

# **Lawyer health and wellbeing:** How the legal profession is tackling stress and creating resiliency



EDITED BY ALEX DAVIES

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**Commissioning editor**

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Published by ARK Group:

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4408 N. Rockwood Drive, Suite 150  
Peoria IL 61614  
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Tel: +1 (309) 495 2853  
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www.ark-group.com

Printed by Canon (UK) Ltd, Cockshot Hill, Reigate, RH2 8BF, United Kingdom

ISBN: 978-1-78358-391-1

A catalogue record for this book is available from the British Library

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ARK Group is a division of Wilmington plc. The company is registered in England & Wales with company number 2931372 GB. Registered office: 5th Floor, 10 Whitechapel High Street, London E1 8QS.

VAT Number: GB 899 3725 51.

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# Executive summary

Recent years have witnessed growing concern internationally in wellbeing and mental health across the legal community, a shift reflected in a host of initiatives, networks, reports and research studies. Changes to working patterns, generational shifts, and an increased interest in overall wellbeing have contributed to a growing movement towards better working practices – across all industries but particularly in high pressure professions such as law. In his introduction to this book, Richard Martin of byrne-dean and formerly a partner in Jones Day and Speechly Bircham, describes his own experience of mental illness and recovery, reminding us of the vital role that lawyers have to play in our increasingly complex world. He highlights some of the particularities of lawyers and legal practice that might give rise to mental health problems, and why this is important. The introduction provides insight into what organizations should be doing to enhance and maintain the mental health of their people and an overview of the topics covered in the chapters that follow.

The genesis of the lawyer wellbeing movement in the United States has spread to the UK, EU, Canada and Australia. In chapter one, Bree Buchanan, ABA Commission on Lawyers Assistance Programs, covers the 2016 research regarding lawyer and law student impairment that served as the catalyst for creating the National Task Force on Lawyer Wellbeing. From this coalition of national organizations came the 2017 Report, which in turn launched a wide variety of national and state policy and practice innovations. Bree summarizes a snapshot of those developments.

Chapter two focuses on the importance of emotions in the legal workplace. Emma Jones, senior lecturer at the University of Sheffield Law School, explains how being able to identify, understand, regulate and use emotions within legal work can assist lawyers in developing psychologically healthier and more sustainable ways of working. Examples of this include the role of emotions in assisting interactions with colleagues, enhancing client care skills and assisting individuals in identifying the affective cues that provide important messages about



their own (and others) wellbeing. The chapter emphasises the need for lawyers to become reflective practitioners in order to develop key emotional competencies and concludes by discussing models of reflection that can be used to provide accessible and effective ways to embed emotional reflexivity within the working practices of legal professionals.

In chapter three, Kate Dodd, diversity and inclusion consultant at Pinsent Masons LLP, explains the Mindful Business Charter – a collaboration (initially) between leading banks and law firms committed to driving change in how these two typically high-stress industries work. Kate explains why the Charter is needed, how its founders came together as a group of lawyers and clients to put it together, how it is being implemented at Pinsent Masons LLP and how they are spreading the word across the industry.

The impact of workplace mental health in the law is not new; we are just talking about it more now. Chapter four, by Elizabeth Rimmer, discusses the origins of LawCare, a UK-based charity that provides information and support to the legal community. The world of work is changing with the rise of AI and machine learning. The human skills of the lawyer – trust, empathy, and judgment – will be more valued in the future legal workplace, so it's imperative that young lawyers are prepared for this. Recruitment and retention is already a challenge in the law and succession plans need to take into account different expectations of future generations. LawCare's role is to provide support, information and resources around this culture change, challenging stigma, encouraging people to speak up, and identifying the practical steps that individuals and workplaces can take now. Mental health is of massive importance to a successful organization, creating workplaces where people can thrive and do their best work.

Conversations that matter is about having conversations in the workplace when you are concerned about someone else's mental health. Although important, these conversations can be difficult and may be delayed or avoided. Chapter five, by Lubna Gem Arielle, corporate facilitator and applied theatre practitioner, explores practical steps for having conversations about mental health using a four-step-model as a framework of support. This theme continues into chapter six, in which, starting with his own story of how byrne-dean was founded, Matt Dean discusses the concept of psychological safety, and changing culture, conversation by conversation.

