



The State Bar of *California*

# Wellness in Law: Finding Harmony Between Personal and Professional Performance

Ken Nourse, JD  
Senior Program Analyst  
Lawyer Assistance Program

California Minority Counsel Program, January 23, 2025



A faint, dark blue image of a pair of scales of justice is visible in the background on the left side of the slide. The scales are centered vertically and horizontally within the left half of the slide.

# Objectives

- Explain the importance of attorney well-being as an integral aspect of fulfilling the duty of competence;
- Define the dimensions of well-being in law;
- Provide recommendations for positive change in attorney well-being;
- Analyze a case study of a law firm as one of the best places to work; and
- Promote resources available to attorneys.





## Polling Question #1

On a scale of 1 to 5 how would rate your current level of stress and burnout? (1-low, 5-high)

- a. 1
- b. 2
- c. 3
- d. 4
- e. 5





# DEFINING WELL-BEING IN LAW

A CONTINUOUS PROCESS IN WHICH WE STRIVE FOR THRIVING IN EACH DIMENSION OF OUR LIVES:



## EMOTIONAL

Value emotions. Develop ability to identify and manage our emotions to support mental health, achieve goals, & inform decisions. Seek help for mental health when needed.



## INTELLECTUAL

Engage in continuous learning. Pursue creative or intellectually challenging activities that foster ongoing development. Monitor cognitive wellness.



## OCCUPATIONAL

Cultivate personal satisfaction, growth, and enrichment in work. Strive to maintain financial stability.



## PHYSICAL

Strive for regular activity, good diet & nutrition, enough sleep, & recovery. Limit addictive substances. Seek help for physical health when needed.



## SPIRITUAL

Develop a sense of meaningfulness and purpose in all aspects of life.



## SOCIAL

Develop connections, a sense of belonging, and a reliable support network. Contribute to our groups and communities.



# Importance of Wellness for Attorneys

Benefits of wellness for attorneys include:

- Enhanced cognitive function and decision-making abilities;
- Increased resilience and ability to handle stress;
- Improved client relations and communication; and
- Greater job satisfaction and work-life balance.



# Duty of Competence



**Providing effective representation**



**Adhering to your ethical obligations**



**Avoiding malpractice and disciplinary complaints**



**Utilizing stress management techniques**



**Providing long-term sustainability in the practice of law**



## Consequences of Neglecting Well-Being

Stress and burnout can manifest in various ways, such as:

- Difficulty concentrating or retaining information;
- Emotional exhaustion and cynicism; and
- Physical symptoms.



## Rule 1.1 Duty of Competence

- (a) A lawyer shall not intentionally, recklessly, with gross negligence, or repeatedly fail to perform legal services with competence.
- (b) For purposes of this rule, “competence” in any legal service shall mean to apply the (i) learning and skill, and (ii) mental, emotional, and physical ability reasonably\* necessary for the performance of such service.





# ABA National Task Force on Lawyer Well-Being

## The Path to Lawyer Well-Being: Practical Recommendations for Positive Change



Promoting lawyer well-being contributes to organizational success.



Promoting lawyer well-being improves lawyer ethics and professionalism.



Promoting lawyer well-being is a humanitarian endeavor.



# Michigan Task Force on Well-Being in the Law

## August 2023



High rates of mental health and substance use concerns



First 10 years of practice, attorneys were found to experience the greatest rates of depression, anxiety, and problematic drinking



Similar data for law students regarding depression, anxiety, and problematic drinking



High rates of suicidal ideation





## Polling Question #2

To what extent do you believe that burnout affects your professional competence?

- a. Significantly
- b. Moderately
- c. Occasionally
- d. Not at all



## Developing Emotional Well-Being

Mark, a litigator who realized the significance of emotional well-being after a challenging case. He had always approached his cases with relentless determination, but this often led to stress and emotional exhaustion.



