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Call to Action: The Colorado Supreme Court's Task Force on Lawyer Well-Being

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Call to Action: The Colorado Supreme Court's Task Force on Lawyer Well-Being

CALL TO ACTION: THE COLORADO SUPREME COURT'S TASK FORCE ON LAWYER WELL-BEING

MONICA M. MÁRQUEZ[†] & JONATHAN WHITE^{††}

ABSTRACT

The Colorado Supreme Court's Task Force on Lawyer Well-Being formed in 2018 to improve well-being among Colorado law students, lawyers, and judges. This Article discusses the recent well-being movement within the American legal profession that inspired the creation of the Colorado Task Force. The Article reviews national studies of lawyer and law student well-being that reveal the urgency of the issue, and the Article explains the National Task Force on Lawyer Well-Being's compelling arguments for why lawyer well-being matters for economic, professionalism, and humanitarian reasons. It adds to that discussion the argument that well-being is critical to foster a legal profession that better reflects the diversity of our nation and that will better serve the needs of legal consumers. The Article also discusses how existing Colorado Supreme Court programs have prioritized the issue of lawyer well-being. The Article concludes with discussion of the creation of the Colorado Supreme Court Task Force on Lawyer Well-Being, and details emerging priorities identified by this group at its initial launch meeting.

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INTRODUCTION

Anyone who practices law knows that life in this profession is stressful. Let's face it: billable hours, client demands, deadlines, long hours, and pervasive conflict make our jobs hard. And the same work ethic that enabled us to survive law school and weather the bar exam can cause us to drive ourselves into the ground, particularly when the culture of our profession tends to reward and glorify workaholicism and demand perfection. The stresses of the profession are taking a toll on our well-being. Left unaddressed, that toll has consequences for us, our clients, our communities, and the future of our profession.

In response to growing awareness of this concern, the Colorado Supreme Court's Task Force on Lawyer Well-Being (the Colorado Task Force) brings together nearly sixty lawyers, judges, law school deans, law students, and mental health professionals with talent, experience, and leadership to tackle the issue of improving lawyer well-being in this state. The Colorado Task Force launched in September 2018.¹ Over the next eighteen months, the Colorado Task Force will assess what concrete steps can be taken to promote well-being among the more than 40,000 registered Colorado lawyers.²

Several recent studies reveal worrisome levels of mental health and substance use disorders among lawyers and law students.³ Statistics from these studies show lawyers under the age of thirty are at greater risk than any other age group for developing alcohol dependence.⁴ The American Bar Association (ABA) and the National Task Force on Lawyer Well-Being (the National Task Force) have dedicated significant attention to these issues at the national level.⁵ The Colorado Task Force will focus on

1. COLO. TASK FORCE ON LAWYER WELL-BEING, MEETING MINUTES SEPTEMBER 12, 2018, at 1 (2018), <http://www.coloradosupremecourt.com/PDF/AboutUs/WellBeing/September%2012,%202018%20Meeting%20Minutes.pdf>.

2. OFFICE OF ATTORNEY REGULATION COUNSEL, 2017 ANNUAL REPORT 31 (2017), <http://www.coloradosupremecourt.com/PDF/AboutUs/Annual%20Reports/2017%20Annual%20Report.pdf> (noting there were 40,773 licensed Colorado lawyers at the end of 2017).

3. Patrick R. Krill, Ryan Johnson & Linda Albert, *The Prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys*, 10 J. ADDICTION MED. 46, 46 (2016); Jerome M. Organ, David B. Jaffe & Katherine M. Bender, *Suffering in Silence: The Survey of Law Student Well-Being and the Reluctance of Law Students to Seek Help for Substance Use and Mental Health Concerns*, 66 J. LEGAL EDUC. 116, 116 (2016).

4. Krill, Johnson & Albert, *supra* note 3, at 48-49.

5. See AM. BAR ASS'N, RESOLUTION 105 (2018), <https://www.americanbar.org/content/dam/aba/images/abanews/mym2018res/105.pdf> [hereinafter RESOLUTION 105]; Hilarie Bass, *ABA Works to Address Attorney Substance Use and Mental Health Disorders*, ABA J. (Dec. 2017),

the courtrooms, corporations, law firms, and law schools in this state, bringing the conversation closer to home.⁶

Like it or not, lawyer well-being impacts both our profession and the public. The National Task Force on Lawyer Well-Being's August 2017 report, *The Path to Lawyer Well-Being: Practical Recommendations for Positive Change*, identified three reasons why this is so.⁷ First, lawyer well-being is an economic issue.⁸ Stressed, anxious, and impaired lawyers are less productive and may exercise diminished professional judgment.⁹ These poorly functioning attorneys harm clients and damage firms' bottom lines, as does the turnover that results from burnout and poor self-care.¹⁰ In the government sector, diminished lawyer well-being hampers productivity and the efficient use of often limited public resources.¹¹ For judges, well-being is key to performance on the bench.¹²

Second, lawyer well-being is a professionalism issue.¹³ A lawyer's ability to meet the professional obligations identified by the Colorado Rules of Professional Conduct depends on what the National Task Force on Lawyer Well-Being described as "[w]ell-functioning executive capacities" needed to evaluate risks and make good decisions.¹⁴ The duty of competence in Rule 1.1 and the duty of diligence enshrined in Rule 1.3 underscore the point.¹⁵ Rule 1.1 explains that competent representation

http://www.abajournal.com/magazine/article/attorney_substance_use_mental_health_disorders; Terry Harrell, *How the ABA Is Trying to Advance Lawyer Well-Being*, LAW PRAC. TODAY (Aug. 15, 2018), <https://www.lawpracticetoday.org/article/aba-trying-advance-lawyer-well>; see generally BREE BUCHANAN ET AL., THE PATH TO LAWYER WELL-BEING: PRACTICAL RECOMMENDATIONS FOR POSITIVE CHANGE 10–11 (2017), <https://www.americanbar.org/content/dam/aba/images/abanews/ThePathToLawyerWellBeingReportRevFINAL.pdf>. The cover letter to the report of the National Task Force on Lawyer Well-Being explains that this national task force was "conceptualized and initiated" by the American Bar Association's Commission on Lawyer Assistance Programs, the National Organization of Bar Counsel, and the Association of Professional Responsibility Lawyers. Bree Buchanan & James C. Coyle, *Cover Letter* to BUCHANAN ET AL., *supra* [hereinafter *Cover Letter*]. The same letter also explains that the national task force is a "collection of entities" from both inside and outside the ABA. *Id.*

6. *Colorado Task Force on Lawyer Well-Being*, COLO. SUP. CT. OFF. ATT'Y REG. COUNS., <http://www.coloradosupremecourt.com/Current%20Lawyers/TaskForceWellBeing.asp> (last visited Dec. 15, 2018).

