



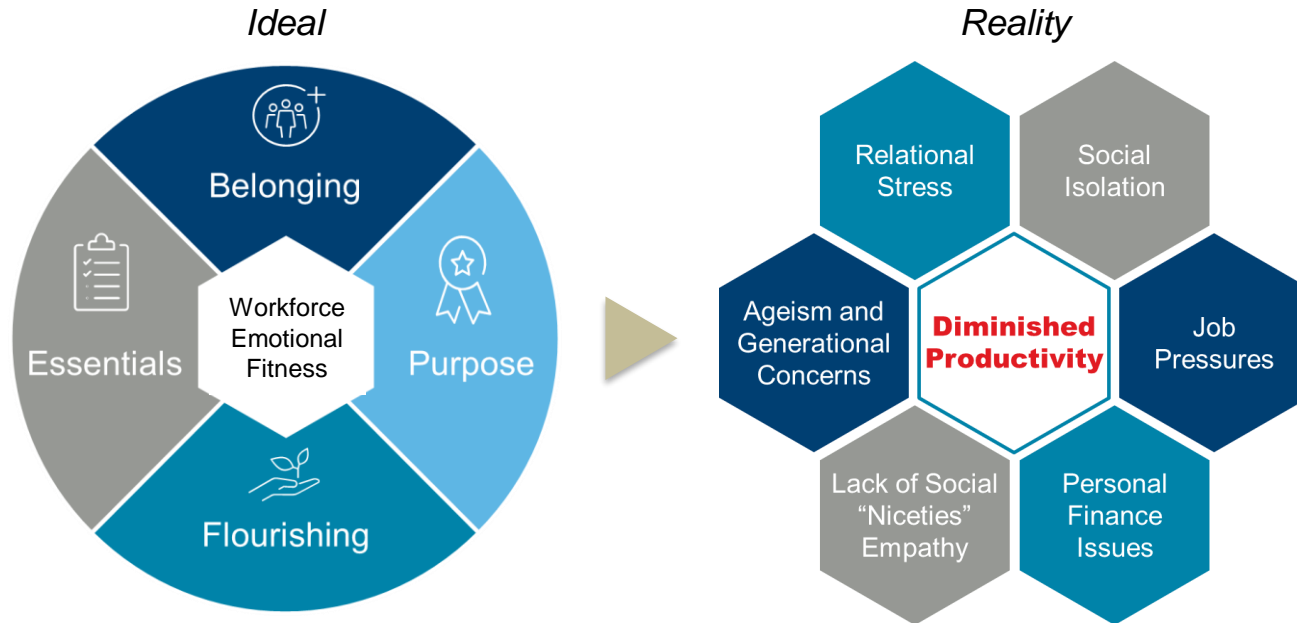
Advancing The Law Firm Emotional Fitness Journey

Today's Discussion

- Emotional health impact
- Managing the risk
- Promoting well-being in the legal profession
- Pursuing an informed path forward

Balancing Emotional Fitness vs Life Challenges

An approach that aligns the typical attributes of physical fitness with the mental and emotional aspects of human performance.



Sources: Emotional Fitness at the Workplace, ACSM, IAWHP, Volume 21 / Number 5, September 2017;
Maslow, A. H. (1943). A theory of human motivation. Psychological Review, 50(4), 370-396.

