

The Time Is Now: Leading the Charge for Lawyer Well-Being

by Jeannette Boot, Laurie Cappello, and Brenda Fingold

PD professionals can play a leadership role in the transformation of legal culture by following these practical suggestions for implementing well-being policies and practices in the law firm environment.

In the mid-1880s it was discovered that mortality rates were significantly reduced when doctors washed their hands before performing a medical procedure. Incredibly, it took one hundred years from this discovery before a standardized protocol for handwashing was created.¹ It is no secret that law firm culture and expectations can compromise health and well-being, and we are now formally on notice that a serious wellness problem exists in our profession. How long will it take before consistent and accessible strategies to ensure lawyer well-being are woven into the fabric of our firms as standard protocol?

In 2016, two significant studies on well-being in the legal profession were published, leading a former ABA president to remark:

*“Lawyers, judges and law students are faced with an increasingly competitive and stressful profession. Studies show that substance use, addiction and mental disorders, including depression and thoughts of suicide — often unrecognized — are at shockingly high rates.” (David R. Brink, cited in the cover letter to *The Path to Lawyer Well-Being Report*)*

One study, sponsored by the ABA Commission on Lawyer Assistance Programs and Hazelden Betty Ford Foundation ([the “Lawyer Study”](#)), surveyed nearly 13,000 licensed, employed lawyers in the United States and found alarmingly high levels of depression, anxiety, stress, and problem drinking and substance use in the legal profession.

The [second study](#), which surveyed 15 law schools and over 3,300 law students, revealed similarly alarming results among law students.

In addition to struggles with depression, anxiety, and substance use issues, the Lawyer Study [confirmed what many of us had long suspected anecdotally](#) — the legal profession suffers from “a parade of difficulties ... [including] suicide, social alienation, work addiction, sleep deprivation, job dissatisfaction, a ‘diversity crisis,’ complaints of work-life conflict, incivility, a narrowing of values so that profit predominates, and negative public perception.” (See page 7 of the linked document.)

In 2016 the ABA Commission on Lawyer Assistance Programs, the National Organization of Bar Counsel, and the Association of Professional Responsibility Lawyers joined together to create a National Task Force on Lawyer Well-Being with the intent to launch a movement to improve well-being in the legal profession. The Task Force published “[The Path to Lawyer Well-Being: Practical Recommendations for Positive Change](#)” (the “Task Force Report”), a report that includes a wide range of recommendations for the legal industry as a whole, as well as for specific subsets of the industry such as judges, legal employers, law schools, regulators, and more. In fact, the Task Force noted that “lawyer well-being is part of a lawyer’s ethical duty of competence.” Feeling healthy and engaged is no longer simply icing on the professional cake.

After publication of the Task Force Report, the ABA formed the Working Group to Advance Well-Being in the Legal Profession. The Working Group was tasked with examining and making recommendations to the legal community about how to address the current state of attorney mental health and substance use issues. In 2018, the Working Group published the [Well-Being Toolkit for Lawyers and Legal Employers](#) (the “Toolkit”). Like the Task Force Report, the Toolkit makes many recommendations to the legal industry about how to tackle the issue of supporting attorney well-being. It also contains many specific ideas about possible ways for legal employers to go about implementing a program for lawyer well-being.

This article is our attempt to provide inspiration, strategies, and practical ideas for those moved to answer this radical call to improve the health and well-being of the profession.

At the same time that the Task Force Report and Toolkit were being published, the [Mindfulness in Law Society \(MILS\)](#) was gaining momentum as an organization dedicated to educating, providing resources to, and bringing together legal professionals around issues of mindfulness and well-being. Both the Task Force Report and the Toolkit recommend mindfulness as one approach to addressing wellness, and MILS and its local chapters have been bringing together judges; lawyers in private, nonprofit, and legal services organizations; law professors; law students; law firm administrators; and other legal professionals to join forces on this critical issue.