Chapter seven summarises and analyses the research undertaken by the Junior Lawyers Division of The Law Society of England and Wales into the negative stress and mental ill health experienced by junior lawyers in the profession. Kayleigh Leonie looks at the causes and effects

of the stress that junior lawyers are experiencing and considers the positive measures that are being put in place by individuals and firms to alleviate that stress, many of which are included in the recommendations set out in The Law Society's best practice guidance for employers on supporting wellbeing in the workplace. This chapter also draws upon the insights obtained through a series of roundtables held with city law firms from 2018–2020 to explore best practice.

Chapter eight continues this focus on junior lawyers, presenting the findings of a recent study of anxiety in law funded by the mental health charity *Anxiety UK*. Richard Collier, professor at the university of Newcastle, connects these discussions to growing concerns about law students in legal education and training, the nature of the transition into legal careers, and considers whether, with regard to addressing the issue, wellbeing might usefully be characterized as a “wicked problem” in the legal profession.

Supervising without stress explores the relationship of complex parts in which supervisors and those they supervise experience. At its core is having to treat each other with care and to work on the relationship itself. Get it right and you build loyalty, trust and teamwork. Get it wrong and you destroy trust and can end up trying to second guess those involved with destructive and self-destructive consequences. Using the analogy of your first love, chapter nine by Paul Bennett at Bennett Briegal LLP explores how supervisors can become more effective, those supervised can help their supervisors, and in a lighthearted way, how to address supervision in law firms. The underlining message is there are two parties in the relationship; and both need to work at it as a mutual blame game helps no one.

Lawyers are treated far more harshly when misconduct occurs than doctors, nurses and other professionals such as accountants. In chapter ten the judicial approach that the Solicitors Disciplinary Tribunal and the Courts take to mental health is explored within the legal profession. Since 2018 the position has hardened as the High Court has restricted the discretion shown by the Tribunal, which has found itself increasingly fettered in a series of controversial cases. Paul Bennett, who has acted for solicitors facing serious mental health issues linked to misconduct, including controversial cases, explores the key lessons and poses a question for regulators: Have we got the health/misconduct balance wrong? A mix of case law and lessons to be learnt is explored in the context of lawyer health and wellbeing.

James Pereira QC, a barrister at FTB Chambers, is fairly rare in the sense that he is both a successful practising lawyer and also a professional

coach for individuals and organizations. James got into coaching as a result of his own personal journey, which was aimed at trying to figure out how to be a high performing lawyer and also maintain wellbeing. What he found was that focusing on wellbeing actually improved his professional ability, as well as his wellbeing. Part personal story, part practical advice based on actual experience, in this chapter James gives practical insights into lawyer wellbeing, and explains how wellbeing interventions that support personal mastery can be used to upskill lawyers to perform better in mainstream legal practice.

Our final chapter deals with brass tacks. Renee Branson, founder of RB Consulting, asks why it is that, despite a greatly increased awareness of the scale of the mental health problem within the legal profession, it still persists. There must be, she argues, a continued appeal to the moral and ethical case for improving the wellbeing of lawyers and other professionals who are negatively impacted by an often-punishing career. It truly is the right thing to do. But, she also acknowledges, that altruistic appeal must be coupled with a solid business case and vetted leadership that provides justification for long-term financial and structural investments in wellbeing.

## About the authors

**Lubna Gem Arielle** is a corporate facilitator/applied theatre practitioner who designs and delivers leadership training for law firms including mental health and workplace wellbeing. Her focus on mental health awareness and advocacy emerged from her lived experience of clinical depression and anxiety. In response to a need to foster supportive environments, Lubna developed a conversational model (NILE) to elicit open and effective workplace communication about mental health. She is the creative director of Bridging the Blue, a Virtual Reality work made in collaboration with computer scientists at Trinity College, Dublin, exploring the potential of VR to facilitate empathic and non-judgmental listening. Lubna has an interdisciplinary background which includes 12 years as a solicitor (CMS, FieldFisher, PwC and head of legal at London, arts centre, Rich Mix) as a legal educator making CPD programs, as a writer/presenter for Legal Network Television (a subsidiary of the University of Law) in parallel with lecturing on MA programmes in arts management at Birkbeck, University of London and Sotheby's Institute of Art. Towards the end of her traditional legal career, Lubna studied fine art at Central Saint Martins, which evolved into performance and then applied theatre practice. All of these converged into her work as a corporate facilitator/applied theatre practitioner. She is a qualified executive coach with a focus on positive psychology and wellbeing and is a mental health first aider and trained in SafeTalk.

