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# HIDDEN CONNECTIONS

## THE LINK BETWEEN WELL-BEING AND INCLUSION

BY PATTY POWELL, J.D.

*“Inclusivity is  
my well-being”*

*~ From poster created  
by staff at George  
Mason University*

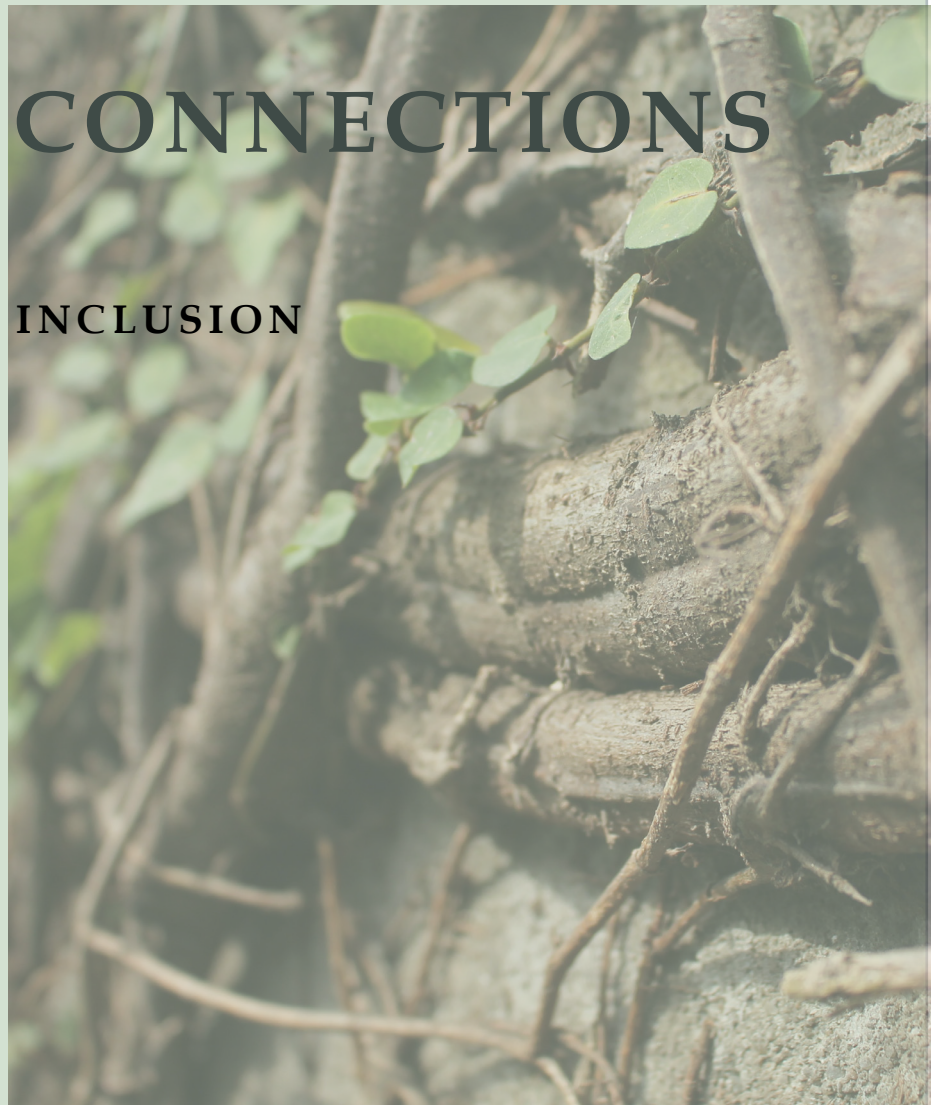


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***“Diversity and inclusion are vital aspects of well-being because each person contributes uniquely valuable strengths to their community that help everyone thrive together. Research shows that the inclusivity skills people gain from diverse relationships leads to greater well-being.”***

Whitney Hopler, Communications Director for George Mason University Center for the Advancement of Well-Being

**C**ompared to other professionals, lawyers experience higher rates of substance abuse and mental health distress. At the same time, the profession sits at the bottom of all major professions in terms of diversity and inclusion. A closer look at the data sounds the alarm bell regarding the extent to which we face challenges on both fronts.

