

LAW FIRM WELL-BEING PROGRAM BENCHMARKING REPORT

JANUARY 2021 | BY ANNE BRAFFORD

This report provides information about current trends in law firm well-being programs. Information was gathered from benefits surveys in the legal profession, surveys of well-being practice information for employers generally, media reports, and interviews and informal communications with law firms. References and sources are provided in the Appendix.

WELL-BEING PROGRAM PREVALENCE

Most law firms have some type of well-being program.

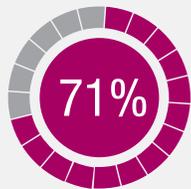


Law firms that offer some type of well-being program

(Source: Mercer Survey Report, 2020)



Total number of ABA Well-Being Pledge signatories (as of December 2020)



AmLaw 100 Firms that are Well-Being Pledge signatories

WELL-BEING PROGRAM STRUCTURE

1.



COMMITTEE STRUCTURE

- Most ABA Well-Being Pledge signatories have formed committees or working groups. They vary in composition and size.
- Many use centralized decision-making. Some encourage offices or departments to develop activities that are tailored to their needs.
- Many committees coordinate with other firm programs, especially diversity and inclusion and affinity and mentoring groups.

2.



STAKEHOLDERS

- Programs generally include lawyers and staff, but specific events or activities may be tailored to a specific group (e.g., associates, legal secretaries, affinity group membership).

3.



PROGRAM BUDGET

- Funding for well-being programs varies. Some committees appear to have set budgets while others request funding on an as-needed basis.

4.



INFORMATION HUB

- 46% of firms have a web-based portal dedicated to well-being (Mercer Survey Report, 2020).
- Most Well-Being Pledge signatories have intranet websites for their well-being programs (Buchanan & Beitner, in press).

5.



COMMITTEE LEADERSHIP

- Firms' well-being programs are led in a variety of ways, e.g., by lawyers, professional development, human resources, benefits personnel, and/or diversity staff. Some firms have hired designated well-being coordinators with various titles.

EXAMPLES OF DESIGNATED WELL-BEING COORDINATORS

Firm	Title
Kirkland & Ellis	Director of Well-Being
Morgan Lewis	Director of Employee Well-Being; Chief Engagement Officer
Winston & Strawn	Director of Coaching and Well-Being
Latham & Watkins	Senior Manager of Global Health and Well-Being
Gordon Rees	Health and Wellness Programs Manager
Ropes & Gray	Manager of Well-Being
Faegre Drinker	Professional Development & Well-Being Specialist
Cleary Gottlieb	Well Being and Talent Innovation Assistant

6.



PROGRAM BRANDING

- Many large firms have branded their programs, including logos and cohesive graphic design. Some also focus programming on specific pillars of well-being.

EXAMPLES OF WELLNESS PROGRAM BRANDING & PILLARS

Firm	Title
Crowell & Moring	CroWell
Fried Frank	Living Well: Mind, Body, Self (mental health, fitness and nutrition, work-life integration)
Katten	Well-Being 360: Live Well, Work Well, Be Well
Latham & Watkins	LiveWell Latham: Mental Health, Physical Activity, Musculo-skeletal, Medical Resources
Orrick	The Whole You
Morgan Lewis	ML Well
Reed Smith	Wellness Works
Ropes & Gray	Be Well at Ropes & Gray: My Mind, My Health, My Wealth

7.



INCENTIVES FOR PARTICIPATION

Incentives may boost participation among employees who do not yet have internal motivation to engage in well-being programs (Aldana, 2020). About half of surveyed law firms (51%) offer an incentive for participation (Mercer Survey Report, 2020). Other firms forego incentives, saying they send the wrong message.

- 68%-Offer cash or gift cards
- 36%-Offer lower medical premium contributions
- 22%-Offer incentives to spouses
- 39%-For health assessments
- 35%-For exercise challenges
- 31%-For biometric screenings
- 16%-For lifestyle management changes

(Source: Mercer Survey Report, 2020)

EXAMPLES OF OTHER TYPES OF INCENTIVES

Points for Prizes	Faegre Drinker awards points for participating in well-being activities to spend in its online store filled with well-being-related items—e.g., yoga mats, activity trackers, coaching sessions, standing desk, 3-month gym membership, etc. Hausfeld has done similar points-earning well-being challenges with prizes.
Wellness Budget	Fried Frank matches up to \$750 annually for expenditures on physical wellness products and services (e.g., gym membership, Peloton bike).
Billable Credit	McDermott grants billable hour credit (for up to 25 hours) spent on mindfulness, and the firm Chair discusses his own meditation practice.
Raffles	Seyfarth and Orrick have used raffles of well-being-related gift cards (e.g., SpaFinder) and gadgets (e.g., FitBits, ear buds) to encourage participation in well-being events and challenges.

