

2022 PRACTICE FORWARD REPORT

WHERE DOES *the* LEGAL PROFESSION GO *from* HERE?

LAWYERS TELL US HOW AND WHERE
THEY WANT TO WORK



AMERICAN **BAR** ASSOCIATION

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Roberta D. Liebenberg and Stephanie A. Scharf



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PRACTICE
ABA **FORWARD**

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Introduction

Bill Bay and Laura Farber, Co-chairs, ABA Coordinating Group on Practice Forward

In spring 2020, the world experienced a seismic shift. The COVID-19 pandemic caused sudden and unprecedented disruption in our personal lives and how we practice law and serve our clients. To help ABA members through this challenging time, then-ABA President Judy Perry Martinez and then-President-Elect Patricia Lee Refo created the Coordinating Group on Practice Forward (“Practice Forward”) to harness the power of the ABA and all its entities to help lawyers in all practice settings navigate and thrive in a rapidly changing environment.

Practice Forward met the challenge head on. After quickly setting up a [website](#) featuring key practical resources carefully selected from across the entire ABA, the group commissioned a survey in fall 2020 to learn about the current state of law practice and what resources would be most helpful to ABA members. *[Practicing Law in the Pandemic and Moving Forward](#)* set out a range of data-driven best practices for individual lawyers and legal employers to consider moving forward.

More than two years into the pandemic, as the legal profession begins to transition to a “new normal,” this follow-up survey was conducted to obtain timely data on pandemic-triggered changes to the practice of law and to recommend best practices and policies to assist individual lawyers and legal employers to navigate the new legal landscape. The survey findings provide valuable data on remote and hybrid work; lawyer mobility; mental health and wellness; workplace culture; diversity, equity and inclusion; and virtual court proceedings. We hope you will take the time to read the full report and consider your role in building a better, more efficient, more resilient, and more inclusive profession.

Without the foresight of Judy Perry Martinez and Patricia Lee Refo, the two Practice Forward research studies would not have come to pass. We thank them for their leadership, which has allowed the ABA to provide the resources lawyers most want and need at this time of transition. We are grateful for the financial support provided by the ABA Board of Governors,

the ABA Section of Litigation, the ABA Section of Tort Trial & Insurance Practice, the ABA Health Law Section, and the ABA Section of Real Property, Trust and Estate Law. We also express thanks to the ABA's Law Practice Division for agreeing to continue this important work as the Coordinating Group on Practice Forward sunsets.



Bill Bay



Laura Farber

Foreword from the Authors

Roberta D. Liebenberg and Stephanie A. Scharf¹

The legal profession has continued to undergo profound changes since the start of the pandemic in March 2020. To capture the experiences and preferences of lawyers and their employers, the American Bar Association commissioned The Red Bee Group to conduct another “Practice Forward” survey, the second in a series of surveys, to examine how lawyers are currently practicing law in a rapidly changing and challenging environment.

This 2022 Practice Forward Report reflects the views of almost 2,000 ABA members—a highly diverse group representative of working lawyers throughout the United States. The Survey focused on five timely topics: (1) hybrid and remote work; (2) lawyer mobility; (3) stress and burnout; (4) diversity, equity, and inclusion; and (5) use of technology.

One striking set of data details how the legal profession is adjusting to the widespread transition from in-office work five days a week to more flexible hybrid and remote schedules. Remote work is particularly important to younger lawyers, many of whom are women and lawyers of color, who feel so strongly about this option that 44% of them would leave their place of employment for a greater ability to work remotely elsewhere.

Significantly, the overwhelming majority of lawyers reported that working remotely did not adversely impact the quality of their work, productivity, or billable hours. Remote work brought other advantages as well, such as an increased ability to balance work and family obligations, especially for women lawyers. On the other hand, for many lawyers, remote work increased their feeling of social isolation and decreased the quality of their relationships with co-workers.

Survey data also shows that significant numbers of lawyers—especially lawyers of color, women lawyers, LGBTQ+ lawyers, and lawyers with a disability—continue to face high levels of stress. Many of these lawyers feel that they cannot be their authentic self at work; report receiving demeaning and insulting comments; and believe they are perceived as less competent than others. It is apparent that the legal profession still has a long way to go to create workplace cultures that are truly diverse, equitable, inclusive, and welcoming to all lawyers.

In our Report, we provide data-based recommended best practices to attract and retain a diverse array of lawyers. We address policies for hybrid and remote work with real opportunities

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to advance and succeed; reducing stress and burnout; enhancing feelings of belonging; and maximizing the use of technology.

The two Practice Forward studies we have conducted originated with 2019-2020 ABA President Judy Perry Martinez and 2020-2021 ABA President Patricia Refo, who had the vision to create and support the Coordinating Group on Practice Forward. We owe special thanks to William Bay and Laura Farber, who have provided invaluable leadership for this Survey and for the numerous and timely Practice Forward programs and articles. We also thank members of the 2022 Practice Forward Survey Advisory Committee for their support: Benes Aldana, Denise Avant, Michelle Behnke, Paulette Brown, Cyndie Chang, Penelope Christophorou, Clay Countryman, Steve Curley, Richard Ferguson, James Holmes, Beth Kaufman, John McMeekin, Maureen Mulligan, Honorable Adrienne Nelson, Robert Paul, Choi Portis, Joe Raia, Mary Smith, Daiquiri Steele, Betty Torres, and Joseph West.

We express our gratitude and admiration to ABA's Katy Englehart, Deputy Director, Office of the President, who provided outstanding encouragement and support, consistently smoothing the way and coordinating ABA staff and ABA members. ABA staff members John Dudlo and Chris Urias provided the technical support for identifying ABA member platforms and facilitating data collection. We thank Red Bee associate Megan Bonham, who provided excellent advice and kept us on track with questionnaire activities. Our thanks also to Francisco Maravilla for his help with the data analyses.

As shown by this Report, the ABA continues to play an essential leadership role in the profession, spearheading cutting-edge research, projects, and initiatives that chart a path forward as lawyers and their employers continue to adjust to the transformative changes engendered by the pandemic.



Roberta D. Liebenberg and Stephanie A. Scharf

The overwhelming majority of lawyers reported that working remotely did not adversely impact the quality of their work, productivity, or billable hours.



Where Does the Legal Profession Go from Here?

*Lawyers Tell Us
How and Where
They Want to Work*



Since March 2020, the world has experienced a pandemic which fundamentally changed all aspects of our lives: personal health and well-being, family life, friendships, work, play, plans for the future, and pretty much anything else that we think about and makes up the pattern of our days. Social distancing and not being with others were the main methods of staying safe from the pandemic.

For lawyers, the workplace changed almost overnight from in-office to home office. We unexpectedly were forced into new ways of communicating, performing work, and staying connected with colleagues, supervisors, and everyone else to perform our jobs.

The abrupt transition in March 2020 from in-office work to working from home became our everyday experience. Law firms, companies, government agencies, courts, universities, non-profits, and virtually all places where lawyers worked went into full “remote mode.” We switched to communications platforms, like Zoom and Teams, that many of us had never heard of before the pandemic, much less used on a regular basis. We worked in “home offices” that often were no more than space in part of a basement, attic, bedroom or kitchen.

Since early 2022, we have slowly begun to emerge from the pandemic in the sense that we are no longer organizing our days around the fear of becoming ill. With the widespread use of COVID vaccines along with the everyday availability of new drugs to mitigate the impact of COVID, there is the possibility to return to the types of office work life that existed prior to March 2020.

Yet, it turns out that far more changed in the past two-and-a-half years than methods of COVID prevention and treatment. It is a truism that workplaces are not the same as they were at the beginning of 2020. But it is hard to articulate exactly what has changed. And more importantly, many lawyers are still trying to decide what types of practices and policies make sense for them and their legal workplaces moving forward.

The Goals and Findings of the Survey

In this context, and as a service to its members, the American Bar Association commissioned The Red Bee Group, LLC, to conduct this Practice Forward Survey as a follow up to its initial Practice Forward Survey released in April 2021. Our Survey sought to understand how lawyers are practicing today and, equally important, what are lawyers seeking in their careers and from their employers. More specifically, the Survey was organized to answer these core questions:

- ▶ What patterns of hybrid work are taking place and what workplace policies are preferred by lawyers?
- ▶ What factors cause lawyers to leave their jobs or to stay?
- ▶ What are the triggers for stress and burnout?

- ▶ How do the everyday experiences of lawyers of color, women, and disabled lawyers differ from the experiences of their peers?
- ▶ What types of technology do lawyers need to feel well-supported at work?
- ▶ What can the American Bar Association do to provide programs, conferences, resources, CLEs, toolkits, and publications that its members really want?

As the analyses in the following sections show, the results are sometimes surprising. A large number of lawyers do not want to return to the pre-pandemic ways in which they worked.

More fundamentally, lawyers have changed their views about the aspects of their work they most value and what they expect their employers to provide. These marked changes in what lawyers now want from their employers and careers led us to create a set of recommended “best practices” for lawyers and legal employers.

Methodology for the Survey

The Survey was fielded from May 31 to June 15, 2022, using the ABA Qualtrics system. The Survey was sent to all ABA members who allowed the ABA to contact them for surveys of this type, as well as to members of several ABA Sections. Close to 2000 ABA members who were working in jobs that required a law degree responded to the Survey.

We analyzed the results on a question by question basis. Where it was hypothesized that there may be differences in responses to a given question based on various demographic factors, we compared group differences using either chi square tests or t-tests to determine whether any observed differences are statistically significant with a p value of .01 or less.

Close to 2000
ABA members
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Results and Analyses

Who Participated in the Survey?

What Patterns of Hybrid Work Are Taking Place and What Would Lawyers Ideally Like to Do?

Do Lawyers Feel Included and Have a Sense of Belonging?

What Factors Matter for Lawyers to Stay in a Job or Leave?

What Types of Technology Do Lawyers Need to Feel Well-Supported at Work?

What Types of Court Proceedings Do Lawyers Prefer?

What Resources Do Lawyers Want from the ABA?



1. Description of Who Participated in the Survey

Almost three-quarters of respondents (74%) worked in private practice settings. Most private practitioners (1/2 of those surveyed and 2/3 of those in private practice) were in firms of two or more attorneys. Twenty-four percent of the sample, or 1/3 of those in private practice, were solo practitioners.

The remaining respondents were distributed across a range of work settings, including corporate law departments (7%), government (8%), and smaller numbers in the judiciary, law schools, the military, non-profits, and public interest organizations.

The large majority of respondents, including 24% of the sample that were solo practitioners, worked in settings of fewer than 100 lawyers.

Almost all respondents identified as either female (40%) or male (54%). Four percent preferred not to identify their gender, and 2% had no response to this question. No respondent identified as non-binary or a third gender, or responded that their gender was not listed.

Regarding sexual orientation, 90% of respondents reported they are heterosexual or straight. Gay/Lesbian respondents amounted to 3%, and bisexual respondents amount to 1%. Another 6% said they preferred not to answer or gave no response.

Each demographic category had at least a few responses. However, we rounded to the nearest whole number for purposes of our analysis.

Regarding race and ethnicity, 80% of respondents were White, with the second highest representation from Black respondents. However, there were not enough respondents in each racial/ethnic category to drive meaningful between-group analyses. Therefore, the analyses analyzed non-White respondents together as “people of color.”

Race

African-American/Black	5%
American Indian/Alaska Native	1%
Asian/Asian American	2%
Hispanic/Latino/a/x/e	3%
Middle Eastern/North African	0%
Native Hawaiian/Pacific Islander	0%
White/Caucasian	80%
Race or ethnicity not listed here	3%
No Response	5%

Six percent of respondents stated that they “had a physical and/or mental impairment that substantially limits one or more major life activities,” and almost one-third (32%) of that

six percent require an accommodation in order to work as a lawyer. In the analyses below, we included everyone who reported a physical or mental impairment.

Almost two-thirds of the sample (65%) work in an urban setting. The large majority of the others (29%) work in a suburban setting. A small percentage of respondents work in a rural environment (6%).

Workplace Location

Rural	6%
Suburban	29%
Urban	65%

Respondents indicated in which areas of law they spend most of their time. There was a reasonably wide array of areas of specializations, and the three largest areas were Civil Litigation (23%), Corporate Transactions (13%), and No One Area (13%).