And more recently, the ABA launched a Well-Being Pledge for legal employers centered around a seven-point framework of specific action items for Pledge takers:

1. Provide enhanced and robust education to attorneys and staff on topics related to well-being, mental health, and substance use disorders.
2. Disrupt the “status quo” of drinking-based events and functions. Employers are asked to break from the expectation that all events include alcohol, and to ensure that there are appealing non-alcoholic alternatives at events where alcohol is available.
3. Develop visible partnerships with outside resources that can aid in reducing substance use and mental health distress, including healthcare insurers, lawyer assistance programs, and other experts in the field.
4. Provide confidential access to addiction and mental health experts and resources, including free, in-house self-assessment tools.
5. Develop proactive policies and protocols to support the assessment and treatment of substance use and mental health problems, including a defined back-to-work policy following treatment.
6. Actively and consistently demonstrate that help-seeking and self-care are core cultural values by regularly supporting programs to improve physical, mental, and emotional well-being.
7. Highlight the adoption of this well-being framework to attract and retain the best lawyers and staff.

To date, the Pledge has attracted more than one hundred signatories, ranging from small, medium, and large law firms to law schools and legal departments at major corporations.

A Call to Action

So, it’s 2019 and we now have a clear and credible identification of the problem and an abundance of ideas about how to address the issue. Now it’s our turn. What are we going to do about it and how long will it take before our actions show that we value lawyer health and well-being as firmly as we value legal skill, knowledge, and experience?

We strongly believe that the time for action is now. We also recognize that courage, innovation, and experimentation will be required to change the busy, fast-paced, and demanding culture that is hardwired into our legal institutions. This article is our attempt to provide inspiration, strategies, and practical ideas for those moved to answer this radical call to improve the health and well-being of the profession. We are each representatives of distinct constituencies within the legal well-being space and hope that our different experiences and perspectives will help others who are walking in our shoes. Jeannette, a partner for the past 13 years at WilmerHale, has stepped back from full-time practice in recent months to take on the role of “partner-champion” for the well-being movement at her firm. Brenda spent 17 years at a large law firm as a litigator and then the Partner Responsible for Training and Professional Development. She now directs workplace and leadership programs at the Mindfulness Center at the Brown University School of Public Health and provides lawyers, law students, judges, and other legal professionals with tools and resources for reducing the harmful impacts of stress and enhancing resilience and well-being. Laurie is the Director of Human Resources, Benefits and HRIS/Payroll at Mintz, Levin, Cohn, Ferris, Glovsky, and Popeo, P.C. She has been involved in the Mintz Well-Being program, “MPower,” since its inception in 2006. MPower is a comprehensive program that provides education and resources for physical, mental, and financial well-being. The most recent additions to MPower include an expansive mindfulness program and an expanded focus on mental health awareness. Given our backgrounds, our goals are to inspire you to take a leadership role in this nation-wide transformation of legal culture and to offer practical guidance about implementing well-being policies and practices in the law firm environment.

Where Do We Begin: Using the Resources That Already Exist

When WilmerHale decided to “take the Pledge,” Jeannette’s first thought was “terrific — but now we have to actually do it!” The good news is that we don’t have to start from scratch. Between the Task Force Report, the Toolkit, and other work that

has emerged in recent years, there is a wide array of available recommendations and resources for legal employers who want to tackle these issues without having to reinvent the wheel.

We recommend the Toolkit’s “8-Step Action Plan for Legal Employers” as a good way to structure a law firm’s approach to implementing the Well-Being Pledge. The eight steps are:

1. Enlist leaders. This is obviously key! In order for a firm’s well-being effort to have credibility and command the resources and attention it will need to be successful, strong and public support from top firm management is crucial. In addition to gaining support from top firm management, it is important to reach out to leaders in all areas of the firm. This may include office heads, practice group and department heads, leading business generators within the firm (whether or not they are in management), and senior non-lawyer administrators. It’s also important to enlist support from non-partner lawyers within the firm. At WilmerHale, non-partner lawyers are represented by committees in each office that meet with firm management on a regular basis. These committees have proved to be a great resource for both providing information to and soliciting information from the non-partner lawyers.

In addition to gaining support from top firm management, it is important to reach out to leaders in all areas of the firm.

