

# Fostering Attorney Well-Being By Humanizing Attorney-Client Relationships: The Mindful Business Charter & U.S. Bank Well-Being Guidelines Offer Pathways to Change

by Practical Law

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A Q&A with Richard Martin, Chief Executive Officer of the Mindful Business Charter, and Ben Carpenter, Senior Vice President and Deputy General Counsel at U.S. Bank, who developed and implemented U.S. Bank's well-being guidelines for outside counsel. In a conversation with Practical Law's Jessica Cherry, Richard and Ben discuss two similar frameworks for reducing stress by changing our ways of working. Focusing on the attorney-client relationship in particular, they explain how by creating a common language and giving people permission to talk about the impact of how we interact with each other, these frameworks offer tools to enable us to work more healthily and more effectively.

There is growing awareness that current ways of working in the legal profession are not sustainable or efficient. Stress levels are at an all-time high, resulting in attorney ill-health. And many attorneys are working while exhausted and disengaged, limiting their capacity to do their best work. But changing mindsets and cultural norms is challenging, especially in an industry comprised of individuals who are inherently cautious and tend to gravitate towards the status quo. Ultimately, change will happen one way or another, as younger generations have more choices available to them and will not accept existing conditions. The path forward therefore requires both persistence and patience.

As stewards of our profession, we are collectively responsible for:

- Addressing the causes of attorney ill-health.
- Establishing cultural norms that enable our people to do their best work and personally thrive.

The attorney-client relationship poses particular challenges. Given the reciprocal nature of the relationship between law firms and their clients, each has a role to play in addressing these challenges and promoting healthier behaviors. Law firm attorneys are generally conservative and wary of doing anything that might upset a client and therefore risk the client taking its business elsewhere. But

assumptions about what clients expect may not always be accurate. And providing excellent client service may not always require cancelling plans and losing sleep.

The Mindful Business Charter (MBC), created in the UK in 2018, and U.S. Bank's well-being guidelines for outside counsel (U.S. Bank Guidelines), created in the US in 2022, are frameworks for reducing stress and improving attorney mental health and well-being by changing our ways of working. Established separately on different sides of the Atlantic, each:

- Acknowledges and addresses the stress that is inherent in the attorney-client relationship.
- Is based on the premise that a crucial component in reducing stress and creating healthier attorney-client relationships is opening the door to conversations about how we interact with one another.

Richard Martin is a former employment lawyer and is the Chief Executive Officer of the MBC. He has been actively involved in developing and promoting the MBC since its inception.

Ben Carpenter is a Senior Vice President and Deputy General Counsel at U.S. Bank. He led the U.S. Bank Law Division's well-being program from 2019-2023 and was the driving force behind the U.S. Bank Guidelines.

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Richard and Ben first met after Richard read an article about the U.S. Bank Guidelines. He reached out to Ben and both men were immediately struck by the uncanny resemblance between these two initiatives. They also recognized that by collaborating with each other, they could leverage resources and potentially expand their impact on both sides of the Atlantic, and within the profession at large.

In a conversation with Practical Law Senior Specialist Legal Editor Jessica Cherry, Richard and Ben discuss the genesis of the MBC and the U.S. Bank Guidelines, and how attorneys can look to the principles of these frameworks to create healthier ways of working that promote well-being and enable us to work more effectively, thus improving the quality of our lives and the work we do.

### Can you provide a brief overview of the Mindful Business Charter?

*Richard Martin*

The MBC was created in 2018 in London and began as a conversation between in-house lawyers at Barclays Bank (Barclays) and two of its panel firms, Pinsent Masons and Addleshaw Goddard (collectively, Founders). All three organizations had done a lot of work raising awareness of mental health and providing support for people who are struggling with their mental health. But they each recognized:

- The need to address the causes of distress rather than just trying to patch up people when they are struggling.
- That it should not be solely the responsibility of the individual to handle any situation, no matter how stressful, in the name of resilience.
- That organizations have a responsibility to create a safe and effective working environment.

The Founders focused on reducing stress because:

- Stress is one of the biggest causes of both physical and mental illness for professionals and others.
- When we are stressed, our brains do not work very well. Stress is therefore not only bad for our health, but it is also bad for the quality of the work we do.