Focus

Administrative law	4%
Bankruptcy/Creditor's rights	3%
Civil litigation	23%
Civil rights	1%
Corporate/Transactions	13%
Criminal law	3%
Employment law	7%
Environmental law	3%
Family law	6%
Health law	3%
Immigration	1%
Intellectual property	4%
No one area	13%
Public interest	2%
Real estate	6%
Trusts and estates/Probate/Elder law	9%

Survey participants were typically established in their legal careers: 71% of respondents were a Partner in their firm, another 16% were Counsel, and 11% were associates. Roughly 1% were either staff or contract attorneys.

Position in Firm

Partner	71%
Counsel	16%
Associate	11%
Staff/Contract Attorney	1%

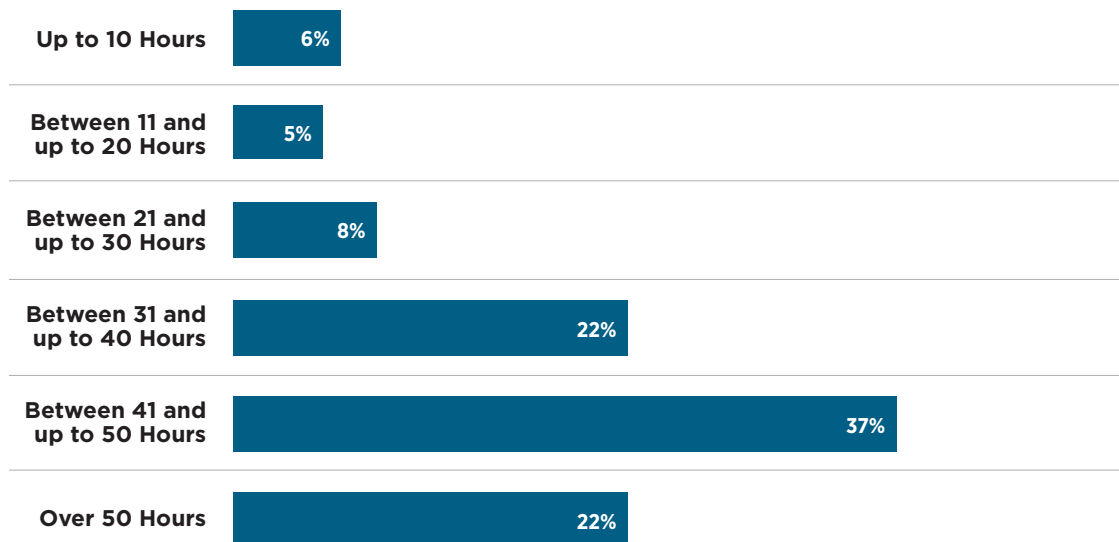
Position In Settings Other Than Law Firm

General Counsel or Chief Legal Officer or Equivalent Role	28%
Deputy General Counsel or Equivalent Role	20%
Senior Counsel or Counsel or Equivalent Role	48%
Contract Attorney	4%

2. What Patterns of Hybrid Work Are Taking Place and What Would Lawyers Ideally Like to Do?

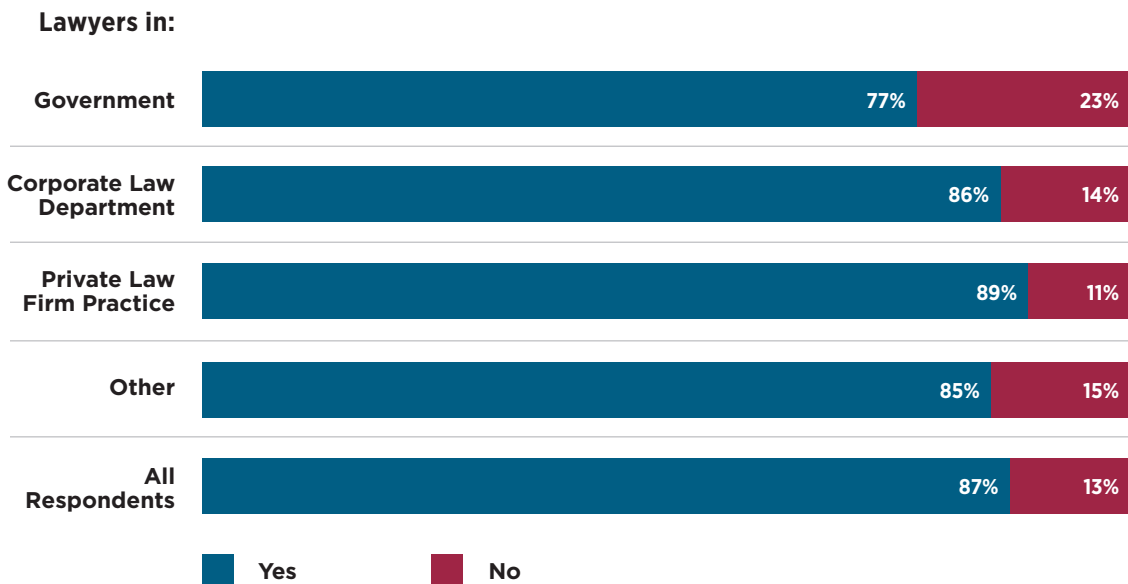
Lawyers are continuing to work hard. In the past year, the majority of respondents worked more than 40 hours a week (59%), with 22% working over 50 hours per week. In addition, 22% worked between 31 and 40 hours per week, with the remainder of the respondents working less than 30 hours per week (19%).

HOURS WORKED PER WEEK IN PAST YEAR (PERCENT OF ALL LAWYERS)



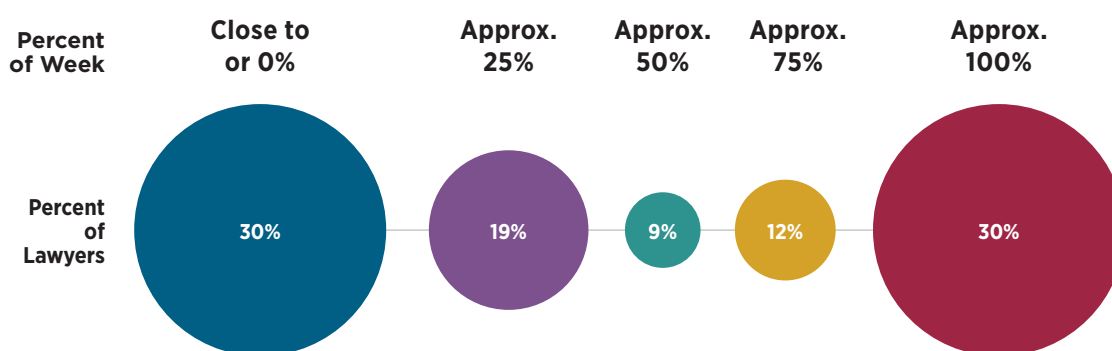
What has substantially changed, however, is a preference for working remotely. Employers continue to allow remote working, more than ever imagined pre-pandemic. In 2022, 87% of respondents reported that their workplace allows lawyers to work remotely. Lawyers in government are less likely to be allowed to work remotely.

IS YOUR EMPLOYER CURRENTLY ALLOWING LAWYERS TO WORK REMOTELY?



Lawyers are working remotely for a substantial amount of time. About 30% of lawyers are working from home almost all the time, another 30% are working in the office close to 100% of the time and the remaining 40% vary in the amount of time they work from home.

AT THE CURRENT TIME, APPROXIMATELY WHAT PERCENTAGE OF THE TYPICAL WEEK ARE YOU WORKING FROM HOME?



Lawyers in private practice have the most flexibility to choose between in-office and remote work. Twenty-three percent of respondents in private practice are required to work in the office between 1 and 3 days a week, with almost two-thirds (63%) able to work remotely 100% of the time or with the flexibility to choose their own schedule.

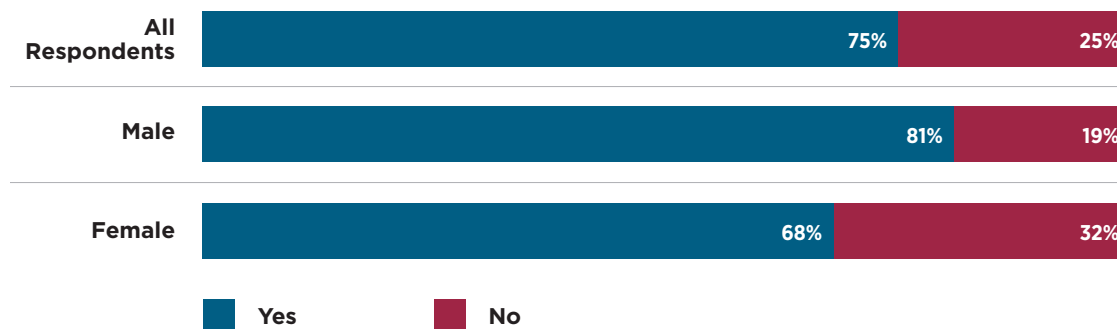
In corporate law departments, 32% of respondents reported that they were required to work 1–3 days in the office, and 14% were required to be in the office 4 to 5 days a week. Like lawyers in private practice, more than half of in-house respondents (53%) were able to work remotely 100% of the time or able to choose their own schedule. Government respondents report the least flexibility to work remotely or to choose their own schedule.

WHAT IS THE MINIMUM SCHEDULE YOUR EMPLOYER REQUIRES FOR IN-OFFICE WORK? (PERCENT OF RESPONDENTS IN EACH WORKPLACE)



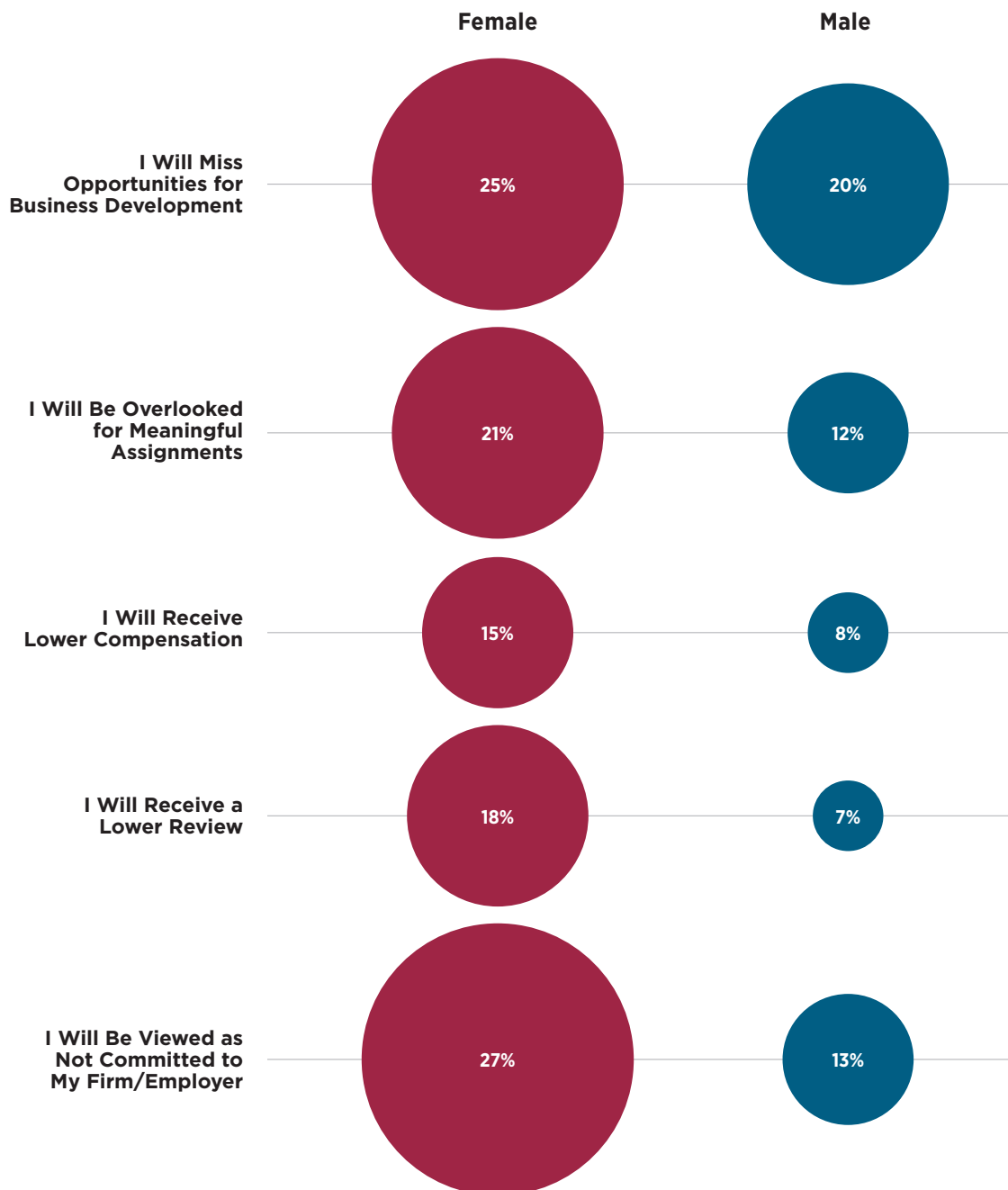
There are situations, however, when an employer may ask lawyers to work in the office. Three-quarters of lawyers reported that they would be willing to “work in the office any time” if asked by their employer. Men were much more likely than women to respond “yes.”

