

MoFo's Brad Wine On Improving Atty Mental Health

By **Xiumei Dong**

Law360 (June 9, 2021, 4:20 PM EDT) -- Brad Wine, co-chair of Morrison & Foerster LLP's litigation department and chair of the firm's Israel practice, has been leading efforts to support attorneys' mental health and wellness since the 2018 inception of MoFo's mental health steering committee.

As a member of the committee, Wine has continued to work with his firm to develop new approaches to support the legal community's mental health during the COVID-19 pandemic, which has caused unprecedented times of stress and anxiety throughout all ranks of the legal profession.

Here, Wine talks about the pandemic's impact on attorneys' mental health, how his firm has been addressing the issue, and the importance of open communication during challenging times. This interview has been edited for length and clarity.

Mental health problems are common in the legal profession, but the coronavirus pandemic has undoubtedly made it an even more important issue for law firms to navigate. How has your firm been supporting attorneys with mental health struggles during this challenging time?



Brad Wine

The thing that we found to be most important during this whole process, particularly in the remote work environment, is clear and effective communication. So whether it's individuals — partners and associates — checking in on one another and finding out how everyone's doing, broadcast emails to everyone in the firm about some of the mental health challenges that people were experiencing, whether it was difficulty sleeping, lack of focus, zoom fatigue — all of those things we talked about because what we didn't want is for people to feel as though they were dealing with challenges by themselves.

So, a lot of this is focused on destigmatization, and then to give people tools, whether it's through training, the Calm app, access to professional help more traditionally through an employee assistance program, or more recently through telemedicine. We made the Talkspace app available to everyone in the firm and their families, just so that they know that if they had issues that they needed help with, there were resources available for that.

The pandemic has also had an uneven impact on different groups. Is there a particular group that faces more challenges than others?

I don't know that I would say that they've suffered more than others. I think people have been challenged by the pandemic differently. And so when we communicate and say, "Hey, we're all in this together," that's not quite accurate because while we're all experiencing the pandemic, we're experiencing it in different ways. I don't want to be so presumptuous as to think that my current life condition and current circumstances are the same as a working mother or working father. I don't want to suggest that someone who's taking care of their parents or someone else is confronting the same kind of challenges as someone who isn't.

And so, it's recognizing that each of us are experiencing the pandemic differently, and we need to have a full understanding of that. I am concerned about our working parents and making sure that they never find themselves in a situation where they're going to have to choose between careers and what they need to do as parents. That was true before the pandemic, and I think the pandemic with disruption to schools and childcare and things like that made it more acute. But we want to make sure that we have an environment where people can live as balanced a life as possible and recognize that that's a very difficult thing in law firms in general.

How is your firm's approach to mental health issues going to change now that many have started planning for office returns?

Our commitment to this issue will remain a priority for our firm well beyond the pandemic. It was a priority for the firm beforehand and I think that the pandemic has created new mental health challenges that don't go away simply because folks are vaccinated and are returning to work. In fact, I think in the phase that we're in right now, the return-to-work phase, folks are going to be facing a different set, and sometimes perhaps an even more complicated set, of challenges.

People have gotten into routines over the last 14 months, and now we're telling them to change those routines, and that's not going to be easy. For our firm, while we have set a goal of reopening our offices on Sept. 7, we're going to maintain flexibility from now until the end of the year, so that people can make decisions about what they need to do from a work perspective, a life perspective, and where they can be most efficient and effective as lawyers, as nonlawyers, until the end of the year. And then, we'll assess whether we need to change any of our policies, whether we need to do anything more proactively. But we do think that a degree of flexibility, and on some level improvisation, is going to be necessary to effectively navigate the next several months.

The nature of the legal profession sometimes requires attorneys to work almost 24/7 or respond promptly to clients' demands. Has the pandemic changed that dynamic?

I think it has made this more difficult. I think that there have been some folks, whether they're clients or whether they're other attorneys, that say, "Well, you're not going anywhere, you're at home working, so you can do that all the time without a break," and the problem with that is it leads to burnout. People need a break from work in order to be exceptional at what they do when they are at work.

When we were back in the office, you had a mandatory period of time between when you were at the office and when you were at home, even through a commute. So I've never thought of sitting in traffic as being particularly restorative, but mentally it created a break between when you were at the office

and when you weren't. And so, I think the pandemic blurred those lines and created conditions for burnout. We've seen our attorneys, and I know it's been the case throughout the industry, that people have been extremely busy. What we've been communicating to folks — again, as we see folks getting vaccines and things starting to return to normal — is for them to go on vacation, take time off, get away from the office. Use the summer months to take a break, so you can recharge your batteries and make sure that you are taking care of yourself individually.

In our industry, we can't control the deadlines that our clients impose or that third parties impose on us, but we can control how we pace work, how we impose internal deadlines, how we lead teams and communicate effectively with them and don't create an independent source of stress or anxiety. So the training that we're doing at the firm is designed to make folks more aware of how their decisions and leading teams, how their approach to workflow may wittingly or unwittingly contribute to someone else's wellness and well-being. And so doing that allows us to at least control for that variable.

Since law firms typically have a hierarchical workplace structure, how do you encourage and ensure open and effective communication between your attorneys?

I think on some level it's the partners communicating about the flexibility that they need, and encouraging their associates, their team members, to do the same thing. We don't want people to come up with some excuse as to why they're offline that's not accurate. We all need to take time off, we all want to spend time with our significant others, with our children, and whatnot. So, as partners, one of the ways we do that is to communicate to our teams, "Hey, from 6:30 to 7 o'clock at night until 8 or 8:30, I'm not going to be checking my email because I'm going to have dinner with my family, or because certain times, I'm going to go to my daughter's soccer game" — whatever the reason is — and when a partner communicates that, on some level, they're implicitly giving permission to their associates to make priorities themselves, to communicate them, and to take that time for themselves.

We're not going to burn them out. We're going to appreciate the fact that we recognize and empathize with your individual situation, and I think the return on that is, they're more appreciative, attuned and capable to do what we asked them to do.

--Editing by Marygrace Murphy.