While acknowledging that stress comes from many different places, and that there are certain stressors inherent in being an attorney that contribute to that sense of contextual stress, the Founders realized that a lot of stress comes from our ways of working, and the impact our behaviors have on ourselves and others. And while

most of us do not intend to cause other people stress, inevitably we do, and then we do not talk about it. So the fundamental questions that the Founders wanted to address were:

- What if we could all try to be more aware of the impact of our behaviors on ourselves and others?
- What if we gave each other permission to talk about it?

The MBC was launched in October 2018 on World Mental Health Day. At that point, our members included three banks—Barclays, Lloyds Bank, and the Royal Bank of Scotland (RBS)—and nine of their panel law firms, including Pinsent Masons and Addleshaw Goddard, of course, but also Clifford Chance, Linklaters, and others. These members committed to the principles of the MBC and we committed to working with them to help them implement the charter.

We have steadily grown over the past five years, and we now count close to 140 organizations around the world as members. Our members are still heavily concentrated in the UK, but that is changing all the time, partly because the organizations involved are global in nature anyway, and partly because we are gaining traction in other parts of the world. Approximately 75% of our members are either law firms or legal teams within financial services institutions, and 25% represent other businesses.

### What are the elements of the MBC?

The MBC is comprised of four pillars, which are:

- **Openness and respect.** This pillar is the heart of the MBC and permeates everything else. It says that, first and foremost, let's agree that we:
  - respect each other as professionals;
  - care about each other, and will try to avoid causing each other harm; and
  - will have a relationship of openness, where we can talk about our ways of working.

The other pillars flow from this one, which is to say that if we take pillar #1 as our starting point, then the other pillars are examples of what that might look like in the context of particular aspects of how we work.

- **Meetings and communications.** This pillar acknowledges that we spend a lot of time online, whether it is in meetings or engaging in electronic communications. So this pillar says let's try to reduce as much as possible the stress associated with that. For example, with respect to meetings, let's only have meetings that we need to have,

and let's make the meetings as short as possible. And with respect to communications, let's only send messages that need to be sent, and let's only copy people who need to be copied.

- **Respecting rest periods.** This pillar is about empowering people to put back some of the boundaries around our work that we need to rest and recover, and that enable us to participate in and enjoy other aspects of our lives, whether that's family or hobbies or other things that fulfill us. This is about trying to reduce evening, weekend, and holiday work as much as possible, but with the clear understanding that sometimes we need to work late in the evening or on the weekend. And that is fine, but let's try to ensure that is not always the case.
- **Mindful delegation.** This pillar is about removing some of the stress that surrounds how we ask people to do work. So let's make sure that people understand what they are being asked to do, and how it fits into the bigger picture. Let's make sure people understand what work product is expected and what it should look like. If there is a deadline, let's try to agree on the deadline rather than simply imposing it.

It is important to understand that the charter is a permissive, rather than a prescriptive framework, and that the four pillars do not provide a complete solution to the multifaceted issue of workplace mental health and well-being. It is really all about being more thoughtful, more respectful, and more mindful of what we are doing so that we can remove, as much as possible, unnecessary sources of stress.

### The attorney-client relationship is often cited as a major source of stress within the legal industry. How does the attorney-client relationship contribute to a sense of stress? And who bears responsibility for changing those dynamics?

*Richard Martin*

Within the legal sector, the attorney-client relationship is definitely a big source of stress. While these dynamics are quite complex and can be extremely stress-inducing, people generally do not talk about them. The idea of the MBC is to provide a framework and a common language

that, crucially, gives us permission to talk about how our ways of working impact each other.

The expectation is that by opening the door to these conversations, we can identify unnecessary sources of stress and eliminate them so that we can all work together more healthily and more effectively.

The role of Barclays as one of the original Founders of the MBC was groundbreaking. Consider that the legal team at Barclays works with large law firms who are used to being full-service and available 24/7 and doing whatever a client asks as quickly as possible, even more quickly than the client may have asked for, to demonstrate their immediate responsiveness. Barclays recognized that when they call their law firms, the attorneys:

- Go to extreme lengths to give them what they want immediately.
- Will keep pushing themselves until they fall over exhausted.

