

Well-Being in the Legal Community

From Promise to Practice

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SOCIAL AND ECONOMIC WELL-BEING

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Preface

Legal professionals often operate in high-stakes environments with long hours, tight deadlines, frequent travel, and constant schedule changes. Law students and attorneys have consistently reported high levels of stress, anxiety, and depression. Research has also shown that legal professionals tend to self-report higher levels of problematic drinking and substance abuse behaviors than the general population self-reports.

On September 10, 2019, the RAND Institute for Civil Justice (ICJ) held a conference in Santa Monica, California, that brought together stakeholders to discuss the evolving dialogue around attorney mental health and substance abuse. The conference had several goals:

- to explore current trends and reflect on current and prospective efforts to enhance attorney well-being in the legal community
- to uncover actionable steps law schools, law firms, and others can take now to help students, attorneys, and others who are struggling
- to identify areas in which empirical research can help to move the needle in the right direction.

These conference proceedings summarize the key points made by the panelists and conference participants. Although some of the resources in this report are specific to the state of California, the strategies and recommendations are applicable to the entire legal community.

Funding

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The RAND Institute for Civil Justice

The RAND Institute for Civil Justice (ICJ) is dedicated to improving the civil justice system by supplying policymakers and the public with rigorous and nonpartisan research. Its studies identify trends in litigation and inform policy choices concerning liability, compensation, regulation, risk management, and insurance. The Institute builds on a long tradition of RAND Corporation research characterized by an interdisciplinary, empirical approach to public policy issues and rigorous standards of quality, objectivity, and independence. ICJ research is supported by pooled grants from a range of sources, including corporations, trade and professional

associations, individuals, government agencies, and private foundations. All its reports are subject to peer review and disseminated widely to policymakers, practitioners in law and business, other researchers, and the public. The ICJ is part of the Justice Policy Program within the RAND Social and Economic Well-Being Division. The program focuses on such topics as access to justice, policing, corrections, drug policy, and court system reform, as well as other policy concerns pertaining to public safety and criminal and civil justice. For more information, email justicepolicy@rand.org.

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Acknowledgments

We would like to thank our distinguished panelists, keynote speakers, and guests for their productive discussions on this topic. We would particularly like to thank keynote speakers Joseph D. Mandel, formerly of the University of California, Los Angeles; Mark S. Goldstein of Reed Smith; and Joshua Freedman of healthPiper. We also extend our sincere thanks to our panelists: Dave Baiocchi of Imaginative Futures; Anita Bhappu of the University of California, Merced; Caroline Powell Donelan of Blank Rome; Michelle Harmon of the State Bar of California Law Assistance Program; Karen Chan Osilla of RAND; and Craig Schmidt of Edgewood Partners Insurance Center Insurance Brokers and Consultants.

Finally, we would like to thank the RAND Institute for Civil Justice Board of Advisors for its continued support of our work—particularly our board chair, Mary-Christine (M. C.) Sungaila, and vice chair, Teresa Wynn Roseborough, who joined us for the day.

1. Introduction

In 2017, the American Bar Association (ABA) launched its Campaign of Innovation to Improve the Substance Use and Mental Health Landscape of the Legal Profession, recognizing that many lawyers struggle with substance use and mental health disorders. The ABA pledge, as well as many major law firms' related efforts, reflects a sincere commitment to improve the environments in which many lawyers operate.

To contribute to the evolution of the dialogue surrounding this crucial issue, the RAND Institute for Civil Justice (ICJ) convened a conference at the RAND Corporation's Santa Monica office on September 10, 2019 (see Appendixes A and B for the full conference agenda and speaker biographies, respectively). The half-day conference featured two panels that addressed these key topics:

- current trends in corporate well-being programs and academic research
- programs and practices currently being used in law firms and law schools.

Additionally, we were joined by two keynote speakers:

- Mark Goldstein, counsel in the labor and employment practice of Reed Smith, shared his personal story about overcoming and learning to live with depression while maintaining his practice at an Am Law 100 firm.¹
- Joshua Freedman, M.D., founder of healthPiper, an online mental health service provider, spoke about the need to destigmatize seeking treatment for mental health disorders and the benefits of using technology to help make treatment more accessible to a larger population.

Joe Mandel, vice chancellor emeritus of legal affairs at the University of California, Los Angeles (UCLA), opened the conference with a story of his 1991 acceptance speech for the Maynard Toll Award for Public Service from the Legal Aid Foundation of Los Angeles. Shortly before receiving the award, he shared statistics with award ceremony attendees from the ABA that indicated that one out of every two male lawyers and one out of every four female lawyers drinks a minimum of four alcoholic beverages a day. Many were shocked, but no one challenged the accuracy of the data. Shortly after sharing, the ABA retracted those statistics because of faulty methodology.

The data from 1991 might have been exaggerated, but the ABA recently released new data based on a 2016 study of nearly 13,000 then-practicing attorneys. The study found that 36.4

¹ The Am Law 100 is a list produced annually by *The American Lawyer* of the 100 highest-grossing law firms in the United States. See Thomas, 2020.

percent of participants had scores consistent with hazardous drinking or possible alcohol abuse or dependence. Additionally, 22.6 percent of participants reported their use of alcohol or other substances as having been problematic at some point in their lives (Krill, Johnson, and Albert, 2016).

Several key themes emerged throughout the day that were found to help law firms, law schools, and other legal service providers continue efforts to improve the well-being of their students and employees:

- Changing values in younger generations are challenging the long-held traditional models of how attorneys should work and socialize. For young attorneys and students, well-being and work/life balance are often more important than monetary compensation. Law firms and law schools that do not adapt to these new paradigms might find it difficult to recruit and retain the best talent.
- Understanding what tips people from a state of well-being into a state of needing assistance achieving or maintaining well-being can provide valuable insight for interventions before problems worsen. Creating a workplace culture that minimizes stressors and provides support for struggling employees is crucial.
- Changing the culture of workplace drinking can include small efforts, such as changing the time of when drinks are served, offering a variety of nonalcoholic options, and setting clear expectations on acceptable levels of alcohol consumption at work functions.
- Changing stigmatizing attitudes about mental illness and addiction can help encourage more people to seek treatment.

