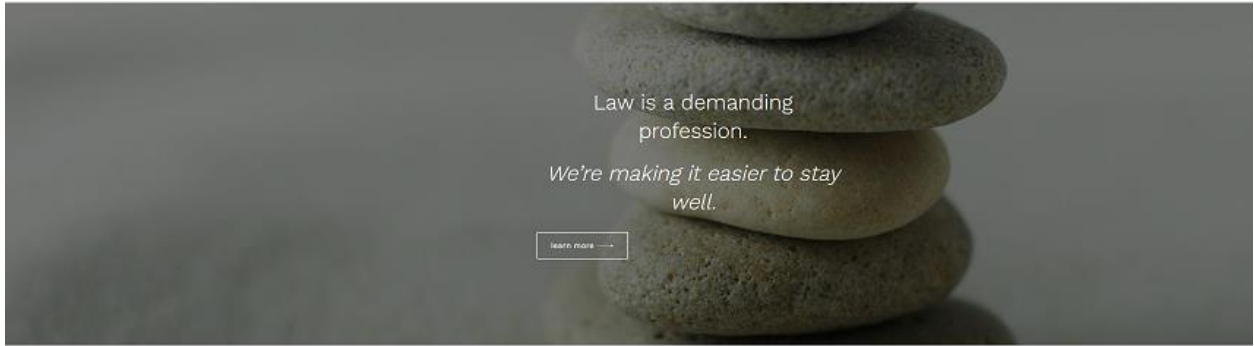
## **Recommendations:**

1. Explain to clients the organization's commitment to lawyer well-being and invite an in-depth discussion about how well-being makes for better service to the client.
2. Show clients that the organization takes this issue seriously with a long-range plan that will insure continuity.
3. Discuss with clients how service will be enhanced by: lower turnover; higher productivity; greater institutional knowledge; better judgment and risk evaluation; and enhanced problem solving.
4. Propose partnering with one or more clients on a long-term well-being program to cement the relationship and assure that both organizations commit to meaningful and successful goals.
5. Investigate alternative pricing models that reward efficiency and results, rather than rewarding lawyers and firms for the more hours they bill. Billable hours should not be the firm's unit of inventory. Instead, the product sold to and provided to the client should be excellence, efficiency and success.
6. Explain to the clients the organization's pledge to lawyer well-being and its participation in the Supreme Court Recognition Program on Attorney Well-Being.

## APPENDIX B: Recruitment Plan & Marketing Materials

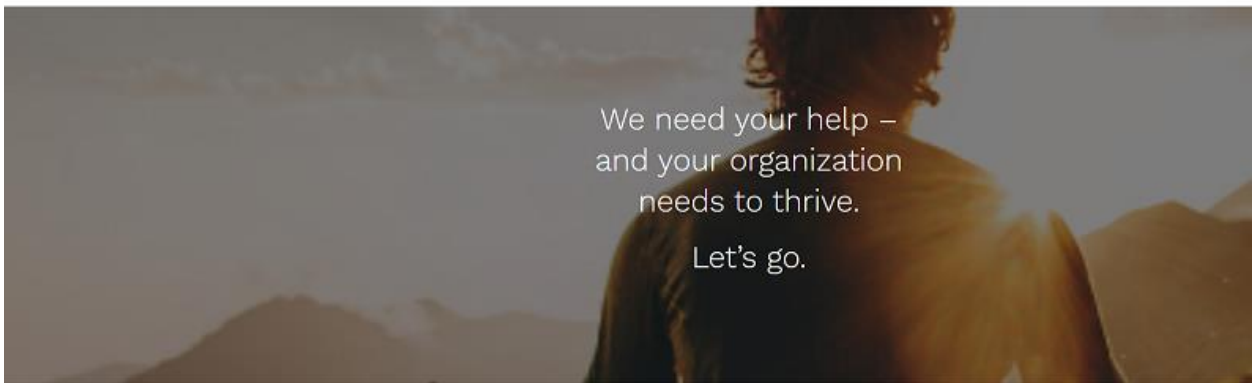
### **Colorado Supreme Court Lawyer Well-Being Recognition Program Recruitment Plan**