And they realized that this dynamic was not great for the people at the law firms they engage, but it was also not great for Barclays because:

- They do not want to cause these individuals harm.
- The stress of working this way can adversely affect the quality of the work their attorneys do for them.

So they set out to change that dynamic. Significantly, not only was Barclays part of the conversation with Pinsent Masons and Addleshaw Goddard, but Barclays also sent the message to their panel firms that the MBC reflected how they were going to work, and if the firms wanted to continue working with them, then they needed to agree to work in ways that were consistent with the MBC's principles. And that was critical in getting some of those initial big law firms on board.

*Ben Carpenter*

Client expectations are often cited as a major cause of stress and poor work environments. In the legal industry, client responsiveness is fundamental to the practice, and therefore can be used to create a distinct competitive advantage. But speed is not always the most important factor to providing exceptional client service, and I think it is up to us to reset expectations among our outside lawyers. Of course we want to get the best results. But that requires us to work together effectively.

We are also well aware of the relationship between stress and poor health, and the data indicating the poor state

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of attorney mental health within the legal industry. As a client, we:

- Do not want to be part of the problem.
- Believe that this is an industry problem and therefore needs to be addressed from all sides.

As clients, it is incumbent upon us to ensure that we communicate our expectations clearly up-front. And that is why we initiated discussions with the law firms we work with and eventually created the U.S. Bank Guidelines. But I also believe that there is a way for law firms to promote the same objectives. We framed our effort in the context of supporting mental health and well-being, but the activities and behaviors we are trying to promote are also about working together more effectively so we can do our best work. So both sides should not only feel comfortable in initiating these conversations, but also motivated to engage in the spirit of:

- Promoting better relationships.
- Delivering better results.

*Richard Martin*

There is absolutely a responsibility on the part of law firms to be talking about this and focusing on addressing the mental health problems within the profession. The idea that this should only be client driven is wrong. Having said that, it is much easier for law firms to address the issue if they know that their clients are up for having that conversation.

We know that as a profession we are cautious and slow to change. And we know that clients can be powerful drivers of change. In the diversity and inclusion space, for example, clients have played a critical role in compelling law firms to increase representation of members of underrepresented groups by telling them "If you show up with another panel for your pitch which is made up of white, middle-aged men, you are not going to get any more of our work." And that forced law firms to pay attention and change in a real way. So clients really can drive change.

### **One of the MBC's current goals is to increase its impact by expanding globally, and in the US in particular. Why is that so important?**

*Richard Martin*

The first reason is that we have a concept, a community, and a movement that works. And we know that the issues

that led to the launch of the MBC in the UK are felt in very much the same way in other parts of the world. We believe that we have something meaningful to offer other parts of the world.

Regarding the US in particular, we recognize that there is a great deal we can learn from the US, and a key part of the community of MBC members is the idea that we are sharing experiences and best practices, learning together, and coming together as a profession to solve common problems. This is important because:

- It is inefficient to continuously reinvent the wheel.
- We are much braver when we are working together.

It is much more difficult to be brave on your own, and a foundational part of the MBC is about being brave, daring to be different, and challenging the status quo. If I know that the wider legal community and business community is on board, then it is much easier for me to be brave in that way, which contributes to shared learning between the US and the UK.

There is also a perception that US firms are more demanding than their UK counterparts. And it can be difficult for UK firms to be working in ways which are in line with the MBC when they feel pressure from their US colleagues either because they:

- Feel that they are in competition with them.
- Are operating in accordance with instructions they receive from their US counterparts.

### **Is there a greater reluctance on the part of US firms to sign on to the MBC than among firms in the UK?**

*Richard Martin*

I think mental health is an area where the UK has perhaps been ahead of the curve in recent years. And I have a sense that the US legal market is perhaps where we were a few years ago. And that is not to say that we have trodden the path and can show you the way, and I certainly do not mean to sound patronizing, but there is a journey that the US market needs to travel and I believe we have taken some of those steps.