In 2016, the ABA Commission on Lawyer Assistance Programs and the Hazelden Betty Ford Foundation released the “First National Study on Attorney Substance Abuse and Mental Health Concerns.”<sup>1</sup> This study reported that 21% of attorneys are problem drinkers, 28% have some form of depression and 19% exhibit signs of anxiety. The study also reported that in the first

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ten years of practice, younger attorneys demonstrate a higher incidence of problem drinking, depression and anxiety. This finding is contrary to the former prevailing notion that only older, more experienced attorneys fall prey to these conditions, and lends credence to the growing concern that unhealthy coping habits begin in law school.

The statistics regarding compositional diversity in the legal profession are also sobering. According to an ABA report released in 2019, 64% of lawyers are men and 36% are women. 77% of the U.S. population are white, compared to 85% of lawyers. Only 5% are African-American, 5% are Latinx and 2% are Asian.<sup>2</sup> Over the years, many efforts have been undertaken to increase the number of diverse lawyers entering and remaining in the profession, including the formation of nonprofits dedicated to legal diversity and inclusion, trainings, surveys, etc. However, the retention rate for women and people of color in legal workplaces continues to lag behind other major professions. Whatever progress has been made can only be calculated in very small increments.

Perhaps the key to effectively addressing diversity and inclusion in the legal profession is hiding in plain sight. If leaders of legal organizations focus on creating more inclusive work environments, the overall well-being of individual employees and the organization will be enhanced. The reverse is also true. Organizations that promote the professional well-being of their workers naturally feel more inclusive.

### **Well-being Beyond Physical Health Initiatives: Breaking the “Norm”**

Unlike corporations and nonprofits that have made strides in developing comprehensive well-being programs, law firms that have established well-being initiatives have mostly emphasized physical health. However, creating conditions that allow all in the workplace to feel they can be their authentic selves and contribute their unique perspectives to the success of the organization is the essence of professional well-being. As



*My-Life-Through-A-Lense on Unsplash*

individuals, we are all different and thus diverse, but diversity is more often viewed in reference to a norm, or an ideal, which in the legal profession has historically been that of white males. The resulting dynamic has been that anyone who differs from the norm is perceived as the “other,” and any conduct that doesn’t fit into that norm or is perceived as non-assimilating leads to a sense of not belonging, thereby impeding well-being

“People want to be valued and appreciated for what they do and for who they are. They want opportunities to shine and prove their mettle—to themselves and others. The inclusion of individuals with diverse characteristics permits this and aids attorney well-being. Individuals are empowered to identify their own as well as others’ unique set of differences from the vantage point of inclusion and not exception. Inclusion becomes an organizational collaboration of intentional thought in identifying individual strengths, and an active engagement in determining how those strengths can enrich the firm, enhance professional development, and provide an environment conducive for professional wellness.”<sup>3</sup>

### **Actively Pursuing Inclusion**

Inclusion is the responsibility of everyone in an organization. True diversity and inclusion means we are each open to others who are not like us, e.g. age, gender, ethnic background, sexual orientation, religion, physical ability, etc. It’s about





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making efforts to understand different cultures and perspectives and adjusting the way we each communicate in order to build relationships with people who are not like us. Inclusion also means speaking up to address stereotyping and the microaggressions that can flow from unconscious bias. Studies have shown that when individuals are more inclusive, they are rewarded with the personal benefit of well-being across multiple dimensions, including coping, happiness, physical health, decision-making, being valued, talking to others and having meaning in life and close relationships.<sup>4</sup> In other words, inclusion is healthy!