### EMOTIONAL

Value emotions. Develop ability to identify and manage our emotions to support mental health, achieve goals, & inform decisions. Seek help for mental health when needed.







## Hypothetical Question #1

Based on Mark's experience, which aspect of emotional well-being do you believe is most crucial for a litigator to maintain high performance and client satisfaction?

- a. Recognizing Emotional Triggers
- b. Developing Emotional Resilience
- c. Enhancing Emotional Intelligence
- d. Practicing Mindfulness and Stress Reduction



# Developing Emotional Well-Being

Emotional resilience enables attorneys to:

- Recover quickly from setbacks,
- Maintain steady performance under pressure, and
- Adapt to changing circumstances with composure.

Emotional resilience stands out as a foundational quality that enables a litigator like Mark to thrive both personally and professionally.



## EMOTIONAL

Value emotions. Develop ability to identify and manage our emotions to support mental health, achieve goals, & inform decisions. Seek help for mental health when needed.



# Developing Emotional Well-Being

## Recommendations:

- Set Boundaries
- Build a Support Network
- Develop Coping Strategies



## EMOTIONAL

Value emotions. Develop ability to identify and manage our emotions to support mental health, achieve goals, & inform decisions. Seek help for mental health when needed.



## Developing Intellectual Well-Being

Jane, a corporate attorney who, like many of her peers, often found herself trapped in a legal bubble.

She assumed that her competence solely depended on her knowledge of statutes and case law.



### INTELLECTUAL

Engage in continuous learning. Pursue creative or intellectually challenging activities that foster ongoing development. Monitor cognitive wellness.







## Hypothetical Question #2

How did this change in approach impact Jane's effectiveness as a lawyer?

- a) It had no impact, as legal competence is strictly based on knowledge of the law.
- b) It led to confusion and a decline in her legal performance due to information overload.
- c) It enhanced her ability to solve legal problems by introducing her to new perspectives and ideas.
- d) It distracted her from her legal duties and decreased her overall effectiveness.



# Developing Intellectual Well-Being

## Recommendations:

- Schedule Time
- Combine Activities
- Take Advantage of Technology
- Join a Group
- Be Flexible



## INTELLECTUAL

Engage in continuous learning. Pursue creative or intellectually challenging activities that foster ongoing development. Monitor cognitive wellness.



## Developing Occupational Well-Being

David, a seasoned attorney known for his meticulous attention to detail. However, David was on the brink of burnout due to the constant pressure of his work.



### OCCUPATIONAL

Cultivate personal satisfaction, growth, and enrichment in work. Strive to maintain financial stability.



## Developing Occupational Well-Being

Occupational well-being is essential for all professions.

Taking breaks and delegating tasks can help prevent burnout.

Improving the quality of work can lead to personal satisfaction and growth.



### OCCUPATIONAL

Cultivate personal satisfaction, growth, and enrichment in work. Strive to maintain financial stability.





## Developing Occupational Well-Being

### Recommendations:

- Working for the right employer
- Alternative schedules
- Set realistic expectations
- Delegate tasks
- Take breaks
- Seek support



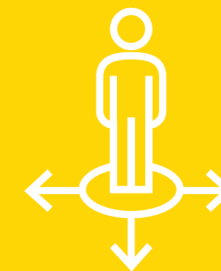
### OCCUPATIONAL

Cultivate personal satisfaction, growth, and enrichment in work. Strive to maintain financial stability.



## Developing Physical Well-Being

Alex, a criminal defense attorney who was always on the move, rushing from one courtroom to another, believed that his demanding schedule left no room for physical wellness.

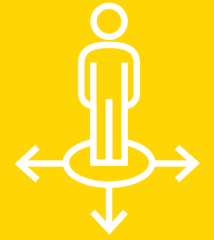


### PHYSICAL

Strive for regular activity, good diet & nutrition, enough sleep, & recovery. Limit addictive substances. Seek help for physical health when needed.