PERCENT WILLING TO WORK IN THE OFFICE ANY TIME EMPLOYER ASKS



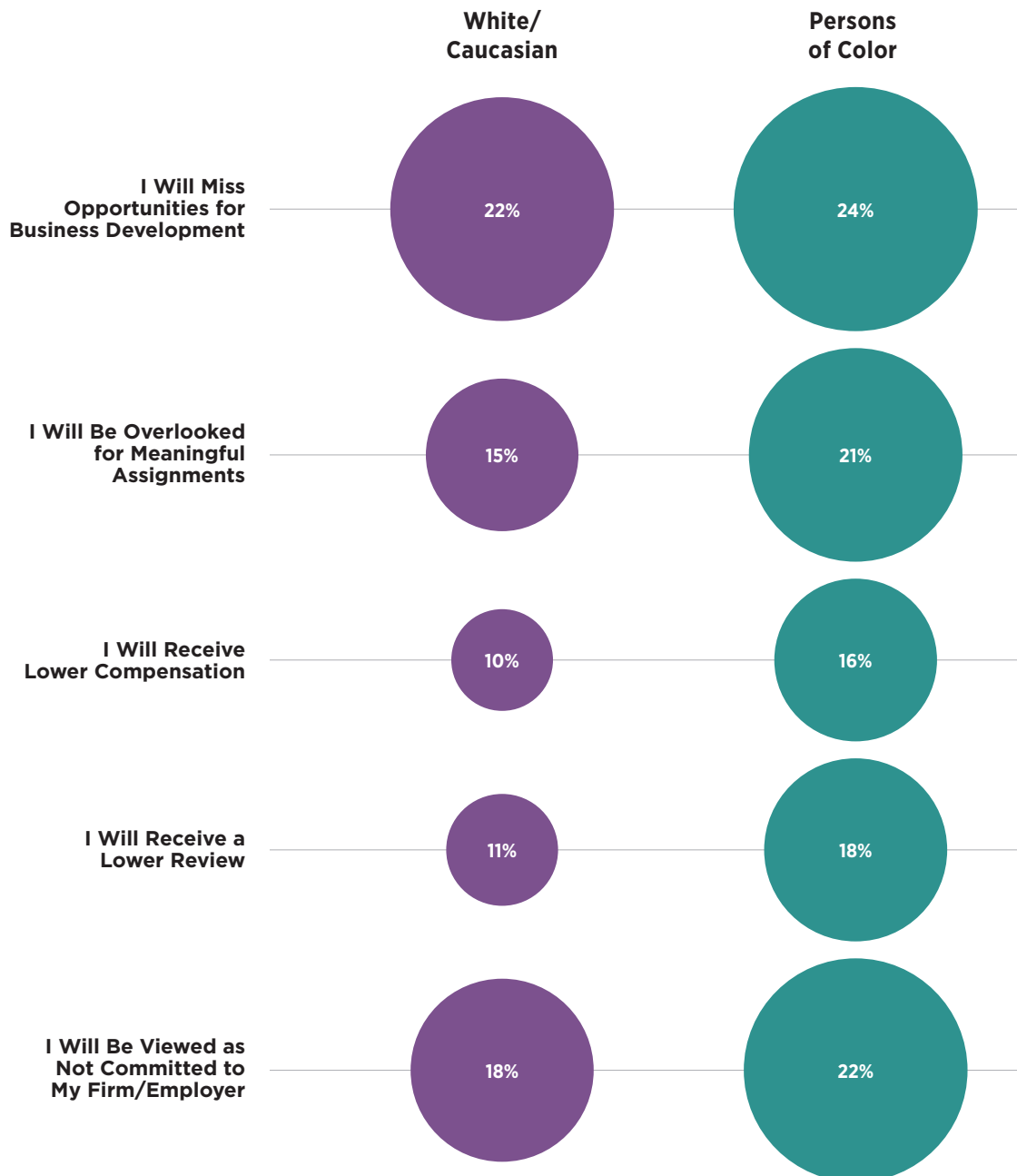
There is concern among some lawyers about career consequences if they do not work in the office when asked, and there is a significantly greater level of concern among women.

**PERCENT “EXTREMELY” OR “VERY” CONCERNED THAT
THE FOLLOWING COULD HAPPEN IF THEY DO NOT
WORK IN THE OFFICE WHEN ASKED
(BY GENDER)**



Similarly, lawyers of color are more concerned about the consequences of not working in the office if requested by their employer:

**PERCENT “EXTREMELY” OR “VERY” CONCERNED THAT
THE FOLLOWING COULD HAPPEN IF THEY DO NOT
WORK IN THE OFFICE WHEN ASKED
(BY RACE/ETHNICITY)**

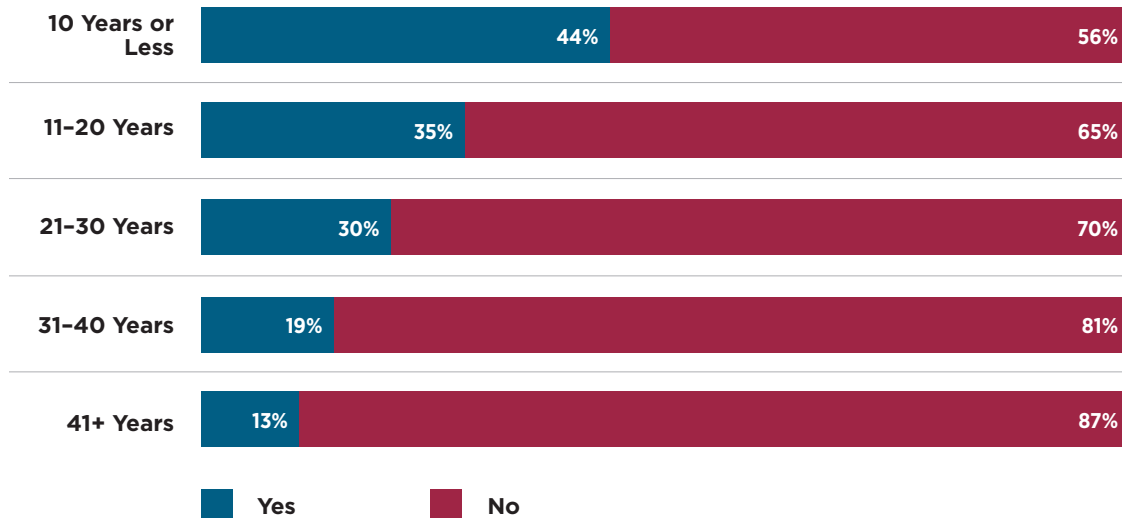


Lawyers are split in their views about remote work during the rest of 2022 and in 2023. Fifty-three percent think it is unlikely they will continue working remotely, although 39% think it is likely. A greater percentage of women than men believe they will likely continue working remotely.

Significantly, the data show that remote working is more important for younger lawyers. As shown below, the younger the lawyer, the more likely they are to leave their current job for one that offers a greater ability to work remotely. Forty-four percent of lawyers practicing 10 years or less would leave for a greater ability to work remotely. At the other end of the age spectrum, only 13% of those practicing over 40 years would leave their place of employment for the greater ability to work remotely.

PERCENT WHO WOULD LEAVE THEIR PLACE OF EMPLOYMENT FOR ONE THAT OFFERS A GREATER ABILITY TO WORK REMOTELY

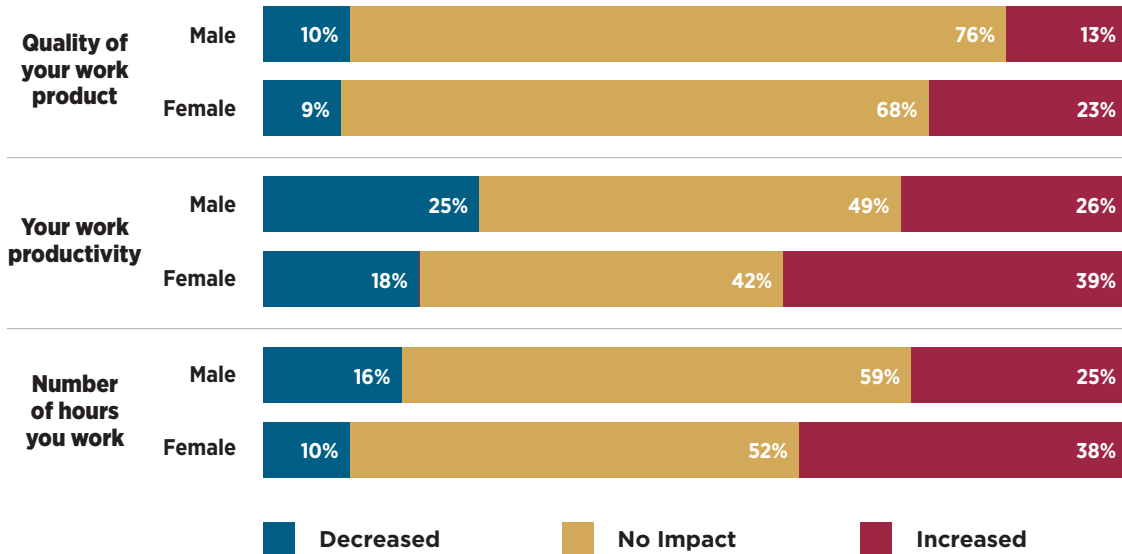
Years in Practice



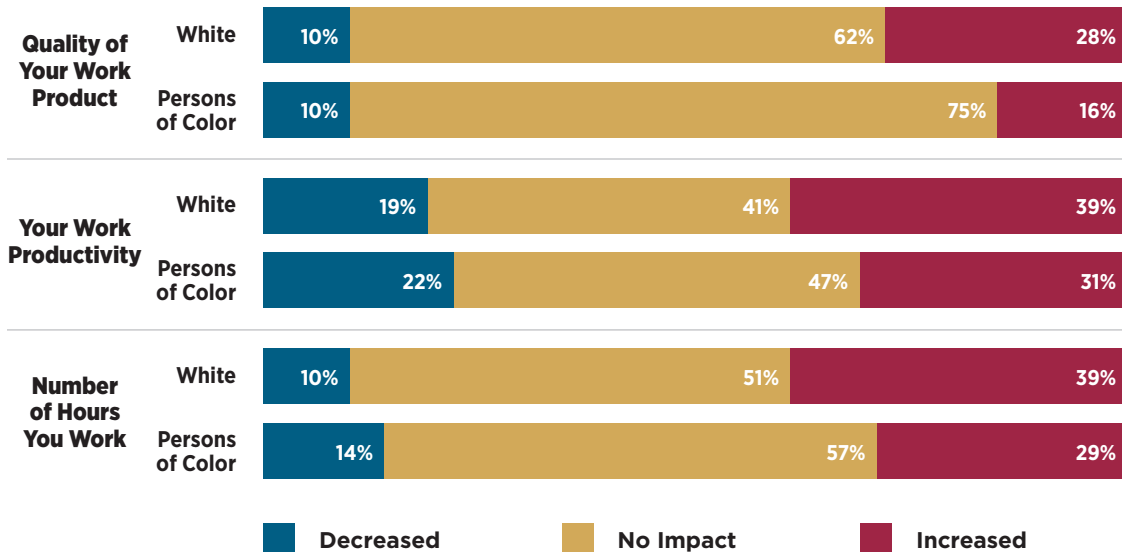
A strong desire for hybrid and remote working may be related to the fact that lawyers overwhelmingly believe that remote or hybrid working has either had no adverse impact or actually increased their work quality and productivity. Only 10% of respondents believed there was a decrease in their work quality, with 90% reporting that there was either no impact or an increase in work quality from remote or hybrid working. Likewise, when asked about hours worked, the majority of respondents reported either no adverse impact on hours (56%) or an increase in hours (31%) due to hybrid or remote work. When asked about productivity, 22% of respondents believed their productivity had decreased through hybrid or remote working, although 78% believed there was no impact or productivity had increased.