POLICY-DESIGN, PRACTICES, EVENTS, & OFFERINGS



Firms' efforts to enhance members' well-being can include upstream or downstream strategies:

Primary (Upstream)	Aimed at organizational factors that cause harm or enable well-being
Secondary (Midstream)	Help members' cope with stress, promote their health, and prevent illness
Tertiary (Downstream)	Facilitate treatment and recovery for members who already have a mental or physical health condition

Well-being strategies can take many forms—including, for example:

Education & skills-building	Wellness challenges & events	Environmental support for healthy behaviors
Access to resources	Reengineering of policies and practices	Resource groups

Available information about the types of practices that are most common in law firms is provided below. Note, though, that commonly-used strategies are not necessarily the best strategies. Few law firms have evaluated interest levels or effectiveness of their programs for achieving desired goals. Further, most firms have concerns about low participation in well-being-related activities—especially among lawyers (e.g., Buchanan & Beitner, in press). In Mercer's 2019 and 2020 Survey Reports, law firms identified communication and engagement as among their top three benefit program challenges.

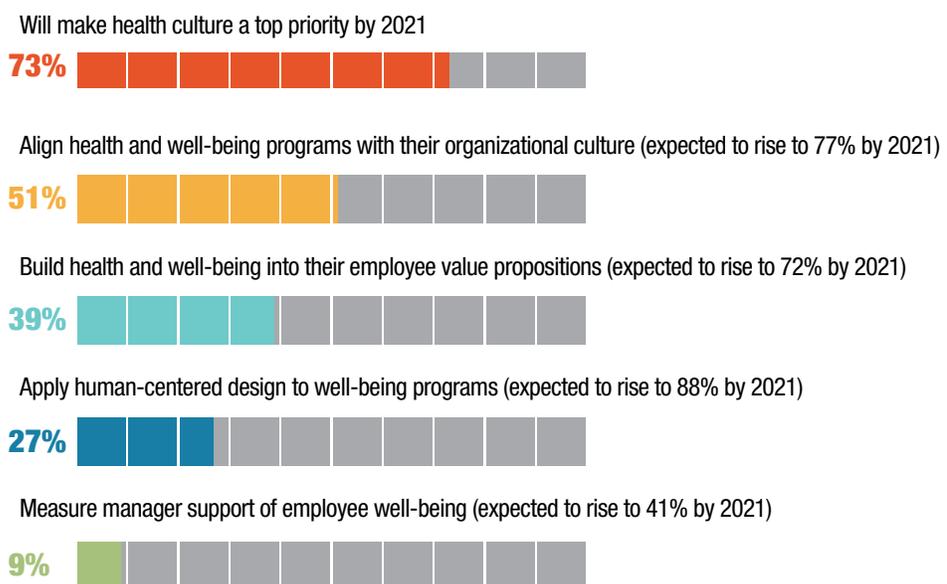
1.



ORGANIZATION-LEVEL STRATEGIES: HEALTHY WORKPLACE CULTURE

In 2014, the Tristan Jepson Memorial Foundation (TJMF, an Australian non-profit) published [Psychological Wellbeing: Best Practice Guidelines for the Legal Profession](#). The Guidelines identify 13 healthy workplace factors within legal employers' zone of influence (e.g., fairness, effective leadership, civility, workload management, balance, etc.) and recommend how to implement them. No research is available to indicate law firms' use of the Guidelines.

NATION-WIDE, EMPLOYERS REPORT A GROWING FOCUS ON HEALTHY WORKPLACE CULTURES:



(Source: Willis Towers Watson, April 3, 2020, sample: 610 U.S. employers)

2.



