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## The Road to Attorney Well-Being: Past, Present, and Future

By Heidi Alexander, Filippa Marullo Anzalone, Laurie Cappello

### Introduction

In 2017, multiple nationwide studies on the well-being of lawyers and law students culminated in the release of a report from the National Task Force on Lawyer Well-Being (Task Force Report). The Task Force Report highlighted distressing data indicating that lawyers suffer from depression, anxiety, and substance use at rates higher than the general population. It concluded that the legal profession was at a tipping point and presented recommendations and action plans for building a more positive future.

Following the release of this landmark document, the Massachusetts Supreme Judicial Court formed an initial Steering Committee on Lawyer Well-Being to investigate, report on, and issue recommendations regarding the state of lawyer well-being here in Massachusetts. That work led to the release of the Steering Committee's 2019 Report, available at <https://www.mass.gov/doc/supreme-judicial-court-steering-committee-on-lawyer-well-being-report-to-the-justices/download>. The Report included several recommended actions with respect to legal practice, legal education, and the administration of law in order to mitigate the serious physical, mental, and financial well-being challenges faced by present-day Massachusetts attorneys, judges, and law students. In January 2020, implementation of those recommendations began to move forward under the direction of the SJC Standing Committee on Lawyer Well-Being, an eighteen-member committee representing nearly every legal sector in the Commonwealth.

Now, fast forward to 2021, a year after the COVID-19 pandemic began, shaking up every industry and impacting individuals across the globe. It will come as no surprise that five years after the seminal 2017 studies, the data on well-being in the legal profession has not changed much. In fact, **a recent peer-reviewed study** as well as an **ABA study** found that women lawyers are considering an exodus from the legal profession due to the pandemic as well due to mental health problems, burnout, or stress. Other recent studies have **found higher rates of suicide and suicide ideation among attorneys; higher stress among attorneys of color on account of their race and ethnicity**; and that stigma continues to pervade the profession with **large numbers of lawyers that say they cannot discuss well-being issues with their employer without worrying it will damage their career or livelihoods**.

Despite this data, it is not all doom and gloom for the legal profession. The increased awareness of well-being in the legal profession has paved the way for rethinking how to make positive organizational and culture changes, and how to reduce stigma around seeking help and self-care. In June 2021, the Standing Committee published a statement on “**Recommendations for Legal Workplaces Post-Pandemic**,” calling on legal employers to seize this opportunity to rethink norms, structures, and policies that will benefit everyone in the workplace and create a culture of inclusion. Massachusetts is fortunate to have not only the strong support of the SJC to move this work forward, but also a cadre of well-being pioneers, innovators, and leaders throughout the profession advocating for change to improve the profession. To support the great efforts of so many across the Commonwealth, the Standing Committee created a Legal Well-Being Network to share resources, ideas, and best practices. The foregoing discussion captures the work of two members of the Legal Well-Being Network and leaders in this space, Filippa Marullo Anzalone, a Professor and Associate Dean at Boston College Law School and Laurie Cappello, Mintz's first Director of Well-Being. Professor Anzalone's work bears out some of the aforementioned concerns around well-being in the profession through real stories conducted via student interviews, thus creating awareness of well-being before those students enter the profession. Inaugural Well-Being Director Laurie Cappello shares the well-being work at Mintz as an example of the progress being made by some forward-thinking legal employers.

## Connecting Legal Education to the Legal Profession

Four years ago, Professor Anzalone designed a course at Boston College Law School called Mindfulness & Contemplative Practices for Lawyers, as a direct response to the National Task Force Report. One significant course assignment has students interview a practicing attorney about work-life integration and attorney well-being programs that their respective law offices provide. The following stories are a sampling of some of the content gleaned from these one-on-one interviews.

Overall, many interviewees described being disenchanted with what they termed “big law culture” in large part because of the lack of work-life balance. Some interviewees indicated that firm culture enables or even encourages bragging, especially among partners and senior associates, about long hours, time away from family, and little or no sleep. A theme emerged that firms need more buy-in for well-being programs and practices, especially through modeling and acknowledgement by firm management, senior partners, and senior associates. Some newer associates commented that despite their firm’s well-being focus, it was challenging to take time off while having to answer to frustrated partners. Furthermore, interviewees suggested that firms need to be thoughtful about their well-being offerings. Oftentimes, associates do not take advantage of these programs because of the pressure to meet billable hour requirements. One interviewee noted that the benefits of a midday exercise break are negated by the stress of wondering about what could go wrong if she was needed during her exercise break. Moreover, interviewees commented on the timing of offerings, indicating that they should be scheduled at times that make sense in the rhythm of an attorney’s workday (*i.e.*, not scheduled against standing meetings). Interviewees praised perks that the firm provided like gym discounts, food deliveries, childcare, and dry-cleaning services, which all helped to lower stress levels.

In-house counsel interviewed shared views different from lawyers at firms, describing environments as “supportive” and “understanding.” This response was similar to smaller firms, where interviewees acknowledged a lack of formal well-being programs but a feeling of intimacy, friendliness, and openness in the office. Finally, there were a host of interviewees, especially those with young children, at both large and smaller firms who would prefer to leave work and not engage in any non-work related event, even if part of well-being programming.