2. What the Legal Community Can Learn from Corporate Well-Being Programs and Academic Research

Many attorneys work in high-stress environments. Long hours, tight deadlines, client demands, and ever-changing legal technology combine to fuel high levels of depression, anxiety, and stress for many in the legal community. Although, when surveyed, roughly 80 percent of lawyers consistently described themselves as being “satisfied” with their careers, these data must be “reconciled with the separate empirical data that indicates lawyers disproportionately experience alcoholism, depression, and other mental health issues” (Organ, 2011, p. 268).

Many law schools, law firms, and legal service providers have turned to employee well-being programs to address the issues of burnout and high rates of employee turnover. Research on these programs generally concludes that these programs are associated with increased employee productivity and decreased turnover rates:

Employees become engaged when they feel valued rather than taken for granted by their co-workers and organization. Employees who find their work and working environment meaningful are more likely to feel gratitude and have a sense of obligation, which causes them to exhibit organizational citizenship behavior and reciprocity toward each other. (Bhappu and Schultze, 2018, p. 110)

Simply put, positive well-being is good for business.

The purpose of this panel was to survey the current academic thinking about workplace environments and well-being programs in order to provide insights into strategies that employers can use to improve the workplace environment and design a wellness framework that encourages employees to make healthier choices.

The Connection Between the Workplace Environment and Employee Engagement and Well-Being

Anita Bhappu, associate professor in the Ernest and Julio Gallo Management Program of the School of Engineering at the University of California, Merced, shared several strategies for businesses to design work environments to promote the well-being of their employees. She cited four key factors on what makes an inviting workplace:

- People want to do meaningful work.
- People want to engage in positive relationships with their coworkers and management.
- People want psychological safety; they want to know that they can be authentic and bring their “true selves” without fear of reprisal.
- A lower level of materialism leads to a better sense of well-being; using money as an incentive works only to a certain point.

According to Bhappu, most statistics show that employee engagement currently varies between 23 and 27 percent for most companies. A bottom-up management style gives employees the ability to cocreate their workplace environments, as well as manage their own workloads, which research suggests makes employees feel more engaged and satisfied at work. This is especially important for any firms looking to recruit the upcoming generation of workers because research indicates that these workers value workplace well-being and a positive work/life balance just as much as, if not more than, they value monetary compensation.

Karen Chan Osilla, senior behavioral scientist and clinical psychologist at RAND, focuses her work on designing and evaluating programs for addictive behaviors and bringing those programs to populations who do not usually access them.

Although Centers for Disease Control and Prevention guidelines recommend no more than one drink per day for women or two drinks per day for men, one in five attorneys and 43 percent of law students report regularly engaging in binge drinking or drinking at problematic levels (Krill, Johnson, and Albert, 2016). And, although drinking more than the daily recommended maximum amount of alcohol does not in itself signal the presence of a substance abuse problem, many law firms have a long-standing culture of alcohol consumption with clients, during mixers, and at other social events.

According to Osilla, one thing that law firms and law schools can do to promote a healthier environment for attorneys and law students is to use the VIP mnemonic to help transform the culture of workplace drinking:

- **Values:** Law firms need to debunk the myth that “everyone drinks.”
- **Invitation:** Workplaces need to be inviting so people are encouraged to seek help if they believe they need it. This is where workplace wellness programs and other policies designed to reduce the stigma surrounding accessing substance abuse and mental health treatment services can be of particular use.
- **Policies:** Employers need to carefully consider policies they implement for drinking in the workplace (as well as work-related or -sanctioned drinking off-site, such as at a restaurant with a client). This includes not only the timing of when drinks are offered (e.g., is it shortly before people would normally be driving home?) but also the types of drinks being served (e.g., are there nonalcoholic options or options with lower alcoholic content?) and a clear definition of what constitutes acceptable levels of workplace drinking.

Workplace Wellness Programs

Craig Schmidt, a senior wellness consultant at Edgewood Partners Insurance Center (EPIC) Insurance Brokers and Consultants, spoke about how law firms can transition from wellness to true well-being within the workplace.

Workplace wellness programs began as a way to identify employees with potential risk factors and implement such actions as biometric screenings, weight-management programs, and health-education programs in order to improve employee health outcomes, thereby potentially decreasing health care costs.

In 2014, the Employee Benefits Security Administration implemented new regulations for wellness programs in order to offer “clarifications regarding the reasonable design of health-contingent wellness programs and the reasonable alternatives they must offer in order to avoid prohibited discrimination” (Internal Revenue Service, Employee Benefits Security Administration, and Centers for Medicare and Medicaid Services, 2013, p. 33158) under the terms of the Patient Protection and Affordable Care Act (Pub. L. 111-148, 2010).

Additional regulations set in 2017 left many companies wondering, “What can we do with wellness?” and “Where should we focus?” This has led many to transition from the traditional “wellness” programs of the 1990s and early 2000s to programs centered on holistic well-being.

Workplace wellness programs initially focused solely on physical health. However, as our understanding of the connections between physical and mental health and wellness have expanded, new trends toward more-comprehensive wellness programs have emerged. These newer programs are more holistic in approach and emphasize not only the physical but also the mental, emotional, social, and environmental health of workers.

Companies need to be especially cognizant of the environmental policies of their workspaces. Encouraging an employee to manage their diabetes by eating well while filling the workspace with donuts, candy, or other unhealthy snacks is ultimately detrimental to the goal of improving well-being.

Creating an environment that allows people to succeed is most effectively achieved by changing the culture of the workplace and offering a variety of healthier alternatives and incentives, thus empowering employees to make healthier choices.

