

WASHINGTON STATE BAR ASSOCIATION

Well-Being Task Force DRAFT CHARTER

Approved by the Board of Governors January 12, 2023

Background

The Task Force seeks to (1) study well-being among WSBA members and the broader legal community in Washington and (2) make recommendations to enhance well-being for those same individuals and thereby improve the provision of legal services.

The Task Force will draw on the considerable and influential existing body of work compiled by national and state legal organizations, most prominently [The Path to Lawyer Well-Being: Practical Recommendations for Positive Change](#), authored by the National Task Force on Lawyer Well-Being, a coalition of organizations including the National Organization of Bar Counsel (NOBC), the Association of Professional Responsibility Lawyers (APRL) and the [American Bar Association's Commission on Lawyer Assistance Programs](#) (COLAP). Following publication of the report in 2017, both the ABA and the Conference of Chief Justices passed resolutions urging all states to review and consider the report's 44 recommendations. Subsequently, 26 states have formed well-being committees and another eight states have held well-being conventions or "summits."

In November 2023, at the recommendation of the Member Engagement Council (MEC), the WSBA Board of Governors (BOG) voted to adopt member wellness as an organizational priority. Creating a Well-Being Task Force (which was also part of the MEC's recommendation) is the first step in acting on that priority.

Task Force Objectives

The Task Force's primary objective will be to create a report synthesizing the Task Force's research and recommending tangible steps WSBA can take to enhance well-being among WSBA members and the broader legal community in Washington. This objective will be achieved by accomplishing two subsidiary objectives:

1. Create Workgroups to Research Well-Being Across the Various Sectors of the Legal Profession in Washington and the U.S.

By the end of its second meeting, the Task Force will establish multiple workgroups to research well-being across various sectors of the legal profession. The workgroups will be comprised of Task Force members and additional non-voting members if desired, such as WSBA employees and members of relevant associations (e.g., Superior Court Judges Association, District and Municipal Court Judges Association, and Appellate Judges Association). The workgroup members will be appointed by the Chair of the Task Force, with consent of a majority of the task force members.

Each workgroup will focus on one or more sectors of the legal profession, with the goal of bringing recommendations to the Task Force of how to raise awareness and/or prioritize well-being within those sectors. Examples of sectors could include types of practice (e.g., private practice, in-house, judiciary, public/government practice), law schools/law clerk programs, member wellness programs, professional

liability insurance carriers, and professional regulatory systems,¹ Topics of workgroup focus could include substance use, structural and systemic oppression, student loan challenges, marginalization and experiences of othering, discrimination or bias, balancing work and family life, the impact of remote work, and other concerns. The foregoing examples of sectors and topics are not exhaustive, and the term “sectors of the profession” should be interpreted broadly.

Workgroups will be tasked with:

- recruiting relevant contributors, both within the profession, and outside of the profession, to participate in each workgroup’s research;
- conducting outreach to and receiving feedback from sectors of the profession relevant to the workgroup;
- reviewing well-being recommendations nationwide and determining which appear most relevant to legal practice in Washington;
- understanding the state of research regarding mental health; and
- providing a final report to the full Task Force, containing its findings and recommendations.

2. Create a Workgroup to Investigate Well-Being Among WSBA Members

The Task Force will also form a workgroup to investigate well-being among WSBA members. This workgroup’s primary goal will be to develop and deploy a member survey by no later than the end of the Task Force’s first year. Areas of inquiry for the survey may include the relative well-being of members, the identification of challenges in legal practice, the occurrence of mental health conditions or illness, and suggestions for the Task Force. The workgroup may also solicit member feedback through listening sessions, focus groups, and other forms of interaction. The workgroup will provide a final report to the full Task Force, containing its findings and recommendations.

Timeline

The Task Force will have a duration of two years from the date of its first meeting and will meet monthly or at other intervals determined to be appropriate by the Chair. The Task Force will provide quarterly reports to the Member Engagement Council, an interim written report to the Board after its first year of operation, and a final report to the Board at conclusion of its two-year duration. The Task Force may also report to the Member Engagement Council or the Board on an interlocutory basis if urgent issues arise.