Emotional Health Trends



Suicide



Opioid Epidemic



Social Isolation



Substance Abuse



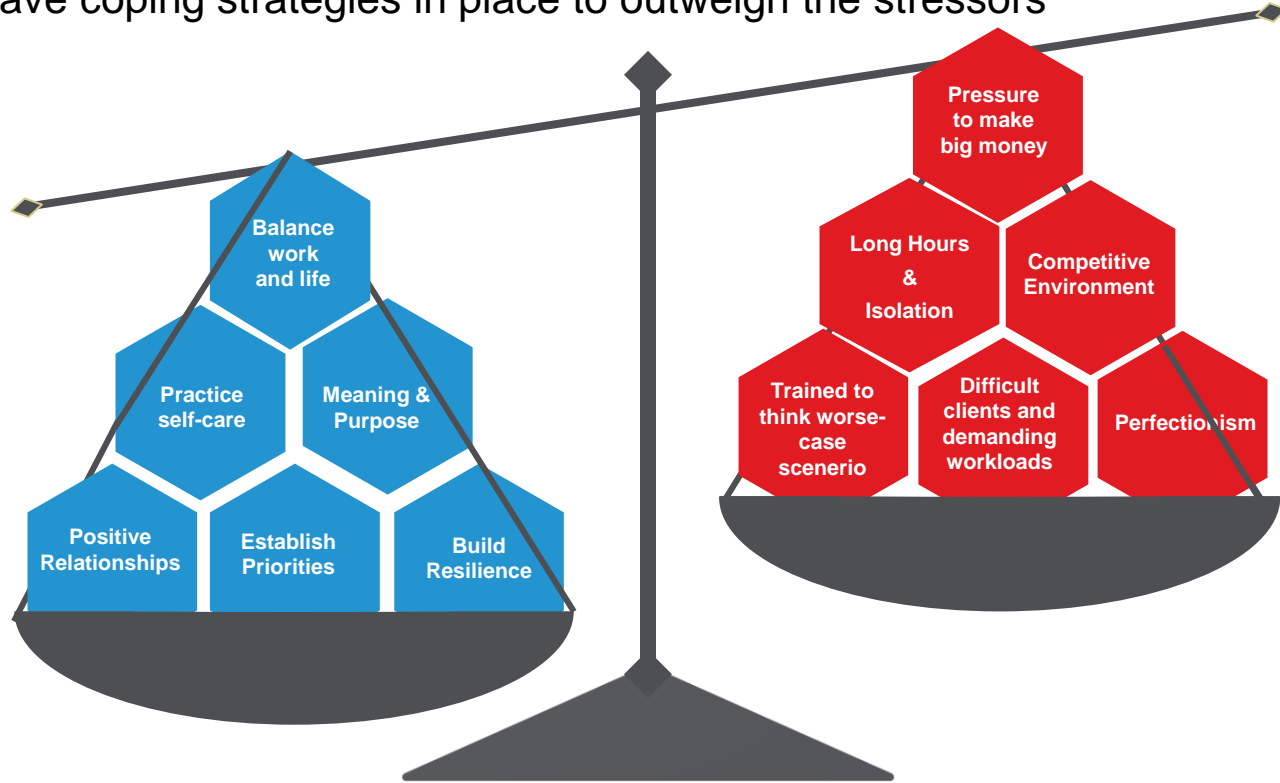
**Provider Shortage
and New
Technologies**