I think the existence of the U.S. Bank Guidelines, which are not identical to the MBC, but are very similar in both purpose and content, demonstrates that what we are trying to do is not completely anathema to the US market.

## Can you provide an overview of the U.S. Bank Guidelines and explain your purpose in establishing them?

*Ben Carpenter*

We created a well-being program within U.S. Bank's Law Division in 2019 that was designed to provide activities, opportunities, and resources for our internal staff. The timing was fortuitous because it was very useful to have that in place throughout the pandemic.

As we began focusing more of our attention on mental health and well-being generally, we understood that programs that focus on resiliency and recovery, while valuable, were not enough. Like the Founders of the MBC, we wanted to address the root causes of the problems.

We also recognized that much of our daily working lives is spent interacting with outside counsel, and that to address mental health and well-being effectively, outside counsel needed to be part of the conversation. And so in 2021 we invited a small group of our outside counsel firms to serve on a roundtable to explore ways in which we could work together to promote well-being in our attorney-client relationships. It was a fairly intensive effort, and we went through several iterations before finalizing the U.S. Bank Guidelines in their current form.

Ultimately, we landed on a set of guidelines that are designed to provoke conversations around how we:

- **Communicate with each other.** This is about being mindful of how we interact. It is about being clear in our communications, for example, by encouraging each of us to communicate preferences for correspondence.
- **Respect and address boundaries.** This is about preparing in advance for expected and unexpected times out of the office, for example, by designating a backup for urgent matters, so that we can mitigate stress when unexpected things happen. We want to recognize and respect the importance of maintaining good health and we do that through better planning.
- **Manage projects.** This is about taking the time to align our interests and find the best way to manage a project. This may include considering alternative billing arrangements, for example.
- **Leverage each other's resources to promote well-being across our organizations.** This is about treating mental health and well-being as a profession-wide issue, and recognizing that we can work together to solve it by sharing resources and ideas.

Like the MBC, the U.S. Bank Guidelines are not a set of prescriptive rules. The guidelines themselves are simple

and are intended to be aspirational and to serve as a reminder that we need to be thoughtful about how we interact and work together to ensure that:

- Well-being remains a priority.
- We hold ourselves accountable for supporting it.

The guidelines are not magic. They do not remove certain realities, such as that:

- There will be stressful times.
- There will be matters that require urgent attention.

While accepting that reality, we are also trying to:

- Ensure that we do not create stressful situations unnecessarily.
- Provide a framework for navigating these situations in a way that is productive, constructive, and mutually beneficial.

The guidelines are intended to be flexible, and to promote more open communication between clients and attorneys about our preferences and needs. Our aim is that, over time, the matters the guidelines address will become part of the normal discourse between us and the attorneys and law firms we engage. But we felt it was necessary to put these down in writing to:

- Clarify expectations.
- Provide a framework for how we are thinking about this.

This is really all about getting better at what we do. Because we sincerely believe that if we do this correctly, and we are able to improve well-being in both our internal and external relationships, we will increase productivity and work quality, and ultimately produce better results.

## Richard, you were unaware that U.S. Bank was establishing its guidelines until someone forwarded an article to you about them after they were finalized and published. And Ben, you did not know very much about the MBC when you embarked on creating the U.S. Bank Guidelines. So when the two of you connected, what did you discover?

*Richard Martin*

It was really a lovely moment. First, it was validating to see that other people were thinking along the same

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lines as we were. And the overlap between the two was fairly uncanny given that, although Ben was generally familiar with the MBC and our purpose, neither of us had influenced the other. I reached out to Ben immediately and said we really should talk, because it is quite telling that two voices on different sides of the pond are saying the same thing. And from my perspective, it was exciting because I had already been keen to focus on the US market. And when we spoke it was really energizing, as the synergies were quite apparent.

*Ben Carpenter*

I had the same reaction. While I was generally aware that the MBC existed, I had no idea how well developed it was. And when Richard called, I was grappling with how to move our well-being efforts forward, recognizing that it would be a pretty intensive effort. It was encouraging to discover that Richard and the MBC had already been through what we were embarking on, and that they had already managed to scale their program. Because of this, I was eager to partner with Richard and make this a bigger effort within the US and within the legal industry generally. In hindsight, had we known more about the MBC, we could have leveraged everything they have done earlier. But it is certainly not too late to learn from their experience and the infrastructure they have created, and to collaborate going forward.