7. BUCHANAN ET AL., *supra* note 5, at 8–9.

8. *Id.* at 8.

9. *Id.*; see also Karen Higginbottom, *Workplace Stress Leads to Less Productive Employees*, FORBES (Sept. 11, 2014, 7:22 AM), <https://www.forbes.com/sites/karenhigginbottom/2014/09/11/workplace-stress-leads-to-less-productive-employees>.

10. BUCHANAN ET AL., *supra* note 5, at 8–9.

11. See generally *Worker Productivity Measures*, CTDS. FOR DISEASE CONTROL & PREVENTION (Apr. 1, 2016), <https://www.cdc.gov/workplacehe: 'thpromotion/model/evaluation/productivity.html> (noting that "[i]mprovements in physical, mental, and emotional health enhance stamina, concentration, and focus leading to greater work output").

12. Monica K. Miller et al., *Addressing the Problem of Courtroom Stress*, 91 JUDICATURE 60, 63–65 (2007).

13. BUCHANAN ET AL., *supra* note 5, at 8.

14. *Id.* at 8–9.

15. COLO. RULES OF PROF'L CONDUCT *rr.* 1.1, 1.3 (COLO. BAR ASS'N 2018).

requires “the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.”¹⁶ Rule 1.3’s comments speak to a lawyer’s obligation to pursue a matter despite personal inconvenience and the need to control a lawyer’s workload to deliver competent representation.¹⁷ Those same comments admonish that “no professional shortcoming is more widely resented than procrastination.”¹⁸ Depression, anxiety, stress, or drinking too often and too much compromise these duties of competence and diligence—duties lawyers swear to uphold as part of the Colorado Attorney Oath of Admission.¹⁹ In addition, Rule 1.4 provides that a lawyer shall promptly inform a client of decisions and circumstances that require the client’s informed consent before proceeding.²⁰ The same rule discusses the need to consult with a client about the means of accomplishing the client’s objectives, and it explains a lawyer shall keep the client reasonably informed about the status of a matter.²¹ Finally, Colorado Rule of Professional Conduct 1.16(a)(2) draws a direct connection between well-being and the ability to practice by mandating a lawyer either not accept representation or withdraw from a matter if the lawyer’s “physical or mental condition materially impairs the lawyer’s ability to represent the client”²² Thus, although not expressly referenced in the Colorado Rules of Professional Conduct, lawyer well-being is critical to many of the obligations in the rules. These examples highlight the connection between professionalism and well-being that the National Task Force on Lawyer Well-Being noted in its report.²³

Third, lawyer well-being is a humanitarian issue.²⁴ The authors of the National Task Force on Lawyer Well-Being’s report said that “we all contribute to, and are affected by, the collective legal culture. Whether that culture is toxic or sustaining is up to us.”²⁵ The legal profession is rapidly changing.²⁶ If we want the public to have faith in the profession and for clients to trust lawyers with their confidences and personal affairs, we cannot ignore the suffering of colleagues and peers.

These are not the only reasons to take action on the issue of lawyer well-being. Work environments that breed anxiety and stress also tend to neglect inclusivity, which adds to the challenges facing lawyers of diverse backgrounds. Diversity in the legal profession does not reflect so-

16. *Id.* r. 1.1.

17. *Id.* r. 1.3 cmts. 1–2.

18. *Id.* r. 1.3 cmt. 3.

19. See *Colorado Attorney Oath of Admission*, COLO. SUP. CT. OFF. ATT’Y REG. COUNS., <http://www.coloradosupremecourt.com/Current%20Lawyers/Oath.asp> (last visited Dec. 15, 2018).

20. COLO. RULES OF PROF’L CONDUCT r. 1.4(a)(1).

21. *Id.* r. 1.4(a)(2)–(3).

22. *Id.* r. 1.16(a)(2).

23. BUCHANAN ET AL., *supra* note 5, at 8–9.

24. *Id.* at 9.

25. *Id.*

26. See generally COMM’N ON THE FUTURE OF LEGAL SERVICES, AM. BAR ASS’N, REPORT ON THE FUTURE OF LEGAL SERVICES IN THE UNITED STATES 18, 30–31 (2016).

ciety in general.²⁷ For example, statistics show nearly 90% of lawyers are white.²⁸ A July 2017 report by Law360 showed that although women make up 50.3% of students graduating from law schools, only 20% of equity partners in law firms are women.²⁹ The *Report on the Future of Legal Services in the United States*, released in 2016 by the ABA Commission on the Future of Legal Services, offers a detailed look at how the profession lags behind the nation's diversity.³⁰ It noted, for example, that the percentage of minorities in the total U.S. population is almost double the number of licensed lawyers, with minorities comprising 23% of the U.S. population in 2015, but minority lawyers comprising only 12% of licensed lawyers.³¹ If the legal profession is to meet the needs of the public it serves, it must strive for greater diversity and inclusivity.³² The Authors of this Article believe that practices that promote well-being tend to foster more inclusive work spaces that are collegial, supportive, and sustaining for lawyers of all backgrounds.³³

I. THE DATA THAT CATALYZED THE CURRENT LAWYER WELL-BEING CONVERSATION

Lawyer well-being has recently emerged as profession-wide priority. The topic gained significant momentum following the release of two reports in 2016 that spotlighted lawyer and law student well-being struggles.³⁴ In addition, an article in the *New York Times* from July 2017 titled "The Lawyer, the Addict" covering the professional and personal pressures on a Silicon Valley lawyer that led him to keep secret an uncontrolled, and ultimately fatal, drug addiction further brought the topic into the open.³⁵ The article publicly highlighted the need for the profession to look at ways to improve lawyer well-being and reduce the stigma lawyers associate with getting help.³⁶ The article also drew a correlation between the strain of law-firm life, the adversarial nature of the profession, the lack of a work-life balance, and the lawyer's resort to self-

27. *Id.* at 31–32.

28. Deborah L. Rhode, *Law Is the Least Diverse Profession in the Nation. And Lawyers Aren't Doing Enough to Change That*, WASH. POST (May 27, 2015), <https://www.washingtonpost.com/posteverything/wp/2015/05/27/law-is-the-least-diverse-profession-in-the-nation-and-lawyers-arent-doing-enough-to-change-that>.

29. Elizabeth Olson, 'A Bleak Picture' for Women Trying to Rise at Law Firms, N.Y. TIMES (July 24, 2017), <https://www.nytimes.com/2017/07/24/business/dealbook/women-law-firm-partners.html>.