The Challenges of “Legacy Cultures” and the Generation Gap

After moderator Dave Baiocchi, the founding principal of Imaginative Futures, opened the floor for questions and observations, additional points were made for attorneys and law firms to consider.

Although people in almost all professions feel stressors that affect employee well-being, law firms might have a more difficult time implementing changes because of long-standing “legacy” cultures that often define success materially and by engaging socially with clients and drinking.

This is complicated by the changing nature of work. One attendee shared that law as a profession has evolved markedly in the past several decades as technology has shifted from client engagement and mentoring young attorneys to maximizing outcomes and efficiency and measuring deliverables, which is something that can be seen in almost all professions. Younger

generations might be rebelling against this trend because they tend to value well-being and work/life balance over monetary compensation.

Another point to consider is that law schools might soon be affected by the swing from a bottom-line mentality back to a more balanced approach. Data have shown that applications to master of business administration (M.B.A.) programs are dropping, with the top 25 schools reporting an average drop of between –2.2 percent and –40.6 percent over a three-year period (from 2016 to 2019) (Ethier, 2019).²

A similar change for law schools might be heralded by current post-law school employment data for the class of 2018 that shows that the number of jobs taken in the largest firms make up 28.1 percent of all jobs in private practice, which is down by 8 percent from the levels reached in the prior decade. By contrast, firms of one to ten attorneys make up 33.9 percent of all jobs in private practice and continue to be the single-largest share of the law firm jobs taken by law school graduates (Taylor, 2019, p. 3).

Recent graduates are increasingly basing their job searches and higher education choices on where they believe they can achieve the greatest impact or fulfill a purpose. A perception that M.B.A. and juris doctor (J.D.) degrees ultimately lead to high-stress, unfulfilling career paths might be to blame for declining application rates.

Another attendee mentioned that many young attorneys start out prioritizing work/life balance and then slowly shift those priorities to the detriment of their own well-being in order to meet firm expectations. Law firms in particular might benefit from a culture shift in which management leads by example and revises the definition of *successful employee*. Consistently lauding the achievements of high performers who likely do not prioritize their own well-being sends a message that performance is valued over personal well-being. This mixed messaging could confuse new attorneys and discourage them from prioritizing their own health and wellness in order to pursue “success.”

A final point was made that better outcomes for attorney health and wellness do not rest solely with individual firms. The legal profession as a whole must grapple with understanding how the business of law can remain competitive yet still institute changes to the legacy cultures that tend to prioritize monetary success over well-being.

² The article does not specify how “top” is defined, but it appears to be either the number of applications received or the number of applications received per available slot.

3. How One Lawyer Overcame Living with Depression in Big Law

Mark Goldstein is a partner in the labor and employment practice of Reed Smith, an Am Law 100 firm with more than 1,500 attorneys on staff. He spoke to attendees about his own struggles with mental health disease and how they affected his work and personal life.

In 2017, Goldstein took a leave of absence from Reed Smith after being diagnosed with depression, obsessive-compulsive disorder, and anxiety. He was unable to function professionally, convinced he had committed malpractice. He spent weeks combing through every email he had sent or received at Reed Smith, searching for proof (which did not exist). He could not perform his job duties as he wanted and was unable to leave work at work to focus on family while home. He was in an untenable situation, in a profession that often stigmatizes mental health disorders, believing he had no one to turn to.

Realizing he could not continue in that state, he mustered courage to inform Reed Smith that a leave of absence was necessary. He did not know whether he would return or whether he would practice law again. As with many attorneys, he feared that requesting leave would destroy any chance of career advancement. To his relief, Reed Smith was extremely supportive of his need for self-care.

In the next 11 weeks, Goldstein spent time working on himself. This included weekly appointments with a psychiatrist, psychologist, cognitive behavioral therapist, and a mindfulness coach. He was determined to get his disease under control.

In January 2018, he felt ready to return to Reed Smith. He worried that he might face stigmatism or shaming for his leave, but the exact opposite happened. Since his return, he has received tremendous support both internally at Reed Smith and externally with clients. By January 2019, he was promoted to counsel (and was promoted again—this time to partner—in January 2020).

His decision to publicly tell his story was based on an encounter with several other Reed Smith attorneys who shared that they had suffered from mental health diseases but felt uncomfortable letting anyone else know about them, fearing stigmatization. Goldstein realized that he could contribute something meaningful to the conversation about attorney well-being by being open and public about his own experiences, hoping his story would help other legal professionals suffering in silence. In 2019, he published an article in *The American Lawyer* detailing his struggles.

He did not know what the response would be to his article but almost immediately began to receive many positive reactions and has been given the opportunity to support many attorneys who also suffer from mental health disabilities.

Although there is no cure-all for issues related to attorney well-being, having conversations and destigmatizing requests for help are crucial steps on the path to creating institutional changes in the profession.

Last, Goldstein suggested ways in which the bar, law schools, law firms, judges, and others could bring forth change. First, and most important, in his opinion, support from senior leadership is crucial. Second, flexibility in scheduling can help people manage their stress. And finally, people challenging long-held traditions or beliefs about how attorneys or law students should work need to be encouraged to present their ideas.

4. Beyond the Pledge: What Law Firms, Law Schools, and Bar Associations Are Doing to Promote Well-Being

The problems that attorneys and the legal community face are not new. Law firms, law schools, and bar associations have been wrestling with how to best support those members of the legal community struggling for decades with mental health and substance abuse issues.