Women were even more likely to report that the quality of their work, productivity, and number of hours worked actually *increased* when working remotely or on a hybrid basis:

PERCENT WHO FEEL THAT HYBRID/REMOTE WORK HAS AFFECTED THEIR WORK QUALITY, PRODUCTIVITY, OR HOURS WORKED (BY GENDER)

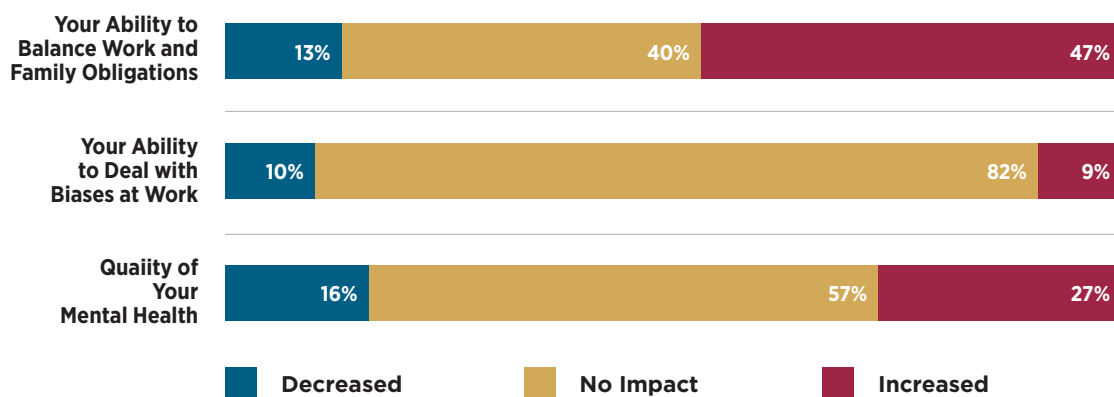


PERCENT WHO FEEL THAT HYBRID/REMOTE WORK HAS AFFECTED THEIR WORK QUALITY, PRODUCTIVITY, OR HOURS WORKED (BY RACE/ETHNICITY)



Similarly, most lawyers reported that remote or hybrid work had either no adverse impact or *increased* their ability to balance work and family, to deal with biases at work, and the quality of their mental health.

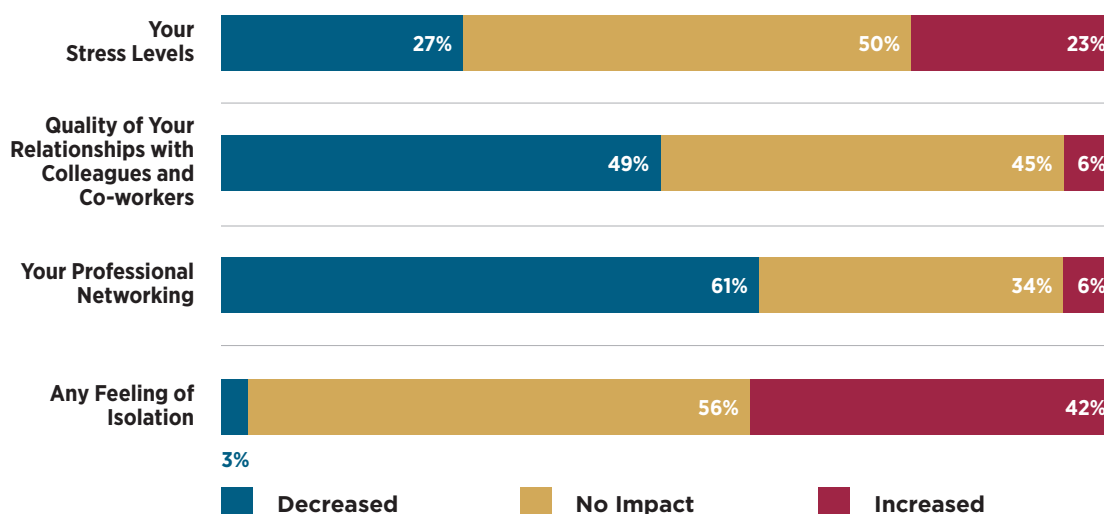
PERCENT WHO FEEL THAT HYBRID/REMOTE WORK HAS AFFECTED THEIR WORK-LIFE BALANCE, DEALING WITH BIASES AT WORK, OR MENTAL HEALTH (ALL RESPONDENTS)



There was a difference between women and men in these responses, especially with respect to an ability to balance work and family obligations. Tellingly, 56% of women compared to 42% of men reported an increased ability to balance work and family obligations due to remote or hybrid working.

There were some negative effects as a result of working remotely. For example, levels of stress increased for 23% of all respondents. Almost half of respondents, 49%, reported decreased quality of relationships with co-workers, with men more likely to experience that decrease. A majority of respondents (61%) also report a decrease in professional networking and 42% reported an increase in feelings of social isolation.

PERCENT WHO FEEL THAT HYBRID/REMOTE WORK HAS AFFECTED THEIR STRESS LEVELS, RELATIONSHIPS AT WORK, NETWORKING, OR FEELING OF ISOLATION (ALL RESPONDENTS)



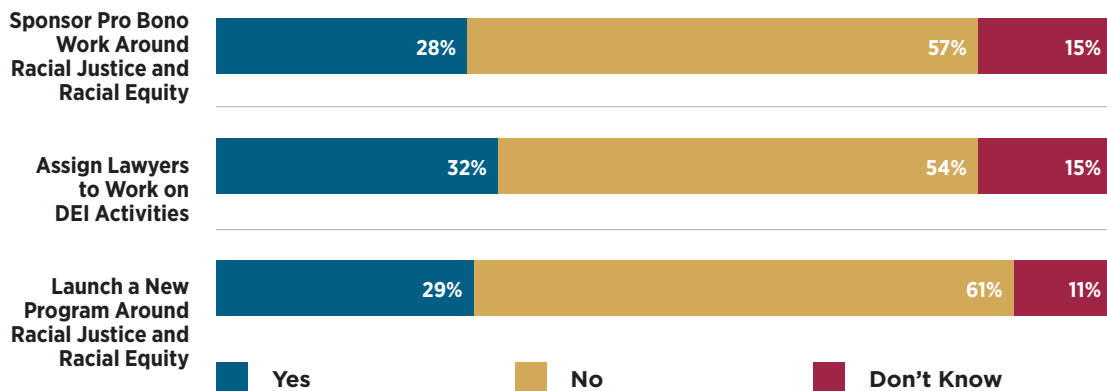
3. Do Lawyers Feel Included and Have a Sense of Belonging?

At a time when many lawyers are spending large amounts of time working remotely, and where hybrid schedules are the norm rather than the exception, it is fair to ask: how have pandemic-devised work adjustments affected various aspects of workplace culture? There is not, of course, just one answer for every workplace but the data we collected – for the first time ever in a large national survey of lawyers – paint a clear picture that there is much more work that needs to be done to improve workplace cultures.

First, with respect to actions over the past six months for addressing issues around racial justice and racial equity, the majority of lawyers report more discussion about these issues, but not a lot of actions. Almost half of respondents, with little variation between White lawyers and lawyers of color, said that their employer issued statements of support around racial justice and racial equity (46%) and have fostered DEI conversations (47%).

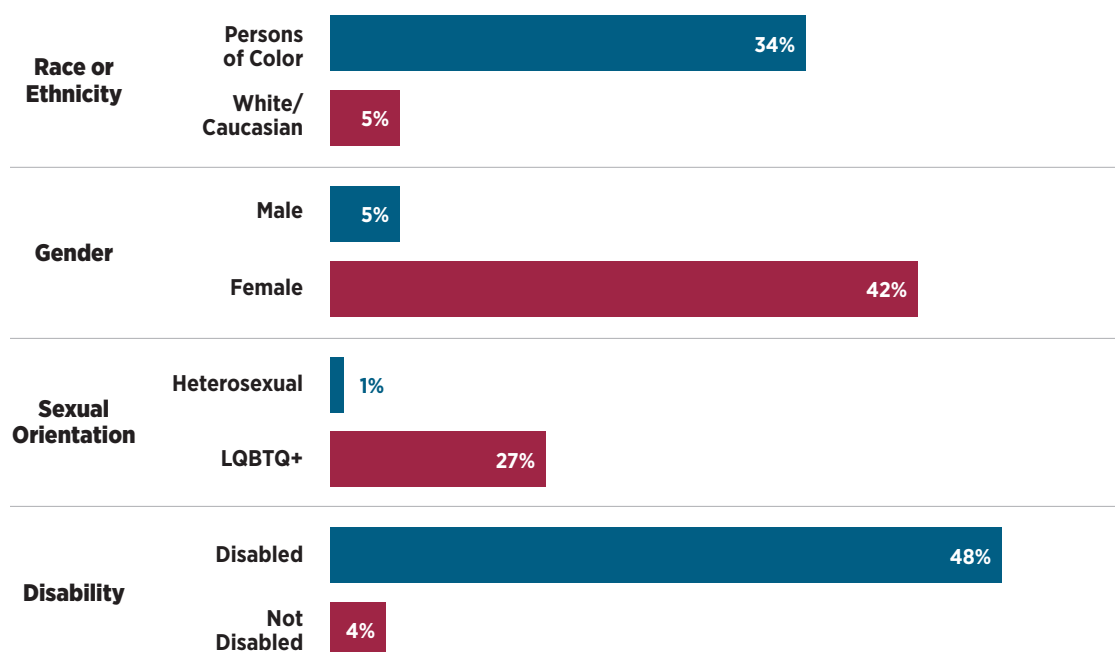
The percentages drop substantially when it comes to launching a new DEI program, assigning lawyers to work on DEI projects, and sponsoring *pro bono* work. Two-thirds or more of respondents report either that their employers did not engage in these actions or they don't know whether the employer did. There was not a substantial amount of variation on these measures by race/ethnicity.

IN THE PAST SIX MONTHS, DID YOUR EMPLOYER TAKE ANY OF THE FOLLOWING ACTIONS TO ADDRESS ISSUES AROUND RACIAL JUSTICE AND RACIAL EQUITY? (ALL RESPONDENTS)



Especially striking are the data that show high levels of stress at work on account of race or gender, sexual orientation and disability status. Women lawyers feel more stress at work than men on account of their gender. Lawyers of color feel more stress at work than White lawyers on account of their race or ethnicity. LGBTQ+ lawyers feel more stress at work on account of their sexual orientation than heterosexual lawyers. And disabled lawyers are more likely to feel stress at work on account of their disability than lawyers who are not disabled.

