

Business of Law

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LAW FIRMS

Warm Welcome

Law firms are using wellness programs to recruit new lawyers

BY DANIELLE BRAFF

When Sarah Irwin saw a job posting for Lyda Law Firm earlier this year, she was intrigued. The firm—which has 12 lawyers across one brick-and-mortar office and a handful of virtual offices in California, Colorado, Oklahoma, Texas and Wash-

ington—was transparent about its expectations and benefits, and offered flexible schedules, encouraging lawyers to take time off for their well-being and mental health.

At Irwin's previous firm, she was expected to be tied to her phone so

she could respond to colleagues and clients at any time, so the idea of being remote and trusted to handle her own business as she saw fit seemed too good to be true.

However, she says, not only was it true, but it also works.

"It's OK if I decide to start work at 12 p.m. or end work at 1 a.m., but also if I want to start work at 8 a.m. and end work at 5 p.m., it's fine," Irwin says. "And I still get my work done because I am rested and don't have to feel guilty about getting that rest."

Irwin started working as an attorney in the San Antonio office in February, switching from a large personal injury firm in the same city.

— Sarah Irwin —
"The culture of this firm, knowing that we will get our work done



even if we aren't at a desk from 8 a.m. to 6 p.m., drew me to this firm," Irwin says. "The trust in my ability to work independently, and the appreciation of my life outside the firm convinced me to make the switch from a normal in-office position."

Attorneys generally choose a law firm based on prestige, salary, location and future goals. But today, many are adding another criterion to the list: wellness programs. Self-care, which used to be a foreign concept to law firms, has finally entered the conversation.

In 2017, the National Task Force on Lawyer Well-Being released a long list of tangible strategies to address attorney stress, responding to a 2016 study by the ABA and the Hazelden Betty Ford Foundation that surveyed nearly 13,000 practicing lawyers on their mental, physical and behavioral health. It was a watershed moment, with between 21% and 36% of attorneys classified as problem drinkers and approximately 28% reporting struggles with depression.

Something had to be done.

While the task force's well-being list included educating lawyers on issues such as substance abuse and suggested that the stigma of asking for help be eliminated, some firms took this a step further, offering their attorneys benefits

such as extra days off, free gym memberships and gratis mental health help.

One possibly unexpected benefit for the firms: Attorneys were drawn to them specifically because of the wellness offerings. Anastasia Allmon, a personal injury lawyer at Farris, Riley & Pitt in Birmingham, Alabama, was offered positions at a few different firms in 2015, but it was the wellness overtures at FRP that sealed the deal for her.

"With this law firm, I was able to get a gym membership, a large variety of food on-site for free and discounts from mental health professionals—all of which I have since taken full advantage of," Allmon says. "These kinds of benefits made it easy to pick between my offers."

Clayton Hasbrook, an attorney with Hasbrook & Hasbrook in Oklahoma City, says his firm places a big emphasis on its wellness offerings, which include a burnout adviser and flexibility in working hours.

"We were already offering most of these wellness programs even before the pandemic, but we started offering flexibility afterward," Hasbrook says. "I believe these benefits and wellness programs have improved our reputation in the legal industry, and more lawyers have started looking favorably upon firms that offer them."

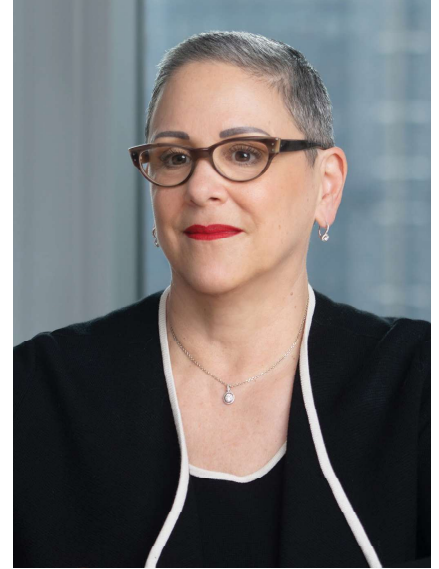
Win-win

William Shepherd, partner and chairman of the well-being committee at Holland & Knight, says he is aware that wellness programming can set some firms apart from others and can often play a role in a candidate's decision. Potential candidates comment that they like that the firm values and invests in the whole person.

Wellness initiatives at his firm include career coaching, special interest groups like a new parents circle, a Peloton riding group and lawyer-led mindful meditation sessions.

Recruiters for Latham & Watkins in Washington, D.C.—across the platform and

_____ Anastasia Allmon



_____ Annette Sciallo

at every level—speak with prospective employees about the firm's health and wellness programs.

