

Commission on the Well-Being of the Legal Profession

Minutes – July 12, 2018 Meeting

Present: Chief Justice Paul Reiber, Dean Tom McHenry, Mike Kennedy, Josh Simonds and Teri Corsones were present. Judge Bill Cohen and Laura Wilson participated by phone.

Chief Justice Reiber began the meeting at 1:05 p.m. He asked for status reports from each of the participating Commissioners.

Judges Committee Report: Judge Cohen reported that he and Justice Skoglund presented information about the Commission and its Charge and Designation at Judicial College in June. Although there was little awareness of the Lawyers Assistance Program, Judge Cohen reported that there was strong support for the recommendations for judges, including communicating that well-being is a priority, developing policies for impaired judges, reducing the stigma of mental health and substance abuse disorders, conducting judicial well-being surveys, providing well-being programming for judges and staff, and monitoring for lawyers and partnering with Lawyer Assistance Programs. Teri will assist with scheduling a follow-up conference call with the Judges Committee.

Bar Association Committee Report: Teri reviewed the minutes from the several committee meetings that the Bar Association Committee has held on a monthly basis since the plenary session in March. The Committee recommendations to date include the VBA offering at least one wellness-related CLE program at each major meeting, including at least one wellness-related article in each Bar Journal, gathering and making available educational materials and “best practices” model policies on well-being topics, and including wellness-related questions in the upcoming membership survey. The next committee meeting will address formation of a VBA Lawyer Well-Being Committee, and the final one will address wellness activities at bar association events.

Regulators Committee Report: Mike Kennedy reported that the different regulatory boards in Vermont are reviewing the recommendations for regulators in the National Task Force Report. Each will separately report out their views regarding the recommendations. For example, the Professional Responsibility Board is reviewing the recommendation to endorse well-being as part of a lawyer’s duty of competence. The CLE Board is reviewing whether to expand continuing education requirements to include well-being topics, and the Character & Fitness Board is reviewing bar application inquiries about mental health or substance abuse history. Each Board will consider draft rule changes, to potentially be submitted to the Vermont Supreme Court for consideration.

Law School Committee Report: Dean McHenry’s committee has met three times, and he estimates that VLS has already implemented 90% of the National Task Force Report recommendations. The recommendations include creating best practices for detecting and assisting students experiencing psychological distress, assessing law school practices and offering faculty education on promoting well-being in the classroom, including well-being topics in courses on professional responsibility, committing resources for onsite professional counselors, and facilitating a confidential recovery network.

Lawyers Assistance Program Committee: Josh Simonds is in the process of gathering templates for business plans for various lawyer assistance programs around the nation, with the goal of identifying which aspects would be feasible for a Lawyers Assistance Program in Vermont. The business plan will

address the National Task Force Report recommendations that the LAP will be appropriately organized and funded, emphasizing confidentiality, developing high-quality well-being programming, and providing leadership and services to lawyers, judges and law students.

Legal Employers Committee: Co-chairs Ian Carleton and Laura Wilson have met twice to review the National Task Force Report recommendations, and plan to convene the committee to review a draft committee report in August, and to also review a final draft before it's submitted to the Commission. The recommendations include establishing an organizational infrastructure to promote well-being and to continually assess lawyers' well-being, to establish policies and practices to support lawyer well-being, monitoring for signs of work addiction and poor self-care, and actively combating social isolation and encourage interconnectivity. Ian and Laurie are also looking at workplace conditions, including salary, benefits, hours, and billing practices in the context of well-being considerations.

Lawyers Professional Liability Carriers Committee: [Chris Newbold was unavailable during the scheduled time of the Commission meeting.](#) He reported in advance of the meeting that the carriers are working with the [ABA Working Group to Advance Lawyer Wellbeing](#) in terms of coming up with a tool kit to be able to aid law firms interested in moving their culture forward when it comes to well-being. Chris also indicated that something should be available in that regard by the end of the year.

The meeting adjourned at 3:00 p.m. The next meeting will be scheduled in October; Teri will circulate a poll to select the date.

Respectfully submitted,

Teri Corsones