In 2017, the ABA adopted a seven-point framework designed to reduce substance abuse and mental health distress in the legal profession (ABA Commission on Lawyer Assistance Programs, undated, pp. 4–10):

1. Provide enhanced and robust education to attorneys and staff on topics related to well-being, mental health, and substance abuse disorders.
2. Disrupt the status quo of drinking-based events. . . .
3. Develop visible partnerships with outside resources committed to reducing substance use disorders and mental health distress in the profession: healthcare insurers, lawyer assistance programs, EAPs [employee assistance programs], and experts in the field.
4. Provide confidential access to addiction and mental health experts and resources, including free, in-house, self-assessment tools.
5. Develop 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.
6. Actively and consistently demonstrate that help-seeking and self-care are core cultural values, by regularly supporting programs to improve physical, mental and emotional well-being.
7. Highlight the adoption of this well-being framework to attract and retain the best lawyers and staff.

This seven-point framework, as well as the ABA’s *Well-Being Toolkit for Lawyers and Legal Employers* (Brafford, 2018), are vital but must be part of a larger conversation about well-being in the legal community.

We believe that objective, evidence-based research and analysis are crucial for developing actionable strategies that can be used to implement change. A significant first step in the research process is to survey current practices in order to make recommendations for the future. The goal of this panel was to begin to answer the question, “How do we do better?”

Wellness Tools for Law Schools

Priya Sridharan, associate dean for graduate programs and strategic initiatives at Loyola Law School, began the discussion by sharing the “suite of wellness tools” the school developed to help students address problems created by stress or other mental health concerns.

Small class offerings over the course of the year include stress-relieving activities, such as yoga, meditation, and Zumba. To combat extra stressors imposed by finals, the school offers supplemental benefits, such as pet therapy and arts and crafts. One of Loyola’s most popular events is when administrators make and distribute small care packages to students during finals. Sridharan commented that this is one of the students’ favorite events because it promotes personal connection and exemplifies the idea that “top-down” support from senior leadership can be an effective way to promote well-being.

Additionally, Loyola has designated itself a “dry campus,” which does not mean that alcohol is not permitted on campus but that school-sponsored events will not provide alcohol. This not only serves to keep students from overindulging amid the stress of law school but also shows students that alcohol is not necessary for socializing.

As a Jesuit school, Loyola offers a pastor as a source of support and counsel. A school-run counseling center also offers therapy for students who feel the need for extra assistance to navigate the pressures of academic life.

Finally, the school provides a suite of programs and support for students who are the first in their families to go to university or law school. The programs begin as early as orientation and provide tools, networking, and information for them and their families about what to expect from the law school experience.

The goal of these initiatives is not only to reduce stress but also to promote a sense of community among students, to remind them that they are more than “just” law students, and to create spaces where they can come together and share experiences and validate one another.

Sridharan stated that the next step beyond these programs would be to help students develop self-awareness to recognize when they are stressed and suffering from clinical anxiety so they would take the initiative to access tools to help manage issues not only while they are in school but also in the workplace.

Wellness Tools for Law Firms

Caroline Donelan, a partner at Blank Rome, continued the discussion by emphasizing the importance of top-down buy-in.³ Companies that have well-being programs and policies in place but do not encourage employees to take advantage of them will not be successful in changing their workplace cultures.

³ Since the 2019 conference, Blank Rome has formed a dedicated Well-Being Committee, of which Donelan is a cochair, to better serve the well-being of all members of the firm.

Many attorneys, especially those at the associate level, might labor under the misconception that their well-being is less important than a project or deadline. Leadership's job should be to make them understand that their well-being is, in fact, critical to doing their best work. This can include fostering positive attitudes toward teamwork and promoting an office culture that prioritizes work/life balance. At no point, Donelan stated, should anyone feel the need to set aside personal well-being in order to produce a work product.

In 2018, Blank Rome was one of the earliest signatories to the ABA campaign. The firm has made a conscious decision to transition social events from revolving around alcohol. Recently, it has hosted escape room outings, spa days, and other well-being-focused events for employees.

The firm has used several methods to promote the goals laid out in the ABA framework and to improve the mental health and well-being of its employees. It currently offers each employee six mindfulness sessions. At employee retreats, mindfulness is integrated into the entire program, rather than an offering of merely one or two small sessions. The firm's We Are BR program provides employees an opportunity to voluntarily share stories about overcoming adversity with their coworkers.

Wellness Tools Provided by the State Bar of California

Michelle Harmon supervises the Lawyer Assistance Program (LAP) for the State Bar of California. The program's stated goal is to "help lawyers, State Bar applicants, and law students who are grappling with stress, anxiety, depression, substance abuse or concerns about their career" (State Bar of California, undated).

Unfortunately, many attorneys are completely unaware of the program. LAP is stepping up its outreach measures, and Harmon outlined some of the programs and services:

- two free career counseling sessions: These are designed to help attorneys or students who might be struggling with their career choices.
- two free individual counseling sessions: The program matches attorneys with professional counselors in their area.
- weekly LAP groups: These are supportive process and monitoring groups designed to help attorneys recovering from addiction or mental health issues.
- referral program: LAP provides referrals for two free sessions with an individual therapist or career counselor to discuss a variety of issues, such as stress and relationship challenges and navigating career change.

LAP caters mostly to small firms and sole practitioners. Harmon ascribed the likelihood to the fact that most large firms have some sort of employee assistance program or other measure in place to help struggling employees. Sole practitioners, however, have no such safety net.

Creating a New Legal Culture

Once moderator Jamie Morikawa opened the floor for questions, several themes emerged. As many attendees and panelists brought up throughout the day, the key to changing the culture in the legal community is to shift social activities away from traditional mixers and other alcohol-based activities. An attendee noted, one way to do this is for firms to provide meaningful alternatives, such as group volunteer activities. Donelan shared Blank Rome's efforts to ensure that attorneys meet their pro bono requirements by offering a wide variety of volunteer activities in which attorneys can participate as individuals or as part of a group.