30. COMM'N ON THE FUTURE OF LEGAL SERVICES, *supra* note 26, at 31–32.

31. *Id.* at 32 (first citing *Lawyer Demographics Year 2015*, A.B.A. (2015), <https://perma.cc/ZKZ4-A7XY>; and then citing *QuickFacts United States*, U.S. CENSUS BUREAU (May 11, 2016, 4:31 PM), <https://perma.cc/57TQ-NHHE>).

32. *See id.* at 31–32.

33. See Jayne Reardon & Bree Buchanan, *Lawyer Well-Being: An Uncharted Path to Increasing Diversity and Inclusion*, A.B.A. DIVERSITY & INCLUSION COMMITTEE (Feb. 19, 2018), <https://www.americanbar.org/groups/litigation/committees/diversity-inclusion/articles/2018/winter2018-lawyer-well-being-alcoholism-self-help.html>.

34. Krill, Johnson & Albert, *supra* note 3; Organ, Jaffe & Bender, *supra* note 3.

35. See Eilene Zimmerman, *The Lawyer, the Addict*, N.Y. TIMES, July 16, 2017, at BU1.

36. *Id.*

medication through drug abuse.³⁷ As recently as November 2018, the issue again received widespread attention following *The American Lawyer's* publication of an article by Joanna Litt, the wife of a Los Angeles lawyer who killed himself the month before.³⁸ The article details her husband's growing stress and anxiety practicing for a large firm, and her struggle to try to help, which included urging him to quit the firm.³⁹ Litt recounts in the article that her husband said "he couldn't quit in the middle of a case. The irony is not lost on me that he found it easier to kill himself."⁴⁰

A. National Lawyer and Law Student Surveys Released in 2016

One of the 2016 studies on well-being in the legal profession was funded by the American Bar Association Commission on Lawyer Assistance Programs (ABA CoLAP) and the Hazelden Betty Ford Foundation.⁴¹ It surveyed 12,825 licensed, practicing lawyers in nineteen states.⁴² The *Journal of Addiction Medicine* published the results, which showed that 20.6% of responding lawyers—one out of every five lawyers surveyed—screened positive for alcohol dependence based on the Alcohol Use Disorders Identification Test (AUDIT) metrics developed by the World Health Organization (WHO).⁴³ Meanwhile, nearly one-third of respondents under the age of thirty screened positive for problematic drinking using those same metrics, the highest of any age cohort of lawyers in the study.⁴⁴ Looking at mental health, 28% of lawyers responding to the survey reported suffering from depression, 19% reported experiencing anxiety, and 23% reported stress.⁴⁵ When asked about mental health challenges faced during the balance of their legal careers, 61% of the lawyers responding reported experiencing anxiety at some point in practice, and 46% said the same about depression.⁴⁶

This anonymous national survey also asked lawyers about perceived barriers to getting help for substance use and mental health disorders.⁴⁷ The two most common barriers lawyers identified were thematically similar: preoccupation with others finding out and concern regarding the confidentiality of treatment.⁴⁸

37. *Id.*

38. Joanna Litt, 'Big Law Killed My Husband': An Open Letter from a Sidley Partner's Widow, *AM. LAW.* (Nov. 12, 2018, 9:00 AM), <https://www.law.com/americanlawyer/2018/11/12/big-law-killed-my-husband-an-open-letter-from-a-sidley-partners-widow>.

39. *Id.*

40. *Id.*

41. Krill, Johnson & Albert, *supra* note 3.

42. *Id.* at 46–47.

43. *Id.* at 47–48.

44. *Id.* at 49.

45. *Id.* at 51.

46. *Id.* at 50.

47. *Id.* at 47, 50.

48. *Id.* at 50.

This national survey was the first empirical survey of lawyer well-being in over twenty years.⁴⁹ In reporting on the data in the *Journal of Addiction Medicine*, Patrick Krill, Ryan Johnson, and Linda Albert wrote that while there was “widespread belief that attorneys experience substance use disorders and other mental health concerns at a high rate,” they acknowledged that until the conclusion of this national study, little data existed to verify that perception.⁵⁰ This study confirmed that widespread belief, revealing the pervasiveness of mental health and substance use disorders in the profession.⁵¹

Also in 2016, the *Journal of Legal Education* released the results of the Survey of Law Student Well-Being,⁵² which featured responses from over 3,000 students in fifteen different law schools.⁵³ It was the first survey of law student alcohol and drug use rates in over twenty years.⁵⁴ It was also the first to ask law students about their mental health struggles and their reasons for not seeking help for mental health and substance use disorders.⁵⁵ According to the authors of the survey, a major motivating factor in undertaking the study was the fact that seven law students nationwide took their lives between July 2014 and February 2015.⁵⁶

The data from the Survey of Law Student Well-Being showed that 53% of law students surveyed got drunk in the past thirty days.⁵⁷ Forty-three percent binge drank one time in the past two weeks, and 22% binge drank two times or more in the prior two weeks.⁵⁸ When it came to mental health, more than a third reported some form of anxiety.⁵⁹ Twenty-three percent reported mild to moderate anxiety and 14% reported severe anxiety.⁶⁰ Seventeen percent screened positive for depression through survey questions.⁶¹

The Survey of Law Student Well-Being asked students about factors that deterred them from getting help.⁶² Sixty-three percent expressed

49. *Id.* at 46. Of note, the last survey to look at lawyer substance use and mental health disorders was much smaller in scope. *Id.* It took place in 1990 and surveyed approximately 1200 lawyers in Washington State. *Id.* Results showed 18% engaged in problematic drinking and 19% suffered from depression. *Id.*

50. *Id.*

51. *Id.* at 46, 52.

52. Organ, Jaffe & Bender, *supra* note 3.

53. *Id.* at 123–24.

54. *Id.* at 121–22.

55. *Id.* at 122, 136, 141.

56. *Id.* at 117–18.

57. *Id.* at 128–29.

58. *Id.* The Survey of Law Student Well-Being considered “binge-drinking” to be consuming five or more drinks in “one sitting” for men, and four or more drinks in “one sitting” for women. *Id.* at 128 n.60. The Survey of Law Student Well-Being used these metrics based on the “Healthy Minds Survey,” an online survey conducted each year of undergraduate and graduate students that evaluates mental health trends and other issues. *Id.* at 127, 127 n.53, 128 n.60.

59. *Id.* at 137.

60. *Id.*

61. *Id.* at 136.