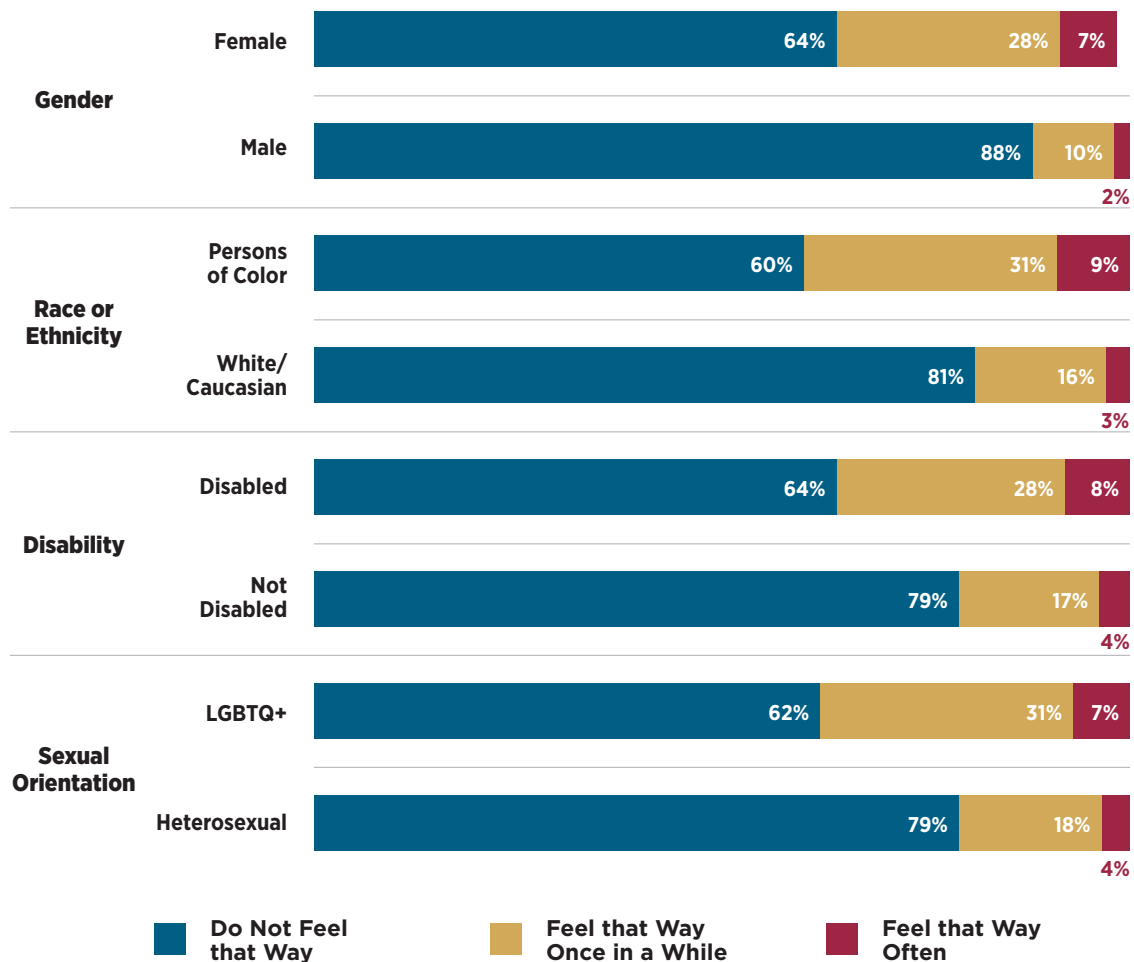
DO YOU FEEL STRESS AT WORK BECAUSE OF YOUR:



Note: Chart shows percentage who answer sometimes, very often or almost all the time.

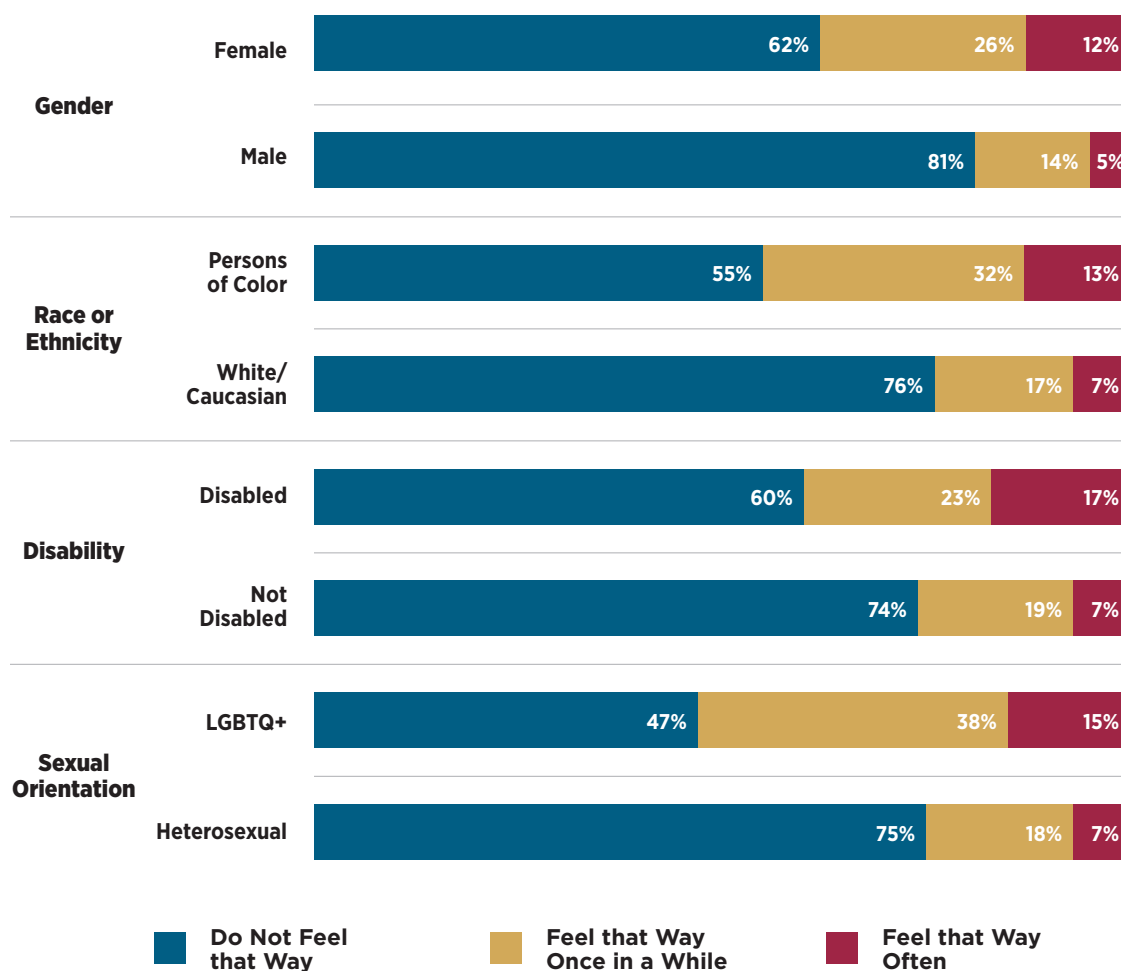
There is a similar pattern for data about whether lawyers feel they are perceived as less competent at work. While the majority of respondents indicated that they do not feel they are perceived as less competent (78%), there were significant demographic differences. Women (35%) are nearly three times more likely as men (12%) to feel perceived as less competent at work either “once in a while” or “often.” Lawyers of color (40%) were more than twice as likely as White respondents (19%) to feel perceived as less competent at work either “once in a while” or “often.” Disabled respondents (36%) were much more likely to feel perceived as less competent than non-disabled respondents (21%) either “once in a while” or “often.” Respondents also showed significant differences based on sexual orientation, with 38% of LGBTQ+ respondents answering that they feel perceived as less competent, while 22% of heterosexual respondents felt that way.

DO YOU FEEL THAT YOU ARE PERCEIVED AS LESS COMPETENT AT WORK THAN OTHER LAWYERS AT YOUR LEVEL?



There were also significant demographic differences on the question of whether lawyers feel they can be their authentic selves at work. Thirty-eight percent of women reported that they cannot be their authentic selves at work either “once in a while” or “often,” which is twice as high as men (19%). A similar pattern occurred based on race/ethnicity: almost half the lawyers of color (45%) felt they cannot be their authentic selves at work at least “once in a while” or “often,” compared to only 24% of White respondents. Forty percent of disabled respondents reported feeling this way, compared to just 26% of non-disabled respondents. Respondents also showed significant differences by sexual orientation, with LGBTQ+ respondents (53%) more than twice as likely as heterosexual respondents (25%) to report feeling this way “once in a while” or “often.”

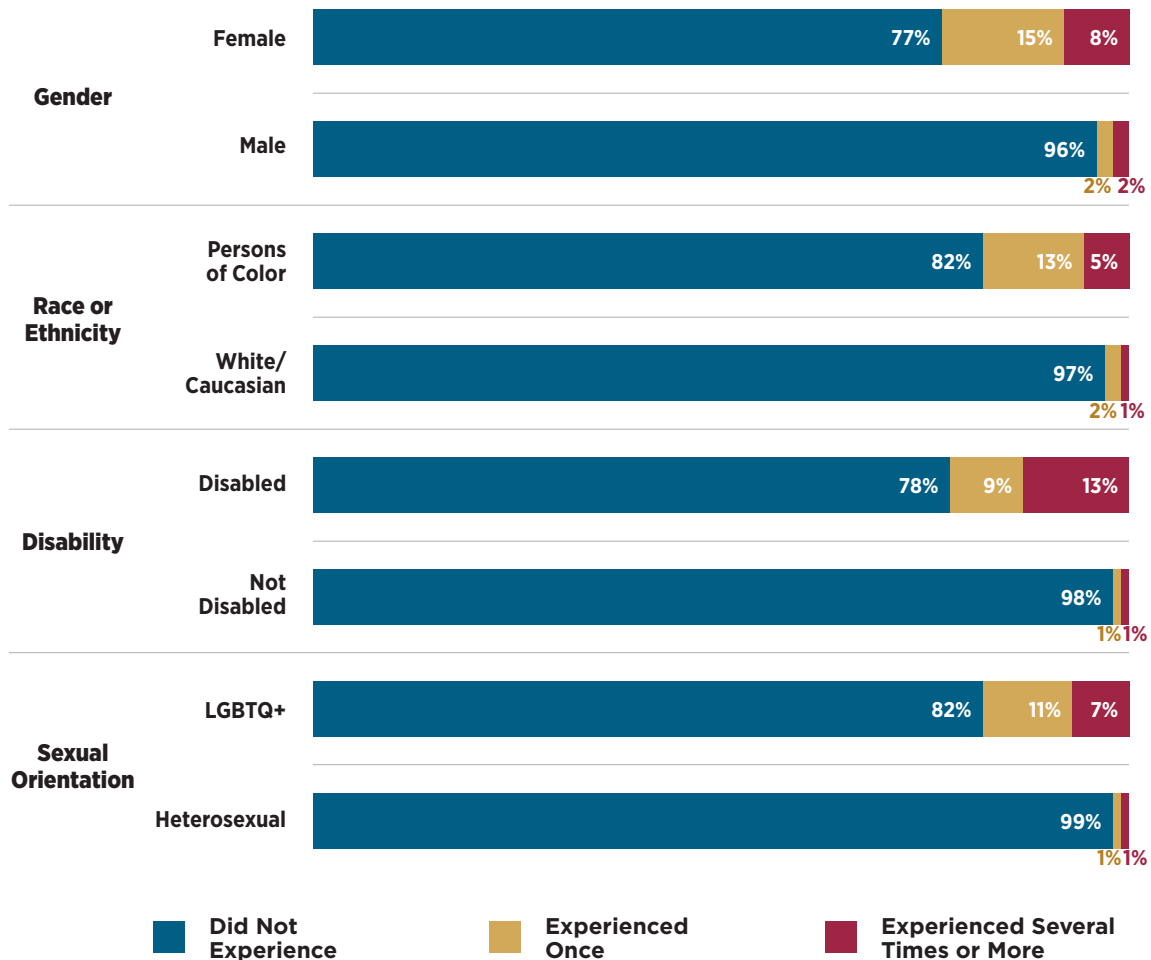
DO YOU FEEL LIKE YOU CANNOT BE YOUR AUTHENTIC SELF AT WORK?



Equally distressing, women lawyers, lawyers of color, LGBTQ+ and disabled lawyers were also substantially more likely to receive demeaning or insulting comments at work. In the short time between January and June 2022:

- ▶ Twenty-three percent of women lawyers experienced a demeaning or insulting comment concerning their gender at least once and 8% received those comments multiple times.
- ▶ Eighteen percent of lawyers of color experienced a demeaning or insulting comment at least once, and 5% received such comments multiple times.
- ▶ Twenty-two percent of disabled lawyers experienced a demeaning or insulting comment concerning their disability at least once, and 13% experienced such comments multiple times.
- ▶ Eighteen percent of LGBTQ+ lawyers received a demeaning or insulting comments at least once and 7% received those comments multiple times.