# Developing Physical Well-Being



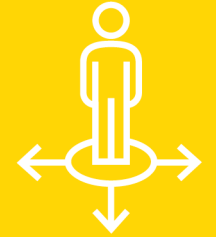
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# Developing Physical Well-Being



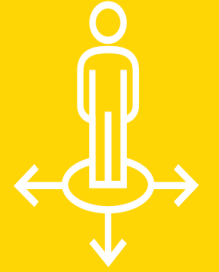
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# Developing Physical Well-Being



## PHYSICAL

Strive for regular activity, good diet & nutrition, enough sleep, & recovery. Limit addictive substances. Seek help for physical health when needed.



# Developing Spiritual Well-Being

Meditation for Lawyers-Lesson from a Military Study, State Bar of Wisconsin



## SPIRITUAL

Develop a sense of meaningfulness and purpose in all aspects of life.





# Developing Social Well-Being



## SOCIAL

Develop connections, a sense of belonging, and a reliable support network. Contribute to our groups and communities.



## Polling Question #3

Which aspect of well-being do you find most challenging?

- a. Physical wellness: nutrition, exercise, sleep hygiene
- b. Mental wellness: mindfulness, cognitive strategies, seeking support
- c. Work-life integration: setting boundaries, time management





# Wellness Plan





# Sample Wellness Plan

## I. Emotional Wellness

### a. Goals

- i. Take breaks during the workday to recharge and refocus.
- ii. Set realistic goals and prioritize tasks to avoid feeling overwhelmed.
- iii. Set boundaries to avoid burnout.
- iv. Seek support from colleagues, friends, or a mental health professional, if needed.

### a. Action Steps

- i. Each hour stop working for a few minutes to rest my eyes, stretch my body, and drink water to rehydrate.
- ii. Complete a prioritized “to do” list each night for my personal and professional life.
- iii. Do not work past 8 p.m.
- iv. Talk to colleagues on my team to discuss how to handle the large caseload.



# Wellness Plan Template

## I. Emotional Wellness

### a. Goals

- i.
- ii.
- iii.
- iv.

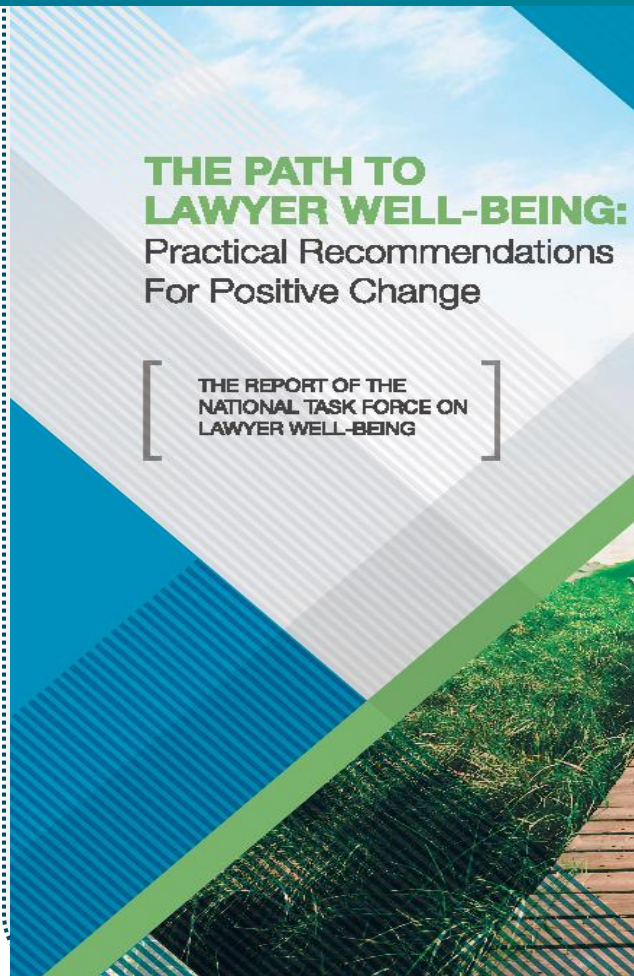
### a. Action Steps

- i.
- ii.
- iii.
- iv.