62. *Id.* at 141.

concern that getting help for a substance use disorder could jeopardize bar admission.⁶³ Forty-five percent expressed a similar concern that seeking help for a mental health issue could adversely impact their bar application.⁶⁴ Sixty-two percent believed that getting professional help for a substance use disorder could threaten their job or academic status.⁶⁵ Forty-eight percent expressed concerns that seeking professional help for a mental health disorder could similarly threaten their job or academic status, and 47% expressed concern that enlisting the help of a mental health professional could lead to social stigma.⁶⁶ Forty-one percent of law students responded that financial considerations were a barrier to getting help for a substance use disorder, and 47% expressed the same concern when it came to getting help for a mental health disorder.⁶⁷

B. Data from Law Student Mental Health Studies at Harvard Law School and Yale Law School

Since publication of the Survey of Law Student Well Being, additional data has appeared from Harvard Law School regarding mental health among law students there. In November 2017, Harvard Law School Student Government conducted a mental health poll of students.⁶⁸ Eight hundred eighty-six students responded (approximately 1,990 students attend Harvard Law School).⁶⁹ Twenty-five percent of respondents said they suffered from depression while 24.2% said they had anxiety, and 20.5% indicated they were at a heightened risk of suicide.⁷⁰ Interestingly, 66% reported experiencing new mental health issues since beginning law school.⁷¹ When it came to private feelings and isolation, 8.2% of students indicated they had no one at the law school in whom they felt they could confide.⁷² The President and Vice President of Harvard Law School Student Government, Amanda Lee and Amanda Chan, as well as the Chair of Health and Wellness of Harvard Law School Student Government, Adam Savitt, wrote in the *Harvard Crimson* in March 2018 that the results of this survey were “grisly.”⁷³ They urged their law school and

63. *Id.*

64. *Id.*

65. *Id.*

66. *Id.*

67. *Id.*

68. Jamie D. Halper, *Law School Student Leadership Plans Mental Health Initiatives*, HARV. CRIMSON (Oct. 19, 2017), <https://www.thecrimson.com/article/2017/10/19/law-school-students-plan-mental-health-initiative>.

69. Amanda H. Chan et al., *Wellness at the Law School: Promises to Keep and Miles to Go Before We Sleep*, HARV. CRIMSON (Mar. 29, 2018), <https://www.thecrimson.com/article/2018/3/29/lee-chan-savitt-wellness-at-law-school>; *HLS at a Glance*, HARV. L. SCH., <https://hls.harvard.edu/about> (last visited Dec. 16, 2018).

70. Chan et al., *supra* note 69.

71. *Id.*

72. *Id.*

73. *Id.*

all law schools nationwide to act, asserting that: “[e]vidence of pervasive suffering calls for decisive action now.”⁷⁴

The 2017 Harvard Law School student survey is not the only such survey conducted of law students in recent years. In May 2014, Yale Law School’s Mental Health Alliance polled 296 Yale Law School students regarding mental health issues.⁷⁵ At the time, Yale Law School had 650 enrolled students.⁷⁶ The data showed that 206 of the 296 students surveyed—or 70%—experienced mental health issues at Yale.⁷⁷

When it administered the survey, the Yale Law School Mental Health Alliance examined differences in mental health issues based on students’ gender, sexual orientation, and race.⁷⁸ Women at Yale Law School were more likely to experience mental health issues than men, with 76% of women responding to the survey stating they experienced mental health issues compared to 61% of men.⁷⁹ Women were also more likely to seek professional help for mental health concerns, with 39% of women saying they sought help, while only 30% of men reported getting help.⁸⁰ Eighty-four percent of survey respondents who identified as gay, lesbian, or bisexual said they experienced mental health struggles, compared to 67% of respondents who identified as straight.⁸¹ Gay, lesbian, or bisexual students were also more likely to get help for a mental health concern as opposed to straight students, with 60% seeking help as opposed to 31% of straight students.⁸² Meanwhile, students of color at Yale Law School reported a somewhat higher rate of mental health challenges compared to white students (74% as compared to 67%).⁸³ This survey of Yale Law School students revealed that 81% of those responding agreed or strongly agreed that being open with faculty about a mental health issue could lead to stigma.⁸⁴ The same percentage, 81%, reported they did not understand bar admission requirements when it came to mental health conditions.⁸⁵

74. *Id.*

75. YALE LAW SCH. MENTAL HEALTH ALL., FALLING THROUGH THE CRACKS: A REPORT ON MENTAL HEALTH AT YALE LAW SCHOOL 3 (2014).

76. *Id.*

77. *Id.*

78. *Id.* at 16.

79. *Id.*

80. *Id.*

81. *Id.*

82. *Id.*

83. *Id.* at 17.

84. *Id.* at 37.

85. *Id.* at 36. In Colorado, Colorado Rules of Civil Procedure 208.1 and 208.2 discuss the essential eligibility requirements to practice law in the state as well as the character and fitness investigation general requirements considered by the Office of Attorney Admissions and the Character and Fitness Committee. COLO. R. CIV. P. 208.1–208.2 (2018). Colorado Rule of Civil Procedure 208.1(6) identifies mental or emotional instability that interferes with the ability to practice law as a potential cause for scrutiny of a bar application. *Id.* at 208.1(6). Character and Fitness Standards and Guidelines for the Office of Attorney Admissions explain that when it comes to mental impairment,

The data from these recent lawyer and law student surveys expose the need for concrete, concerted action like that now underway in Colorado. The data from the ABA CoLAP and Hazelden Betty Ford Foundation study of lawyers as well as from the Survey of Law Student Well-Being inspired the creation of the National Task Force on Lawyer Well-Being.⁸⁶ The National Task Force's report, in turn, precipitated the creation of the Colorado Task Force.⁸⁷ Of note, Colorado lawyers were among those who participated in the nineteen-state survey by the ABA CoLAP and Hazelden Betty Ford Foundation.⁸⁸ The survey does not contain state-specific response data; it is unknown to what extent Colorado's lawyers and law students experience the same mental health and substance use challenges as those reported nationally.

C. Colorado Judicial Officer Well-Being Data

The studies detailed thus far pertain to the well-being of lawyers and law students. Judicial officers, meanwhile, are not immune from concerns about well-being. Indeed, judges suffer from similar stresses as lawyers and law students, but also face a unique set of well-being challenges. These challenges include the highly public role judges play in the legal system and society at large; their involvement in high-stakes matters; making decisions that naturally disappoint a party; security issues; an inability to respond to criticism; and limited control over tight resources and often heavy dockets.⁸⁹

Over 180 judges and magistrates from Colorado state courts recently responded to a "Needs Survey" conducted in 2018 by a coalition of judicial officers under the leadership of Colorado Courts of Appeals Judge Gilbert M. Román.⁹⁰ This coalition distributed the survey to better understand the needs of the bench to develop a peer-to-peer coaching program.⁹¹ Participants included magistrates, county court judges, district court judges, as well as appellate judges.⁹² When asked about the most challenging aspect of their service on the bench, respondents identified

bar applicants "should not allow the bar application process to deter them from obtaining treatment or counseling when potential benefits might accrue Applicants should be aware that Attorney Admissions looks favorably on applicants' self-recognition of their need for treatment and appropriate utilization of professional services." OFFICE OF ATTORNEY ADMISSIONS, CHARACTER AND FITNESS STANDARDS AND GUIDELINES 3, <http://www.coloradosupremecourt.com/PDF/BLE/CharaFitStandardsGuidelines.pdf>.