2. Launch a well-being committee. The Toolkit recommends recruiting a champion or launching a committee to lead the well-being initiative. The makeup of the well-being committee or working group is of paramount importance to the success of the well-being work within the firm. Different firms have different approaches to committees — for example, having attorneys only or a mix of attorneys and staff, or emphasizing inclusiveness across geography, practice groups, gender, race, and other demographic measures. While it is important to reflect the firm’s culture in determining how to constitute a well-being committee, we have found that it is important not to rigidly follow the normal approach in constituting the

committee or working group. Instead, it can be tremendously helpful to include representatives of the substantive, functional areas of the firm that will be necessary for implementation. People within the firm who are responsible for benefits, human resources, training, recruiting, communications, professional development, events planning, employment law, and ethics matters could all be appropriate members of the committee. The committee also needs to meet with sufficient frequency to drive implementation forward, and its members need to be empowered and disciplined in following through on ideas that the committee generates.

The Task Force Report identifies six dimensions of well-being that it recommends for consideration: occupational, emotional, physical, intellectual, spiritual, and social.

3. Define well-being. The Toolkit includes a number of ideas on how to go about defining well-being. As we discuss below in more detail, well-being can mean different things to different people, and it is easy for a committee's efforts to get muddled or confused without an idea of what well-being means to the firm. The Task Force Report identifies six dimensions of well-being that it recommends for consideration: occupational, emotional, physical, intellectual, spiritual, and social. These six areas are a great starting point for discussion. At Jeannette's firm, the working group has used these six dimensions as a guide to help organize the firm's resources and identify gaps. They have also made a distinction in thinking about well-being to ensure that the firm not only addresses illness (such as clinical depression, anxiety, or substance use-disorder, or other illnesses that are often the result of stress or unhealthy habits, such as hypertension or diabetes), but also well-being more broadly — that is, to consider policies, programming, and resources to enhance the "positive state of wellness" of the firm's entire population, including the large contingent of people who are not clinically ill.

4. Conduct a needs assessment. The Toolkit makes several suggestions about what the needs assessment should cover and how to go about conducting it. We have a few observations about this process from our own experience. In the first instance, this is where the benefits and HR insiders at the firm can be tremendously useful. They are on the front lines in terms of contracting for (and therefore knowing about) the benefits that are covered by health insurance, EAP, and other programs. They are also the ones who are in the best position to know what the firm's current usage of these programs is and what problems have arisen. It turns out that insurance brokers who specialize in the legal profession are a great resource — some have already familiarized themselves with the ABA Pledge, the Toolkit, and other resources and are able to assist with the assessment process. Insurers also may be able to provide anonymized composite data about usage within the insured population, including the prescription drug spending and usage, diagnoses, and so on. In addition, the Toolkit itself contains a checklist that the well-being committee can readily use to conduct a "policies and practices" audit without outside assistance as well as a series of freely available checklists from other organizations, such as the World Health Organization.

5. Identify priorities. The Toolkit cautions against trying to do too much too soon. Instead, it recommends establishing a narrow set of priorities that can be achieved relatively quickly to help build credibility for the effort. The Well-Being Pledge itself identifies certain key areas of focus that firms can use as a starting point for identifying priorities (and then executing an action plan). For example, it is fairly straightforward to implement a practice of always having attractive alternatives to alcohol at events where alcohol is being served. We note that we've heard some misapprehension that the Well-Being Pledge requires firms that adhere to stop serving alcohol at all at firm events. That's certainly not what the Pledge requires; instead, it encourages employers to be thoughtful about when alcohol is served — and to disrupt the assumption that alcohol will be present and the focus of all social activities.

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It is also quite likely that firms will already have EAP programs (though these are often underutilized, particularly by lawyers), mental health benefits as part of overall health insurance offerings, and perhaps even education resources that are available through existing arrangements with health and benefit providers. It may be possible to notch a series of quick successes by highlighting these existing resources through firm-wide communications, the launch of a dedicated intranet page, or other similar approaches, while the well-being committee works on issues that require more time or attention to develop. The needs assessment can help with identifying resources that need better branding or publicity in addition to revealing gaps or needs that will require time to address more carefully.

6. Create and execute an action plan. After undertaking the five action items above, the Toolkit recommends that the committee begin to create and execute a longer-term action plan. The action plan will obviously be informed by the work that the committee has already undertaken in the assessment phase. The Toolkit has many suggestions for activities and programming that are worth considering. We highlight below the extensive work that Laurie's firm has undertaken in implementing their mindfulness program in order to illustrate how to take a program from the idea phase to a thriving, self-perpetuating movement that has become part of the fabric of the firm.