Another key part of changing the culture is creating a workplace that minimizes stressors and provides support for struggling employees. A major deficit in the legal community acknowledged by both attendees and panelists was the need for management training for attorneys in leadership roles at large firms and law schools. Both Sridharan and Donelan noted that no training was currently available for either students or attorneys, and both agreed that offering such training could provide many benefits. In particular, Donelan observed that most new attorneys are part of a generation who want to be managed differently from previous generations. As Bhappu said earlier in the day, recruitment and retention can suffer if law firms are unwilling or unable to create a shift in workplace culture that aligns with the value younger generations place on work/life balance and making meaningful contributions.

5. The Elephant in the Road: Conventional Psychiatric Treatment Is an Overwhelming and Needless Obstacle

Joshua Freedman is the founder of healthPiper, an online health service provider that aims to make psychiatric care more accessible by using technology.

The first major obstacle for anyone needing mental health services is admitting that they need help. Mental health and wellness are sensitive, highly stigmatized subjects, although they are becoming less so. Studies show that a majority of Americans have stigmatizing attitudes about mental illness and that many people who live with mental illness internalize those attitudes (Corrigan and Watson, 2002).

Freedman shared the need for society to destigmatize seeking treatment. Anyone with a physical ailment, such as a backache or a kidney stone, feels no stigma in seeking treatment that will cure the symptoms, whether it be diagnostics, medication, physical therapy, or something else. What many people overlook when considering mental illness is that the brain is an organ and is the most complicated organ in the human body.

Although data suggest that nearly one in five adults in the United States suffers from mental illness (Lipari and Park-Lee, 2019), a substantial proportion fail to receive any treatment or stop treatment prematurely. The most common reason given is a desire to handle the problem on one's own (Mojtabai et al., 2011). By classifying the symptoms of mental illness in the same manner as any other illness, managing those symptoms becomes easier, as does acknowledging the need to manage those symptoms.

Structural barriers, such as inconvenience or inability to obtain an appointment, can also impede someone's willingness or ability to seek treatment. Making psychiatric treatment more accessible while continuing outreach efforts designed to help reduce stigma is a key component in increasing the number of people who are willing and able to seek treatment.

Harmon also spoke of the need for changing public perceptions about mental illness by beginning to alter the language, even among treatment providers. *Confidential* is a term that is used by almost every treatment program, including LAP. She questioned whether emphasizing the term might be perpetuating the belief that seeking treatment is something about which someone should feel ashamed.

Several other attendees agreed and commented about the different ways to help reduce the stigma surrounding mental health treatment, including widespread messaging at the state and county bar levels and shared stories from people who received treatment and improved their mental health and well-being. Freedman concurred and added that making sure people are educated about the signs and symptoms of mental illness can help to transform perceptions from shame and avoidance to acceptance and willingness to commit to treatment.

6. Conclusions

Working in the legal profession can be stressful. Attorneys often operate under demanding conditions and tight deadlines in order to offer the best representation for their clients. Unfortunately, these conditions can often prove to be a detriment to health and well-being. Despite this, many attorneys do not seek help because they fear negative responses from friends, family members, and colleagues.

The best way to reduce the stigma that surrounds mental health, addiction, and attorney well-being is to continue to talk about the issues. Conversations that bring well-being to the forefront not only help change the environment in which lawyers operate but also help individuals recognize they are not alone in their struggles.

Through the panel discussions and question-and-answer sessions, our distinguished speakers and attendees provided several actionable steps that they said that schools, employers, and members of the legal community could take to try to move the needle forward:

- Learn to recognize the signs that someone is struggling, and encourage that person to seek help.
- Provide social activities for attorneys and students that do not revolve around traditional “mixer” events that might include excessive alcohol consumption. These can include group volunteer activities, wellness events designed to reduce stress, and physical activities, such as yoga or hiking.
- Set up wellness programs and encourage employees and students to take full advantage of their offerings. Solicit regular feedback to assess each program’s effectiveness.
- Promote mental health and well-being as an integral part of the business of law by fostering positive attitudes toward teamwork and promoting an office culture that prioritizes work/life balance.
- Be mindful of language and messaging, both spoken and unspoken, on the topic of attorney well-being. Actively promote self-care and seeking treatment for addiction or mental illness as normal and essential to maintaining a healthy lifestyle.

If you or someone you know are struggling with a mental health or addiction disorder, the following resources might be able to help:

- LAP (see State Bar of California, “Lawyer Assistance Program,” undated. As of March 11, 2021:
<https://www.calbar.ca.gov/Attorneys/Attorney-Regulation/Lawyer-Assistance-Program>)

- the National Alliance on Mental Illness (see National Alliance on Mental Illness, homepage, undated. As of March 12, 2021:
<https://www.nami.org/Home>)
- the Substance Abuse and Mental Health Services Administration (see Substance Abuse and Mental Health Services Administration, homepage, undated. As of March 12, 2021:
<https://www.samhsa.gov/>)
- National Suicide Prevention Lifeline (see National Suicide Prevention Lifeline, homepage, undated. As of March 12, 2021:
<https://suicidepreventionlifeline.org/>).

Appendix A. Conference Agenda



Institute for Civil Justice

Well-Being in the Los Angeles Legal Community: From Promise to Practice

September 10, 2019

RAND Corporation

AGENDA

- 8:30 a.m. Continental Breakfast and Networking**
- 9:00 a.m. Welcome and Introductions**
Joe Mandel, Vice Chancellor Emeritus of Legal Affairs, UCLA;
Former President, Los Angeles County Bar Association
Jamie Morikawa, Associate Director, RAND Institute for Civil Justice
Mary-Christine ("M.C.") Sungaila, Partner, Haynes and Boone, LLP;
Chair, RAND ICJ Board of Overseers
- 9:15 a.m. Panel: What the Legal Community Can Learn from Corporate Well-Being Programs and Academic Research**
Dave Baiocchi, Founding Principal, Imaginative Futures (moderator)
Anita D. Bhappu, Associate Professor, Gallo Management Program of the
School of Engineering, University of California, Merced
Karen Chan Osilla, Senior Behavioral Scientist, RAND Corporation
Craig Schmidt, Senior Wellness Consultant, EPIC
- 10:00 a.m. How One Lawyer Overcame Living With Depression in Big Law**
Mark Goldstein, Counsel, Reed Smith
Interview by James Anderson, Director, RAND Institute for Civil Justice
- 10:40 a.m. Refreshment Break**