86. BUCHANAN ET AL., *supra* note 5, at 7.

87. COLO. TASK FORCE ON LAWYER WELL-BEING, *supra* note 1.

88. *See, e.g.*, Email from Patrick R. Krill, Nat'l Task Force on Lawyer Well-Being member, to Jonathan White (July 19, 2018) (on file with authors).

89. Marcia S. Krieger, Michael H. Gendel & Timothy DeGiusti, *JHealth – How the Tenth Circuit Is Improving the Health and Performance of Federal Judges*, JUDICATURE, Spring 2018, at 50, 50–51.

90. Peer-to-Peer Coaching for Judicial Officers, Needs Survey Results (2018) (unpublished survey) (on file with authors).

91. *See id.* at Question 10.

92. *Id.* at Question 2.

several issues, including managing caseloads; dealing with difficult lawyers, staff, or *pro se* parties; and complacency and negative court culture.⁹³ Importantly, judges also reported burnout, isolation, and stress, and they cited work–life balance as among the most challenging aspects of their jobs.⁹⁴ Colorado’s judicial officers expressed a desire for increased mentoring to ease the transition to the bench with 36.3% of those officers responding to the survey agreeing that their transition would have been easier if they had a mentor or colleague in whom they could confide.⁹⁵ This data reveals that including the bench in the conversation about lawyer well-being in Colorado is critical.

II. A NATIONAL CALL TO ACTION THAT HAS BEEN A LONG-STANDING COLORADO PRIORITY

As mentioned, the results on lawyer and law student well-being inspired the creation of the National Task Force on Lawyer Well-Being in 2016. This task force released a report in August 2017 titled *The Path to Lawyer Well-Being: Practical Recommendations for Positive Change*, with specific recommendations for judges, regulators, legal employers, law schools, bar associations, professional liability carriers, and lawyer assistance programs to enhance well-being across the profession.⁹⁶ The National Task Force on Lawyer Well-Being obtained the support for its work from a coalition of national organizations, including ABA CoLAP, the ABA Center for Professional Responsibility, the ABA Standing Committee on Professionalism, the ABA Young Lawyers Division, the ABA Law Practice Division Attorney Well-Being Committee, the National Organization of Bar Counsel, the Association of Professional Responsibility Lawyers, the Conference of Chief Justices, and the National Conference of Bar Examiners, as well as two authors who were involved in conducting and publicizing the national lawyer and law student surveys.⁹⁷ These many organizations gave the report of the National Task Force on Lawyer Well-Being considerable national exposure.

The National Task Force on Lawyer Well-Being used its report to frame and guide the discussion around lawyer well-being by developing forty-four recommendations for the profession as a whole and for specific stakeholder groups like the judiciary, regulators, and bar associations.⁹⁸ Part of its guidance included urging states to create individual state action plans and task forces.⁹⁹ The National Task Force on Lawyer Well-Being recommended five steps to create a state action plan: (1) gathering stakeholders committed to lawyer well-being from across the

93. *Id.* at Question 9.

94. *Id.*

95. *Id.* at Question 6.

96. BUCHANAN ET AL., *supra* note 5, at 12.

97. *Cover Letter*, *supra* note 5.

98. *See id.*

99. BUCHANAN ET AL., *supra* note 5, at 47.

profession, including judges, bar association leadership, lawyers in private practice, and representatives from law schools and regulatory offices; (2) reviewing the report of the National Task Force on Lawyer Well-Being; (3) creating an inventory of recommendations that could feasibly be implemented in the jurisdiction; (4) establishing priorities based on that inventory; and (5) formulating an action plan.¹⁰⁰ The Colorado Task Force is a response to this call to focus attention on lawyer well-being at a more local level. The planning committee used the National Task Force on Lawyer Well-Being's recommendation for gathering diverse stakeholders from across the profession as a blueprint for building a membership of nearly sixty people.

Fortunately, the Colorado Task Force begins its work with well-established resources and programs in the state that promote lawyer well-being. The Colorado Supreme Court's regulatory arm, which includes the Colorado Lawyer Assistance Program, the Office of Attorney Regulation Counsel, and the Colorado Attorney Mentoring Program, supplies an important foundation for the work of the Colorado Task Force. The Colorado Supreme Court's objectives for its regulatory arm include helping lawyers "successfully navigate the practice of law and thus better serve their clients" and assisting "providers of legal services in maintaining competence and professionalism."¹⁰¹ The Colorado Lawyer Assistance Program not only helps lawyers in crisis but educates them to manage the stress of practice.¹⁰² The Colorado Attorney Mentoring Program gives Colorado lawyers essential practice guidance and has received national praise for its lawyer mentoring tracks and circles.¹⁰³ The educational programs offered by the Office of Attorney Regulation Counsel including professionalism, trust account, and ethics schools, coupled with the new Colorado Lawyer Self-Assessment Program, demonstrate the emphasis Colorado has placed on lawyer well-being through regulatory programs.¹⁰⁴ Moreover, former Attorney Regulation Counsel James C. Coyle served as the co-chair of the National Task Force on Lawyer

100. *Id.* at 48 app. A.

101. COLO. R. CIV. P. chs. 18–20 pmb. (2018).

102. *See* COLO. R. CIV. P. 254; *see also* COLAP, COLO. LAW. ASSISTANCE PROGRAM, <http://coloradolap.org> (last visited Dec. 16, 2018).

103. COLO. R. CIV. P. 255; *E. Smythe Gambrell Professionalism Award*, A.B.A. (Sept. 19, 2018),

https://www.americanbar.org/groups/professional_responsibility/initiatives_awards/awards/gambrell_award.html. *See* COLORADO ATTORNEY MENTORING PROGRAM, <http://coloradomentoring.org>, for more information on the Colorado Attorney Mentoring Program.