7. Create a well-being policy. The Toolkit suggests that employers consider creating a formalized well-being policy. The ABA recently published [a well-being template](#) for legal employers that includes suggested guidelines for how a firm should address impairment concerns. In any case, we suggest that the committee should undertake a review of existing policies regarding alcohol use in the office and policies related to medical leaves and returns, disability, and flexible work arrangements to consider whether existing policies adequately and appropriately address well-being issues among employees.

8. Continually measure, evaluate, and improve. Lastly, the Toolkit recommends that the committee continually measure, evaluate, and improve its well-being approach in order to evaluate success, determine shortcomings, and justify programming. The Toolkit includes some specific approaches to measuring success, including the popular Kirkpatrick model. The important thing to remember here is that this is not a "one and done" undertaking.

What Stands in the Way: Overcoming Obstacles to Well-Being Initiatives

Albert Einstein is credited with saying that you can't solve a problem by thinking at the same level you were thinking when the problem was created. Law firm thinking around billable hours, client expectations, and markers of success reflects deeply ingrained habits and perceptions that are not always supportive of physical and psychological health and well-being. Advances in neuroscience promise that changing habits of mind and body is possible, but experience tells us that it won't happen without intention, resources, a supportive community, and, as French novelist Marcel Proust encourages us, learning to see with "new eyes." To do this requires rethinking some of the beliefs and habits law firms and individual lawyers have about making time and space for well-being and self-care. It also helps to be prepared to address head on some of the common obstacles described below that can stall or impair well-being efforts.

What is well-being anyway: Defining the issue

As we consider strategies to address health challenges in the legal profession, it's wise to remember that what constitutes well-being is individual, multi-faceted, and dynamic, changing with cycles and seasons. There is no one right answer and certainly no quick fix. Similarly, with respect to well-being programs and initiatives, there is no one size fits all, and it would be a mistake to assume that everyone will benefit from the same program or strategy. We also know from studies of the stages of change, such as the [stages of change model](#) described

by James Prochaska and Carlo Di Clemente, that each person is somewhere on a continuum of readiness to address their own well-being, and that each stage calls for different interventions — so bringing patience and creativity to the process and inviting the help and ideas of stakeholders is essential.

Since we can't know what each individual considers well-being at any particular point in time, Brenda has taken to defining well-being in her training programs by pointing to United States Supreme Court Justice Potter Stewart's definition of obscenity in a 1964 case: "I know it when I see it." If having a sense of well-being is best determined by each individual, then one of the most important first steps to take when considering a well-being strategy is to provide opportunities for people to reflect on and talk about what well-being means to them, where there may be gaps in their sense of well-being, and what would most support them to more often than not feel pretty good about how they are living their lives. Just becoming more aware and having dedicated space and time to reflect on such things as day-to-day choices, automatic habits, priorities, and values that are not being attended to — as well as the reasonableness of expectations and "shoulds" — can by itself begin movement toward greater well-being.

And, we do have many resources to support people as they explore their own well-being. The Task Force Report and ABA Toolkit provide an expansive definition of well-being that looks for thriving in six dimensions of wellness, including occupational, emotional, physical, intellectual, spiritual, and social. The science of positive psychology — the evidence-based study of how people can thrive — is also helping us to see well-being not as absence of illness but as a positive state; not as a reaction to escalating stress, anxiety, depression, and substance abuse, or even the absence of them, but as a proactive focus on affirmatively increasing happiness and health, as well as effectiveness, more generally.

In a law review article describing his law school course based on positive psychology, Suffolk University Law School Professor Lisle Baker examines how positive psychology can help

students enhance their chances of succeeding in law school, achieve excellence in legal practice, thrive in their personal and professional lives, and become resilient in the face of the legal profession's inherent challenges.² As law schools increasingly add positive psychology, mindfulness, and other related training to their curricula, new lawyers may enter the profession with more skill, understanding, and expectations around maintaining health while practicing law. Until then, our firms may be the first place where new lawyers experience the demands and pace of a legal career and, hopefully, strategies and tools to navigate the profession in a successful and sustainable way.

