

## **Healthy Lawyers are Productive Lawyers – The Business Case for Promoting Lawyer Well-Being**

**Alice M. Sherren - Senior Claim Attorney, Minnesota Lawyers Mutual Insurance Company, Minneapolis, MN**

**Brook R. Mallak – Claim Attorney, Minnesota Lawyers Mutual Insurance Company, Minneapolis, MN**

# Today's Presentation

- **WHAT IS LAWYER WELL-BEING?**
- **WHY IT MATTERS?**
- **RISK MANAGEMENT CONCERNS FOR  
INDIVIDUAL LAWYERS AND FIRMS.**
- **WHAT CAN WE DO TO IMPROVE LAWYER  
WELL-BEING?**









# 2016 ABA/Hazelden Betty Ford Study

- **28%** struggle with some level of depression
- **19%** demonstrate symptoms of anxiety
- Men had significantly higher levels of depression
- Women had higher levels of anxiety and stress
- **21%** qualify as problem drinkers
  - Hazardous drinking and possible dependence
    - More males (25.1%) than females (15.5%)
- **23%** felt their use of alcohol or substance was a problem sometime during their lives

# COVID-19 Impact



# Why it matters.

“Lawyers who are impaired – whether because of substance use, diagnosed mental health issues, or simply garden-variety stress – are more likely to commit legal malpractice or violate ethical rules.”

# Well-Being, Legal Malpractice and Ethics Complaints

# Common Errors



## Overbilling & Mishandling Client Funds

- Borrowing from trust account, billing for work not performed
- ABA Rules: 1.15 Safekeeping Property; 1.5 Fees



## Neglecting Clients & Procrastination

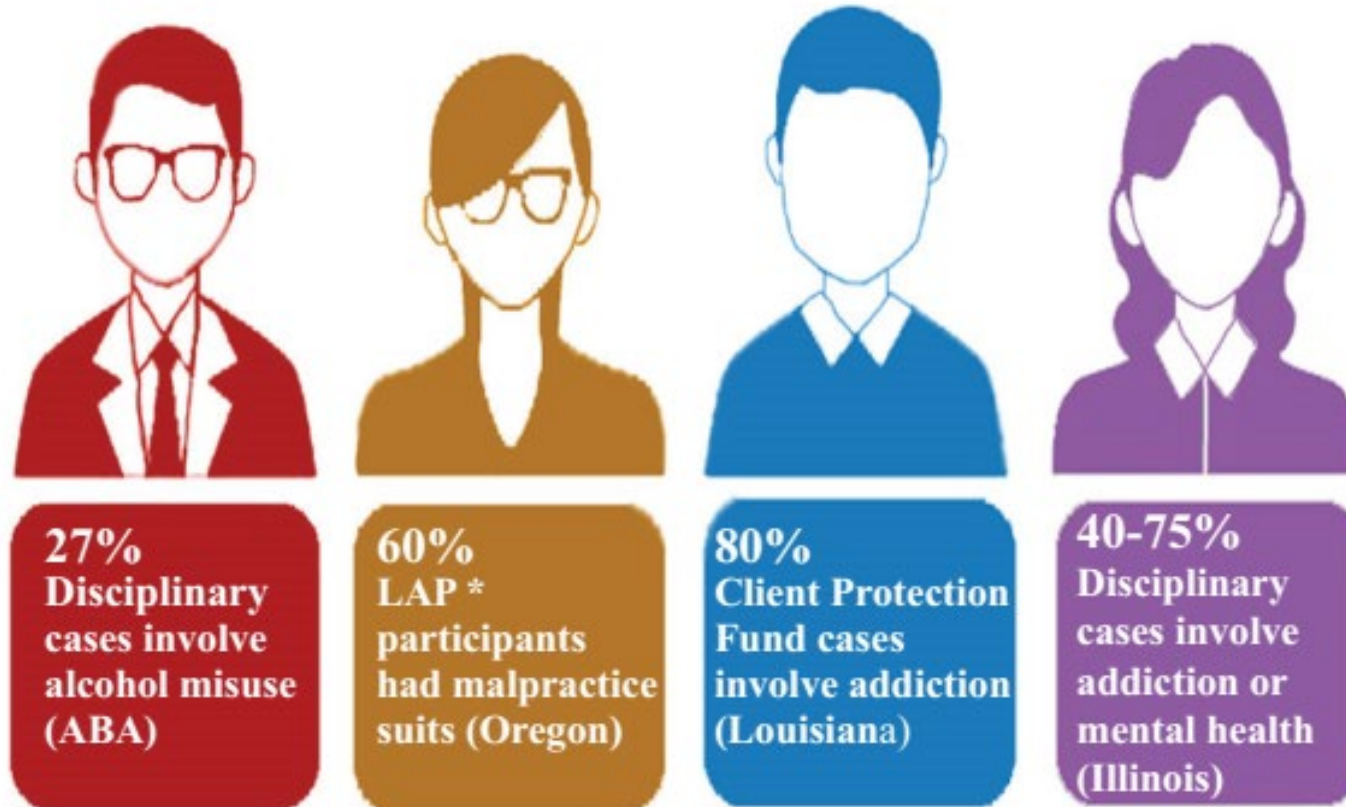
- Missing file deadlines, lack of organization, not returning calls
- ABA Rules: 1.1 Competence, 1.3 Diligence, 1.4 Communications



## Dishonesty to Court & Lying to Clients

- Lying to clients on status of case, lying to judiciary to gain time
- ABA Rules: 3.3 Candor to Tribunal, 4.1 Truthfulness in Statements

# Correlation with Claims



# Questions to ask yourself...

# Lawyers' Assistance Programs



# Obligations of the Firm or Legal Department...

- Rule 5.1 Responsibilities of Partners, Managers, and Supervisory Lawyers
- Rule 5.2 Responsibilities of a Subordinate Lawyer
- Rule 5.3 Responsibilities Regarding Nonlawyer Assistance

# What can law firms do?



# Billable Hours v. Lawyer Well-Being

# Managing Stress

# Questions?