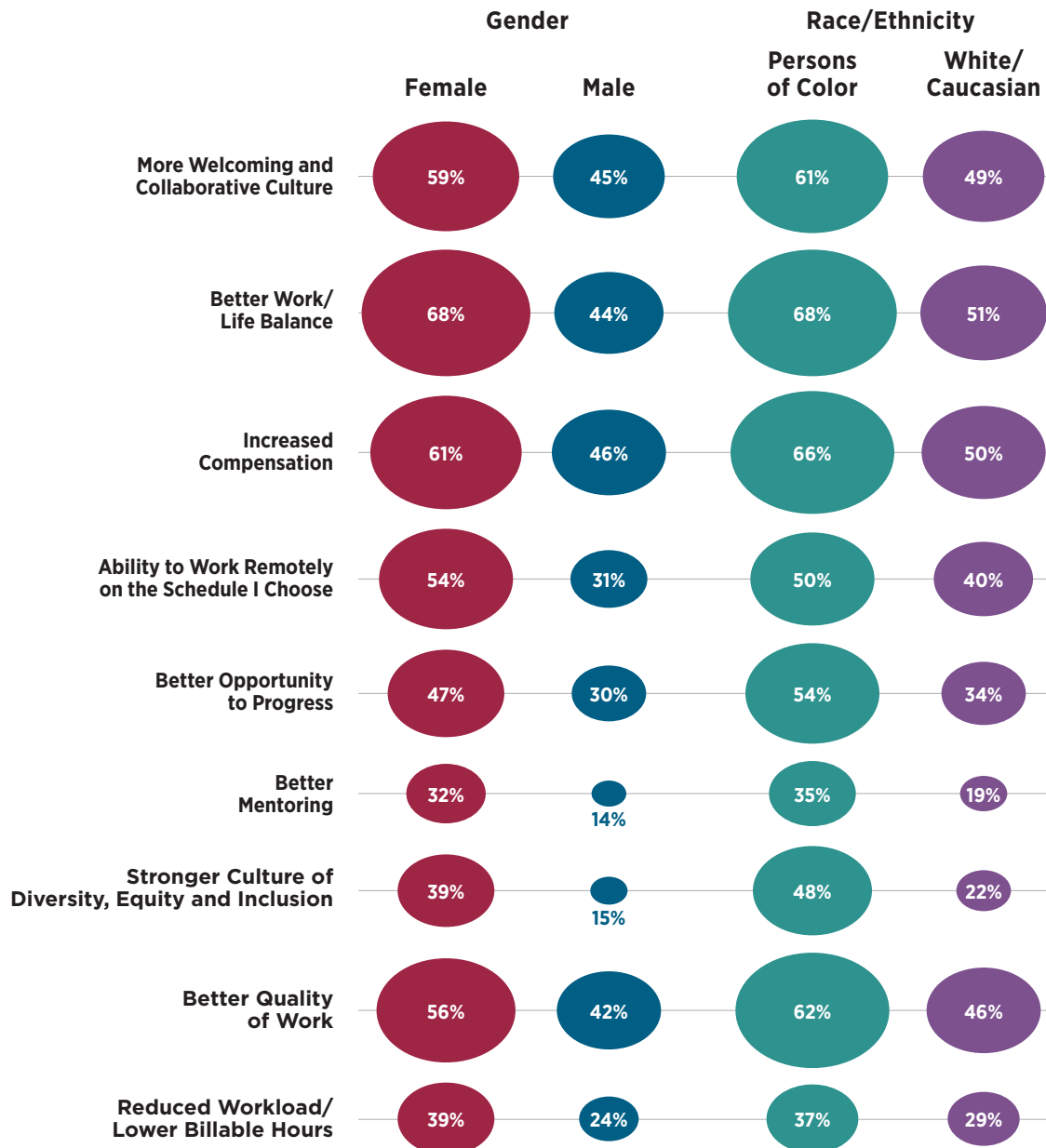
IN THE PAST SIX MONTHS AT WORK, DID YOU EXPERIENCE Demeaning OR INSULTING COMMENTS AROUND THESE PERSONAL CHARACTERISTICS:



4. What Factors Matter for Lawyers to Stay in a Job or Leave?

In deciding whether to stay or change jobs, the data clearly show that workplace culture matters. Many lawyers would leave their current job for a workplace that had the qualities listed below. Strikingly, every one of these factors is substantially more important for women than men; and every one of these factors is also substantially more important for lawyers of color than White lawyers.

PERCENT WHO SAY FACTOR IS VERY OR EXTREMELY IMPORTANT IN DECIDING WHETHER TO CHANGE JOBS



Women respondents also rated each of the above factors as more important than men in deciding whether they would change jobs. Likewise, each of these factors was also rated as more important by lawyers of color than White lawyers.

At the top of the list for women and lawyers of color is better work/life balance, with over two-thirds of those lawyers saying they would change jobs on that basis. A more welcoming and collaborative culture, increased compensation, better quality of work, ability to work remotely, and a better opportunity to progress are also high on the list of factors that would lead lawyers to change jobs for a place of employment that had these characteristics.

Most respondents believe it is unlikely they will look for another job for the rest of 2022 or in 2023, work outside the legal profession, retire earlier than planned, or be asked by their employer to leave. Strikingly, women lawyers and lawyers of color were significantly more likely than men and White respondents to be looking for another job, including a job outside the law.

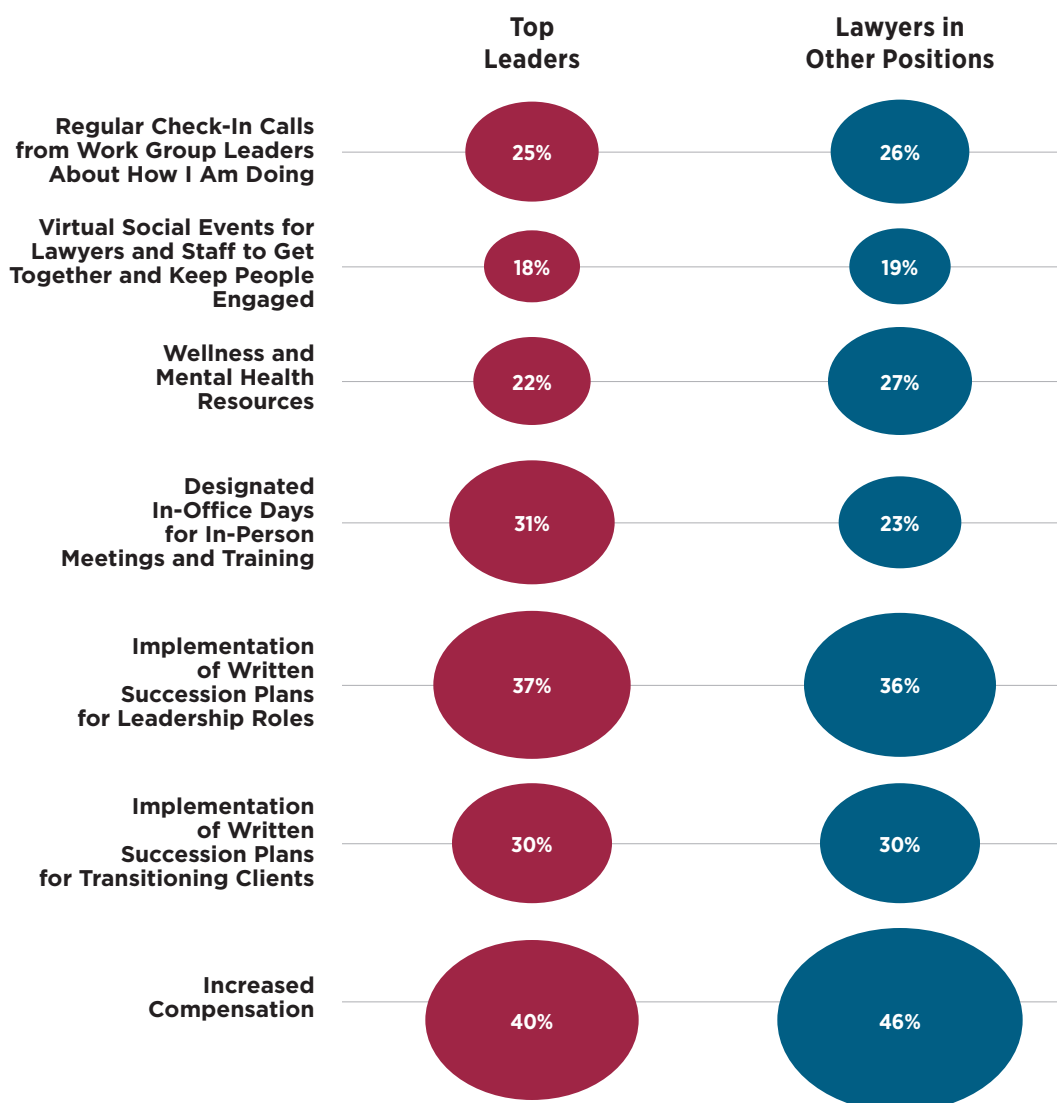
Looking ahead to the rest of 2022 and 2023, lawyers report that it is “very” or “extremely” important for employers to provide certain specific resources and activities. In addition to increased compensation – which 44% think is very or extremely important – lawyers also seek:

- ▶ Implementation of written succession plans for leadership roles (37%);
- ▶ Regular check-in calls from group leaders about how I am doing (26%);
- ▶ Wellness and mental health resources (26%);
- ▶ Designated in-office days for in-person meetings and training (25%);
- ▶ Implementation of written succession plans for transitioning clients (30%);
- ▶ Virtual social events for lawyers and staff to get together and keep people engaged (19%).

Importantly, women lawyers, lawyers of color, and disabled lawyers are significantly more likely than men, White lawyers, and non-disabled lawyers to view every single one of the factors shown below as “very” or “extremely” important for employers to provide.

What do leaders have to say about these factors? We compared the results from law firm managing partners and chief legal officers to responses from lawyers not in those top positions.

PERCENT WHO SAY IT IS VERY OR EXTREMELY IMPORTANT FOR EMPLOYERS TO PROVIDE THE FOLLOWING:

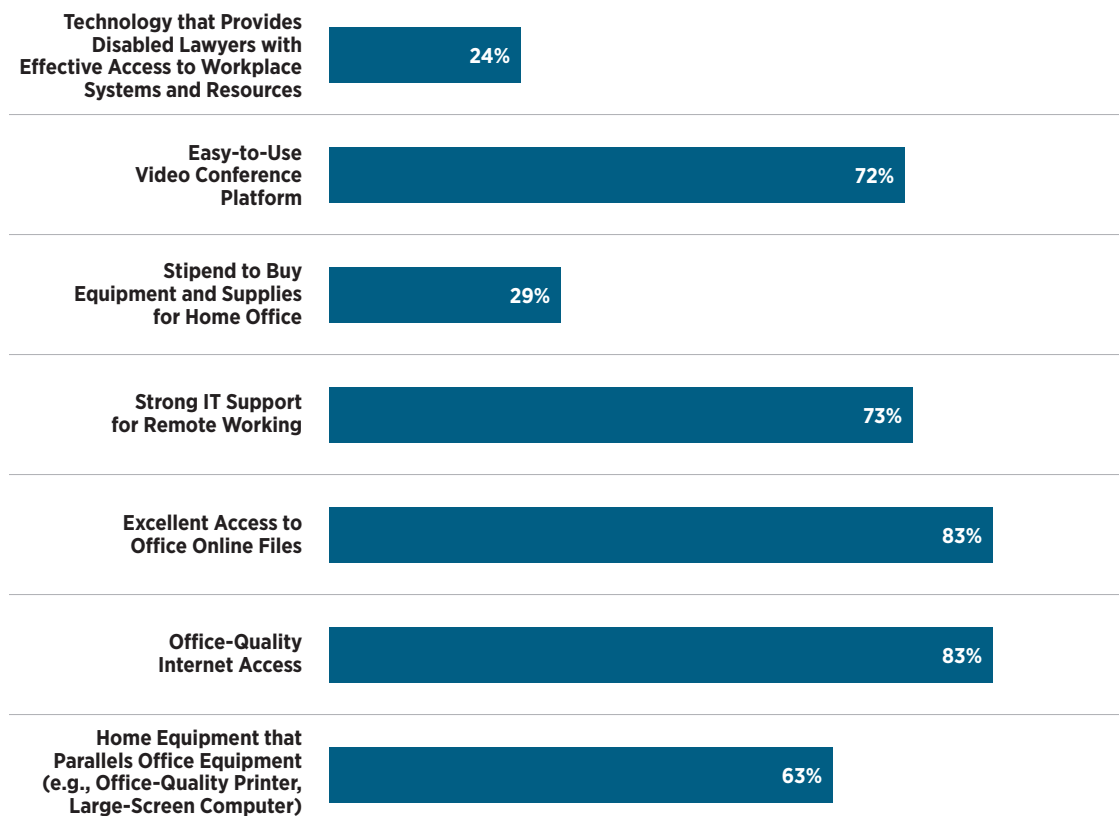


Overall, leaders showed similar patterns of response as those in other positions. However, leaders were less likely than those in other positions to report that it was “very” or “extremely” important for their employer to provide wellness and mental health resources or increased compensation.

