



COLORADO TASK FORCE ON LAWYER WELL-BEING

MEETING MINUTES

June 5, 2019, 1:00-3:05 p.m.

Colorado Bar Association

1290 Broadway

Denver, Colorado 80203

I. Welcome and Introduction

Justice Márquez welcomed members. She reviewed the agenda and introduced Dr. Lee Newman, Director of the Center for Health, Work & Environment at the Colorado School of Public Health, and Professor of Medicine at CU Anschutz in the Division of Pulmonary Sciences and Critical Care Medicine.

II. Strategies for Improving the Well-Being of Colorado's Legal Professionals

Dr. Newman began by noting he is eager to work with this group to share what he has learned on the topic of worker well-being. He explained that the Center for Health, Work & Environment receives some research support from the Centers for Disease Control and Prevention's National Institute for Occupational Safety and Health as well as from Pinnacol Assurance. It also receives support from the Chancellor of the CU Anschutz Medical Campus. It is a non-profit center of the University of Colorado. His goal for the presentation was to introduce members to frameworks from the public health world to provide ideas for approaching the issue of well-being in the legal profession.

Dr. Newman reviewed his professional background. He worked in pulmonary medicine at National Jewish. He now teaches in pulmonary medicine and researches lung disease in the work space. Through his work in pulmonology, he developed an interest in how to keep workers healthy and safe on the job. He helped found the Colorado School of Public Health, which is a partnership with the University of Northern Colorado and Colorado State University. It looks to provide a coherent, complete, and holistic view of what it means to be healthy, safe, and well on the job.

A research initiative of the Center for Health, Work & Environment has been to evaluate the return on investment of workplace wellness programs. The Center partnered with Pinnacol to offer comprehensive wellness programs to small business enterprises across Colorado in order to conduct this research. These programs featured wellness assessments and coaching, among other components. After implementation of the programs, researchers looked at changes in the health of employees. The results showed that as the health of employees improved, they reported more positive attitudes towards their employer as well as improvements in stress related to issues outside the office, such as personal and family finances. Dr. Newman noted that there were variations in the benefits depending on the size of the enterprise. Dr. Newman also addressed research showing

that the chronic conditions employees bring to the office coupled with the level of physical or cognitive demand of their job predicts absenteeism and presenteeism. He said that successful organizations understand people's health status changes over time. This requires rethinking assignments at times in order to sustain engagement.

A theme of the Center's research is that employee health and safety depends on actions taken by employees on their own and as well as undertaken by an employer. Organizational psychology research shows that if leadership is not engaged in helping people be the best fit for their job, the enterprise's success may be limited. Leadership has to help optimize productivity by creating favorable work conditions that promote health and safety. Dr. Newman noted that employers in Colorado sometimes tout that they are certified by the Colorado School of Public Health's "Health Links" program because more prospective employees, particularly younger job seekers, will find a "Health Links" certification appealing.

Dr. Newman spoke about creating assessments to help organizations promote worker health and safety and bring about change. He also discussed Health Links. This program engages businesses of all sizes to implement programs to promote wellness. Health Links helps organizations assess their commitment to well-being, recognize what they do well, provide advice, and connect them to other organizations to learn from those organizations' efforts. Dr. Newman reviewed the best practices benchmarks in the Health Links program, including tracking engagement of the workplace.

Dr. Newman encouraged the Task Force to remember that family members are important stakeholders in the conversation about employee health. He said that in looking at the stakeholder list in the National Task Force on Lawyer Well-Being's 2017 report, he felt family and staff were important stakeholders that were not represented.

Dr. Newman said that to change the way an organization functions, whether a small practice or a law school, there are core two principles. Certain changes are transactional. Examples of these changes are policies such as allowing walking meetings or offering flexibility in the work day. The other principle is that some changes must be transformational. These pertain to leadership and middle management contributions to a change in culture. To truly bring about change, an organization should strive for transformational change, which involves prioritization of well-being as a core value. Two recommendations Dr. Newman offered in effecting transformational change is to avoiding thinking that a wellness initiative has an end-date. He also recommended having a leader share a personal story of struggle to inspire significant change.