<b>Task</b>	<b>Suggested Time</b>	<b>Target Date</b>	<b>Target Outcome</b>
<b>Initial Contact:</b> Send an introductory recruitment letter, include participation benefits brochure, program objectives, expectation, & calendar	Materials ready by mid-January 2020	<b>1/31/2020</b>	<b>25% of participants confirmed (6 Participants)</b>
<b>2nd Contact:</b> Send a follow up recruitment letter	2 weeks after initial contact	<b>2/15/2020</b>	<b>40% of participants confirmed (10 Participants)</b>
<b>3rd Contact:</b> Send invitation to an upcoming information event with RSVP request	2 weeks after 2nd contact	<b>3/1/2020</b>	<b>75% of participant prospects RSVP to attend event (19 Participants)</b>
<b>4th Contact:</b> Phone to remind about information event	2 weeks after 3rd contact	<b>3/15/2020</b>	
<b>5th Contact:</b> Information event (include a short presentation about program, give out materials to remind of benefits, ask them to join).	1-2 weeks after event announcement	<b>3/31/2020</b>	<b>90% of participants confirmed (23 Participants)</b>
<b>6th Contact:</b> Follow up call or visit to ask them to join	1-2 days after event	<b>4/3/2020</b>	<b>100% of participants confirmed</b>
<b>Send new participant welcome kit and invitation to program orientation</b>	1-2 days after confirmation of participation	<b>5/4/2020 Orientation</b>	<b>100% of participants ready to proceed with May launch</b>



Our mission is to implement a sustainable and effective Colorado Supreme Court program to formally recognize and incentivize legal employers seeking to adopt significant, ongoing, and purposeful lawyer well-being strategies and initiatives within their organizations.

Please note that the Colorado Lawyer Assistance Program (COLAP), the free, confidential and independent well-being program for Colorado judges, lawyers and law students, is available at [www.coloradolawyerwellbeing.org](http://www.coloradolawyerwellbeing.org) or by calling 203-944-3345. This recognition program is meant to supplement, not replace, the resources offered by COLAP. If you or a colleague are in need of confidential support, referrals, or advice on how to resolve personal or professional stressors, or are interested in a free well-being consultation, please contact COLAP directly for assistance.



The law is a demanding profession. Many of these demands are inherent in the profession. However, there are often artificial, unnecessary, or outmoded barriers that prevent lawyers from being able to perform at their best.

- A 2016 study of 13,000 currently practicing lawyers found that between 27% and 36% qualify as problem drinkers and 19% to 26% are struggling with significant levels of depression, anxiety, and stress.[1]
- These problems lead to high absenteeism and under-productive lawyers resulting in high costs to law firms.[2]
- Lawyers are leaving law firms at higher rates than ever before. In 2017, law firms lost to attrition an average of 14% associates annually. Forty-four percent of associates leave within three years and 75% leave within five years.[3]





## Pilot Program Timeline



The pilot program will run from May 2020 to May 2021. We anticipate facilitating optional "post pilot" focus groups in June 2021.



## Pilot Program Components

### Pilot Program Goals

The Pilot Program aims to develop, organize, and implement a sustainable and effective Well-Being Recognition Program for legal employers seeking to implement and improve well-being strategies and initiatives within their organizations. The specific pilot program goals are as follows:

- Develop the practical components of a state-wide Legal Employer Well-Being Recognition Program including program branding, communications strategies, reporting tools, and recognition mechanisms.
- Engage at least 25 Colorado legal employers (including solo practitioners) in promoting or improving well-being within their organizations by implementing well-being strategies from each of six program goal areas.
- Host a minimum of 4 Legal Well-Being Leadership Network collaboratives with key stakeholders from participating legal employers to engage in dialogue and shared learning about lawyer well-being.
- Utilize Legal Well-Being Leadership Network collaboratives to collect relevant data regarding the well-being strategies implemented by participants, outcomes associated with such strategies, the value of "recognition" as an incentive for program participation, general feedback and comment, and any other qualitative or quantitative data to demonstrate the impact of this pilot program on lawyer well-being in Colorado.