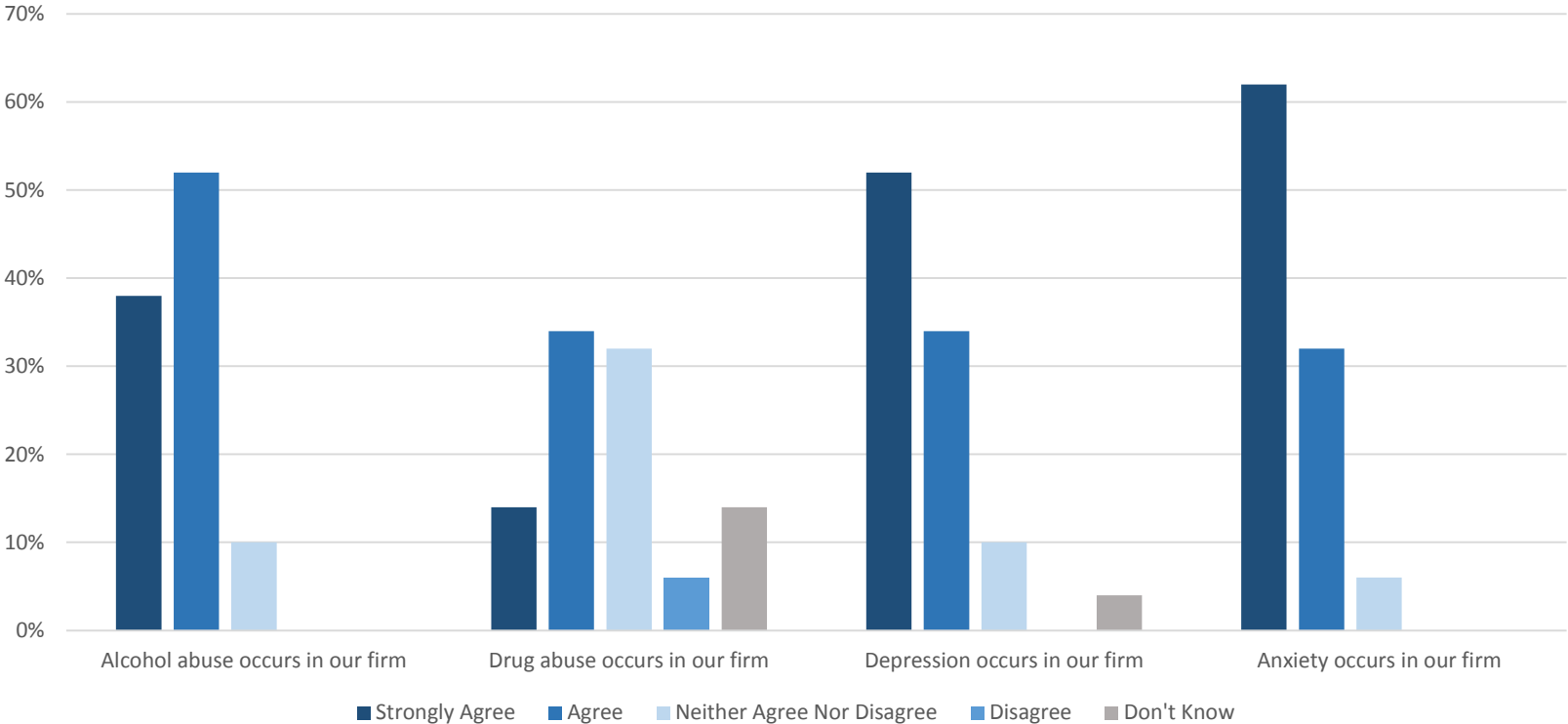
Caregiving

Emotional Struggles for Lawyers in the Workplace

Be sure to have coping strategies in place to outweigh the stressors

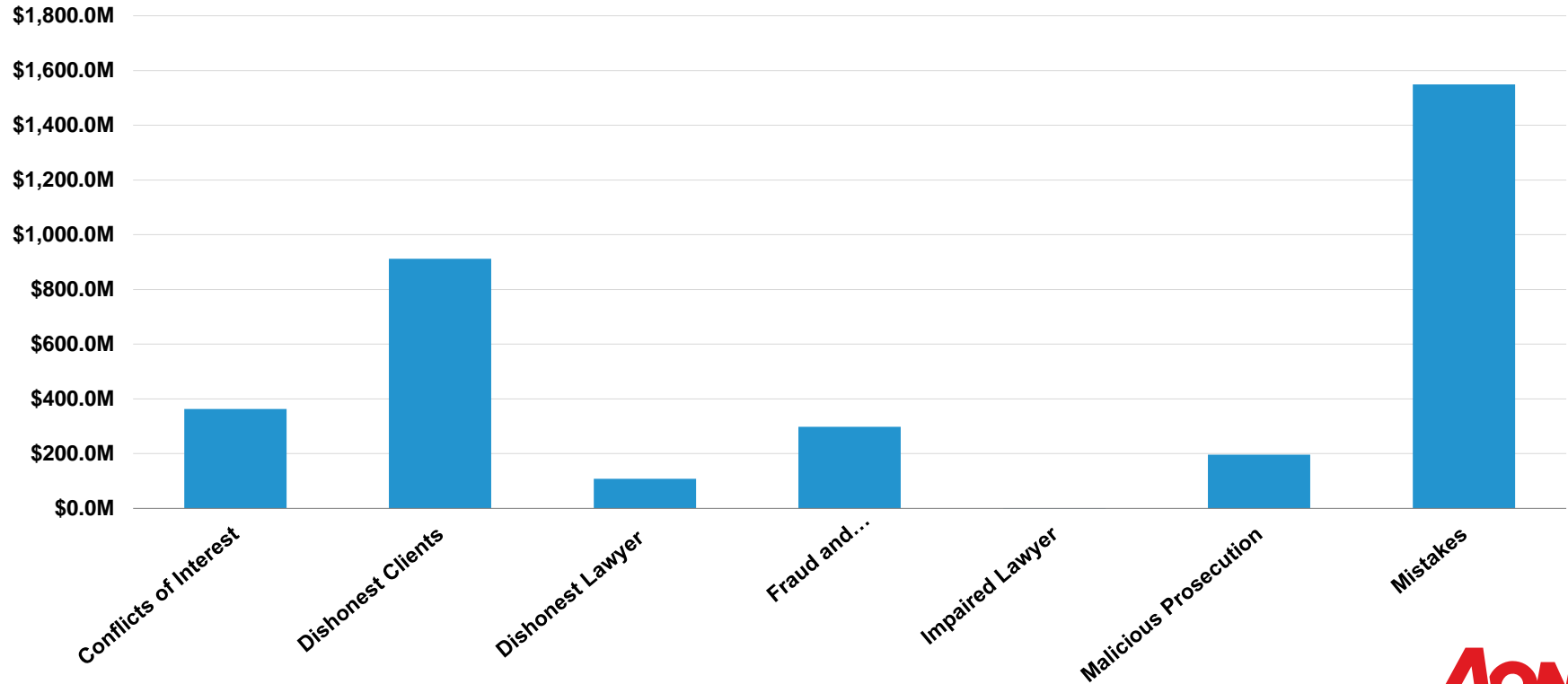


ALM Intelligence's 2018 Survey of Am Law 200 Firms



2004-2016 Lawyers Professional Liability Claims Summary

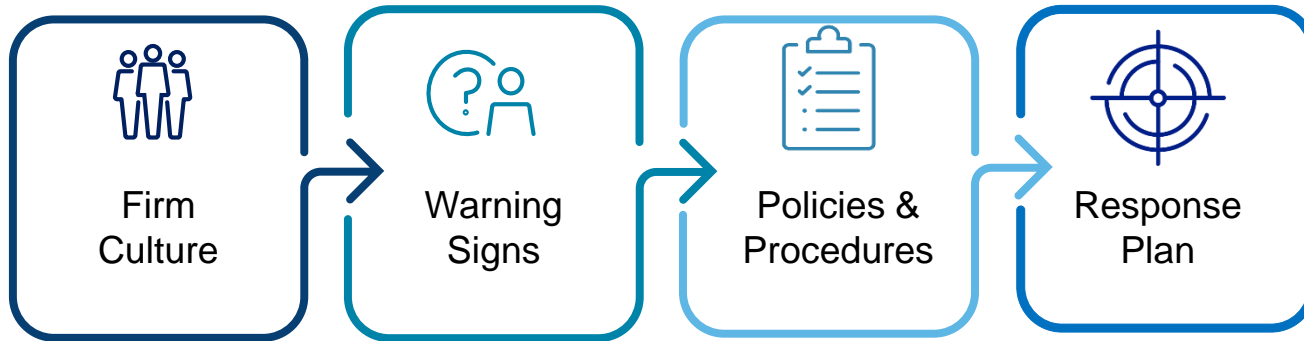
Total Ground Up Paid by Conduct Causing the Loss



The Potential Costs of Lawyer and Staff Impairment

- Loss of revenue caused by impaired lawyer's decreased productivity
- Decrease in productivity and effectiveness of any team member or practice group which includes an impaired lawyer
- Disability or work comp claims
- Lawsuits or complaints from co-workers
- Cost of termination and replacement of an impaired lawyer or staff member
- Death or suicide of an impaired lawyer or staff member and residual cultural impact
- Possible liability if partners knew of lawyer's impairment prior to negligent or intentional acts
- Possible increase in insurance rates due to impaired lawyer's malfeasance
- Erosion of firm stability, culture, and morale
- Loss to firm reputation and credibility
- Harm to clients and their interests
- Harm to family of impaired lawyer and perhaps families of other lawyers in the firm