104. OFFICE OF ATTORNEY REGULATION COUNSEL, *supra* note 2, at 45; *Practicing with Professionalism*, COLO. SUP. CT. OFF. ATT'Y REG. COUNS., <http://www.coloradosupremecourt.com/Current%20Lawyers/Professionalism.asp> (last visited Dec. 16, 2018); *see also* COLO. R. CIV. P. 256; *Lawyer Self-Assessment Program*, COLO. SUP. CT. OFF. ATT'Y REG. COUNS., <http://www.coloradosupremecourt.com/AboutUs/LawyerSelfAssessmentProgram.asp> (last visited Dec. 16, 2018) (discussing the Colorado Lawyer Self-Assessment Program).

Well-Being,¹⁰⁵ underscoring the priority this state's regulators have placed on lawyer well-being. The Colorado Task Force will take these considerable efforts a step further over the coming eighteen months.

III. THE COLORADO SUPREME COURT LAWYER WELL-BEING TASK FORCE: GUIDING PRINCIPLES AND A VISION FOR HELPING LAWYERS THRIVE

In charting a course forward on lawyer well-being issues, two overarching principles guide the work of the Colorado Task Force. The first is that well-being affects all lawyers. Stress abounds in practice, on the bench, and in law schools.¹⁰⁶ Heavy workloads, deadlines, client demands, perfectionism, and the inherently adversarial nature of certain practices breed stress and anxiety.¹⁰⁷ For many lawyers, the demands of practice lead to a reluctance to take time off, and, at times, an inability to do so.¹⁰⁸ The technology that makes us more connected also makes it more difficult to disengage, keeping attorneys connected to work twenty-four hours a day, seven days a week.¹⁰⁹ Lawyers and judges also often face the occupational hazard of managing clients and litigants caught in some of the most emotionally fraught, contentious, and stressful moments of their lives.¹¹⁰ Further, the adversarial nature of practice takes its toll on many lawyers in the profession, whether or not a lawyer suffers from a diagnosed mental health or substance use disorder.¹¹¹ These realities make well-being applicable to all lawyers in the profession. In other words, the concern for “well-being” is not limited to lawyers with mental health and substance use disorders. For this reason, the Colorado Task Force believes this conversation applies across all sectors of the profession and all years of practice, and will tailor its work accordingly.

The second overarching principle is that “well-being” is a multidimensional concept.¹¹² The National Task Force on Lawyer Well-Being's definition serves as a model.¹¹³ That definition encompasses occupational

105. James C. Coyle, A.B.A. (Feb. 28, 2017), https://www.americanbar.org/groups/professional_responsibility/events_cle/43natl_conf_on_prof_respon/james_coyle.

106. See BUCHANAN ET AL., *supra* note 5, at 7–8.

107. See Sarah Myers, *The Hidden Risks of Being Intelligent*, COLO. LAW. ASSISTANCE PROGRAM (2016), http://coloradolap.org/wp-content/uploads/2017/07/UL_The-Hidden-Risks-of-Being-Intelligent.pdf; Sarah Myers, *Why Lawyers Are So Tired: The Hazards of Working in a Helping Profession*, COLO. LAW. ASSISTANCE PROGRAM (2015), http://coloradolap.org/wp-content/uploads/2017/07/UL_Why-Lawyers-Are-So-Tired-The-Hazards-of-Working-in-a-Helping-Profession.pdf.

108. NANCY LEVIT & DOUGLAS O. LINDER, *THE HAPPY LAWYER* 53–55 (2010).

109. *Id.* at 56.

110. *Id.* at 65 (“Lawyers are merchants of misery. They see people in times of stress or crisis and, unlike other professionals, can’t always, perhaps not even often, make clients happy.”).

111. *Id.* at 66–67 (observing that “[t]he adversarial process encourages actions that may be perceived as lies, delays, and mindless posturing to create room for negotiation,” and stating that this process is one of many “dissatisfactions” that diminishes lawyers’ happiness with the practice).

112. BUCHANAN ET AL., *supra* note 5, at 10.

113. *Id.* at 9–10.

satisfaction, intellectual engagement, physical health, social support, managing one's emotions, and the concept of spirituality, which means different things to different people but at its core pertains to having meaning and purpose in one's life.¹¹⁴ Social science research and WHO principles inform the National Task Force's definition.¹¹⁵ The WHO explains that "[h]ealth is a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity," demonstrating that "well-being" encompasses more than being physically active and mentally content.¹¹⁶ The recommendations and actions taken by the Colorado Task Force will reflect this multidimensional concept of well-being.

Beyond these two principles, the Colorado Task Force will benefit from the gathering momentum around this issue. Of note, there is an emerging body of literature that identifies steps legal employers can take to enhance the well-being of their lawyers, with suggestions ranging from prioritizing close personal relationships, to encouraging lawyers to incorporate well-being into professional development plans, to helping lawyers identify their personal strengths and how they can leverage them in the workplace.¹¹⁷ Relatedly, Professor Lawrence Krieger of the Florida State University College of Law and Professor Karen Sheldon of the University of Missouri released an extensive study in 2015 on what makes lawyers happy in practice with an eye to bolstering career satisfaction.¹¹⁸ They wrote that the results "consistently indicate that a happy life as a lawyer is much less about grades, affluence, and prestige than about finding work that is interesting, engaging, personally meaningful, and focused on providing needed help to others."¹¹⁹ As momentum grows around this issue, giving lawyers the opportunity to find purpose, to focus on their individual talents, and giving them the opportunity to connect with others appear essential to improving lawyer well-being.

114. *See id.*

115. *Id.* at 10 (citing *Constitution of WHO: Principles*, WORLD HEALTH ORG., <http://www.who.int/about/mission/en> (last visited Dec. 16, 2018) for the WHO definition of "health"; and then citing *Mental Health: A State of Well-Being*, WORLD HEALTH ORG., http://www.who.int/features/factfiles/mental_health/en (last updated Aug. 2014), for the WHO definition of "mental health.")

116. *See Constitution of WHO: Principles*, *supra* note 115.

117. *See* Anne M. Brafford, *Remodeling the "Unhappiest Job in America,"* ORANGE COUNTY LAW., Jan. 2014, at 12, 14–15; Anne Brafford, *The Lawyer Well-Being Starter Kit: 10 Tools and Strategies for Legal Employers*, FLA. B.J., Jan. 2018, at 26, 26–28; Paula Davis-Laack, *The Science of Well-Being and the Legal Profession*, WIS. LAW., Apr. 2010, at 14, 16–17; Ryan Lovelace, *Akin Gump Adds On-Site Counseling as Firms Fret Over Mental Health*, NAT'L L.J. (May 15, 2018, 3:45 PM), <https://www.law.com/nationallawjournal/2018/05/15/akin-gump-adds-on-site-counseling-as-firms-fret-over-mental-health>.

118. *See* Lawrence S. Krieger & Kennon M. Sheldon, *What Makes Lawyers Happy?: A Data-Driven Prescription to Redefine Professional Success*, 83 GEO. WASH. L. REV. 554, 554, 554 nn.1–aa1 (2015).