(over)

- 11:00 a.m. Panel: Beyond the Pledge: What Law Firms, Law Schools and Bar Associations are Doing to Promote Well-Being**
Jamie Morikawa (moderator)
Caroline Donelan, Partner, Blank Rome LLP
Michelle Harmon, LCSW, Program Supervisor, Lawyer Assistance Program, The State Bar of California
Priya Sridharan, Associate Dean for Graduate Programs and Strategic Initiatives, Loyola Law School
- 11:50 a.m. The Elephant in the Road: Conventional Psychiatric Treatment is an Overwhelming and Needless Obstacle**
Joshua Freedman, M.D., Founder, healthPiper
- 12:15 p.m. Concluding Remarks**
Teresa Wynn Roseborough, Executive Vice President, General Counsel and Corporate Secretary, The Home Depot, Inc.; Vice Chair, RAND ICJ Board of Overseers
- 12:30 p.m. Lunch**

Appendix B. Speaker Biographies

Welcome and Introductions

Joe Mandel is vice chancellor emeritus of legal affairs, UCLA, and the former president of the Los Angeles County Bar Association. He received his A.B. from Dartmouth College in 1960; his M.B.A., with distinction, from Dartmouth's Amos Tuck School of Business Administration in 1961; and his J.D. from Yale Law School in 1964, where he served as a member of the Board of Editors of the *Yale Law Journal* and graduated Order of the Coif. Following receipt of his law degree, Mandel served for one year as a law clerk to the Honorable Stanley N. Barnes of the U.S. Court of Appeals for the Ninth Circuit.

In the fall of 1965, Mandel joined the Los Angeles law firm of Tuttle and Taylor, where his practice focused on corporate and securities law. He became a principal of the firm in 1970 and rose to become one of the firm's eight senior principals. In 1983, Mandel was elected vice president, general counsel, and secretary of San Francisco-based Natomas Company, a publicly owned energy, transportation, and real estate company. Following the takeover of Natomas in the aftermath of a hostile tender offer, Mandel returned to Tuttle and Taylor in 1984, serving first in an "of counsel" capacity and then again as a principal of the firm.

In February 1991, Mandel was selected to serve as UCLA's first vice chancellor for legal affairs, a position he held until his retirement at the end of June 2007. Until his successor as vice chancellor assumed his position in March 2008, Mandel served as special assistant to the chancellor for legal affairs. Mandel has served as president of the Los Angeles County Bar Association, the Legal Aid Foundation of Los Angeles, the Western Justice Center Foundation, and the Yale Law School Association. He was the recipient of the Los Angeles County Bar Association's Shattuck-Price Award, the Legal Aid Foundation's Maynard Toll Award, the Lambda Legal Defense and Education Fund's West Coast Liberty Award, Public Counsel's Community Service Award, and the Anti-Defamation League's Stanley Mosk Liberty Through Justice Award. Mandel and his wife Jean have resided in Sherman Oaks since 1970. They are the parents of two sons and the grandparents of one grandson.

M. C. Sungaila, a partner in Haynes and Boone's Orange County office and anchor of the firm's California appellate practice, has briefed and argued appeals raising cutting-edge and core business issues and helped secure important rights for women and girls nationally and internationally. She is deeply committed to pro bono work, having served as counsel of record in one or more pro bono appeals each year for over 20 years, before the U.S. Supreme Court, international courts, and other intermediate appellate courts. At the age of 29, Sungaila took on and helped win a case before the U.S. Supreme Court (a decision that reinstated a criminal civil rights verdict against a state court judge who had abused his power by raping and sexually

assaulting female court employees and litigants). She has provided free representation in at least one appellate case a year since 1996, resulting in significant victories at the international, national, and state levels, including a decision in a case against Mexico before the Inter-American Court of Human Rights for the disappearances and killings of women and girls in Ciudad Juarez that has been lauded as one of the most important women's rights decisions in decades and the first to interpret a women's rights treaty.

She has also served on various nonprofit and bar boards for 25 years. She currently serves on the boards of the Pacific Symphony, the World Affairs Council, the National Association of Women Lawyers, and the Orange County Bar Association and chairs the ICJ Board of Advisors.

Sungaila has repeatedly been named a "Notable Appellate Practitioner" by *Chambers USA*. Clients describe her in one *Chambers* listing as a "gifted appellate lawyer who consistently delivers bottom line results" and praise her for her "great practical sense," "laser" focus on key issues, "excellence in creative thinking," and ability to "advise on the business side just as well as she does on the legal side." She has been repeatedly recognized by the *Daily Journal* as one of California's 100 Leading Women Lawyers (2005, 2010–2018) and in 2015 as one of the state's top labor and employment lawyers. She was a recipient of two back-to-back California Lawyer of the Year awards, including one in 2015 from *California Lawyer* magazine for the precedent-setting franchisor vicarious liability case she argued before the California Supreme Court, *Patterson v. Domino's Pizza*.

Sungaila has been honored for her sustained commitment to community service and pro bono work, receiving recognition from groups as diverse as California Women Lawyers, Alpha Phi International Fraternity, the Orange County Hispanic Bar Association, Orange County Women Lawyers, the Women Lawyers Association of Los Angeles, and Coastline Community College Foundation. Sungaila was recently included as one of the 27 U.S. lawyers on the *National Law Journal's* 2019 Equality Trailblazers List, which recognizes lawyers who have advanced the cause of equality, whether in the workplace or through initiatives outside the firm. In 2017, she was awarded the Ellis Island Medal of Honor, whose recipients include seven U.S. presidents, Nobel Prize winners, athletes, leaders of industry, artists, and others whose work has made a lasting impact on humanity, for her combined professional achievements and humanitarian and pro bono work.