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Show me the money

One of the most common objections to providing comprehensive training around issues of well-being relates to budgetary concerns. Professional development and training budgets for lawyers tend to be higher than those devoted to professional staff, although both populations need well-being support, and both budgets are often perceived as not sufficient to cover regular and consistent well-being training. Yet, we believe that in order to change deeply wired stress reactivity and habits, we must not only equip people with tools and strategies but also create an environment where well-being is valued and consistently supported in diverse and tangible ways. To do this requires more than finding a little extra in the budget for a program here or there. Instead, we would argue that real and sustainable change requires both a strategic commitment to policies and programs as well as a well-thought out financial investment in growing a culture more hospitable to well-being.

In his book about the impact of bias and racial trauma, *My Grandmother's Hands: Racialized Trauma and the Pathway to*

Mending Our Hearts and Bodies, Resmaa Menakem offers some very important truths that apply equally to our commitment to well-being strategies. He writes, “When strategy competes with culture, culture wins every time,” and he points to the need to untangle the good and valuable from the unhealthy aspects of culture. Menakem also notes that “cultural change takes hold through consistency and repetition. If enough people do something over and over it eventually becomes culture.”

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Calling for an increased economic investment may seem like a radical ask for many often fiscally conservative law firms, but this level of commitment actually has precedent in the field of law firm training. Up until the end of the 1980s, very few firms had any structured protocol around in-house training for lawyers, particularly training related to skill development as opposed to substantive law. Even fewer firms had a job position responsible for developing and implementing lawyer training. Beginning in the early 1990s, however, a few firms began recognizing the need for formal in-house training programs and created full-time professional development roles. In fact, Brenda’s firm, Hale and Dorr, created the first full-time, partner-level position responsible for lawyer training in the country.

At this time, a small group of emerging professional development directors around the country founded the Professional Development Consortium (PDC) to share ideas about lawyer training. Almost 30 years later, most, if not all, large law firms have lawyer training departments, training directors, managers, and coordinators, and the PDC is a national nonprofit with a membership roster of hundreds. NALP has also been active in the lawyer professional development space for many years now, with a Lawyer PD Section of over 300 members and as the primary host and sponsor of the annual Professional Development

Institute, an annual education conference that attracts more than 300 PD professionals each year. Law firms clearly concluded that investing in lawyer training was money well spent, and it has become an expectation as well as a factor in recruiting the best and brightest. This history of law firm investment in in-house training offers solid precedent for increasing the firm-wide commitment to lawyer well-being. And, as a sign of new times ahead, WilmerHale recently committed half of Jeanette’s partner-level time to studying and addressing lawyer health and well-being.

The risks of taking a stand on well-being

In 1998, the managing partner of Hale and Dorr asked Brenda, in her role as training partner, to arrange an eight-week mindfulness program for the firm’s lawyers. “No!” Brenda replied, fearing for her reputation and credibility among the other partners if she were to champion such a “soft” agenda. After at least three weeks of being prodded by the managing partner, Brenda finally relented and ultimately more than 75 partners and associates had an opportunity to learn and practice mindfulness together in two 31-hour programs conducted in 1998 and 1999.

We encourage you to have the courage and vision to stand up for well-being! If not us, who?

Brenda’s initial response is not uncommon even today; those of us responsible for choosing programs and providers often feel great pressure for them to be perfect and widely laudable. In a way we are “gatekeepers,” and our insecurity about standing up for something unpopular or untraditional, or our fear for our own credibility among the skeptics, can create a barrier for beneficial resources and support to flow to those most in need. Brenda’s final agreement to lead the program came only after she was able to put aside her concerns about how the program would be seen in order to answer her managing partner’s simple question: “Do you think this program will help our lawyers?” We encourage you to have the courage and vision to stand up for well-being! If not us, who?

Another illustration of this process comes from a large firm human resources manager. A number of years ago, she was asked to coordinate weekly mindfulness practice sessions. The manager was new to mindfulness; she had some healthy skepticism and a plate already full of other more traditional matters needing her attention. From this unsure start, she became point person on all things mindfulness, began practicing mindfulness regularly, and trained and began leading regular mindfulness practices for her colleagues in the firm. Moving outside of our law firm comfort zone seems to be a prerequisite for a well-being warrior!