Managing the Risk



Managing the Risk



1

Firm Culture

- Set the tone
- Enforce policies consistently
- Make supervision meaningful
- Recognize good behavior
- Respond to concerns promptly



2

Warning Signs

- Training & Education
- **MAP** – Mood, Appearance, Performance
- Why signs are missed
 - Halo effect
 - Confirmation bias
 - Masks and smokescreens
 - Diffusion and responsibility



3

Policies & Procedures

- Designate trusted advisor to receive reports of suspected impairment
- Pledge reports are confidential, unless disclosure is needed
- Guarantee good faith reporting cannot be grounds for discipline
- Stress it is never appropriate to protect an impaired lawyer
- Provide contact to lawyers assistance program
- Provide regular policy reminders



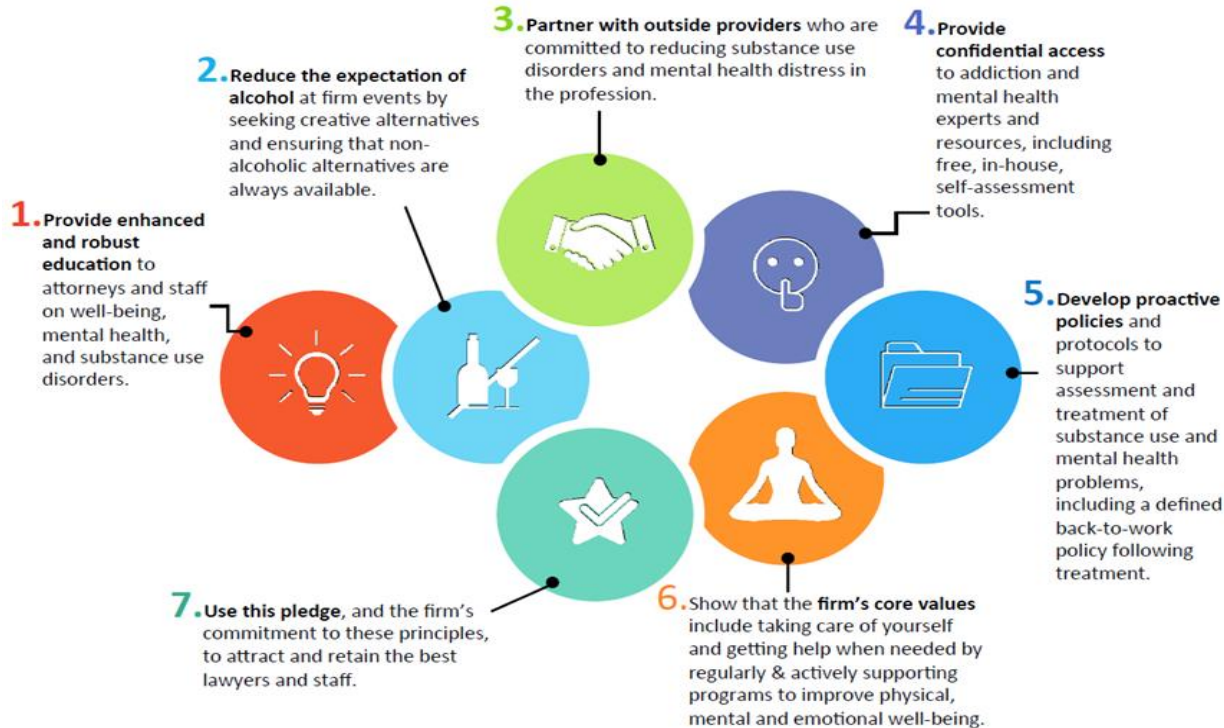
4

Response Plan

- Convince the employee to seek assistance or treatment
- Take reasonable steps to protect the involved clients' interests and ensure the impaired lawyer's compliance with his or her ethical obligations
- Consult an employment attorney

ABA Pledge

The ABA Pledge provides a range of recommendations across seven (7) workforce factors