EVENTS, ACTIVITIES, & OFFERINGS

Law firms have created a variety of events, activities, and offerings to support firm members' physical and mental health (many of which are administered by their EAPs or health plans):

80%	Fitness center benefits:
45%	Onsite fitness center
44%	Fitness center subsidies
69%	Fitness center discounts
78%	Worksite group health challenges
78%	Mindfulness/meditation
78%	Health coaching
70%	Worksite exercise/yoga classes
69%	Stress management/resilience programs
65%	Health assessment questionnaire
53%	Worksite biometric screening
53%	Tobacco cessation
36%	Weight-reduction programs
36%	Mobile apps for activity tracking

(Source: Mercer Survey Report, 2020)

EXAMPLES OF LAW FIRM EVENTS, ACTIVITIES, & OFFERINGS

Physical Well-Being	<ul style="list-style-type: none"> • \$750 annual fitness stipend • Step challenge, virtual 5K run competition, race as part of lawyer retreats • Peloton cycling group and other group virtual fitness classes • Soul Cycling with the firm's Chair during first-year lawyer orientation • Annual firm-wide physical activity challenge; Fit Bits given to all participants to track activity • Treadmill desks placed in generally accessible areas of the office • Walking Meeting Day • Yoga or meditation sessions led by external or internal experts
Emotional Well-Being	<ul style="list-style-type: none"> • Monitoring and follow-up for excessive hours (> 250 hrs) two months in a row • "Wellness Dollars": \$500 gift certificate and list of suggested well-being activities for associates who bill over 250 hours in a single month. • Access to well-being-related apps (e.g., Headspace, HomeThrive) • Associates' lounge • Quiet room, meditation room, regular guided meditations live or recorded • Employee resource groups • Having a "Wellness Holiday" or "Meeting-Free Fridays" • Technology blackout over a weekend
Social Well-Being	<ul style="list-style-type: none"> • Gratitude campaigns that encourage firm members to convey words of thanks electronically, on electronic boards, or via firm-produced gratitude cards. • Family-focused Zoom events (e.g., pumpkin carving). • During the pandemic, delivering items to homes (e.g., trick-or-treat bags, fruit basket, grocery gift cards) to show concern and care
Events/Delivery Channels	<ul style="list-style-type: none"> • A firm-sponsored well-being podcast • Wellness "fair"/vendor hall with booths for well-being-related vendors at lawyer retreats • Well-being topics recommended for mentor discussions • Wellness Calendar • Distribution of "Mental Health Minutes" or "Well-Being Bursts" • Newsletter focusing on an aspect of well-being and spotlighting stories of firm members who model it • Ask associates to choose one well-being goal as part of career development plan

3.



EDUCATION

The ABA Pledge requires signatories to provide “enhanced and robust education to attorneys and staff on topics related to well-being, mental health, and substance use disorders,” to support self-care and help-seeking, and to engage outside well-being-related experts to advise on programming. Firms’ education efforts have encompassed a variety of topics and formats.

Examples of Common Education Topics

- Mindfulness and meditation
- Stress management and resilience
- Fostering more positivity/optimism
- Nutrition, physical health, and fitness
- Financial well-being
- Recognizing and responding to signs of mental health conditions and substance misuse
- How to handle a suicidal situation

Increasing Focus on Mental Health. Mental health and substance misuse education is on the rise:

- U.S. employers reporting that their well-being program includes emotional well-being more than doubled between 2017 and 2018—from 35% to 77% (Sequoia Consulting Group, 2019).
- Many employers (51%) provide manager coaching and training to recognize signs of anxiety and depression, and how to refer people for assistance (Fortingo, 2020; Willis Towers Watson, April 3, 2020; survey of 610 U.S. employers).
- Several Well-Being Pledge signatories have offered Mental Health First Aid certification (Buchanan & Beitner, in press).

Delivery Format. Although firms’ most common education format appears to be one-time, external speakers on off-the-shelf topics, there also are examples of alternative formats:

- “Mentoring circles” of lawyers and staff that identify and coordinate programming that most interests them
- Book/Watch Clubs or Roundtables in which people connect for group discussions of what they read or watched
- Job aids or cheat sheets on well-being topics/resources
- Panels of internal lawyers discussing practices for supporting their own well-being and/or that of their teams
- Firm members discussing their personal experiences with mental health conditions or substance misuse
- Short videos by firm members discussing well-being-related subjects
- Programming embedded into new attorney, summer associate, and professional development curricula

Frequency of Education Programs.

The frequency of education events varies:

- One firm reports inviting a monthly external speaker on well-being-related topics.
- Another firm organizes three programs per month: one on stress management, one on physical fitness, and a “wild card.”

Tailored Approach. Latham collaborates closely with a small set of experts to craft custom programs tailored to the firm’s needs rather than purchasing off-the-shelf training. An example is its collaboration with Mayo Clinic’s [Dr. Amit Sood](#) to adapt his stress management and resiliency training program to Latham’s U.S.-based firm members. The firm says it has collected data that reflects a decrease in stress and an increase in resilience and other well-being-related measures.