# LAWYER WELL-BEING RECOGNITION

## PILOT PROGRAM



### CREATING A CULTURE OF WELL-BEING IN COLORADO'S LEGAL PROFESSION

Through access to education, resources, support, and technical assistance, the program incentivizes and recognizes solo-practitioners and legal employers for implementing within their organization well-being strategies and recommendations encompassing six specific goal areas.

Utilizing this framework, the pilot will collect feasibility data on the program's ability to promote lawyer well-being, educate & recognize participants, and support Colorado legal employers in achieving well-being objectives through a robust community network.

## PROGRAM REQUIREMENTS

### LEGAL WELL-BEING LEADERSHIP NETWORK

Attend four Legal Well-Being Leadership Network Collaboratives with key stakeholders from participating legal employers. Each collaborative will span 4 hours and contain training, group mentoring, focus groups, and idea crowdsourcing.



### STRATEGY IMPLEMENTATION & DATA TRACKING

Implement well-being strategies and initiatives per organizational needs and collect survey data related to organizational well-being outcomes and overall experience in the pilot program.



### WELL-BEING ACTION PLAN

Create a "Well-Being Action Plan" for your organization which reflects the organization's goals and implemented activities related to the six pilot program goal areas.



# LAWYER WELL-BEING RECOGNITION

## PILOT PROGRAM

### TIME INVESTMENT

Leadership Collaboratives ~ 16 Hours

Organizational Strategy Implementation & Data Collection ~ 24-60 Hours

Well-Being Action Plan ~ 3 Hours

Focus Groups (Optional) ~ 4 Hours

Total 12 Month Time Commitment = 50 - 80 Hours

### PROGRAM TIMELINE

**MAY 2020**

Program Launch

**OCTOBER 2020**

Legal Well-Being  
Leadership Collaborative #2

**MARCH 2021**

Legal Well-Being Leadership  
Collaborative #4

**JULY 2020**

Legal Well-Being Leadership  
Collaborative #1: Orientation

**JANUARY 2021**

Legal Well-Being Leadership  
Collaborative #3

**MAY 2021**

Program Conclusion &  
Well-Being Action Plans



# PARTICIPANT ORIENTATION

July 20, 2020 9:30 -11:30 am

We are excited to welcome you to the Colorado Supreme Court Lawyer Well-Being Recognition Pilot Program. The purpose of orientation is to help you and your organization find success in the program and get acquainted with the program objectives, resources, and components.

## DETAILS

All participant liaisons are required to attend.

Participant managing lawyers, well-being staff, and other key stakeholders are welcome to attend.

**\*\*RSVP to [r.peyton@csc.state.co.us](mailto:r.peyton@csc.state.co.us) by May 30th\*\***

July 20, 2020 9:30 am to 11:30 am

Ralph Carr Judicial Center  
1300 Broadway Denver CO 80203  
Room 1E (First Floor)

## AGENDA



- **Introductions**
- **Program Overview & Objectives**
- **Lawyer Well-Being: Where We've Been, Where We Are, Where We're Going**
- **Resources & Next Steps**

# LEGAL WELL-BEING LEADERSHIP NETWORK

COLLABORATIVES

## DATES

July 20, 2020	9:30-1:30
October 19, 2020	10:30-2:30
January 26, 2021	9:30 -1:30
March 8, 2021	9:30-1:30

The four Legal Well-Being Leadership Network Collaboratives will bring together key stakeholders from each participating legal employer.

Each collaborative will contain training around broad well-being themes, group mentoring opportunities, and idea crowdsourcing.

## THEMES

### The Role of Neuroscience in Lawyer Well-Being

Law is a cognitive profession, and the legendary stressors in the practice of law can take a tremendous toll on cognitive capacity. We will discuss the systemic stressors of the legal profession (including the billable hour) and the role neuroscience plays in achieving optimal cognitive fitness for lawyers.

### Changing Organizational Culture

One of the biggest challenges a legal employer can face is changing people's behavior. We will discuss how to make your well-being initiatives successful and sustainable through a four-phase approach to changing organizational culture focusing on awareness, learning, practice, and accountability.

