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“The best way to get started on well-being initiatives is to set a narrow set of priorities and to accumulate quick ‘small wins’ that can build credibility and momentum.”

8-Step Well-Being Action Plan for Legal Employers

By Anne M. Brafford

Many legal employers have already started well-being initiatives and are looking for more guidance on where to go next. Others are unsure how to begin. Below are strategies and resources for both getting started and developing existing well-being initiatives.

1. Enlist Leaders

No organizational change effort will succeed without leader commitment, support, and role modeling of desired behaviors. Communicating the business case for well-being can help build leader buy-in.

2. Launch a Well-Being Committee

As a first step, recruit a champion or launch a committee to lead your well-being agenda. The committee should include a high-level leader who has the credibility and influence to make things happen. Your organization's Employee Assistance Program, health insurance carrier, and/or a local Lawyer Assistance Program may be interested in participating and contributing resources.

3. Define Well-Being

It will be important to define well-being as a guide for your agenda. This subject may mean very different things to different people. The multi-dimensional definition of well-being proposed by the National Task Force on Lawyer Well-Being¹ is an excellent option.

4. Conduct a Needs Assessment

Among the first things a well-being committee should do after defining well-being is to conduct 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. A number of needs assessment templates created for other contexts are available on the Internet and can be adapted for legal employer well-being programs.

The assessment might include stakeholder interviews or surveys to understand the challenges to well-being that dominate in your organization.

The assessment also should include an audit of policies and practices that influence lawyers' well-being. The Policies & Practices Audit section of the ABA Well-Being "Toolkit"² provides recommendations and online resources to guide an audit. The list includes topics that are not routinely encompassed in discussions of well-being, such as on-boarding, diversity, work-life conflict, 24/7-availability expectations, billing practices, performance appraisals, compensation systems, and fairness. Research shows that these often overlooked practices substantially contribute to cultures that can support or harm well-being.

5. Identify Priorities

The best way to get started on well-being initiatives is to set a narrow set of priorities and to accumulate quick "small wins" that can build credibility and momentum. Too many change efforts try to do too much too soon. The result is paralysis and lack of progress. To avoid this fate, selectively choose priorities that are manageable and achievable.

6. Create & Execute an Action Plan

Next, the committee should begin to prepare and execute an action plan. This phase should include a discussion of concrete goals, obstacles to achieving them, and pathways for overcoming obstacles. It also should consider how the well-being program will be sustained over the long-term. Ideas for activities and events to be included in the action plan are discussed in the Toolkit.

7. Create a Well-Being Policy

As part of the action plan, consider creating a formal well-being policy. It will help convey that the organization prioritizes and values lawyers as people and will establish expectations and intentions. Ideally, legal employers would invite broad review and comment on a draft of the policy.

Employers should incorporate impairment provisions into their policies but will also want to convey that the initiative broadly seeks to advance well-being and is not focused solely on detecting and treating mental health and substance use disorders.

8. Continually Measure, Evaluate, & Improve

To develop, improve, and justify your organization's well-being program, it will be important to continually evaluate the success of individual program elements (e.g., attendance/participation) and measure overall progress on well-being indicators (e.g., engagement). The Kirkpatrick model (and related models) is most often used to evaluate development programs. It recommends evaluating multiple factors as indicators of success. Possible measures include:



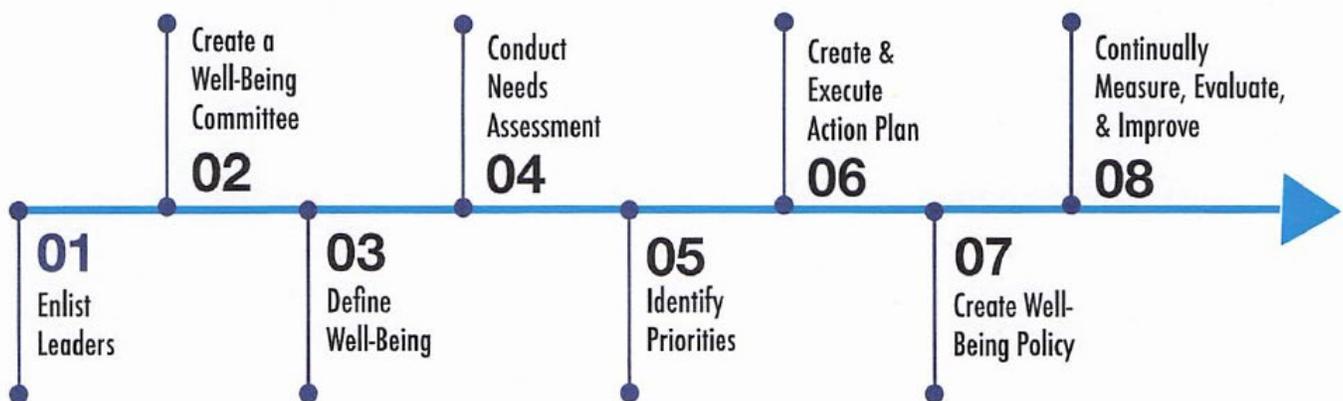
- Satisfaction with and attitudes toward well-being programs;
- Extent of learning new information and skills;
- Behavioral change growing out of the programs;

- Other measures of lawyer well-being and organizational success.

A list of possible measures appears in the Assessments section of the Toolkit.

Source: Excerpted from the Well-Being Toolkit for Lawyers and Legal Employers, created by Anne M. Brafford, August 2018, reprinted with permission. ●

8-Step Well-Being Action Plan



1. “The Path to Lawyer Well-Being: Practice Recommendations for Positive Change,” report by the National Task Force on Lawyer Well-Being, available at www.americanbar.org/groups/professional_responsibility/task_force_lawyer_wellbeing/.

2. “Well-Being Toolkit for Lawyers and Legal Employers,” created by Anne M. Brafford for use by the American Bar Association, August 2018, available at www.americanbar.org/content/dam/aba/administrative/lawyer_assistance/ls_colap_well-being_toolkit_for_lawyers_legal_employers.pdf.