*Richard Martin*

Another important thing to keep in mind is that when the MBC first launched and we had a handful of initial members signed on, the work was being done by various people who did whatever they could, but they had to fit it in sporadically because it was not their primary job. In other words, this work sat on the sides of their desks.

When the Founders started to see the potential for scaling the MBC to increase its impact, they realized that the job was too big for anyone to handle by themselves from the side of their desk. That is when I got more deeply involved. And as both our membership and the depth of our activities have grown, the necessary time commitment has also increased.

So it was apparent to me when I spoke with Ben that he was in that familiar place of trying to move things forward effectively whilst tending to his other duties, and that the work was piling up on the side of his desk.

The opportunity to cross-collaborate, for us to learn more about the US market, and for Ben and others in the US to leverage the infrastructure that we have developed in the UK, should be a win for everybody—the UK, the US, the

MBC and its members, U.S. Bank and its outside counsel, and, we hope, for the legal industry generally.

### **The actions and behaviors that the MBC and the U.S. Bank Guidelines address seem straightforward. They essentially strive to operationalize people treating each other more humanely. Why is that challenging?**

*Ben Carpenter*

You are right that these frameworks are straightforward and remarkably simple. And these are behaviors that we exercise in our personal lives, but once we step into our legal roles, there is a shift. I think it has a lot to do with expectations. There is an expectation that if a client, who is paying a lot of money to the firm, reaches out with a question, the law firm must provide a perfect answer immediately. And that often means cancelling plans, sacrificing sleep, and just generally dropping everything else to demonstrate your responsiveness.

I think part of that is attributable to the fact that law is a competitive industry, and that responsiveness and 24/7 availability are ways that firms can distinguish themselves. Certainly, some clients and partners demand that. But part of it is just “how it has been” for a long time. Responsiveness has come to mean responding as quickly as possible every time a client reaches out. And certainly there are times when speed is critical. But, from my perspective, not every question requires an immediate answer. And in fact, by taking their time where possible, an attorney can often provide a more thoughtful and better answer. It also works the other way. Sometimes I need outside counsel to provide me with a quick take – without turning over every stone - rather than taking the time to create a perfectly polished answer.

So I believe that we need to recast expectations. And a big part of that is ensuring that the outside lawyers actually know what our expectations are, rather than assuming that every deadline is immediate or that every response must be perfect. A lot of this is about better and more open communication.

So yes the guidelines are simple. But they are not easy, because this requires culture change. Our traditional norms and ingrained behaviors create unhealthy environments where we are constantly trying to repair the damage we do to ourselves and each other. A better approach is to address the root cause of the problem. And

I believe that a significant part of that is addressing these miscast expectations.

*Richard Martin*

We need to create a sense of respect for ourselves within the profession. Consider that Ben does not typically go to his outside counsel with questions that have easy answers that take five minutes to come up with. Rather, he typically seeks answers from outside counsel for questions that are tricky, nuanced, and complex. And the idea that as an outside law firm we need to give the impression that we are eagerly awaiting any one client's call and are always ready and able to immediately throw a team at whatever a client asks makes no sense. Rather, we need to have enough respect for ourselves, and leaders must have enough respect for their people, to make it acceptable to say, "I know that you have asked me to do something and that it is important. And I will get to it reasonably promptly. But I am a human being. And I have other clients and other commitments in my life." And I think we were better at that 50 or 100 years ago as a profession than we are today.

Another piece of this has to do with how our brains work. So much of how we respond to things is automated based on habit. The more we do something, the more likely we are to do it the same way again. If you think about anything you become good at, whether it is playing a sport or a musical instrument, the more you do it, the easier it becomes, and the less you think about it. And I think there is a parallel regarding client service, in that when a client email arrives, we do not stop to think about how quickly the client needs an answer, or think about sharing that I am supposed to go out to dinner with my wife tonight or whatever it might be. Rather, after so many years of working in an environment where the direct or indirect message is that when a client calls, you have to drop everything so that you can respond immediately, it becomes ingrained thinking. And to Ben's point, that is not necessarily what the client expects every single time.