### Best Practices From Those Who Have Been There

Learn from law firms, legal organizations, and lawyers who are leading the charge for attorney well-being. We will discuss hiring well-being professionals, well-being programming/initiatives/recommendations ranging from proactive to restorative, industry standards in lawyer well-being, and the use of assessment and evaluation in your well-being initiatives.

### Serving the "Whole Lawyer"

Whole person well-being — physical, emotional, work and financial well-being — is necessary for optimal lawyer well-being. We will provide tools to catalyze "whole lawyer" development in your organization through mentoring, inclusion, coaching, and support networks.





Colorado

Well-Being Recognition  
Program For Legal  
Employers

## Well-Being Pledge Form

Recognizing that substance use and mental health problems represent a significant challenge for the legal profession, and acknowledging that more can and should be done to improve the health and well-being of the members of our legal community, we the attorneys of \_\_\_\_\_ hereby affirm our support for the Colorado Supreme Court's well-being campaign and its mission to better support the vital role that lawyers play in the proper functioning of society, the economy, and government, and will work to adopt and prioritize the Colorado Supreme Court Well-Being Pledge six-point framework and the American Bar Association or the Colorado Bar Association Solo-Small Firm Section seven-point frameworks for building a better future.

Our organization pledges to take the following steps to promote well-being in 2020 and 2021:

- (1) We will provide enhanced and robust educational opportunities to our attorneys and staff on topics related to well-being, mental health, and substance use through visible partnerships with outside entities committed to reducing substance use and mental distress in the profession.  **Please check if YES.**
- (2) We will endeavor to create a culture of well-being through leadership, accountability and buy-in from organizational leaders and stakeholders setting the tone for well-being in the organization.  **Please check if YES.**
- (3) 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.  **Please check if YES.**
- (4) We have proactive written protocol and policies that cover our organization's commitment to diversity, inclusivity, and equity as a means to increase organizational success and well-being.  **Please check if YES.**
- (5) We will actively and consistently assess our organization's compensation metrics to promote well-being of our lawyers and staff.  **Please check if YES.**
- (6) We will include our clients the adoption of this well-being framework to attract and retain the best lawyers and staff.  **Please check if YES.**

**American Bar Association Framework For Legal Organizations with 21+ Lawyers:**

- (7) We will provide enhanced and robust educational opportunities to our attorneys and staff on topics related to well-being, mental health, and substance use.  **Please check if YES.**
- (8) We will challenge the status quo of drinking by de-emphasizing the expectation of alcohol at events.  **Please check if YES.**
- (9) We will develop visible partnerships with outside entities committed to reducing substance use and mental distress in the profession.  **Please check if YES.**
- (10) We will provide confidential access to substance use and mental health experts and resources to all employees, including free, in-house self-assessment tools.  **Please check if YES.**
- (11) We will create or revise a proactive written protocol and leave policy that covers the assessment and treatment of substance use and mental health problems, including a defined back-to-work policy following treatment.  **Please check if YES.**
- (12) We will actively and consistently promote and encourage help-seeking and self-care as core values of our organization.  **Please check if YES.**
- (13) We will highlight the adoption of this well-being framework to attract and retain the best lawyers and staff.  **Please check if YES.**

**Colorado Bar Association Framework For Legal Organizations with 1-20 Lawyers:**

- (14) I/We will regularly and actively support programs to improve physical, mental, and emotional well-being.  **Please check if YES.**
- (15) I/We will partner with the Colorado Lawyer Assistance Program (COLAP). I/ We will call COLAP today to address a wellness, mental health, burn-out, substance abuse, relationship, professional, or other issue to better understand the intake process and available resources.  **Please check if YES.**
- (16) I/We will designate a wellness lawyer or other point of contact within my organization who will provide information about COLAP and other confidential addiction and mental health resources including the attached list of resources and self-assessment tools.  **Please check if YES.**
- (17) I/We will develop proactive policies and protocols to support assessment and treatment of substance use and mental health problems, including mental-health leave and a defined back-to-work policy following treatment.  **Please check if YES.**
- (18) I/We will provide enhanced and robust education to attorneys and staff on well-being, mental health, and substance use disorders.  **Please check if YES.**

(19) I/We will reduce the expectation of alcohol at organization events by seeking creative alternatives and ensuring that non-alcoholic and healthy options are always available.