American Bar Association Working Group to Advance Well-Being in the Legal Profession

We Believe Step #1 is an Assessment of Where you are on the Journey



Journey Objectives

- Protect the firm's reputation and client trust
- Enhance understanding of what emotional fitness means and what tools can be used to help each other
- Reduce the firm's risk to lawyers and staff due to emotional stress and impairment
- Culture change



Assessment Examines

- **Broader emotional wellbeing strategy** – ability and desire to change
- **Mental health and substance use strategy** – do the policies promote good mental health and low levels of substance use
- **Crisis protocol** – are there reliable and informed processes for addressing impairment; are lawyers comfortable seeking help or raising concerns about a colleague
- **Emotional fitness awareness & support** – are employees educated about the warning signs, how to access the resources, what tools resources are available

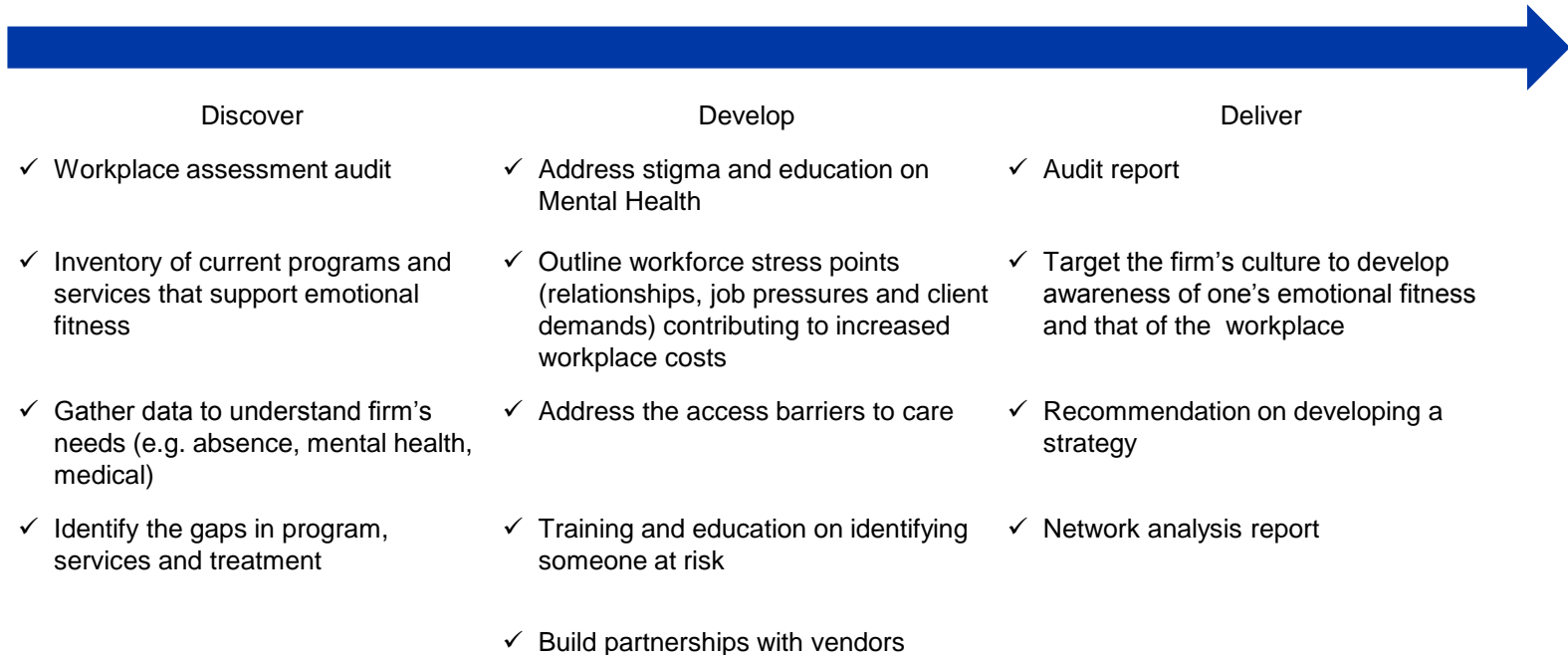


Outcome

- Objective appraisal of policies and procedures
- Effective and practical suggested tactics for improvement
- Knowledge, peace of mind and road map for greater wellbeing