Collaboration Partners. To help develop or deliver resources and programming, the majority of Well-Being Pledge signatories have collaborated with their EAPs and local Lawyer Assistance Programs. Some also have worked with other entities that focus on mental health and substance use issues—e.g., NAMI, American Counseling Association, Mental Health America, National Council of Behavioral Health, Hazelden-Betty Ford Foundation, Alcohol Change, and Mayo Clinic (Buchanan & Beitner, in press).

4.



WORK-LIFE BENEFITS

It's well-established that work-life conflict is a significant contributor to poor physical and mental health and burnout (e.g., Hopkins & Gardner, 2012; Nordenmark et al., 2020). To alleviate this barrier to well-being, employers typically offer work-life benefits and programs—and they increasingly offer family-focused benefits. For example, U.S. employers reporting that their well-being programs encompass family/parental well-being nearly tripled between 2017 and 2018 (from 13% to 33%; Sequoia Consulting Group, 2019).

LAW FIRMS OFFER A VARIETY OF WORK-LIFE BENEFITS:

Teleworking:



Emergency backup childcare:



Financial counseling:



Child care referral services:



Concierge services:



Onsite/near-site childcare:



Subsidized childcare:



No childcare services:



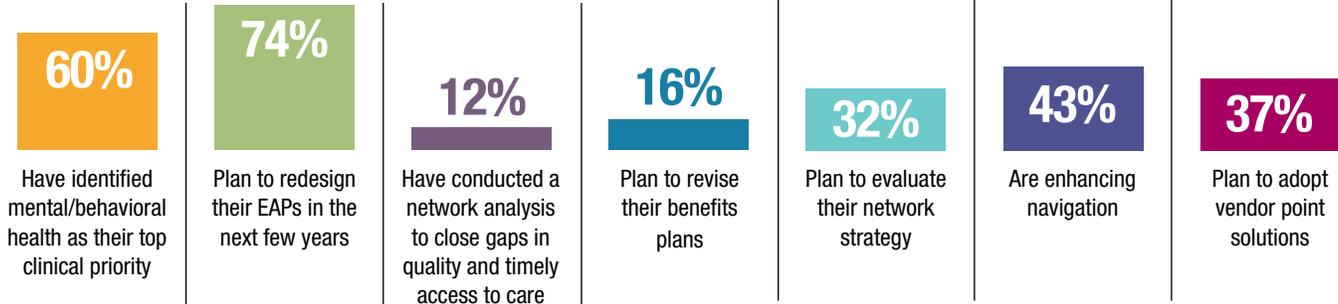
(Source: Mercer Survey Report, 2020)

ACCESS TO BEHAVIORAL HEALTH SERVICES



Due to a workforce shortage of behavioral health care providers in the U.S. and around the world, there are not enough providers to meet a growing need. The result is difficulty finding high-quality care covered by insurance and long wait-times. Employers are approaching this challenge in a variety of ways (Burjek, 2019; Dampier, 2018; Mercer, May 23, 2019).

Employer Efforts To Enhance Mental/Behavioral Health Offerings



(Sources: Burjek, 2019; Fortingo, 2020; Willis Towers Watson, April 3, 2020; sample: 610 U.S. employers)

1.



EMPLOYEE ASSISTANCE PROGRAMS

Due to problems created by the shortage of behavioral health providers, some law firms have recently replaced or supplemented their EAPs' behavioral health services:



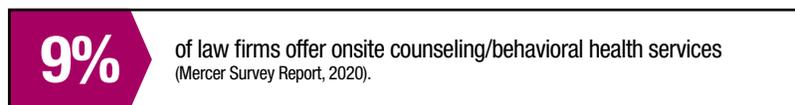
(Source: Mercer 2020 Survey Report)

2.



ONSITE THERAPISTS/HEALTHCARE SERVICES

Some firms offer onsite services:



EXAMPLES OF ONSITE MENTAL HEALTH SERVICES

Firm	Services
Hogan Lovells	Has onsite psychologists in Washington, Baltimore, New York, Louisville, and Denver offices.
Akin Gump	Has a licensed social worker available once a week in its Washington office.
Latham	Several days a week, on-site confidential counseling is available in largest offices. Nurse practitioner also is available.
Thompson Knight	A psychologist and coach provides in-person counseling in the Dallas office.
Fried Frank	On-site counselors are available on a bi-weekly schedule in two largest offices.