**Please check if YES.**

(20) I/We will use this pledge, and the organization's commitment to these principles, to attract and retain the best lawyers and staff.

**Please check if YES.**

#### **PLEDGE SIGNATORY**

Entity/Organization Name: \_\_\_\_\_

Pledge Signatory Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

#### **ADDITIONAL QUESTIONS FOR PLEDGE SIGNATORIES**

1. Who or which department is assigned to the well-being initiative in your organization?
2. What additional well-being resources and support can the Colorado Supreme Court Well-Being Recognition Program provide that would be helpful in fulfilling or addressing any of the six points of the Pledge framework?
3. What challenges, if any, do you anticipate encountering in fulfilling or addressing any of the points of the Pledge framework?
4. Are the organization's well-being programs, resources and initiatives available to all employees, including professional staff and lawyers?
5. Has your organization collaborated with or provided information to your employees about the Colorado Lawyers Assistance Program (COLAP) and its resources?



6. Does your organization offer an Employee Assistance Program (EAP)?
  
7. What topics would you like to see covered at future Colorado Supreme Court Well-Being Recognition Program collaboratives?
  
8. Are there any well-being speakers, consultants, vendors, apps, or other products that you would recommend (all recommendations will remain anonymous)?
  
9. Do you have any advice regarding strategies, programs, policies or other aspects of implementing well-being initiatives that you would recommend or caution others to avoid (all recommendations will remain anonymous)?
  
10. Do you have any general feedback on the content of the Colorado Lawyer Well-Being Pledge Form, including but not limited to the application of the various frameworks to your legal organization?

## APPENDIX D: Collaborative Meeting Agendas

### COLORADO SUPREME COURT WELL-BEING RECOGNITION PROGRAM FOR LEGAL EMPLOYERS

JULY 20, 2020  
ORIENTATION AGENDA

ZOOM  
MEETING ID: 921 997 5411  
PASSWORD: 23785

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9:30 – 9:45 **WELCOME & INTRODUCTIONS**  
Ryann Peyton

9:45 – 10:15 **THE CURRENT STATE OF LAWYER WELL-BEING**

This presentation will cover a brief overview of the lawyer well-being movement, including how stressors within our profession negatively impact performance, cognitive health, and physical health. We will also discuss how the events of 2020 have thus far impacted the legal community's well-being, and an overview of the resources available to help mitigate these issues.

Facilitator: Sarah Myers - COLAP

10:15 – 10:45 **PROGRAM OBJECTIVES**

10:45 – 11:15 **BREAK OUT GROUP DISCUSSIONS**

- How has COVID-19 impacted your organization's focus on and commitment to well-being?
- What is your organization's "vision" for well-being for lawyers and staff?
- Tools & Resources: What type of education, resources, and tools do you need to create or improve a successful well-being initiative within your organization?

11:15 – 11:30 **WRAP UP & OCTOBER HOMEWORK**



Colorado

Well-Being Recognition  
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**COLORADO SUPREME COURT WELL-BEING  
RECOGNITION PROGRAM FOR LEGAL  
EMPLOYERS**

**OCTOBER 19, 2020  
CHANGING ORGANIZATIONAL CULTURE**

**VIA ZOOM**

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**10:00 – 10:15 WELCOME & UPDATES**  
Ryann Peyton  
COLAP Updates - Amy Kingery  
CBA Young Lawyers Division

**10:15 – 10:45 CHANGING ORGANIZATIONAL CULTURE**

One of the biggest challenges a legal employer can face is changing people's behavior. We will discuss how to make your well-being initiatives successful and sustainable through a four-phase approach to changing organizational culture focusing on awareness, learning, practice, and accountability.