A study conducted in a global company based in the United Kingdom sought to demonstrate how practicing more inclusive behaviors resulted in greater well-being for participating employees. In the Do Something Different digital program, employees completed an online diagnostic instrument regarding their working habits “in respect of diversity and inclusiveness, wellbeing, openness to change, and personality.” These diagnostics were then used to develop personalized programs in which employees were asked to exhibit behaviors that were not a normal part of how they usually operated. Over a six-week period, each employee was sent a set of “Do’s” to implement each week, along with motivational messages. The “Do’s” could be performed quickly, and

they were all designed to take people out of their normal behavior patterns, e.g. approaching and striking up conversations with people outside of participants’ familiar circle of co-workers. The primary goal of the program was to determine if shifting to more inclusive behaviors would also result in changes to well-being and openness. Researchers looked at the difference between program participants’ scores at the beginning and end of the intervention to determine whether more inclusive behavior resulted in greater well-being. As predicted, “the more someone’s inclusiveness increased, the more their wellbeing scores improved.” Conversely, the findings of the Do Something Different program indicated that “being biased and less open to others may be detrimental to one’s health and wellbeing.” Indeed, adopting a more flexible perspective toward others and being open to difference contributes to individual well-being.<sup>5</sup>

### **Collegiality, Respect & Values**

Those who lead legal organizations can be guided by the overarching recommendation of the National Task Force on Lawyer Well-Being Report, namely that all stakeholders in the profession must “foster collegiality and respectful behavior.”<sup>6</sup> Recognizing that well-being and diversity/inclusion issues are “symbiotic,” the Report cites research regarding the direct causal connection between a collegial work environment and well-being. Respecting and valuing different perspectives is integral to creating a diverse and inclusive culture, one where everyone, regardless of social identity, can meaningfully engage with their work and their colleagues without fear of being marginalized or excluded.

### **The Challenge Ahead**

A plethora of legal diversity and inclusion programs and initiatives have been rolled out over the past twenty to thirty years. Diversity and inclusion committees have been formed and then reconstituted. Chief Diversity Officer positions have been created and filled.

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There have been countless diversity and inclusion conferences, roundtables, symposia, trainings, retreats, webinars and career fairs. Diversity pledges have been signed, updated and signed again. Legal organizations, including law schools, have drafted diversity and inclusion strategic plans. Diversity clerkships, fellowships and scholarships have been created. Yet, we still find ourselves struggling to figure out how to increase diversity in our legal organizations and how to retain women and people of color.

Again, leaders of legal organizations have not made much progress on the well-being front largely because it's easier to focus on physical wellness (yoga, massages, mindfulness classes, etc.) than to promote overall well-being across other important life dimensions, including intellectual, social, emotional and professional. An inclusive leader works hard to create a culture that supports achievement of these multiple goals, resulting in an environment where everyone can thrive, both personally and professionally. Leaders who recognize the crucial connection between inclusion and well-being will more likely succeed in building a work environment where everyone is valued, respected and motivated

to contribute their greatest strengths and their authentic selves to the organization. ●

#### NOTES

1. Patrick Krill, Ryan Johnson, Linda Albert. ABA/Hazelden Betty Ford Study on Substance Use and Mental Health (2016) [www.americanbar.org/groups/lawyer\\_assistance/research/colap/hazelden/lawyer\\_study](http://www.americanbar.org/groups/lawyer_assistance/research/colap/hazelden/lawyer_study)
2. ABA Profile of the Legal Profession (2019) [www.americanbar.org/news/reporter\\_resources/pro-file-of-profession/](http://www.americanbar.org/news/reporter_resources/pro-file-of-profession/)
3. Joan R.M. Bullock. "The Importance of Diversity and Inclusion for Attorney Wellness." ABA Law Practice Today. (July 14, 2017) [www.lawpracticetoday.org/article/importance-diversity-inclusion-at-attorney-wellness/](http://www.lawpracticetoday.org/article/importance-diversity-inclusion-at-attorney-wellness/)
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5. Ibid., 1-3
6. The National Task Force on Lawyer Well-Being. "The Path to Lawyer Well-Being: Practical Recommendations for Positive Change." (August 2017) [www.lawyerwellbeing.net](http://www.lawyerwellbeing.net)



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Colorado Lawyer Assistance Program (COLAP) is the free, confidential and independent well-being program for the legal community of Colorado. For more information, go to [www.coloradolap.org](http://www.coloradolap.org). For a confidential consultation, discussion about your stressors, or to obtain helpful resources, contact COLAP at 303-986-3345 or [info@coloradolap.org](mailto:info@coloradolap.org).