119. *Id.* at 592.

Additional evidence of the momentum around this topic emerges in other areas of the profession. In Colorado's law schools, the Colorado Lawyer Assistance Program now offers regular office hours at both law schools, an innovation not available to law students as recently as a decade ago. Elsewhere, in November 2018, the University of Pennsylvania Law School announced a pilot program that will add a session dedicated to lawyer well-being to each professional responsibility course at the law school.¹²⁰ The law school's Associate Dean for Professional Engagement and the Director of its Center on Professionalism, Jennifer Leonard, explained that a goal of the program is "to better educate our students about the stressors inherent in our profession and to support their development of evidence-based behaviors to respond to that stress."¹²¹ Looking to the bench, the Tenth Circuit has instituted the "JHealth" program to give its judges well-being resources, education, and confidential counseling.¹²² Meanwhile, Florida Supreme Court Chief Justice Jorge Labarga wrote in the *Florida Bar News* in May 2018 that the profession at large must explore ways to reduce the stigma lawyers associate with getting help.¹²³ He said:

Lawyers who are afraid to get help will not get help. They will suffer alone until their health gives way, causing problems that could have been avoided for their clients and themselves. No more. The entire profession shares this problem and must find solutions. The attitudes of the past that allowed this problem to continue must change.¹²⁴

The ABA, too, has acted. Its House of Delegates passed Resolution 105 in February 2018.¹²⁵ This resolution supported initiatives to enhance lawyer well-being and encouraged the profession to examine the recommendations in the report of the National Task Force on Lawyer Well-Being.¹²⁶ Meanwhile, the ABA Working Group to Advance Well-Being in the Legal Profession, formed in September 2017, drafted a seven-step "pledge" that commits law firm signatories to take steps to advance lawyer well-being.¹²⁷ Those seven steps include educating lawyers and staff members about substance use and mental health disorders and enacting

120. *Penn Law to Launch Unique Pilot Program Incorporating Attorney Well-Being into Professional Responsibility Curriculum*, U. PA. L. SCH. (Nov. 29, 2018), <https://www.law.upenn.edu/live/news/8696-penn-law-to-launch-unique-pilot-program>.

121. *Id.*

122. See Krieger, Gendel & DeGiusti, *supra* note 89, at 52–53.

123. Jorge Labarga, *When Lawyers Need Help, Let's Make Sure They Don't Fear Getting It*, FLA. B. NEWS (May 1, 2018), <https://www.floridabar.org/news/tfb-news/?durl=%2Fdivcom%2Fjn%2Fjnnews01.nsf%2F8c9f13012b96736985256aa900624829%2F97184b778076867e852582770054a17b>.

124. *Id.*

125. RESOLUTION 105, *supra* note 5.

126. *Id.*

127. Debra Cassens Weiss, *Firms Sign ABA Pledge to Tackle Lawyer Mental Health and Substance-Use Issues*, ABA J. (Sept. 10, 2018, 4:05 PM), http://www.abajournal.com/news/article/aba_pledge_campaign_to_tackle_lawyer_mental_health_and_substance_use_issues.

leave policies for employees suffering from mental health and substance use disorders that contemplate a return to work.¹²⁸ The ABA also released a *Well-Being Toolkit for Lawyers and Legal Employers* in 2018 to “enhance individual and workplace well-being.”¹²⁹ The robust toolkit offers an action plan for legal employers, a policies and practices audit, ideas for activities and events, an overview of available assessment tools, and a host of available resources.¹³⁰ Anne Brafford, editor-in-chief and a co-author of the National Task Force’s 2017 report, authored this toolkit.¹³¹ These are a sampling of some of the recent progress made on the issue of lawyer well-being. The Colorado Task Force will look to extend this conversation even further.

Colorado also now joins a growing group of states seeking to make lawyer well-being a greater priority.¹³² Virginia was the first state to create a state task force devoted to the issue.¹³³ Demonstrating that state’s leadership on the topic, Virginia Supreme Court Chief Justice Donald Lemons is a member of the National Task Force on Lawyer Well-Being.¹³⁴ The Committee on Lawyer Well-Being of the Supreme Court of Virginia, chaired by Justice William Mims of the Virginia Supreme Court, released its report, *A Profession at Risk*, in the fall of 2018.¹³⁵ The report affirmed that “[a] competent bench and bar in Virginia is essential to ensuring the protection of the public we serve.”¹³⁶ The Virginia committee’s report published recommendations created by four distinct task forces corresponding to the judiciary, law schools and the Virginia Board of Bar Examiners, the private sector, and the public sector.¹³⁷ Further, the Virginia report recognizes that promoting lawyer well-being in that jurisdiction requires institutional commitment and financial investment.¹³⁸ The report therefore proposes structural and funding recommendations for the Commonwealth’s Lawyers Helping Lawyers program and the Office of the Executive Secretary of the Supreme Court of Virginia.¹³⁹ Separate from the release of the Virginia committee’s report, in the fall

128. *Id.*

129. ANNE BRAFFORD, AM. BAR ASS’N, WELL-BEING TOOLKIT FOR LAWYERS AND LEGAL EMPLOYERS 5 (2018), https://www.americanbar.org/content/dam/aba/administrative/lawyer_assistance/ls_colap_well-being_toolkit_for_lawyers_legal_employers.pdf.

130. *See generally id.*

131. *Id.* at 2.

132. *See* James C. Coyle, *The Report of the National Task Force on Lawyer Well-Being and the Role of the Bar Admissions Community in the Lawyer Well-Being Movement*, B. EXAMINER, Summer 2018, at 8, 15–16 nn.15–29.

133. *See, e.g., id.* at 16 n.27.

134. *See, e.g., Cover Letter, supra* note 5.

135. *See* COMM. ON LAWYER WELL-BEING OF THE SUPREME COURT OF VA., A PROFESSION AT RISK 1–3 (2018), https://www.vba.org/resource/resmgr/home/2018_home/A_Profession_At_Risk_Report.pdf.

136. *Id.* at 1.

137. *Id.* at 9, 12, 21, 25.

138. *Id.* at 4–5.