Composition

The Task Force shall consist of nine voting members and two non-voting judicial members, as follows:

- Chair (voting)
- 1 Current or Former BOG Member (voting)
- 4 WSBA Members (voting)

¹ In adopting this Charter, the Board of Governors recognizes that Washington State’s professional regulatory systems for legal practitioners are created by and answerable to the Washington Supreme Court exclusively. To the extent the Task Force has ideas or recommendations that would implicate regulatory processes, procedures, policies, or rules, the Task Force should work collaboratively with the pertinent stakeholder(s) and direct any recommendations to the appropriate regulatory staff or board, the Disciplinary Advisory Round Table, and/or the Supreme Court.

- 1 Member of the State Supreme Court (non-voting)
- 1 Adjudicative Officer in Washington State (non-voting)
- 1 Law School Representative (student or employee; voting)
- 2 Public Members (voting)

Further membership criteria is detailed in the appendix below.

Nominations and Appointment

Except for the State Supreme Court member, who will be determined by the Supreme Court, the WSBA President will appoint Task Force members in accordance with WSBA Bylaws Art. IX.B.2 taking into account the recommendation of the Co-Chairs of the Member Engagement Council. The President shall appoint the Task Force Chair taking into account the recommendation of the Co-Chairs of the Member Engagement Council. The WSBA Executive Director will designate the WSBA staff liaison(s).

Terms

Task Force members will serve for the two-year duration of the Task Force. The WSBA President will appoint any replacement members (if necessary) taking into account the recommendation of the Co-Chairs of the Member Engagement Council.

Final Report

At the end of its duration, the Well-Being Task Force will issue a final report to the Board of Governors. The report will (1) evaluate the scope and efficacy of the Task Force's achievements, and (2) provide feasible recommendations to improve well-being within the legal profession in Washington State.

APPENDIX

The following non-exclusive criteria shall be prioritized for membership on the Task Force:

Practice Types and Venues

The Task Force seeks participation from attorneys from various practice types and venues. Solo attorney participation will be important to prioritize the pressure they face in running their business, marketing, and having support staff to help manage their client base. Attorneys in mid-size or large firm settings face very different wellness challenges in keeping up their billable hour requirements and responding to management pressures upon their performance. Civil legal aid lawyers and public defenders face challenges of secondary trauma from working with clients who experience poverty and other forms of oppression. Government attorneys face challenges with unique bureaucratic responsibilities, and in house counsels face the demands of the companies they support.

Years of Bar Licensure

The Task Force seeks participation from attorneys at all stages of their careers. Early career attorneys face major pressures as they adapt to a profession that they were typically not trained for in law school. Mid-career attorneys often struggle with transitioning to a more hospitable work environment or to use a skill set more to their liking. Late career attorneys handle the question of when to retire and to manage, in some cases, changes in mental capacity.

Experience or Interest in Well-Being

The Task Force seeks participation from legal professionals with an interest in enhancing the well-being of the profession. Those who have original insights into what they think legal professionals need to feel more engaged and at ease will be prioritized. Those with volunteer experiences or connection to mental health venues will also be an asset.

Mental Health Professionals

The Task Force seeks participation from experienced mental health professionals who are not lawyers but have familiarity with the legal profession. Their expertise will inform the Task Force's recommendations and decision making.

Diversity, Equity, and Inclusion

The Task Force seeks participation from people from marginalized communities (e.g., people of color, people from the LGBTQ2S+ community, people with disabilities). Having a diverse group of members is vital to promote diversity, equity and inclusion goals, particularly given that these communities disproportionately experience mental health challenges and other wellness-related issues due to historical and ongoing marginalization, discrimination, access to healthcare, and other reasons.

Geography

The Task Force seeks participation from legal professionals and others throughout Washington to ensure consideration of wellness issues in all parts of the state, with particular attention to the different issues in rural and urban areas. To obtain geographic diversity, at least two Task Force members must reside east of the Cascades and at least one other member must reside outside of King, Pierce, and Snohomish Counties.