3.

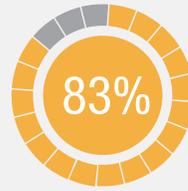


ACCESS TO TELE-HEALTH/DIGITAL MENTAL HEALTH SERVICES

Most law firms offer some type of tele-health or digital mental health services:



Offer some type of telemedicine



Offer a 24-hour nurse advice line



Offer online/video therapy

(Source: Mercer Survey Report, 2020)

EXAMPLES OF TELE-HEALTH AND DIGITAL MENTAL HEALTH SERVICES

Online Platforms	Cooley and Pillsbury offer access to mental health services outside their EAP through online platforms (e.g., Modern Health). Other firms say they are investigating services like Ginger and TalkSpace.
Custom-Made Counseling Network	Latham created a customized EAP and designed and launched a global counseling and coaching program called Care Connect. It provides 24/7 telephone access to master's level clinicians who can provide comprehensive evaluations, provide in-the-moment counseling, and facilitate connection with other resources. The service also is available to summer associates, even when they're back at school.

4.



OTHER APPROACHES TO MENTAL HEALTH-RELATED SERVICES

Trained "Listeners"	O'Melveny hired I M Human , which provides non-therapist "listeners" to facilitate small group discussions. I M Human provides data about common topics raised by employees, which has informed firm programming.
In-House Coaching	About 30 firms offer full-time coaches as part of talent development and inclusion strategies. Examples include Cooley, Foley, McDermott, Wilson Sonsini, and Winston & Strawn.
Online Coaching Platform	Seyfarth provides coaching via LifeXT .
Boutique EAP	Multiple firms have recently changed EAPs. An example is O'Melveny, which recently switched to a small, "boutique," law-focused EAP that provides "above-and-beyond service," including onsite counseling.



VAULT 2021 BEST LAW FIRMS FOR WELLNESS

- | | | |
|-----------------|--------------------|-------------------|
| 1. O'Melveny | 6. Fried Frank | 11. Latham |
| 2. Orrick | 7. Neal Gerber | 12. Paul Hastings |
| 3. McDermott | 8. Clifford Chance | 13. White & Case |
| 4. Akin Gump | 9. Wilkie Farr | 14. Morgan Lewis |
| 5. Ropes & Gray | 10. Eversheds | 15. Cooley |

(Source: [Vault.com](#))

DE-EMPHASIZING ALCOHOL



Under the ABA Well-Being Pledge, firms commit to “[d]isrupt the status quo of drinking-based events” by challenging “the expectation that all events include alcohol,” seeking creative alternatives, and ensuring “there are always appealing nonalcoholic alternatives when alcohol is served.” Pledge signatories’ efforts to respond to this commitment have tended to fall into three categories, identified in the table below (Buchanan & Beitner, in press).

Diversify Social Events	Provide Attractive Non-Alcoholic Options	Initiate Policies & Practices to Reduce Alcohol Consumption
<ul style="list-style-type: none"> • Breakfast and lunch meetings • Change “happy hours” to “social hours” • Cooking classes • Trivia nights • Bowling • Book clubs • Axe-throwing • Partner with charities (e.g., Habitat for Humanity, food bank) • Food-focused events—e.g., taco stands, ice cream socials 	<ul style="list-style-type: none"> • Specialty mocktails • Signature mocktails named after the firm or a managing partner • Smoothie or juice bars • Gourmet coffee options 	<ul style="list-style-type: none"> • Reduce hours of alcohol service • Cash bar • Limited number of drink tickets • No hard liquor • Ban or budget constraints on firm-sponsored after-parties • Ban wine tastings and brewery tours • Assign firm event-planner to the Well-Being Committee to ensure events align with wellness priorities • Survey to assess whether firm members feel pressure to drink at events

WELL-BEING-RELATED POLICIES

ABA Well-Being Pledge signatories are required to “[d]evelop proactive policies and protocols to support assessment and treatment of substance use and mental health problems, including a defined back-to-work policy following treatment.” The ABA has created a [Well-Being Policy Template](#) that provides guidance to legal employers on managing suspected lawyer impairment, including return-to-work guidance.

- Numerous Pledge signatories have used the ABA template to update their policies, often to supplement existing leave and disability policies.
- Some signatories have a “ramp up” program to allow firm members returning from treatment to slowly build back up to standard billable requirements.
- One large firm reported offering a “return to work mentor.”

(Buchanan & Beitner, in press)

APPENDIX

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