Panel: What the Legal Community Can Learn from Corporate Well-Being Programs and Academic Research

Dave Baiocchi (bye-OH-key) (moderator) is a designer, futurist, and problem-solver who works at the intersection of technology, art, and the human experience.

A recovering engineer, Baiocchi started his career at Sandia National Labs in Albuquerque, New Mexico, where he designed space telescopes—he has several sensors currently in orbit.

Looking to have greater impact on the nation's science and technology strategies, he joined the RAND Corporation in 2008, and he built a client practice that helped senior decisionmakers at the National Aeronautics and Space Administration, the Defense Advanced Research Projects Agency, and the U.S. Air Force better understand the implications of emerging technologies.

In 2018, he left RAND to become a partner at ReD Associates, a strategy consultancy that specializes in using social science research methods to uncover the hidden factors that drive consumer decisionmaking. In early 2019, Baiocchi left ReD and founded Imaginative Futures, an innovation strategy company that integrates original, multidisciplinary research with technology and design trends to help business leaders adapt in a rapidly changing world.

Baiocchi remains affiliated with RAND as a professor at the Pardee RAND Graduate School, where he teaches courses on research and design. He also serves on the board at SWA, an international landscape and urban planning design firm. Baiocchi holds a B.S. in physics from DePaul University and a Ph.D. in optical sciences from the University of Arizona.

Anita D. Bhappu is an associate professor in the Gallo Management Program of the School of Engineering at the University of California, Merced. She received her B.S. in chemical engineering, as well as her M.S. and Ph.D. in management, from the University of Arizona. Bhappu conducts research on employee engagement and digital platforms, service design and delivery, team collaboration, and workplace diversity. She has published in top-tier journals, such as the *Academy of Management Review*, *Journal of Applied Psychology*, *Journal of Service Research*, *Organizational Behavior and Human Decision Processes*, and *Management Information Systems Quarterly Executive* and serves on the editorial board of *Organization Science*. Her research and market insights have been featured in *Fast Company*, *Huffington Post*, *Marketplace*, *MarketWatch*, *Mother Jones*, *Slate*, *Time*, *The Washington Post*, and *USA Today*. Bhappu is also the founder and chief executive officer of Sharing Tribes, a start-up company that is developing an organization-sponsored sharing platform based on her research. She was previously on the faculty at the University of Arizona, Southern Methodist University, and Georgetown University. Prior to academia, she worked as a product development engineer for Procter and Gamble.

Karen Chan Osilla is a senior behavioral scientist and clinical psychologist at the RAND Corporation and a member of the Pardee RAND Graduate School faculty. Osilla has been in the addiction field for nearly 15 years and has been involved in more than a dozen clinical trials evaluating cognitive behavioral therapy and motivational interviewing (web and in person) for mental health and substance use disorders among youth, adult, military, and underserved populations. She has also conducted studies involving families and caretakers of those affected by substance use. She has published more than 90 peer-reviewed articles on this research. She received her Ph.D. in clinical psychology from the University of Washington.

Craig Schmidt is EPIC's senior wellness consultant. Leading EPIC's national practice, managing programs aimed to enhance corporate wellness and well-being, Schmidt pinpoints workforce wellness issues and guides clients through the implementation of strategic plans that increase employee well-being and combat rising health care costs. With a strong background in health coaching, wellness promotion, and carrier disease management, he also helps clients determine the return on investment for wellness initiatives.

Schmidt earned his B.S. from East Carolina University in health and promotion in worksite studies, and a certificate of public health science, health systems, management, and policy from Colorado School of Public Health at the University of Colorado Anschutz Medical Campus.

Not only a professional in wellness, Schmidt is an advocate personally. He competes in marathons, triathlons, and IRONMAN events and volunteers in the community, including with Big Brothers Big Sisters of the Bay Area.

How One Lawyer Overcame Living with Depression in Big Law **Mark Goldstein, Counsel, Reed Smith** **Interview by James Anderson, Director, ICJ**

James Anderson is director of ICJ and of the Justice Policy Program at RAND. He conducts empirical research on a wide variety of policy issues and has served as principal investigator on a variety of projects, including the policy implications of autonomous vehicle technology and understanding the effects of indigent defense systems. His work has been funded by the National Institute of Justice, the National Institutes of Health, the Bureau of Justice Statistics, the State of Pennsylvania, ICJ, the Robert Wood Johnson Foundation, the U.S. Department of Defense, and the National Science Foundation. His work has appeared in the *Yale Law Journal*, the *Stanford Law Review*, the *University of Pennsylvania Law Review*, the *Journal of Law and Economics*, publications by the Oxford University Press, and numerous RAND publications. In addition to leading research, he currently serves as a member of RAND's Institutional Review Board to review research for human subjects protection issues. He is also a member of the American Law Institute. Before joining RAND, Anderson clerked for the Honorable Morton Greenberg of the U.S. Court of Appeals for the Third Circuit and practiced law for ten years as an assistant federal public defender. He received a J.D. from Yale Law School and a B.A. in ethics, politics, and economics from Yale University.

Mark Goldstein is counsel in the New York office of Reed Smith and a member of the firm's Labor and Employment Group. Goldstein's practice is focused on helping companies in New York and around the world manage their workplace needs. To that end, Goldstein counsels clients on a variety of day-to-day and big-picture workplace issues. Goldstein also defends employers in a wide variety of employment litigation matters and advises clients on all aspects of employment-

related issues in corporate transactions. Additionally, Goldstein frequently blogs about federal, state, and local workplace developments on EmploymentLawWatch.com.