5. What Types of Technology Do Lawyers Need to Feel Well-Supported at Work?

The pandemic has highlighted more than ever before the importance of technology in order for lawyers to be able to perform their work. When asked what technical resources are important for the rest of 2022 and 2023, respondents rated various resources shown below:

IMPORTANCE OF SPECIFIC TECHNOLOGICAL RESOURCES (% RESPONDING VERY OR EXTREMELY IMPORTANT)

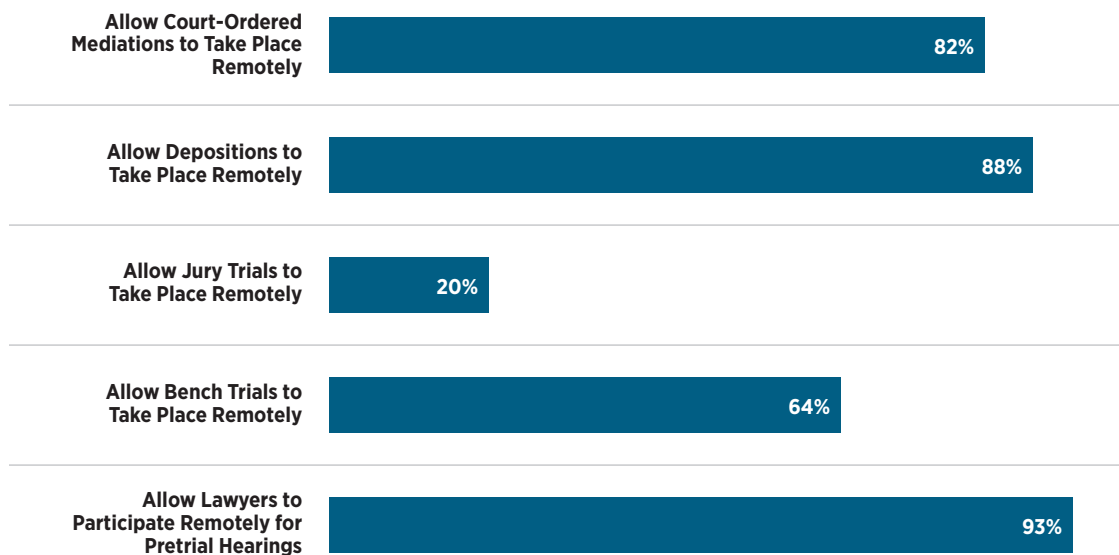


The Survey responses also reflect that certain resources were especially important to lawyers with a disability: Office quality internet access; technology that provides disabled lawyers with effective access to workplace systems and resources; a stipend to buy equipment and supplies for a home office; and home equipment that parallels office equipment.

6. What Types of Court Proceedings Do Lawyers Prefer?

As courts are moving towards a return to full in-person proceedings, most respondents take a flexible position about remote versus in-person. Lawyers prefer that courts allow many pretrial proceedings to take place remotely, via Zoom or other similarly accessible platforms. Thus, a majority of respondents report that they prefer mediations, depositions, pretrial hearings, and even bench trials to take place remotely. In contrast, only 20% of respondents report that they would prefer jury trials to take place remotely.

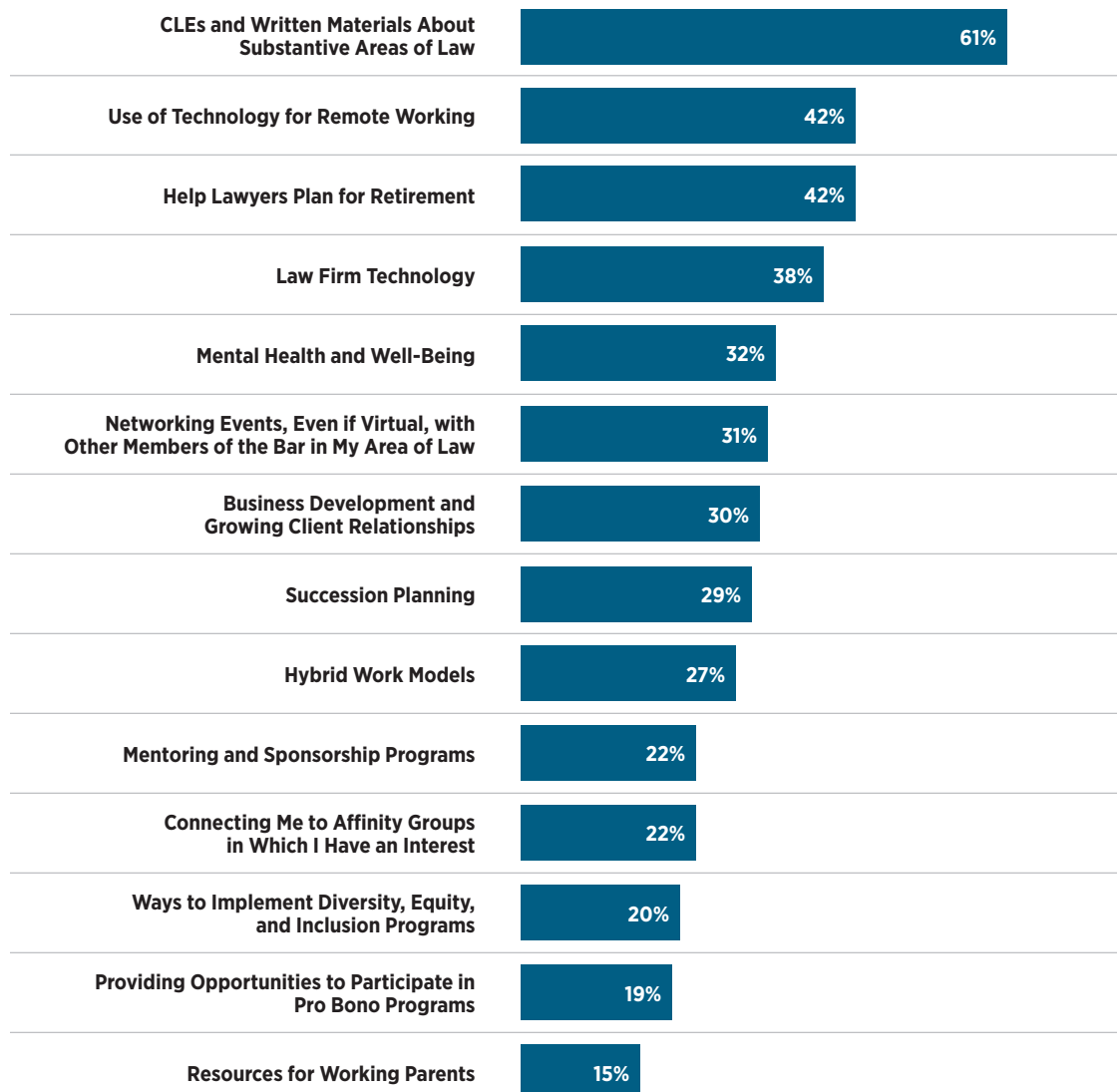
WHICH PROCEEDINGS SHOULD COURTS ALLOW TO TAKE PLACE REMOTELY? (% FAVOR REMOTE)



7. What Resources Do Lawyers Want from the ABA?

The ABA provides a wide array of resources to its members. The chart below shows the preferences expressed by ABA members for CLEs, toolkits, programs, publications, or other resources.

PERCENT OF LAWYERS WHO WOULD FIND SPECIFIC RESOURCES, CLEs, TOOLKITS, PROGRAMS, OR PUBLICATIONS USEFUL FOR ABA TO PROVIDE



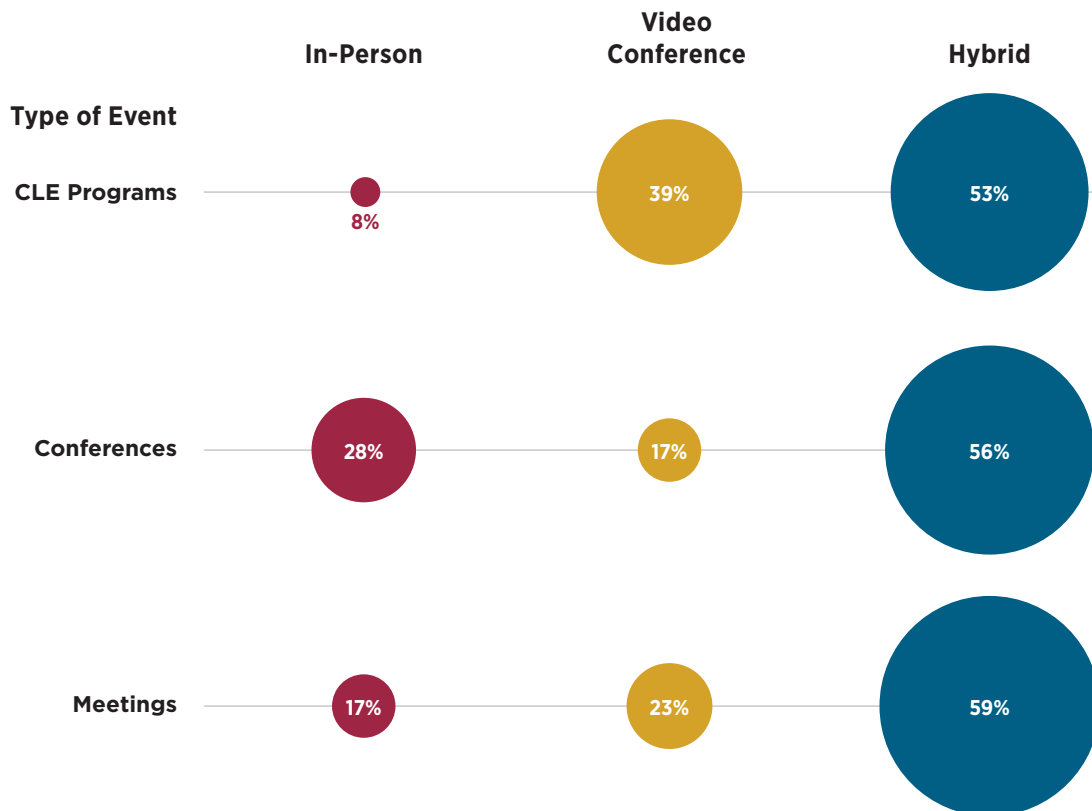
There are significant age differences in the types of resources preferred by older members compared to younger members. The charts below show that older ABA members have a greater preference for resources about law firm technology, use of technology for remote working, and planning for retirement. Younger ABA members, especially those under 40, have a greater preference for the resources listed in the chart below:

PREFERRED RESOURCES FROM THE ABA



We also surveyed opinions about whether programming for CLEs, conferences and meetings should take place in person, hybrid, or only virtually. The results showed minimal differences among various subgroups. It is clear that the majority of members prefer hybrid events for all three types of programming, which gives members the option to attend in person or remotely. That preference, of course, is similar to the flexibility about remote working that many members prefer and expect of groups where they are voluntary members.

PREFERRED MODE OF PRESENTATION FOR TYPE OF EVENT



Moving Forward with Recommended Best Practices

*Create a Culture that Supports
Hybrid Work*

*Create a Culture that Addresses
Wellness and Mental Health*

*Create a Culture that Encourages
and Fosters Diversity, Equity,
and Inclusion*

*Create a Culture that Maximizes
the Use of Technology*



The work-from-home experience resulting from the pandemic has had a profound impact on the practice of law, and the effects are still transforming the profession. The results of the 2022 Practice Forward Survey discussed above demonstrate that lawyers and legal employers are still adjusting to the new reality and that there is no one-size-fits-all approach to how, where, and when lawyers will work.