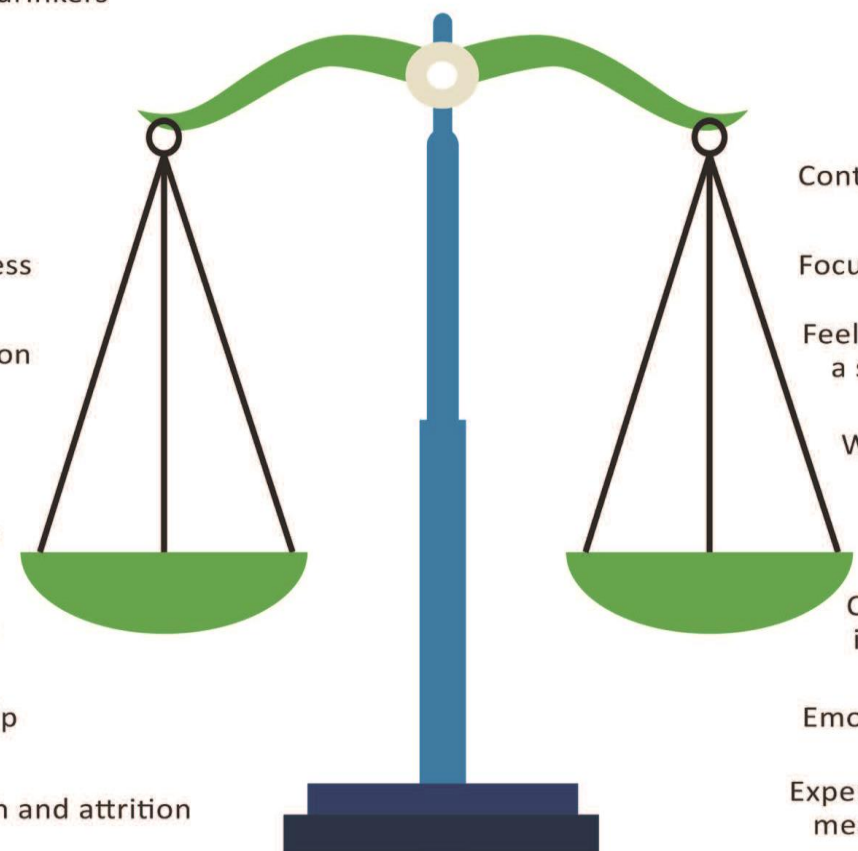


# The Path to Lawyer Well-Being: Practical Recommendations



## OUR CHALLENGES

-  21-36% problem drinkers
-  28% depression
-  19% anxiety
-  23% elevated stress
-  25% work addiction
-  High suicide rate
-  Sleep deprivation
-  Work-life conflict
-  Avoid seeking help
-  Job dissatisfaction and attrition



## OUR POTENTIAL

- Physically healthy 
- Mentally thriving 
- Contributing to society 
- Focusing on client care 
- Feeling connected and a sense of belonging 
- Willing to seek help 
- Engaged at work 
- Continually seeking intellectual growth 
- Emotionally intelligent 
- Experiencing a sense of meaning and purpose 

# The Path to Lawyer Well-Being: Practical Recommendations

Recommendations for all stakeholders include:

- Facilitate, destigmatize, and encourage help seeking behaviors;
- Foster engagement throughout the profession;
- Guide and support the transition of older lawyers;
- De-emphasize alcohol at social events; and
- Provide attorneys with a sense of autonomy.



## The Path to Lawyer Well-Being: Practical Recommendations

Recommendations for legal employers include:

- Establish organizational infrastructure to promote well-being;
- Establish policies and practices to support lawyer well-being; and
- Provide training and education on well-being, including during new employee orientation.