We also want to remind you that this sea change will take time. We have not found a quick fix, and these efforts take patience, sustained focus, and steady forward movement with a long-term view. We don't need to wait until everyone is on board or until programs are standing room only to consider our efforts a success. In fact, it would behoove us to strengthen our ability to stand in the tension of not knowing how things are going — or of not hitting a homerun with every effort — trusting that we are planting seeds and doing our best to create the conditions for individual and organizational change to happen.

Where should I charge my time?

How many times have we heard this question? Making the time to cultivate health and resilience is no easy matter in a culture that operates in six-minute increments and rewards billable hours. As we well know, law firm demands and expectations can be unintentional stumbling blocks to engaging in activities that support wellness. Following are some ideas to consider.

Efforts to improve health and well-being do not have to take up large amounts of time. Once people are aware of what they need and how to meet those needs, well-being strategies can easily be integrated into busy days, often with immediate benefits. For example, one participant in a program reported sitting at her desk feeling tired and stuck around an issue. She was able to recognize this state of mind and choose to find a quiet place to do a ten-minute mindfulness practice, enabling her to return

to her work amazed by her renewed energy. Another firm arranged for ten-minute guided mindful pauses that anyone could access by phone in order to step out of autopilot and “remember” themselves. These examples remind us of a *Harvard Business Review* article entitled “[Resilience Is About How You Recharge, Not How You Endure.](#)”

Another possibility for addressing the concern about taking time for well-being initiatives is to fold them into more traditional skill development efforts.

This ability to recharge can take place in dedicated blocks of time or can easily be integrated into a busy day. Brenda's mantra for mindfulness practice is “short moments, many times, anytime, anywhere.” This might include specific practices such as a one-minute mindful pause where you simply stop to pay attention to a few breaths or take a moment to check in with your body and stretch out any tight places. Another way to cultivate mindfulness is to “staple it” to what you are already doing. For example, by simply bringing attention to what you are doing as you do it — paying attention to your feet while walking or to the taste of the first few bites of a meal — you are strengthening the muscle of mindfulness. Although busy lawyers often feel that it is impossible to make any time for well-being efforts during the day, asking them if they can spend 0.1 hour to do so generally produces a chuckle and some level of agreement!

Another possibility for addressing the concern about taking time for well-being initiatives is to fold them into more traditional skill development efforts. Mindfulness, for example, has applications for improved focus, communication, decision-making, meeting effectiveness, ethics and error prevention, leadership, and reduction of implicit bias. The practices and benefits are the same, but the doorway for delivering the tools and resources might create a broader context and audience. In fact, with the Task Force Report calling well-being an “essential element of the duty of competence,” more and more jurisdictions are granting CLE credit for this type of programming in

the areas of professionalism, practice management, and ethics. If all else fails, offering CLE credit in those states with mandatory CLE is an excellent motivator. (Note: The Mindfulness in Law Society is working to collect data on this and can be a resource for information on obtaining CLE credit for in-house courses in your state.)

There will always be skeptics

You will likely come up against those who think that health and well-being are a responsibility of individuals and should be addressed outside of the office and on personal time. However, law firm support of and individual commitment to sustaining health are not mutually exclusive. In fact, from neuroscience as well as direct experience, we know that stress is a huge obstacle to our ability to initiate and sustain healthy behavior. When energy and cognitive capacity is drained and work-related stress compromises the pre-frontal cortex — the part of the brain responsible for executive functioning, planning, and impulse control — it becomes extremely challenging to make good choices during the few hours when we are not working or sleeping. Have you ever come home from a long day at work and ditched plans for exercise, cooking a healthy meal, or engaging in a nourishing activity? There is likely nothing wrong with your willpower. Instead, you simply may not have had the cognitive or physical capacity to go against the flow of old and comfortable habits.

Ultimately, all of these obstacles begin to fall away as the possibility for well-being becomes integrated into firm culture. Managing this forward movement of both strategy and culture takes patience and discernment, and it helps to remember that we have a unique privilege and opportunity to help our colleagues engage in more healthy and sustainable behavioral patterns and to play a significant role in the transformation that is being called forth.

“Practicing Law, Practicing Mindfulness” — The Mintz Experience

One of the most extensive and integrated law firm mindfulness initiatives to date can be found at Mintz, Levin, Cohn, Ferris, Glovsky, and Popeo (Mintz). More than 150 attorneys and staff have participated in Mintz mindfulness programs, with many gathering weekly to practice and support each other in bringing mindfulness into their lives and work. We thought it would be helpful to chronicle the way this initiative came about and ultimately unfolded.