Facilitator: **Dr. Sandra Thebaud**

**10:45 – 11:45 BREAK OUT GROUP DISCUSSIONS**

**11:45 – 12:00 LARGE GROUP DISCUSSION  
SURVEY & WRAP UP**



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**COLORADO SUPREME COURT WELL-BEING  
RECOGNITION PROGRAM FOR LEGAL  
EMPLOYERS**

**JANUARY 26, 2021  
REAL WORLD EXAMPLES OF WELL-BEING  
CHANGE**

**VIA ZOOM**

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9:30 – 9:45

**WELCOME & UPDATES**

COLAP Updates - Amy Kingery  
"Putting It All Together" - Dr. Sandra Thebaud

9:45 – 11:00

**REAL WORLD EXAMPLES OF WELL-BEING CHANGE  
ROUNDTABLE**

Learn from law firms, legal organizations, and lawyers who are leading the charge for attorney well-being. A roundtable discussion focused on well-being programming/initiatives/recommendations ranging from proactive to restorative, industry standards in lawyer well-being, and the use of assessment and evaluation in your well-being initiatives.

Participating Legal Employers as of January 7th:

Faegre Drinker Biddle & Reath LLP

Gibson, Dunn & Crutcher LLP

Holland & Hart LLP

Lester Law

Waltz Reeves

11:00 – 11:25

**LARGE GROUP DISCUSSION**

11:25 – 11:30

**SURVEY & WRAP UP**

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# COLORADO SUPREME COURT WELL-BEING RECOGNITION PROGRAM FOR LEGAL EMPLOYERS

MARCH 8, 2021  
SERVING THE WHOLE LAWYER

## ZOOM

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9:00 -9:05 **WELCOME & UPDATES**  
Ryann Peyton

9:05 – 10:05 **SERVING THE WHOLE LAWYER**

Whole person well-being – physical, emotional, work and financial well-being – is necessary for optimal lawyer well-being. We will provide tools to catalyze "whole lawyer" development in your organization through mentoring, inclusion, coaching, and support networks.

**Facilitated by:**

Ryann Peyton - Colorado Attorney Mentoring Program  
Sara Scott - Center For Legal Inclusiveness  
Lili Tenney, DrPH, MPH & David Shapiro - Health Links™

10:05 – 10:55 **BREAK OUT GROUP DISCUSSIONS**

10:55 – 11:00 **SURVEY & WRAP UP**

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**Colorado**

Well-Being Recognition  
Program For Legal  
Employers

## APPENDIX F: Colorado Lawyer Well-Being Learning Pods program



### WHAT ARE WELL-BEING PODS?

Well-being pods are small, diverse groups of lawyers and legal professionals who learn together outside the recognition pilot program collaborative meetings.

The Pods will:

- Provide lawyers and legal professionals with personal action items to achieve their own greater well-being,
- Create a meaningful space for active participation in the evolution of well-being as core value in their legal workplace, and
- Generate honest feedback and serve as the pulse of lawyers in real time as to momentum and progress in achieving organizational well-being goals.





# PARTICIPANTS

The Well-Being Pods are available to any lawyer, support staff, paralegal, clerk, or other legal professional within any legal organization participating in the Colorado Supreme Court Well-Being Recognition Program.

Participants should have an interest in enhancing well-being in their legal organizations and be prepared to engage actively in the pod meetings and share personal and organizational experiences and resources with their pod mates.

In collaboration with the Colorado Bar Association Young Lawyers Division, each Well-Being Pod will include at least one young or new lawyer representative to provide generational input and feedback on legal organizational well-being initiatives.

## POD FORMAT AND LOGISTICS



Participants will be organized into small groups of 10 or less individuals from varying size and demographic of legal organization. Pods will be led by a volunteer facilitator. Participants will meet together on a regular basis with the purpose of accomplishing three tasks:

- Set important individual and organizational well-being goals;
- Utilize the ABA Toolkit on Lawyer Well-Being to enhance individual and organizational pathways to well-being;
- Exchange experiences, challenges, feedback, and opportunities for the purpose of generating individual and organizational well-being.



Pods are expected to meet for 1-2 hours per month over an 8 month period (Dec-July). Meetings may take place in person or online depending on public health guidelines and the discretion of the group.

Volunteer facilitators will receive training and support from pilot program leaders.

All participants must attend a short program orientation in early December.

