



Legal employers should consider topics like the following as part of their audits of current policies and practices to evaluate whether the organization adequately supports lawyer well-being.

(The checklist below originally appeared in the National Task Force report. The citations from the report have been omitted here to manage space.)

MENTAL HEALTH & SUBSTANCE USE DISORDERS

- Is there a policy regarding substance use, mental health, and impairment? If so, does it need updating?
- Does the policy explain lawyers' ethical obligations relating to their own or their colleagues' impairment?
- Is there a leave policy that would realistically support time off for treatment?
- Are there regular communications about the importance of well-being?
- Do health plans offered to employees include coverage for mental health and substance use disorder treatment?

MANAGEMENT PRACTICES AFFECTING LAWYER WELL-BEING

- **Assessment of Well-Being:** Is there a regular practice established to assess work engagement, burnout, job satisfaction, turnover intentions, psychological well-being, or other indicators of well-being and to take action on the results?
- **Orientation Practices:** Are orientation practices established to set new lawyers up for success, engagement, and well-being?
- **Work-Life Balance-Related Policies & Practices:** Is there a policy that allows flexibility and an organizational climate that supports it? Is

it a practice to recognize lawyers and staff who demonstrate a high standard of well-being?

- **Diversity/Inclusion-Related Policies & Practices:** Diversity and inclusion practices impact lawyer well-being. Are policies and practices in place with a specific mission that is adequately funded?
- **24/7 Availability Expectations:** Do practices allow lawyers time for sufficient rejuvenation? Are response-time expectations clearly articulated and reasonable? Is there an effort to protect time for lawyers to recover from work demands by discouraging work-related calls and emails during evenings, weekends, and vacations?
- **Billing Policies & Practices:** Do billing practices encourage excessive work and unethical behavior?
- Does the firm monitor the hours billed by its attorneys and follow up with lawyers whose hours are persistently and significantly higher or lower than typical? Abnormal hours sometimes reflect deeper issues that might warrant further questions.
- **Compensation Practices:** Are compensation practices fair? And are they perceived as fair? Do they follow standards of distributive (fair outcome), procedural (fair process), interpersonal (treating people with dignity and respect), and informational (transparency) fairness? Perceived unfairness in important practices can devastate well-being and motivation. For example, a large-scale study found that people were 50 percent more likely to have a diagnosed health condition if they perceived unfairness at work. Further, high levels of interpersonal and informational fairness should not be ignored—they can reduce the negative effect of less fair procedures and outcomes.



- Is the firm's approach to compensation holistic, or does it instead focus exclusively or primarily on hours?
- **Performance Appraisal Practices:** Carefully managing this process is essential given evidence that bungled performance feedback harms well-being and performance.
- Are performance appraisal practices fair and perceived as fair?
- Do multiple raters contribute? Are they trained on the process and to reduce common biases?
- Is specific, timely feedback given regularly, not just annually?
- Is feedback given in a two-way communication? Is it empathetic and focused on behavior, not the person's self-worth? Is it balanced and injected with positive regard and respect?
- Are good performance and progress toward goals regularly recognized?
- **Vacation Policies & Practices:** In their study of 6,000 practicing lawyers, law professor Larry Krieger and psychology professor Kennon Sheldon found that the number of vacation days taken was a significant predictor of lawyer well-being--and was stronger even than income level in predicting well-being. This suggests that legal employers should try to encourage and protect vacations.
- Is there a clear vacation policy?
- Does the organizational culture encourage usage and support detachment from work?

which are discussed above in the section on the Definition of A Healthy Workplace.

- The [Developing Resilience](#) white paper published by Chartered Institute of Personnel and Development (CIPD) identifies a helpful and substantial list of individual-level and organizational-level strategies for boosting resilience at work
- The World Health Organization's (WHO) [Healthy Workplace Framework and Model](#). The model proposes five keys to workplace well-being, and the WHO has provided [guidance on implementing it](#) as well as supporting evidence.
- [Guarding Minds@Work](#), recommended by the WHO, is a free resource to employers for assessing and improving psychosocial health in the workplace. It has identified 13 evidence-based psychosocial factors that impact organizational and individual well-being as well as the financial bottom line. The 13 factors would provide a helpful guide for legal employers' audits and goal-setting. The website also provides a free assessment of workplace well-being that aligns with the 13 factors.
- Society for Human Resource Management (SHRM) [Practice Guidelines](#) for Creating a More Human Workplace Where Employees and Business Thrive and [The Seven Components](#) of an Effective Workplace.
- GOSA has created a framework for a [Healthy Workplaces Audit](#).

MORE GUIDANCE FOR SELECTING TOPICS FOR A POLICIES & PRACTICES AUDIT

Online resources also are available to help legal employers identify potential topics for a well-being policies and practices audit:

- Tristan Jepson Memorial Foundation's [Best Practice Guidelines](#) for the Legal Profession,