**Paul Bennett**, partner at Bennett Briegal LLP, is a specialist in both professional practice and employment law work. Paul is a nationally recognized expert who can help if the situation is challenging or potentially career-defining. Paul works across England and Wales, with London and Manchester dominating as the locations of key regulators. Paul has acted in a series of high profile cases involving professionals, especially lawyers and doctors, in which mental health has been a factor. An experienced advocate with a track record of winning complex cases, he has also written three books for lawyers on compliance and regulation.

**Renee Branson** is the founder and principal at RB Consulting. Combining 20 years in education, counseling, and non-profit leadership, her passion and purpose is helping individuals, teams, and organizations cultivate resilience. After years of working with survivors of trauma she now teaches others the skills of resilience for workplace wellbeing.

As a certified resilience coach (CReC), she provides clients with immediately usable tools to increase resilience, wellbeing, and optimism in the workplace. She works with lawyers, educators, business professionals, non-profit leaders, and others to help them understand and incorporate resilience in their own professional lives and in the teams they lead.

Renee is a member of the American Bar Association's Attorney Wellbeing Committee. Renee speaks to international audiences on resilience and wellbeing, including as a guest lecturer at the UCLA School of Law. She holds an MA in counseling psychology from the University of Colorado and a BS from The Ohio State University.

**Bree Buchanan** is founding co-chair of the National Task Force on Lawyer Wellbeing and is a co-author of its groundbreaking 2017 report, *The Path to Well-Being: Practical Recommendations for Positive Change*. Bree is chair of the ABA Commission on Lawyers Assistance Programs which works to ensure assistance is readily available for those in the legal community experiencing issues related to substance use or mental health issues. As director of the Texas Lawyers Assistance Program from 2013 until retirement in 2018, she regularly worked with individual lawyers experiencing these issues, and with legal employers who were seeking resources and support for their staff. Her tenure with that program followed a two-decade legal career that included positions as a litigator, lobbyist and law professor. She is now senior advisor with Krill Strategies LLC, providing consultation on issues related to lawyer wellbeing and impairment for major legal employers. Bree is a frequent speaker for international and national law-related organizations, as well as global law firms on strategies for lawyer wellbeing and impairment. In 2018, she was awarded the "Excellence in Legal Community Leadership Award" by Hazelden Betty Ford Foundation. She has shared her own story of recovery as a featured guest on podcasts in the United States and Canada, and her writing has appeared in *Law Practice Today*, *Judicature* and *Family Lawyer Magazine*. In 2018, she graduated from the Seminary of the Southwest with a Masters in Spiritual Formation, where she honed a deep interest in the intrinsic link between meaningful work and personal wellbeing, as well as in assisting individuals with vocational discernment. Bree tends to her own wellbeing by engaging in a regular

meditation practice, cycling, rowing, and being willing to ask for help when she needs it.

**Richard Collier** FAcSS FRSA is a professor of law at Newcastle University, UK. He has published widely in the area of law and gender and has recently been the recipient of a Leverhulme Trust Fellowship in connection with the project *Wellbeing, Law and Society: Politics, Policy and Practice*. He is presently writing a book on wellbeing in the legal community for Cambridge University Press and has just conducted research funded by *Anxiety UK* (2018) into experiences of anxiety amongst junior lawyers. His previous work has addressed family law, fatherhood, criminology, the legal profession and legal education and research and books include: *Men, Law and Gender* (2010), *Fragmenting Fatherhood: A Socio-Legal Study* (with Sally Sheldon, 2008), *Masculinities, Crime and Criminology* (1998), *Masculinity, Law and the Family* (1995) and *Fathers' Rights Activism and Law Reform* (ed. 2007). Richard is an editorial board member of *Social and Legal Studies: An International Journal*. He is presently researching masculinities in the world's legal professions and undertaking a project on men and gender equality in universities.

**Matt Dean's** central purpose is to help people understand the impact they have on others. His first book, *The Soft Stuff: reclaiming kindness for the world of work* was published in 2019. He's worked with employment problems since 1989, initially as a lawyer in City law firms.