Generally, nearly all the interviewees noted that work-life balance and well-being had suffered during the pandemic and that they felt that they were on call 24/7 with no refuge from work. Finding balance, as indicated by these attorneys, is essential for enjoying the position and staying in the organization for the long term. One interviewee wished that “if only companies and firms would realize that offering more time off and setting more realistic expectations was a more common practice” in the corporate world, then employee productivity and satisfaction would be much higher. A refrain heard often was that valuing associates and other employees as “real people” with lives and responsibilities outside of work, and providing “flexibility, a good environment, and interesting work” are paramount. The take-away for most of the law student interviewers was that the time is right for law offices to reimagine the practice of law in a way that can accommodate both the clients’ needs and the well-being and health of the practitioners and employees.

### An Amlaw 100 Law Firm Model

Mintz first implemented a formal well-being program called Mpower in 2006. The initial focus was to support and improve employee physical health. Over time, Mintz has expanded the program to cover additional aspects of employee well-being. The success of this program is credited to the individuals and committees responsible for creating and effectuating the programs, strong leadership support and well-being champions, leveraged opportunities with benefits providers, and relationships with related organizations such as the SJC Standing Committee on Lawyer Well-Being, Mindfulness in Law Society, Lawyers Concerned for Lawyers of Massachusetts, and the Institute for Well-Being in Law.

Mpower – with the tagline “Your Health, Your Well-Being, Your Life” – was introduced to the firm as a program offering discounted gym memberships and walking maps for each office (to encourage

movement throughout the day), and periodic emails and presentations providing education on various well-being topics. Today the Mpower program consists of seven components: financial health, inclusion, mental health, mindfulness, physical fitness, physical health, and walking maps. The newest components include inclusion, mental health, and mindfulness.

Inclusion has an essential relationship to well-being. If a person does not feel included in his or her workplace culture, his or her well-being and ability to perform at his or her best will be impacted. Mintz is fortunate to have Narges Kakalia, a passionate and talented Director of Diversity, Equity & Inclusion, to help support the firm's goal to foster a culture in which all individuals can bring their whole, unique selves to work, while feeling both valued and respected. DEI Director Kakalia works collaboratively with Well-Being Director Cappello to develop information and resources shared through Mpower. For example, in June the firm posted a message from the Managing Member (Partner) supporting Pride Month, and communicating the importance of using appropriate gender pronouns as a step toward respecting people's gender identity and creating an inclusive environment for people of all genders.

Inspired by the National Task Force Report, in 2018, Mintz became an inaugural adopter of the **ABA Well-Being Pledge & Campaign**, and committed to the seven-point pledge identified in the Campaign to raise awareness to address the legal profession's troubling rates of alcohol and other substance-use disorders, along with mental health issues. The pledge is listed on the Mpower intranet home page and Mental Health page, and includes a statement in the firm's Core Value Policy packet reviewed with all new hires. The site contains links to confidential screening tools, videos (including the **ABA Anti-Stigma Video**) and recordings of past presentations. Mintz continues to strengthen its commitment to employee well-being and recently became a Founding Champion sponsor of the **Institute for Well-Being in Law (IWIL) which** was formed to carry on the movement launched by the National Task Force.

In December 2016, Mintz held its first Introduction to Mindfulness presentation, followed by an 8-week Mindfulness at Work Program beginning in January. The program was so well received that Mintz has offered it each subsequent year. Mintz also has dedicated meditation space in its Boston and D.C. offices, offers live virtual weekly meditation sessions, and provides additional resources for mindfulness including the **Mindfulness In Law Society**.

## Conclusion

Professor Anzalone's class, in its 5<sup>th</sup> year, and Mpower, celebrating its 15<sup>th</sup> year, are among the efforts underway to help lawyers thrive in the profession. By continuing to expand awareness of the challenges of law practice and resources available as early as law school and throughout legal careers, we will make positive steps toward a better future for the legal profession. For more information about the efforts of the SJC Standing Committee on Lawyer Well-Being or to get involved, visit [lawyerwellbeingma.org](http://lawyerwellbeingma.org) or contact Director Heidi Alexander, [heidi@lawyerwellbeingma.org](mailto:heidi@lawyerwellbeingma.org).

*Heidi Alexander is the Director of the Massachusetts Supreme Judicial Court Standing Committee on Lawyer Well-Being and formerly served as the Deputy Director of Lawyers Concerned for Lawyers. Heidi attends to her own well-being by coaching CrossFit and youth sports, competing in powerlifting, and most importantly spending time with her three young kids.*

*Filippa Marullo Anzalone has served as Professor of Law and Associate Dean for Library and Technology Services at Boston College Law School since August 2002. She teaches a course called Mindfulness & Contemplative Practices for Lawyers at BC Law. Before BC, Filippa worked at Northeastern University School of Law, law firms, and public libraries.*

*Laurie Cappello is the Director of Well-Being for Mintz, and leads the strategic development, direction, communication, and management of the Mintz well-being programs. Laurie is active in the local and*

*national well-being community and is the Vice President of the **Mindfulness in Law Society (MILS)** and the Co-Chair of the **MILS New England Chapter**.*