"We frequently speak at a variety of law school events about mental health and well-being, for example, and are continually impressed at how eager law students are to discuss this topic," says Annette Sciallo, the director of global benefits and well-being for the firm. Sciallo says recruits are impressed by the depth and breadth of the firm's offerings, which include mindfulness training, annual physical competitions, custom-built training and dedicated mental health counselors.

The reason why recruits should be—and are—so influenced by wellness offerings is because they are an extension of the way the firms treat their employees, says Sonia Menon, the chief operating officer at Neal Gerber Eisenberg in Chicago.

NGE launched a host of well-being initiatives in 2019 after signing the ABA Well-Being Pledge—which called on employers to support lawyers' physical and emotional health—including an on-site gym, chair massages, health food options, a bike-sharing discount program, seminars on everything from



heart health to mental health and wellness days off.

“We know from talking to recruits and individuals we hire that today, most law students and lateral attorneys are looking for firms whose values align with what is important to them, and mental health and well-being are often top of mind,” Menon says.

That’s why Mark Sadaka, the founder of Sadaka Law in Englewood, New Jersey, started offering wellness programs two years ago, even hiring a full-time burnout adviser last year who guides employees to find balance.

Other Sadaka perks include gym memberships and the permission to leave early if your work is done.

Immediately, Sadaka says, new hires were impressed. “They conveyed this to us through availing of services and showing gratitude through improvement in work conditions,” Sadaka says. “The productivity increased by leaps and bounds during this time.”

But will all productivity increase by leaps and bounds if attorneys are encouraged to take days off, shorten their billable hours and leave work early in the name of wellness?

New York City-based firm Hach & Rose’s wellness programs, which were launched in 2019, include a monthly paid mental health day off and a 25-day-per-year leave allowance. Michael Rose, a co-founder of the

firm, says these days off have been mutually beneficial for the firm and for the attorneys. Even with the 25-day-per-year leave, everyone still meets their hours, Rose says, speculating that the extra time off is the incentive they need to keep them focused and on track.

“It gives the lawyers the opportunity to unwind and de-stress away from the pressure of work, which, in turn, makes them sharper and more focused when they are in work,” he says. “One of the lawyers who we hired during the pandemic told me during their monthly one-to-one last week that the mental health day was a godsend and made working here a dream come true.” ■