### Can you provide some examples that demonstrate how the MBC works in practice and how MBC membership has impacted relationships between law firms and their clients?

*Richard Martin*

One of the things I sometimes hear from people who work on high-stakes matters is "This well-being stuff is all very

well and good, but I work on big ticket stuff, and my work is really important. So when it comes to the work that I do, you need to do whatever it takes." The implication here is that if your work is really important or the client is paying you enough, you are exempt from treating people with respect or working in ways that support well-being. And of course that is false.

I like to debunk that narrative with the following example. At the beginning of 2020, Lloyds Bank, one of the original MBC signatories, started a massive project, and they were working with one of the MBC Founders, Pinsent Masons. And it was one of those enormous deals that you look at and you think it is going to be horrendous for all involved. But at the outset, both sides committed to:

- Project manage the transaction collaboratively and efficiently.
- Get the job done to the standard required and in accordance with the timetable that was set out, but in a way that respected the well-being of everyone involved.
- Talk openly about preferred communication methods and achievable turnaround times.
- Be brave by agreeing to let the other side know if their team was being unreasonable or causing unnecessary stress.

They knew it would not be easy, but they agreed to do it anyway. And at the end of the day they got the deal done on time with everyone still standing. Moreover, the experience both:

- Enhanced the relationship between the two teams.
- Had a positive impact on individuals within those teams because:
  - they saw their leaders "walking the walk" in a real life, high-stakes situation, thus proving their organizations' genuine commitment to the MBC's principles; and
  - it increased their sense of permission to talk about these things going forward.

This example illustrates quite clearly that it is possible to apply the MBC principles and support well-being while doing high-stakes work and providing best-in-class client service.

Another example involves a mental health workshop I ran about four years ago with the in-house team at Barclays and their counterparts at Clifford Chance. I immediately noticed that there was a very strong relationship between the two teams. So about half-way through the workshop I stopped and said to them, "I just have to ask. Your teams

have such a close relationship, the likes of which I have never seen in my 20 years of practicing law. Can you tell me about that?" And both sides reflected and then said, "It's actually only become that way recently, and it started because of the MBC and because we started speaking to each other as human beings. And we have started saying things like, 'I can't do that meeting at 7pm this evening because I need to pick up my daughter from soccer, or we have family supper at that time, and that is very important to our family, or whatever it might be. And sure I will do that for you. But I will do it a bit later.'"

And that both introduces the idea that you are a human being and also gives the other person permission to say, "Oh your daughter plays soccer—I coach soccer" or whatever it might be. And then it becomes a shared thing, and you also develop a respectful relationship, which is of course key to everything we are talking about. And it is important to keep in mind that from a commercial perspective, when people get to know one another, they generally like working together better, and that strengthens the client-law firm relationship.

## **What has been the initial impact of the U.S. Bank Guidelines on the relationship between U.S. Bank and its outside counsel?**

*Ben Carpenter*

The impact has been significant. We have found that there is a lot of low hanging fruit in this area, meaning that small changes actually lead to big results. And right now we are measuring impact based on feedback that we receive in the form of stories. So I will share one of those stories. Recently, one of our pilot participants was at an airport with his family while on vacation and received an email from one of our internal lawyers asking for an update on something. And he quickly responded that he was about to board the plane and would respond once he got to his seat. And our internal lawyer said, "Wait a minute. I did not know that you were on vacation. This is not urgent. It can wait. Please enjoy your time with your family and get back to me when you return."

And this seems like such a small example because it sounds so normal. But in the legal profession what usually happens is the attorney:

- Does not explain their situation to their client.
- Automatically assumes that the client needs the information immediately.

- Believes that excellent client service means always getting the information to the client immediately, whether in the office or on vacation.

All the guidelines did in this example was open up the ability to communicate more effectively. Our internal lawyer clarified that he did not need an answer immediately, which removed any assumption the other lawyer had about expectations. To use Richard's language, by putting the guidelines in writing, we have given everyone permission to have these conversations.