Dr. Newman reviewed Jeffrey Pfeffer's book, *Dying for a Paycheck*. This book explores issues of job control. It emphasizes that social support networks are essential to well-being. Dr. Newman said if one seeks transformational change and reducing work stress, there are six issues to address:

- (1) Job demands;
- (2) Job control;

- (3) Social support;
- (4) Understanding job expectations;
- (5) Communication of organizational changes;
- (6) Providing resources.

According to Dr. Newman, mixing active job demands with the right amount of demand and control in job duties creates a “sweet spot” for performance. Professionals frequently run into problems because they have jobs with too much strain.

Dr. Newman addressed how to evaluate success. He referred to dissemination implementation science. He described the “RE-AIM” framework for evaluating effectiveness, which originated in the 1990s. RE-AIM stands for reach, effectiveness, adoption, implementation, and maintenance. He recommended making sure this Task Force defines some outcomes that can be measured over time. He suggested the data gathering subcommittee ask other groups what information they wish to gather, and he volunteered to help the data gathering subgroup with their efforts.

III. Working Group Reports

Data Gathering

This group spoke with Chief Justice Elizabeth Walker of the West Virginia Supreme Court. West Virginia’s lawyer well-being task force has a survey they used to decide where to start with the formation of working committees. Colorado has permission to use that survey as a foundation for a survey on Colorado lawyer well-being. Ms. Funk and Dr. Wood reported that the group has sought to find a survey could be repeated over time. Ms. Funk asked other working groups to think about what priorities each group would like to see supported by data.

Business Case

Mr. Fogg said the business case group intends to develop a recognition program for law firms. The demographic it intends to engage are small to mid-size law firms in an urban area. Mr. White will help develop a rural lawyer track with input from lawyers in rural parts of the state. One goal of this working group is to educate leadership on why this issue is one that should command firm resources and energy. The group explored different areas of emphasis in its last working group meeting and intends to use a meeting this month to refine component parts. For example, autonomy support may be one component, as may be diversity and inclusiveness. The group will finalize these over-arching areas of emphasis and build them out with suggestions. In addition, the group will continue to discuss an idea that clients should receive a brochure or informational literature to explain why the firm has committed to lawyer well-being.

Law Schools

This group has six projects it is working on to advance according to Professor Austin and Ms. Powell. They are:

- (1) Provide resources for faculty so that they understand the importance of law student well-being and can, in turn, recommend helpful resources;

- (2) Create standard syllabi language that emphasizes these resources;
- (3) Draft a recommendation that would require every professional responsibility class in Colorado to have a presentation by the Colorado Lawyer Assistance Program (COLAP);
- (4) Identify resources for diverse students to support their well-being and navigate law school;
- (5) Create a list of activities without alcohol that can be implemented at social events;
- (6) Develop a presentation to faculty on lawyer well-being.

Connecting Lawyers to Resources to Support Well-Being

Mr. White outlined the four individual subgroups planning recommendations from this working group. They are:

- (1) Creating a stable of speakers to discuss lawyer well-being, particularly speakers who can discuss the issue from a personal perspective;
- (2) Developing a brochure or placard regarding lawyer well-being and its importance;
- (3) Providing well-being support resources to lawyers in rural communities;
- (4) Evaluating ways to offer financial resources for counselling to lawyers who cannot afford professional counseling.

These subgroups groups all have meetings this month to continue to work on proposals.

Pledge to Lawyer Well-Being

Mr. Stark reported that this group has been working closely with Mr. Fogg's business case group. The pledge group may develop a Colorado-specific pledge that gears towards Colorado's geography and lawyer demographics. Mr. Stark agreed that the recognition program is a recommendation to pursue and emphasized that the discussion about well-being needs to be grounded in the concept of sustainability.

Judicial Working Group

Judge Shamis reported that this group has focused on compiling resources to support the well-being of judicial officers. The group also intends to reach out to judicial officers around the state to see what activities are taking place in their respective judicial districts related to well-being. The group will also investigate what issues judicial officers see becoming more pronounced. Further, there is a well-being webpage for judges and magistrates in the Tenth Circuit. This working group hopes to create a similar webpage for Colorado state judicial officers.

IV. Conclusion and Next Meeting

Justice Márquez informed the Task Force that the Court approved a budget for the new fiscal year that would add a full-time employee to COLAP. She told members to enjoy their summer and to continue to meet as working groups.

The next meeting will be Wednesday, September 4, 2019, in Conference Room 1D in the Ralph Carr Building, 1300 Broadway.