# The Path to Lawyer Well-Being: Practical Recommendations

Recommendations for bar associations include:

- Encourage education on well-being topics;
- Conduct research on lawyer well-being; and
- Establish a well-being committee.



# Fortune's 100 Best Companies to Work For





# Case Study: Fortune's 2023 100 Best Companies to Work For

Law firm headquartered in San Francisco with over 2300 employees:

- Ranked number 18;
- Encouraged employees to unplug for 40 hours each year; and
- Established a Racial Justice Fellowship Program in 2021.





# Case Study: Fortune's 2023 100 Best Companies to Work For

Firm provided:

- New associates one-on-one coaching;
- Mentoring program;
- 16 affinity groups; and
- Access to mental health services through a third-party.





## Small Firm Practitioner

Small firm practitioner can:

- Offer remote or hybrid work schedule;
- Encourage a weekly or monthly healthy potluck lunch gathering;
- Advise employees about the well-being resources; and
- Remind employees to set their boundaries and take time off when needed.





# Resources for Legal Professionals





## California Lawyer Assistance Program

- Supports law students, State Bar applicants, and attorneys;
- Enhance public protection; and
- Maintain the integrity of the legal profession.





Confidentiality is  
absolute



Unless it is a mandated  
reporting



Information cannot be  
disclosed



Rule 8.3 exception

# Support Services LAP

Support Services LAP provides:

Two free individual counseling sessions that specializes in:

- Stress
- Relationship challenges
- Burnout
- Grief
- Other issues

Two free career counseling sessions.

All sessions have:

- No reporting requirements.
- No evidence of participation.
- Online sessions.





# Support Services LAP

Support Services LAP provides:

- Free one-hour, online MCLE presentations to law firms, bar association, organizations, government agencies, etc.
- Free online presentations to law students, bar applicants, law schools, and law student organizations.

To request a speaker or a MCLE toolkit, there is an online fillable form on the website.



# Monitored LAP

Monitored LAP provides:

- Support of licensed clinician;
- Monitoring or verification requirement related to admission or discipline;
- Evidence of participation in the program; and
- Weekly group meetings with other participants.

Fees for group sessions, individual therapy, and drug testing.

Financial assistance is available.



# Monitored LAP

Licensed mental health clinicians assist participants in:

- Conducting a free mental health assessment;
- Sourcing a therapist/counselor that specializes in the participant's specific needs;
- Finding weekly group support sessions; and
- Finding lab testing facilities, if applicable.



# Resources for Legal Professionals

ABA Commission on Lawyer Assistance Programs (CoLAP)

The Other Bar: Recovery program for California law students, bar applicants, attorneys, and judges, hotline: 800-222-0767

Lawyer Depression Project: Free resource for attorneys, law students, paralegals, and administrative professionals

988 Suicide and Crisis Prevention Hotline-call or text 988

Employee Assistance Programs (EAP) with your employer

Private insurance

Your law firm/law school/bar organization





# Recap

## Presentation:

- Explained the importance of attorney well-being as an integral aspect of fulfilling the duty of competence;
- Defined the dimensions of well-being in law;
- Provided recommendations for positive change in attorney well-being;
- Discussed and began a wellness plan;
- Analyzed a case study of a law firm as one of the best places to work; and
- Discussed resources available to legal professionals.



The background features a teal gradient with several faint, semi-transparent data visualizations. On the left, there is a bar chart with approximately seven bars of varying heights. In the center-left, a circular graphic contains the number '50%'. To the right, a line graph shows fluctuating data points over a period of time, with y-axis labels like '\$20k', '\$40k', and '\$60k'. Below this, another line graph shows data points for days of the week (Sun, Mon, Tue, Wed, Thu, Fri, Sat). At the bottom, there are faint tables of data, possibly representing stock market information with columns for 'Open', 'High', 'Low', and 'Close'.

Questions?

Thank you.