## ABA WELL-BEING TOOLKIT

The American Bar Association Well-Being Toolkit is designed to help lawyers and legal employers improve well-being holistically and systemically.

The Toolkit offers reasons for prioritizing lawyer well-being as well as information, strategies, and resources for implementing a plan for positive change in legal organizations.

The Well-Being Pods will utilize the ABA Toolkit as a map to provide strategies and resources for creating a multi-dimensional approach to personal well-being, as well as getting started on or developing existing well-being initiatives within their legal organizations.



## WELL-BEING PODS TEMPLATE MEETING PLAN & LEARNING OBJECTIVES

### Introductory Meeting

- Getting to Know Your Pod Mates
- Understanding the Six Dimensions of Well-Being and applying them to personal well-being goals
- Enlisting Well-Being Champions within Your Organization

### Launching a Well-Being Committee

- How to launch (or improve) a Committee to lead your well-being agenda.
- How to recruit and include high-level leaders with credibility and influence to make things happen.

### Defining Well-Being

How to define well-being as a guide for your agenda. This subject may mean very different things to different people.



# POD CURRICULUM TEMPLATE & PLAN

## Conducting a Needs Assessment

Any organizational change effort is more likely to succeed if it grows out of an analysis of the gap between the desired and current state.

How to measure the current state of well-being in yourself and your organization.

## Identifying Priorities

How to set a narrow set of organizational priorities and to accumulate quick "small wins" that can build credibility and momentum.

How to identify personal well-being priorities from the six dimensions of well-being.

## Creating & Executing an Action Plan

How to prepare and execute a well-being action plan through a discussion of concrete goals, obstacles to achieving them, and pathways for overcoming obstacles.

# POD CURRICULUM TEMPLATE & PLAN

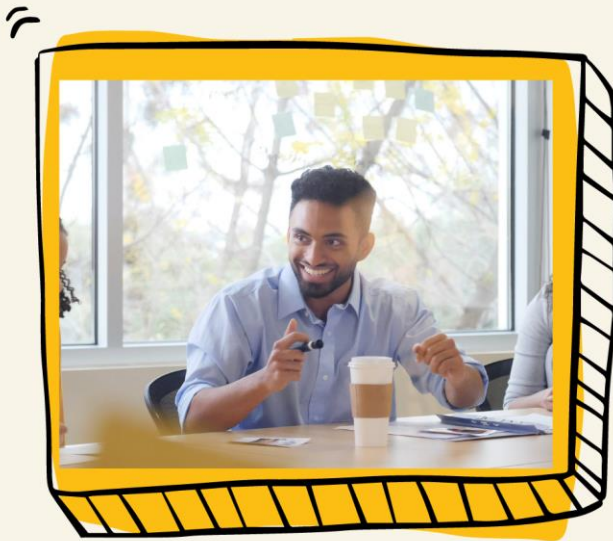
## Creating a Well-Being Policy

How to create a formal well-being policy to convey that the organization prioritizes and values lawyers as people and establish expectations and intentions.

## Measuring, Evaluating, & Improving

How to develop, improve, and justify your organization's well-being program, by evaluating the success of individual program elements and measuring overall progress on well-being indicators.





## FACILITATORS

Each Pod will have a designated facilitator. The facilitator will be provided with discussion questions and resources each month by Pilot program leaders to assist in generating meaningful collaboration within the Pod.

Facilitators are not be well-being experts.

The role of the Facilitator is to:

1. Lead and motivate the Pod members
2. Assist the Pod in developing a short list of priorities for the team to focus on during their work together
3. Bring their own lived experience and knowledge of well-being challenges to their work with the Pod

## WHY PARTICIPATE?



### Engage Members of Your Organization in Well-Being Initiatives

The Pods provide a great way to engage members of your team in your organization's growing well-being initiatives



### Enhance Personal Well-Being Goals

An organization is only as "well" as the people who lead it. The Pods provide an opportunity to focus in on your personal well-being goals as an organizational leader



### Collaborate with Cohort Participants

The Pods provide a meaningful opportunity to collaborate with and learn from other pilot cohort members and gain assistance in creating your organization's well-being action plan