In late 2016, two senior associates asked Laurie, as the overseer of Mintz’s well-being strategy, to consider offering a mindfulness program. This group of three ultimately met with Brenda and decided to offer a 90-minute introductory program for lawyers and senior professionals highlighting how mindfulness can support lawyer focus, resilience, and well-being, among other benefits.

Based on interest and response to the introduction, the firm offered a follow-up eight-week, one-hour-per-week program called “Mindfulness in the Workplace” for both lawyers and senior law firm professionals. The program was strategically scheduled for January and February, concluding just before lawyers and staff would enter a very busy and historically stressful month. It was held in person in Boston and via video-conference to the Washington, DC, New York, Los Angeles, San Diego, and San Francisco offices. Thirty-five individuals took part and the Mintz mindfulness community was born. There was no master plan — the program grew organically, with involvement and enthusiasm from employees at all levels.

In order to sustain the close connection and opportunity for group practice, interested course members were invited to attend Mindfulness Champions Training, which prepared them to offer short mindfulness practices to their colleagues and explored concrete steps the group could take to sustain the mindfulness initiative internally. All Mintz offices now have Mindfulness Champions to help promote and support the

movement. Further, the firm has implemented mindfulness/meditation rooms in the Boston and Washington, DC, offices. The rooms are used for firm-wide weekly group meditations held every Wednesday at 11:00 am ET/8:00 am PT and at 2:00 pm ET/11:00 am PT, and are also available for employees to use for their own personal or small group practices. Brenda has provided a variety of guided recordings, which are posted on the “Mindfulness” page of the MPower site on the Mintz intranet, along with other mindfulness resources.

From the first experimental program, mindfulness has become a valued and inherent part of the Mintz way of life. Mintz has continued to offer ongoing opportunities for individuals to learn and/or strengthen their mindfulness practice. The training has included a number of inaugural programs, two more eight-week programs for lawyers and senior professionals, two four-week programs for staff, and most recently an eight-week program for a mix of lawyers and staff from all offices. Built into each series is Mindfulness Champions Training so that the group of mindfulness leaders in the firm continues to grow at a steady pace. In addition, the Professional Development group at Mintz hosted a mindfulness and legal ethics program. Mintz’s mindfulness program was also featured in the *Boston Business Journal* in 2017 and a Mintz mindfulness logo — “Practicing Law-Practicing Mindfulness” — was created.



The firm has also sponsored two signature events: (1) a program for the Association of Corporate Counsel – Northeast with an in-depth discussion on how mindfulness can address the added risk of stress and burnout for women and attorneys

of color; and (2) the first-ever Mindfulness in Law Society (MILS) conference titled “Mindfulness and the Path to Lawyer Well-Being,” which was held at Loyola University in Chicago in August of 2018. Mintz was the only law firm to sponsor the MILS conference, which was attended by more than one hundred lawyers, judges, and law students from around the country, offered 6.5 hours of CLE credit in most jurisdictions, and was considered a pivotal moment in the mindfulness and legal well-being movement.

Built into each series is Mindfulness Champions Training so that the group of mindfulness leaders in the firm continues to grow at a steady pace.

Recently, Laurie became a member of the managing board of MILS and chair of the Law Firm Management Division, and, along with Brenda, she co-chairs the New England Chapter. The mission of the New England Chapter is to integrate mindfulness into the local legal community and serve as a channel to share ideas and engage in discussion about best practices for engaging attorneys and firms in well-being initiatives. The chapter has 50 members, many of whom are leaders in law firm administration, and future meetings will focus on the ABA Toolkit, spotting and responding to warning signs of lawyer distress, and the role of mindfulness in reducing implicit bias.

What made this work so well? Although there was no blueprint, Mintz was strategic in its approach, answering the who, what, where, when, and how so that the programs fit the firm culture. Success would not have been possible without the full support of senior partners and management. Section managers encouraged their teams to attend the introduction to learn what mindfulness truly is. Likewise, a number of senior Mintz partners participated in the eight-week programs and spread the word to colleagues about how beneficial they found them to be. Most notably, Mintz has recognized the importance of providing regular and consistent opportunities for recharging and practicing mindfulness.