139. *Id.* at 4–6.

of 2018, the Supreme Court of Virginia amended commentary to Rule 1.1 of the Virginia Rules of Professional Conduct to include reference to lawyer well-being.¹⁴⁰ The new comment reads, in part, “Maintaining the mental, emotional, and physical ability necessary for the representation of a client is an important aspect of maintaining competence to practice law.”¹⁴¹ Other states have followed Virginia’s lead in creating state task forces dedicated to lawyer well-being, including Alabama, Arkansas, Connecticut, Illinois, Kansas, Massachusetts, Nebraska, Texas, Utah, Vermont, West Virginia, and Wisconsin, as well as Colorado.¹⁴²

The Colorado Task Force held its launch meeting on September 12, 2018.¹⁴³ Prior to this meeting, the planning committee conducted a brief anonymous survey of its members to assess, among other things, members’ motivations for joining the Colorado Task Force, members’ views on the barriers to well-being in the legal profession, and their ideas and goals for the Task Force.¹⁴⁴ Many members expressed concern that well-being among lawyers has diminished and that the issue has become more acute.¹⁴⁵ One member reflected, “I care deeply about the ‘secret’ of lawyer addiction, mental illness, and end of practice problems. We need to start the conversation and take it public and provide help for those who are suffering in silence and agony.”¹⁴⁶ Some members revealed personal struggles with mental health issues, alcohol or substance abuse, or were simply concerned about how the stresses of practice are impacting our effectiveness as attorneys.¹⁴⁷ And several expressed concern for the future of the profession.¹⁴⁸ One member observed, “[L]awyer well-being is critical to the survival of our profession and our ability to serve the public.”¹⁴⁹

As for barriers to lawyer well-being, many members emphasized the work-before-all-else culture of the legal profession, the emphasis on alcohol at legal social events, and the fear and stigma attached to admit-

140. Supreme Court of Virginia Order Amending Section II, Comment to Rule 1.1 of the Rules for Integration of the Virginia State Bar, Part Six of the Rules of Court (Oct. 31, 2018) [hereinafter Supreme Court of Virginia Order]; see also VA. RULES OF PROF’L CONDUCT r. 1.1 cmt. 7 (VA. STATE BAR 2018).

141. Supreme Court of Virginia Order, *supra* note 140.

142. NAT’L TASK FORCE ON LAWYER WELL-BEING, UPDATE ON STATE TASK FORCES TO PROFESSIONALISM COMMITTEE, CONFERENCE OF CHIEF JUSTICES (2019) (on file with authors); Coyle, *supra* note 132; see also VT. COMM’N ON THE WELL-BEING OF THE LEGAL PROFESSION, STATE ACTION PLAN I (2018) (making recommendations for that state’s bench, bar, regulators, law school, legal employers, lawyer assistance program, and professional liability carriers operating in the state, while affirming on its first page that “a healthy and resilient legal community is essential to ensure the protection of the people of Vermont, now and in the future”).

143. COLO. TASK FORCE ON LAWYER WELL-BEING, *supra* note 1.

144. *Id.* at 5.

145. *See id.*

146. *Id.*

147. *See id.* at 4–5.

148. *Id.* at 5.

149. *Id.*

ting a problem exists and seeking help.¹⁵⁰ Several pointed to billable hours as the key performance metric (which rewards additional work rather than efficiency) and the lack of other unbiased meaningful measures of performance.¹⁵¹ One member commented that the culture of our profession “suggests that if you can’t work 80 hours a week, then you aren’t tough enough to be a lawyer.”¹⁵² Others pointed to the lack of civility in the profession, and some members pointed to implicit bias and the lack of diversity in law firm leadership as a contributor to the lack of well-being.¹⁵³ Another member summed up the issue as:

I think the profession places unrealistic expectations on attorneys of all levels, to be perfect, to know the future, to never lose, to be infallible, to work like a dog and love every second of it. I think the risk for failure is high and the punishments for slipups are unforgiving. I think the stress drives attorneys to coping mechanisms such as alcohol and drug abuse.¹⁵⁴

After receiving an overview of these survey responses, the Task Force broke into small groups to discuss these themes and begin to identify priorities.¹⁵⁵ Several themes emerged from these conversations. First, members emphasized the importance of making the business case for lawyer well-being.¹⁵⁶ Second, members expressed interest in developing best practices toolkits that legal employers and law schools can use to promote and improve lawyer well-being; some members suggested exploring the creation of a “Pledge to Well-Being” for legal employers, using the pledge created by the ABA Working Group to Advance Well-Being in the Legal Profession as a potential model.¹⁵⁷ Relatedly, groups discussed developing continuing legal education programs as a means of informing lawyers about well-being.¹⁵⁸ Third, members recognized that the Task Force needs to acquire more specific data on lawyer well-being in Colorado, and discussed ways to capture and analyze that data, including possibly teaming up with university sociologists.¹⁵⁹ And fourth, members recognized that Colorado lawyers in rural areas face the additional impediment of isolation when they experience a personal or professional crisis that impacts their well-being.¹⁶⁰ These important conversations will continue over the next few meetings as the Task Force coalesces around priorities and identifies concrete projects and recommenda-

150. *Id.* at 6.

151. *Id.*

152. *Id.*

153. *Id.*

154. *Id.*

155. *Id.* at 7.

156. *Id.* at 7.

157. *Id.* at 7–10; *see also* Weiss, *supra* note 127.

158. COLO. TASK FORCE ON LAWYER WELL-BEING, *supra* note 1, at 9–10.

159. *Id.* at 7–8.

160. *Id.* at 8, 10.

tions for improving lawyer well-being in Colorado. Meanwhile, based on the Needs Survey responses of Colorado judicial officers, an individual working group of the Colorado Task Force will explore measures to improve the well-being of the state's judicial officers. All of these thoughtful discussions will shape and inform the initiatives that the Colorado Task Force undertakes as it continues its work through the spring of 2020.

CONCLUSION

The legal profession is a self-regulating profession.¹⁶¹ The Colorado Task Force is an example of lawyers and allies coming together to explore solutions to better the profession and benefit the public it serves. To practice law in Colorado requires “[t]he ability to reason logically . . . and accurately analyze legal problems,” as well as “[t]he ability to use good judgement on behalf of clients and in conducting one’s professional business.”¹⁶² Our profession prioritizes problem solving and helping others. Indeed, lawyers often report that they were drawn to the profession to help other people.¹⁶³ To do our jobs well, to administer justice well, to serve our clients well, we need to make well-being a priority. The worrisome issues revealed in recent national studies and surveys of law students, along with the concerns expressed by Colorado judges in the recent Needs Survey, are ones that we have the talent and motivation to tackle. Please follow <http://www.coloradosupremecourt.com/Current%20Lawyers/TaskForceWellBeing.asp> for information on Colorado Task Force activities and developments over the coming months.

161. COLO. RULES OF PROF'L CONDUCT pmb1. ¶ 12 (COLO. BAR ASS'N 2018).

162. COLO. R. CIV. P. 208.1(5) (2018).

163. LEVIT & LINDER, *supra* note 108, at 68–70.