However, there are clear trends that emerge from the Survey in terms of:

- ▶ How the profession is transitioning from fully remote work to a hybrid schedule;
- ▶ The impact of desired flexibility with respect to work schedules and mobility of lawyers;
- ▶ The continued stress and burnout lawyers are experiencing, particularly women and lawyers of color;
- ▶ The type of workplace culture that will help to attract and retain lawyers; and
- ▶ How the business of law is adapting and evolving in the light of these factors.

The Survey results also underscore the important role the ABA plays in providing the types of programs, CLE's, toolkits and other resources to meet the changing needs of its members. There are significant generational differences in the types of resources preferred by younger compared to older members. Armed with the Survey results, the ABA can provide more targeted programming that all ABA members will find useful and helpful.

Here are our recommended best practices based on analysis of the Survey responses.

I. Create a Culture that Supports Hybrid Work

The 2022 Practice Forward Survey results demonstrate that lawyers want the flexibility to decide for themselves when they work in the office and when they work at home. This is particularly true for younger lawyers, women lawyers and lawyers of color, who show a strong preference for enjoying autonomy over their work schedules.

A failure by legal employers to provide the desired flexibility will no doubt tempt many younger lawyers to vote with their feet and leave their place of employment for more accommodating employers. As shown by the Survey results, 44% of lawyers practicing ten years or less would leave their workplace for a greater ability to work remotely. Given the ongoing war for talent facing the profession, legal employers who want to prevent an exodus of talented younger lawyers in whom they have invested so many resources (and who are comprised of higher percentages of women and lawyers of color), should seriously consider adopting and implementing hybrid work policies and practices that provide for real workplace flexibility – to serve the goals of keeping lawyers engaged and connected with their firms and each other, and to create a culture in which a lawyer's decision to work remotely does not derail their career.

Best practices for hybrid work policies include:

1. Create a hybrid work policy that is both intentional and transparent. Legal employers should be purposeful in ensuring that all lawyers who work remotely have a path forward and an equitable opportunity to advance. Policies should be developed and implemented with a broad array of input from women and diverse lawyers to determine the types of hybrid work schedules they prefer, including flexible hours, shorter work weeks, and childcare resources. Developing a hybrid work policy without listening to and incorporating such input will greatly reduce the chances for success. In addition, written, transparent hybrid work policies must be developed that will ensure participating lawyers are not disadvantaged in terms of their assignments, compensation, mentorship, and advancement. It is important for legal employers to understand the difference between equal and equitable.

If working remotely, individual lawyers should also be intentional and proactive about reaching out to ask for assignments or seeking to set up times for video chats with clients. Taking steps to improve working relationships will result in real benefits to you and your career.



There is no one-size-fits-all approach to how, where, and when lawyers will work.

2. Develop policies to maintain increased engagement and connectivity at all levels. When lawyers work remotely, it is important for them not to feel left out or sidelined, for their own morale and for the benefit of the firm. To keep all lawyers feeling seen and connected regardless of where they work, firms can designate certain days each month for in-person meetings of practice groups, departments, or the entire office. In-person or virtual social events can also be held to promote social interaction, camaraderie, and morale. Employers can arrange one-on-one calls or other forms of “pulse checks” to discuss how lawyers are faring and what policies will help them succeed. Regardless of the specific practices that are chosen, the key is to develop ongoing activities that are truly inclusive of all lawyers, whether working remotely, in the office, or on a hybrid basis.

3. Once again, individual lawyers should reach out to identify and cultivate allies, mentors, and sponsors by scheduling regular video conferences to help develop and enhance these relationships. Also, individual lawyers can use video conferencing to build better connections with colleagues both at their place of employment and networks outside the office.

4. Use metrics to track results over time. Legal employers must carefully track how often lawyers, especially women and lawyers of color, take advantage of hybrid work policies and their rates of promotion. The assignments and client opportunities obtained by lawyers who work mostly from home must be monitored to ensure that they are not being disadvantaged and are receiving the experiences necessary in order to be promoted. Careful review of performance evaluations is necessary to detect any implicit bias and determine whether lawyers who primarily work remotely are receiving more critical comments about their commitment to the firm or effectiveness than those who work in the office. Before the pandemic, those who utilized remote work policies (overwhelmingly women with young children) were often stigmatized, and it is imperative that this not be allowed to recur. Metrics can also allow a firm to show that hybrid work fosters success for individual lawyers.

5. Actively support hybrid work policies. Leaders of legal employers can promote the success of hybrid work by demonstrating their personal support. They can send communications that endorse remote work, and highlight good results or praise the success of a team that includes lawyers working from home. Lawyers who work remotely can often feel disassociated from the rest of their team, and recognition of their contributions boosts morale and sends a powerful message to others that remote work is valued and can lead to advancement.

II. Create a Culture that Addresses Wellness and Mental Health

The Survey results show that lawyers continue to experience high levels of stress, anxiety and burnout. The high demand for legal services has not abated, and lawyers are still working long hours. Further amplifying stress is an unrelenting 24/7 mentality, a bombardment of calls and emails outside normal working hours and on weekends, and non-stop Zoom meetings during regular working hours.

Women and lawyers of color are also experiencing higher levels of stress based on their gender and race/ethnicity. In particular, lawyers of color reported that they were perceived as less competent at work than White lawyers at their level and they were not able to be their authentic selves at work. Likewise, women reported being perceived as less competent and unable to be their authentic selves at work. Lawyers who reported a disability experienced much more stress at work than lawyers with no disability.

Legal employers have addressed increased stress levels and wellness concerns by providing additional mental health and wellness resources, especially during the pandemic. They should continue to do so for the foreseeable future. Legal employers also need to look more holistically at their workplace to understand how a lack of an inclusive and welcoming workplace culture and lack of engagement can exacerbate stress, anxiety and depression for lawyers and staff, particularly for women, lawyers of color, disabled lawyers, and other under-represented groups.



Women and lawyers of color are also experiencing higher levels of stress based on their gender and race/ethnicity.

Individual lawyers must explore ways to maintain their physical and mental health. If a lawyer is feeling burnt out and stressed, it is imperative to seek out professional assistance either at work or outside work so you can work through and address these issues. The pandemic has resulted in increased stress and anxiety for individual lawyers and therefore self-care is critical, especially for younger lawyers, women with children, and diverse lawyers.

Additional best practices include:

1. Encouraging lawyers to take time off and to take vacations. It is imperative to re-charge and come back to work more refreshed, focused, and productive.
2. Scheduling Zoom-free days or days without back-to-back meetings. When arranging meetings, try to schedule them for less than an hour when possible. Also, legal employers need to implement transparent written policies that identify specific boundaries regarding after-hours and weekend emails and phone calls.
3. Providing access to counseling services and normalize discussions about stress and burnout in team meetings and one-on-one pulse checks.
4. Increasing engagement. If legal employers are truly committed to creating a culture of wellness and reducing stress in the workplace, they must focus on ensuring that lawyers feel valued at work and that they feel engaged and included in the goals and mission of the organization. Leaders must be empathetic and must understand the types of challenges and stressors lawyers may face. They must be willing to learn from and act upon the sense of a lack of belonging by women, lawyers of color, and other under-represented groups.

III. Create a Culture that Encourages and Fosters Diversity, Equity, and Inclusion

As demonstrated above, workplace culture matters, as it can affect attrition, stress, the ability to achieve work-life balance, and satisfaction with one's work. Our Survey results also demonstrate that, for many lawyers, their employer's commitment to diversity, equity and inclusion can impact their decision whether to remain or leave their organization. Once again, this is particularly important to younger lawyers, women lawyers, and lawyers of color.

It is evident from the Survey results that legal employers must be more intentional and deliberate about creating a workplace culture that incorporates DEI into all aspects of their business decisions, including hiring, evaluations, compensation, promotion, leadership and sponsorship opportunities, and succession.

Key to ensuring a meaningful DEI framework is the use of metrics to measure whether DEI goals are being achieved; whether hybrid work policies are impacting lawyers in different ways; and how lawyers are faring in terms of assignments, evaluations, compensation, and promotions. By using metrics, legal organizations will be in a much better position to create and maintain a stronger pipeline of women and diverse attorneys.



For many lawyers, their employer's commitment to diversity, equity and inclusion can impact their decision whether to remain or leave their organization.

Other best practices to foster DEI in workplace culture include:

1. Compensation systems that take into consideration and give credit for DEI work, including mentoring; working with women and diverse lawyers to develop business and to introduce them to clients; and providing incentives for more senior lawyers to transition clients and billing and relationship credit to women and diverse lawyers who are working on the clients' matters.
2. Allowing work on DEI issues to count as billable hour credit. Incorporating DEI work into billable hour requirements will also provide a tracking mechanism to help measure success and will demonstrate that an organization truly values DEI work, and is not merely paying lip service to such efforts.
3. Conduct culture surveys and audits to understand how the workplace is perceived by lawyers and staff. Our prior research has demonstrated that leaders of legal employers often believe they are doing a far better job at promoting DEI than lawyers and staff believe they are doing. Any such disconnect can be assessed and better understood if there is actual data that can be analyzed. A culture audit or survey should also include meaningful and transparent communications with lawyers and follow-through on recommended steps that may emerge from such dialogue.

By taking these measures, legal employers will be in a much better position to stem the attrition of talent, especially women and diverse lawyers.

IV. Create a Culture that Maximizes the Use of Technology

The Practice Forward Survey also underscored the importance of technology in legal practice, regardless of whether a lawyer was a solo practitioner, practicing in a law firm, or working in-house. Prior to the pandemic, many legal employers did not have a blueprint for developing and maintaining a remote or hybrid workplace, but technology helped legal organizations pivot promptly when the pandemic struck. Solo practitioners, many of whom were already working from home offices prior to the pandemic, had a much smoother transition.

As lawyers continue to adopt hybrid or remote work schedules, some best practices have emerged.

1. Lawyers should be equipped with the needed technology. By doing so, they can be equally productive whether they are working at home or in the office. For example, legal employers should make it easy for lawyers to participate in group calls, contact administrative personnel, access documents online, and have their own online “office,” meeting rooms and even a casual space for dropping by to chat. The goal is to create a unified set of experiences, whether through a business office or home office. Help lawyers set up an effective home office, with at least a high-speed printer and office supplies. The same resources needed to sustain business offices can be

Prior to the pandemic, many legal employers did not have a blueprint for developing and maintaining a remote or hybrid workplace.



transferred to supporting a home office. The substantial cost savings resulting from a diminished need for office space for lawyers working from home can be invested in additional technological and administrative support.

2. Assess cybersecurity measures that may need to be strengthened, particularly with many lawyers using their personal computers while working from home, which can expose an organization to security breaches.

3. Utilize project management tools and software to help track cases and assignments, and ensure that deadlines are being met, especially if all lawyers are not in the office at the same time.

4. Update technology and assess what tools and resources may be necessary to help lawyers with disabilities to succeed. For example, Zoom meetings should utilize automated captions. Assistive technology hardware should be explored, such as providing speech recognition and text to speech software, as well as screen magnifiers and readers. In addition, legal employers should also examine whether their websites are digitally accessible.

V. Conclusion

The 2022 Practice Forward Survey demonstrates that the legal profession is still adjusting to the profound changes caused by the pandemic. Lawyers are continuing to evaluate how and where they work and what is important and meaningful to them in their jobs. The war for talent has not abated and younger lawyers are more likely to leave their current job for one that offers more flexibility or greater opportunity to work remotely.

The American Bar Association is once again responding to the needs of its members by providing data-based recommendations to help implement meaningful changes for the practice of law moving forward. In addition, the results of the Survey will help the ABA to be more laser-focused on the types of resources and programs it should offer. It is apparent that there are generational differences in the types of resources, CLE's, programs, toolkits or publications younger ABA members would like to receive as compared to older members. It is also clear that ABA members have become accustomed to hybrid programming for CLE's, conferences, and meetings and prefer having this option. As the profession continues to face new challenges, the ABA is ready to quickly respond to its members' changing needs.