Mintz's story is just one example of what can happen when a strong stand for well-being is taken and woven into the fabric of a firm. There are many other successful models of highly developed well-being programs, and many paths toward a similar outcome. Our hope is that by sharing our stories and experiences, we will help create a space for all of us to share ideas and lessons learned. In the end, a real change of any kind takes a village, and lawyer well-being is no different.

Endnotes

¹ World Health Organization (WHO) *Guidelines on Handwashing in Healthcare* (2009). See 4, "Historical perspective on hand hygiene in health care," <https://www.ncbi.nlm.nih.gov/books/NBK144018/>.

² Baker, R. Lisle, "Designing a Positive Psychology Course for Lawyers," *Suffolk University Law Review*, Vol. 51, p. 207, 2018; Suffolk University Law School Research Paper No. 18-19. Available at SSRN: <https://ssrn.com/abstract=3271713>.

About the Authors



Jeannette Boot, JD, has been an Investment Management partner in the New York office at WilmerHale for the past 13 years. Jeannette began her career at Debevoise & Plimpton and also worked as an associate and then counsel at Davis Polk & Wardwell and as general counsel at Och-Ziff Capital Management, a large

investment manager. Jeannette serves as a member of the board of directors of the Lawyers Depression Project, Inc., a grassroots project made up of people in the legal profession who have suffered from mental health conditions and who have come together to break the stigma around discussing mental health issues and to provide peer-to-peer support to each other.

Jeannette is leading WilmerHale's Well-Being Group, which is focused on implementing the Well-Being Pledge. Jeannette herself has experienced the struggle with well-being first-hand, and will soon be celebrating six years of sobriety. She is delighted to have the opportunity to put her hard-won experience to use in helping others at her firm and in the profession more broadly. Jeannette has had an informal meditation practice for a number of years, and recently began studying and practicing Mindfulness-Based Stress Reduction (MBSR). Jeannette may be contacted at Jeannette.Boot@wilmerhale.com.



Laurie Cappello has been in law firm administration for more than 30 years and is currently the Human Resources Director of Benefits and HRIS/Payroll at Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, PC. Laurie leads the strategic direction and management of Mintz's benefits and well-being programs, HR payroll operations, and HRIS system.

Laurie has been meditating for more than five years, and studying and practicing Mindfulness-Based Stress Reduction (MBSR) for the last two years. Inspired by her experience, Laurie is passionate about sharing the benefits of mindfulness with others. She is on the managing board of the Mindfulness in Law Society (MILS) and chair of the Law Firm Management Division. She is also co-chair of the New England Chapter of MILS, through which she is devoting time and energy to connecting like-minded individuals and expanding the mindfulness movement in Boston and the New England area. Laurie may be contacted at lmcappello@mintz.com.



Brenda Fingold, JD, MA, is the Assistant Director of Workplace and Leadership Education and a Certified Mindfulness-Based Stress Reduction (MBSR) teacher at the Mindfulness Center at Brown University School of Public Health. She previously served as the Manager of Community

and Corporate Programs at the University of Massachusetts Medical School's Center for Mindfulness. She is on the board of the Mindfulness in Law Society and is co-chair of the New England Chapter. Brenda's almost two decades of immersion in the science and practice of mindfulness coupled with her equal number of years in the busy and fast-paced world of a large law firm give her a unique breadth and depth of wisdom and experience to guide legal professionals in integrating mindfulness into their work and lives.

Brenda works collaboratively with clients to design and conduct programs aimed at enhancing focus, resilience, well-being, inclusion, leadership excellence, and the ability to skillfully respond to challenge and change. She regularly teaches in law firms, legal services organizations, and judicial conferences, and in business, education, government, healthcare, and nonprofit organizations. Prior to teaching mindfulness, Brenda spent 17 years as a member of the Boston law firm of Hale and Dorr (merged to become WilmerHale), where she was a litigator and the Partner Responsible for Training and Professional Development. Brenda is a co-founder and former chair of the Professional Development Consortium, a national lawyer training organization, and for many years was an Instructor at Boston University School of Law. Brenda may be contacted at brenda_fingold@brown.edu.