Pursuing an Informed Path Forward

Emotional Fitness Framework



Developing a Long-term Emotional Fitness Strategy

Example Goal Statement

Create a culture of caring and acceptance, where employees feel safe talking about behavioral health issues and getting the help they need

Potential Focus Areas

1. Raise Awareness

Debunk the stigma around mental health that inhibits access to resources and treatment. Maintain a broad perspective with special concentration on depression/ anxiety and substance use





2. People leader involvement

Empower managers and supervisors to support employees and direct them to available resources

3. Proactive and timely outreach

Develop innovative approaches for reaching people at their point of need and directing them to available resources.

Position your firm as a innovative leader,
supporting behavioral health in the workplace

Insight Impacts	Educate Communicate	Transform Expedite Access	Verify Sustain
 Re-examine MHSUD benefits, integrate disparate data sources	 Normalize the internal dialogue, and break the ongoing silence	 Employ social, mobile and virtual tech via TelePsych and cCBT	 Facilitate reasonable accommodations, RTW, and flexible schedules
Evaluate the workplace environment and ecosystem to minimize risks and optimize interventions	Create strategies to reduce stigma and tackle top-of-mind issues for workers and families	Train leaders and colleagues to spot the subtle warning signs of a struggling co-worker or family member	Model work/life balance, formalize policies, measure vendor partner performance and outcomes

Tactics to Build Emotional Fitness and Coping Strategies

Organization Approaches
<ul style="list-style-type: none">Develop an organizational culture that encourages trust, accountability, and flexibility
<ul style="list-style-type: none">Encourage employees to take care of their wellbeing<ul style="list-style-type: none">Mental/emotional, physical, financial, and social needs
<ul style="list-style-type: none">Offer benefits and tools to promote a healthy lifestyle and work-life balance
<ul style="list-style-type: none">Have a plan to respond to someone becoming unwell or needing support in the workplace
<ul style="list-style-type: none">Acknowledge special events in an employee's life such as birthday, graduations, weddings, new baby, death of a loved one etc.
<ul style="list-style-type: none">Enforce time-off policies that promote cycles of work and rest/renewalEncourage workers to take a lunch, leave their desks, and get outside to renew themselves
<ul style="list-style-type: none">Establish safe and secure workplaces



Proactive Coping Strategies for Individuals
<ul style="list-style-type: none">Work off stress by exercising
<ul style="list-style-type: none">Get enough sleep and make healthy food choices a consistent part of your daily life
<ul style="list-style-type: none">Balance recreation and work
<ul style="list-style-type: none">Surround yourself with supportive and positive people
<ul style="list-style-type: none">Make sure to spend time doing work/activities that bring meaning and purpose in your life
<ul style="list-style-type: none">Establish priorities
<ul style="list-style-type: none">Learn to accept what you can't change
<ul style="list-style-type: none">Avoid "self-medicating" with alcohol or other drugs
<ul style="list-style-type: none">Talk about your worries with someone you trust
<ul style="list-style-type: none">Seek help when you need it

Developing a Long-term Emotional Fitness Strategy

Emotional Health Support (i.e. Resilience, Cognitive Behavioral Therapy)	Meditation & Sleep	Employee Assistance Program	Tele-Behavioral Health & Virtual/ Provider Access	Addictions	Community Resources
					
					
					
					
					
					
					

How Will the Firm Change?



The Firm will be an industry leader, where the employees **know** that talking about Emotional Fitness is a cultural norm, they **feel** the firm's environment is psychologically safe and they actively **do** more for themselves and others to seek help and support.

- Employees are secure bringing their whole-selves into work
- Awareness emphasizes substance use precautions and accountability for supporting a colleague in emotional distress
- Where no one is penalized, nor perceived as weak when asking for help or admitting to a mistake
- Can openly disagree or share an opinion without fear of ridicule or judgement

Where are you on the Journey?