Another really great thing that has happened is that our pilot participants started sharing well-being resources. So if, for example, one of them is having a speaker coming to their law firm to discuss a well-being topic, they invite the other law firms, and they invite us too! So a lot of this is scalable. And if we can work together to offer programming across firms:

- It instills the message that we are all in this together.
- We all get the benefit of the resources.
- It gives us a sense of purpose—the sense that we are collaborating to improve well-being across our industry.

And this is not difficult. It does not take a lot of money or extra planning. It just requires us to be more thoughtful.

## **There is widespread acknowledgement that cultural norms within the legal industry must change to better support the mental health and well-being of attorneys and other legal professionals. And there is an ever-expanding well-being in law movement composed of individuals and organizations who are committed to driving widespread positive change. For those who share your vision of a kinder, healthier legal industry, how can they help?**

*Richard Martin*

We have spent a lot of the last five, ten, twenty, maybe more years as a profession talking about the data regarding the poor state of attorney mental health. And of course it is important to highlight the magnitude of the problem to build the energy and momentum that is needed to drive change.



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But the time for talking about how big the problem is has passed. We now need to do something about it. Neither the MBC nor the U.S. Bank Guidelines is a perfect or complete answer to the longstanding problem of attorney ill-health. But by giving permission and creating a common language for talking about these things, they are forging a path forward.

We spend a lot of time talking about what we cannot do. And I am not particularly interested in that. I prefer to focus on what we can do. It is our responsibility as leaders in the industry to act. It does not require revolution - we can take small steps that will grow incrementally over time. Maybe there is a particular client who is unwilling to have this conversation. I would say leave it, let it be, and focus your effort where it is likely to be better received.

Recently I asked an MBC member how she addresses resistance within her firm. And she said that she does not spend too much time trying to convince those individuals who are skeptical and will likely be last to come on board. Rather, her approach is to find the energy and follow and build on it.

Historically, many people have assumed that well-being and performance are at odds with one another. They have therefore focused on things that they believe drive financial performance, and considered well-being only as an afterthought. Increasingly, there is greater awareness that well-being and performance go hand in hand, that is, that for individuals to perform well, they must be well. If we want to persuade senior leaders that it is worthwhile to focus on well-being, we must emphasize that prioritizing well-being will help them to achieve their other organizational priorities.

I also encourage people who want to help to get in touch with us so we can figure out the most effective ways for us to work together towards our common aim.

*Ben Carpenter*

We are making progress in different pockets of the industry. There are many law firms, corporate legal departments, members of the judiciary, law schools,

and industry groups like the Institute for Well-Being in Law and the Commission on Lawyer Assistance Programs who are driving change. A lot of individuals are doing a lot of great things, and many of them are doing this work on top of their regular day-to-day responsibilities. They are fueled by their desire to make the profession better. By sharing our experience at U.S. Bank, we are hoping to demonstrate that we, as an industry, can make small, incremental changes that will help drive culture change.

### What would you most like to achieve in the next 5-10 years?

*Richard Martin*

When I first sat down with the Founders to discuss developing and promoting the MBC I asked the question, "Where do you want this to be in five years?" and they said, "We would like to have a legal profession that we would encourage our children to join." And we are still striving towards that every day.

*Ben Carpenter*

For the sake of our people and our profession, we must change our cultural norms. And the premise is quite simple. We must acknowledge that healthier attorneys are better attorneys. So our goal must be to create an environment that supports peoples' health and makes us all better at what we do.

We do not have all the answers, so we need everyone to participate to figure out how to do this right—to focus first on confirming our shared objective, and then determining how we get there. A shared vision is only the first step, and the easiest. The more difficult task is finding a way to implement these changes, which is why we undertook our effort in collaboration with outside firms. We knew that we needed to identify and understand the obstacles before we could develop ways to effectively address them.

Now, we are sharing our experience in conversations like this one to show that there really is an executable strategy for making small changes that make a big difference in attorney-client relationships. We invite others to build on what we have done, share their experiences, and collectively drive positive change across the legal industry.

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For additional resources on mental health and well-being in law, see Practical Law's [Legal Operations, Professional Development & Well-Being Toolkit](#).

#### About Practical Law

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