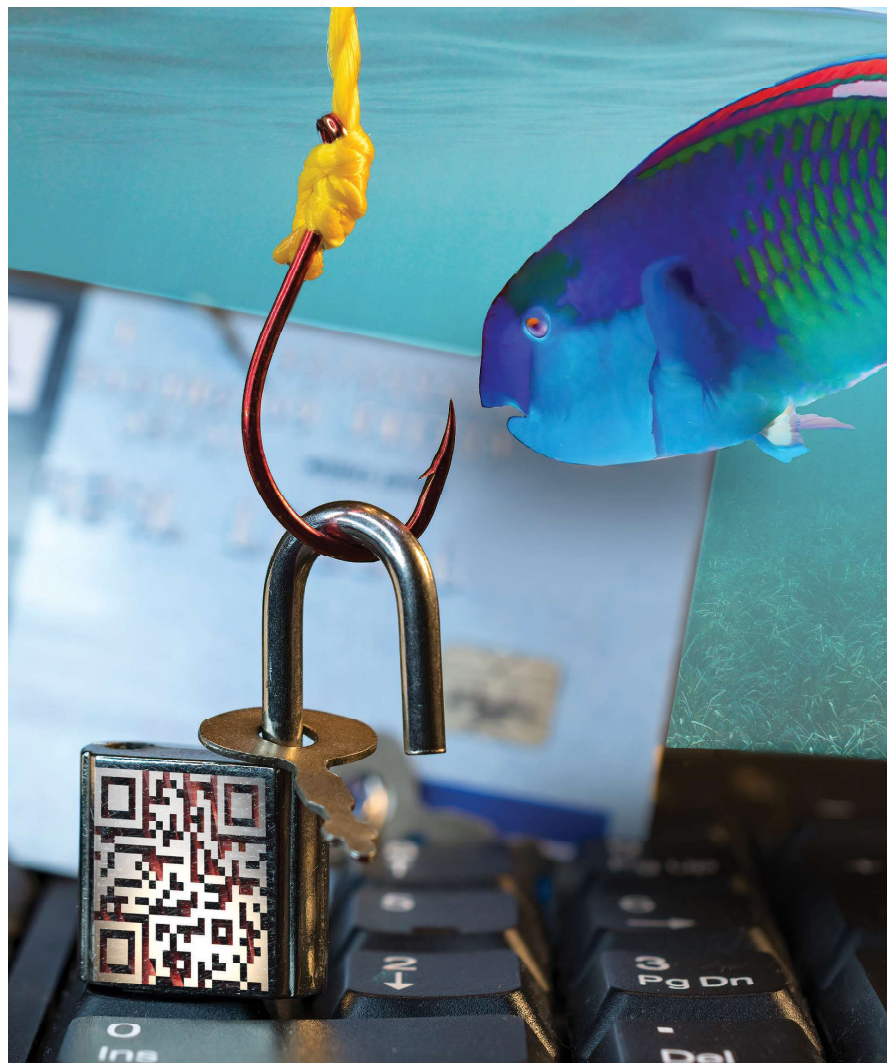


Photo illustration by Sara Wadford/Shutterstock

TECHNOLOGY

Going Viral

Once unpopular, QR codes have taken off, thanks to the pandemic

BY RICHARD ACELLO

It starts out with something innocuous, like “mushrooms or pepperoni?” Next thing you know, your pizza topping preferences are out there for the whole world to see.

The vehicle is a QR (quick response) code. Those are the black-and-white barcodes resembling boxes full of squiggles, squares and dots that have become ubiquitous on all forms of advertising. Invented in 1994 by engineers at the Japanese company Denso Wave, a Toyota parts supplier, as a means of tracking those parts, QR codes became more widespread in the 2010s as companies started using them to provide users with access to a wide range of services, including restaurant ordering, electronic payments and gaming.

However, the technology didn’t quite catch on. Turns out, many people were confused by the codes and didn’t know



Linn F.
Freedman

what to do with them. *Inc. Magazine* found in 2012 that 97% of consumers did not know what a QR code was. Additionally, most smartphones at the time did not have a native app or scanner that could read the code, forcing users to download a special program, which led to even more confusion and inconvenience. According to a 2013 study by marketing analytics firm Marketing Charts, only 21% of smartphone users had ever scanned a QR code.

But then the pandemic hit, and QR codes became very popular as people looked for a contact-free way to share information. According to eMarketer, in 2019, 52.6 million smartphone users scanned a QR code. This year, it is estimated that 83.4 million will scan a code, and by 2025, QR codes will be scanned by 99.5 million smartphone users, nearly double the 2019 mark. To drive traffic, eMarketer encourages its readers to create QR codes that are innovative, such as games to obtain discounts or provide access to promotions and deals.

Privacy advocates, however, see a darker side to QR codes.

“Really sensitive information about you is being collected and monetized by the QR code-generation company,” says Nicole A. Ozer, technology and civil liberties director of the American Civil Liberties Union of Northern California.

Ozer says QR generators can use the codes to get your phone’s unique device identifier and location information.

“Companies share the information they retrieve with other marketing companies, so the big picture creates much more info than just you retrieving a menu,” she says. “Most of the restaurants have no idea that they are being used as a cog in this huge ecosystem.”

While that information may seem innocuous, Ozer cautions that companies can extrapolate all sorts of information from a given data point and make important assumptions about people that could have major repercussions in their lives.

“So now they know I like pepperoni pizza,” Ozer says. “That info could be provided to my health insurance or life insurance companies. Then if these companies get more information about someone—for instance, if they eat takeout every day or if they engage in risky behavior like skydiving—they can use it to determine how much coverage, if any, someone should have.” Ozer suggests consumers pass on QR codes and request a paper menu instead.

Scan safely

Issuers of QR codes also must evaluate the risks to their clients, says Linn F. Freedman, chair of the data privacy and cybersecurity team at Robinson & Cole.

“Any technology that uses code, like phishing—or in this case, QRishing—presents the ability for bad actors to leverage the information. So as the issuer, you want to make sure you have sufficient security measures in place,” Freedman says. “Bad actors can victimize you or your clients. The information could be used to even perpetrate a fraud in your name.”

Pointing out the wide use of QR codes, Freedman referenced the bouncing QR code deployed by Coinbase in a February Super Bowl ad that was scanned by more than 20 million people in one minute. The traffic was so heavy, it caused the app to crash. “I am concerned that the Coinbase ad gave people a false sense of security,” Freedman says. “I’m concerned that people

are getting comfortable with QR codes without understanding that they can be malicious, just like links or texts.”

The popularity of QR codes increases the possibility that consumers could unwittingly scan them, thereby giving access to a hacker to do all sorts of malicious things, like installing spyware or tracking consumer behavior or stealing sensitive information.

The situation is now such that governments are issuing QR code warnings. The FBI advises using caution when en-



North Carolina
Attorney General
Josh Stein

tering login, personal or financial information from a site navigated to from a QR code. Additionally, do not download an app from a QR code or a QR code scanner app. If you receive an email saying a payment failed from a company with which you recently made a purchase, and the company states you can only complete the payment through a QR code, call the company to verify.

North Carolina Attorney General Josh Stein says QR codes can be helpful, “but like any technology, it can be used against us.” Stein advises that consumers should exercise caution with QR codes.

“If you order through the QR code, check the URL to make sure it’s really the restaurant,” he says. ■