



## The Link between Well-Being and Inclusion

BY PATTY POWELL

*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 Hopley, communications director for George Mason University Center for the Advancement of Well-Being

*Inclusivity is my well-being.*

—From poster created by staff at George Mason University

Compared 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.<sup>1</sup> 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>2</sup> This study reported that 21% of attorneys are problem drinkers, 28% have some form of depression, and 19% exhibit signs of anxiety.<sup>3</sup> The study also reported that in the first 10 years of practice, younger

attorneys demonstrate a higher incidence of problem drinking, depression, and anxiety than their older peers.<sup>4</sup> 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 a 2019 ABA report, 64% of lawyers are men and 36% are women, while 85% of lawyers are white, 5% are African American, 5% are Latinx, and 2% are Asian.<sup>5</sup> In the general population, 77% of US residents are white, 13% are African American, 18% are Latinx, and 6% are Asian.<sup>6</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, and surveys. However, the retention rate for women and people of color in legal workplaces continues to lag behind other major professions.<sup>7</sup> 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 or-

ganizations 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

Unlike corporations and nonprofits that have made strides in developing comprehensive well-being programs, ranging from offering financial planning, time off to pursue volunteer oriented passions, to onsite meditation offerings,<sup>8</sup> law firms that have established well-being initiatives have mostly emphasized physical health. However, creating conditions that empower all employees to be their authentic selves and contribute their unique perspectives to the success of the organization is the essence of professional well-being. As 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>9</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 different from us, whether by age, gender, ethnic background, sexual orientation, religion, physical ability, and so on. It’s about making efforts to understand other cultures and perspectives and adjusting the way we communicate so we can build relationships with people who are not like us. Inclusion also means speaking up to address stereotyping and the microaggressions

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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 happiness, physical health, decision-making, coping skills, and sociability, in addition to feeling more valued and finding greater meaning in life and close relationships.<sup>10</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.<sup>11</sup> 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 (for example, approaching and striking up conversations with people outside of participants’ familiar circle of coworkers).

The program’s primary goal was to determine whether 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 well-being scores improved. Conversely, the program findings 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>12</sup>

### Collegiality, Respect, and Values

Those who lead legal organizations can be guided by the overarching recommendation of a recent report by the National Task Force on Lawyer Well-Being—namely that all stakeholders in the profession must “foster collegiality and respectful behavior.”<sup>13</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 20 to 30 years. Diversity and inclusion committees have been formed and then reconstituted. Chief diversity officer positions have been created and filled. 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 activities such as yoga, massages, and mindfulness classes 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. 



**Patty Powell** is principal and owner of Counsel for Counsel, LLC, a consulting firm focused on coaching and training in the areas of diversity/inclusion and well-being in the legal profession. After graduating from the University of Denver Sturm College of Law, she practiced law for 12 years and then transitioned into law school administration, serving as director of career services and then associate dean of student affairs at DU Law. Powell also worked as assistant dean of career development at the University of Colorado Law School, and later returned to DU Law, where she served as an assistant professor of the practice and director of the Academic Achievement Program. Powell has won awards for her work in the area of diversity and inclusion in law and recently served as a member of the Colorado Supreme Court Task Force on Lawyer Well-Being.

**Coordinating Editor:** Sarah Myers, [smeyers@coloradolap.org](mailto:smeyers@coloradolap.org)

### NOTES

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