Goldstein is also passionate about mental health issues in the legal industry. In February 2019, *The American Lawyer* published an article authored by Goldstein that chronicled his struggles with severe depression, obsessive-compulsive disorder, and anxiety as a practicing attorney. In May 2019, Goldstein was selected as a member of ALM Media's Mental Health Advisory Board. Goldstein frequently speaks about mental health-related topics, including through webinars, bar association events, and other programs.

Panel: Beyond the Pledge: What Law Firms, Law Schools, and Bar Associations Are Doing to Promote Well-Being

Jamie Morikawa (moderator) is the associate director of ICJ, through which she is responsible for helping manage ICJ's strategy and research portfolio, as well as building and maintaining relationships with the Board of Advisors, donors, and the private sector. She previously served as acting director of ICJ, participating in management for ICJ and its related centers, including the Center for Corporate Ethics and Governance and the Center for Catastrophic Risk Management and Compensation.

Morikawa also serves as the director of development for the RAND Justice Policy Program, in which capacity she focuses on building support for the program's criminal and civil justice research portfolios. Prior to joining RAND, Morikawa practiced entertainment litigation for three years, worked as assistant director of the UCLA School of Law's Office of Career Services, and played a significant role in helping to establish the UCLA Center for the Liberal Arts and Free Institutions.

Morikawa received her B.A. from UCLA and her J.D. from UCLA School of Law.

Caroline Donelan, partner at Blank Rome, is a trusted adviser and strategic partner to both domestic and foreign clients, providing advice and defense counsel in all areas of employment law compliance and litigation, including wage and hour class and representative (Private Attorney General Act [Cal. Lab. Code Div. 2, Part 13]) actions, wrongful termination and retaliation, discrimination, harassment, trade secret disputes, data protection, and alleged fiduciary breaches.

Donelan's proactive risk-management practice includes drafting key workplace policies and agreements, providing practical implementation guidance, conducting workplace trainings, managing internal audits and investigations, and providing day-to-day counseling on the wide variety of employment issues her clients face.

Donelan also provides transactional support and advice on stock and asset purchase agreements, including buy- and sell-side due diligence and executive agreements.

Michelle Harmon, licensed clinical social worker, is the supervisor of LAP at the State Bar of California. She joined LAP in 2006 as a case manager, providing clinical assessments, treatment planning, and follow-up with attorneys and law students seeking support for a variety of mental health and substance use concerns. Harmon is currently in charge of managing the staff and overseeing the day-to-day operations of LAP. She leads the program's efforts to improve the well-being of lawyers, law students, and other legal professionals in California. She received a B.A. in psychology from Washington University in St. Louis and an M.S.W. from the University of Michigan in Ann Arbor.

Priya Sridharan joined Loyola Law School as associate dean of student affairs in June 2014 and assumed the role of associate dean for graduate programs and strategic initiatives in June 2017. Previously, she was assistant dean and dean of students at the University of Southern California Gould School of Law, where she also served as director of career services. Her practice experience includes serving as a deputy city attorney with the Office of the City Attorney for the City of Los Angeles and as a litigation associate at Tuttle and Taylor, a law corporation.

The Elephant in the Road: Conventional Psychiatric Treatment Is an Overwhelming and Needless Obstacle

Joshua Freedman, M.D., founder at healthPiper, graduated from Yale College and Yale Medical School. He was a National Institutes of Health Medical Scientist Training Program Fellow while at Yale. He is board certified by the American Board of Psychiatry and Neurology in psychiatry and has served the board as an examiner in evaluating practicing psychiatrists seeking board certification. He received the lifetime achievement award for advancing the use of technology in psychiatry from the American Association of Technology in Psychiatry and is a clinical professor of psychiatry at UCLA, where he is a supervising attending physician in the UCLA Mood Disorders Clinic. He founded healthPiper to provide convenient, effective, and affordable treatment for depression and anxiety using prescription medications.

Freedman has lectured internationally and published in numerous scientific journals. As a leader in new developments in psychiatry, his work has received substantial media coverage, including in *The New York Times* and *The Wall Street Journal* and on *Today*, *Good Morning America*, National Public Radio, and the British Broadcasting Corporation (BBC).

Concluding Remarks

Teresa Wynn Roseborough is the executive vice president, general counsel, and corporate secretary of Home Depot. She is responsible for Home Depot's legal functions,

government relations, corporate communications, and external affairs. In addition, as corporate secretary, Roseborough serves as a liaison between the board of directors and the company and is responsible for all corporate governance matters.

Roseborough and the legal team are responsible for securities, litigation, employment, mergers and acquisitions, real estate, store operations, risk management, and intellectual property. She also leads the government relations team as they address legislative issues that affect the business environment, the retail industry, and the company's associates. In her corporate communications and external affairs role, Roseborough leads the company's internal and external communications, the Home Depot Foundation, the Homer Fund, branded merchandise, and the event team.

Before joining Home Depot in 2011, Roseborough held several positions in the legal department of MetLife, and she was formerly a partner in the firm that is now Eversheds Sutherland. Roseborough's more than 30 years of legal experience also includes government service as deputy assistant attorney general for the U.S. Department of Justice; law clerk for Justice John Paul Stevens of the U.S. Supreme Court and Judge James Dickson Phillips of the U.S. Court of Appeals for the Fourth Circuit; and an employee of the U.S. Department of Defense in West Germany.

Roseborough was named one of 25 Influential Black Women in Business by *The Network Journal* and as one of America's top black attorneys by *Black Enterprise*. Her civic involvements include serving as a public member of the Administrative Conference of the United States, cochair of the board of directors of the Lawyers' Committee for Civil Rights, and a member of the Board of Advisors of ICJ.

Roseborough earned a B.A. from the University of Virginia, a master's degree in education from Boston University, and a J.D. with high honors from the University of North Carolina School of Law, where she was editor-in-chief of the *North Carolina Law Review*.

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