In 2003 he left Simmons & Simmons, where he had created a team that talked to people in client organizations about the risks they were running and the impact they were having on others. With Victoria Byrne he created byrne.dean, a consultancy dedicated to creating kinder, fairer, more productive workplaces. Matt's best known for his inspiring facilitation; he's done his 10,000 hours. He challenges people to recognize their power, focus on their impact and change their bit of the workplace. He's worked in 28 countries and is equally at ease with the most senior leaders or large, all staff groups. Inclusion and diversity has been a big part of his work since 2004. Two head and neck cancers in 2009 and 2016 shaped his life and inform his work.

**Kate Dodd** is a diversity and inclusion consultant for Pinsent Masons LLP. She advises the firm, and its clients, on a full range of wellbeing, culture and inclusion topics. Kate's passion is for creating great workplaces that allow talent to thrive. She has a flair for culture change and helping leaders to learn how to start conversations around complex

workplace issues. Kate has been instrumental in founding and developing the Mindful Business Charter, which is a cross-industry cultural change enabler focused upon increasing wellbeing. The MBC has now been adopted by more than 40 international organizations, creating happier, more mindful workplaces. Kate is passionate about supporting businesses to attract and retain the best talent, and to cultivate the skills needed to serve their clients and communities. Known for managing complex issues with sensitivity and discretion, Kate is described as “very knowledgeable with a great understanding of clients’ businesses”.

Kate is an employment lawyer by background. An experienced advocate, she has represented her clients in Employment Tribunals across England, Scotland, and Wales across a full range of sensitive discrimination and equality issues.

**Dr Emma Jones** is currently a senior lecturer at the University of Sheffield Law School, developing modules on digital lawyering and lawtech. Prior to that she was a senior lecturer and teaching director at the Open University Law School. She is also a senior fellow of the Higher Education Authority and an associate academic fellow of the Honourable Society of the Inner Temple. Emma’s research focuses on the role of emotions and wellbeing in legal education and the legal profession. She is academic lead on the Fit for Law project, working with the charity LawCare, to provide free online resources for legal professionals promoting emotionally and psychologically healthier ways of working. Prior to moving into academia, Emma was a solicitor in private practice, specialising in construction law.

**Kayleigh Leonie** is a solicitor specialising in employment law and a trustee of LawCare, a registered charity that supports good mental health and wellbeing throughout the legal community. Kayleigh has undertaken research, written articles, and published best practice guidance for employers on supporting the wellbeing of their employees on behalf of the Law Society of England and Wales. Kayleigh holds regular roundtables for employers to share best practice on supporting wellbeing in the workplace.

**Richard Martin** is a director of leading workplace consultancy byrne-dean. Richard spent the first 20 years of his career as an employment lawyer in London, serving as a partner at Gouldens and then Jones Day (following the merger of those firms) before moving to Speechly Bircham where he ran the large employment team and sat on the firm’s

management committee. In 2011 he suffered a serious mental breakdown, spent time in hospital and two years recovering. He is now a leading activist in the field of mental health. His day-to-day work involves working with organizations around the world to raise awareness of mental health and illness, enabling people to be more aware of their own wellbeing, creating supportive cultures in which wellbeing can be discussed, and ensuring that those in difficulty are supported. He co-chairs the Lord Mayor of London's This is Me campaign, which uses storytelling to reduce the stigma around mental health and illness, and he leads the Mindful Business Charter, an initiative to remove the unnecessary stress in our workplaces. Richard is a mental health first aid instructor and coach. In 2018 he published his memoir of mental illness and recovery, *This too will pass – Anxiety in a professional world*.

**James Pereira** QC is a practising barrister and coach. He was called to the Bar in 1996 and took silk in 2014, and is a tenant at Francis Taylor Building, Inner Temple, London. He is the co-author of several leading textbooks in his field of practice, and listed as a leading QC in both the Legal 500 and Chambers and Partners Directory of the UK Bar. As a coach, he works with individuals, teams and organizations. He is an NLP Master practitioner, a trained organizations and relationships systems coach, systemic constellations coach, and a member of the International Coaching Federation. He co-writes a regular column in *The Lawyer*, "Loving Legal Life", and is a regular public speaker in the field of leadership, wellbeing and performance in the legal profession. He is a co-founder of The Libra Partnership ([www.thelibrapartnership.com](http://www.thelibrapartnership.com)) and Gather Coaching ([www.gathercoaching.com](http://www.gathercoaching.com)).

**Elizabeth Rimmer** started her working life as a solicitor specializing in clinical negligence. She has been managing and developing charities in the mental health sector for over 15 years, and joined LawCare as chief executive in 2015.