

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



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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, chair of the ABA Commission, 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.

Following on from chapter seven, chapter eight focuses on one aspect of the mental health debate that has been the subject of particular concern – the wellbeing of junior lawyers. Set in the context of the recent Junior Lawyer Division (JLD) surveys of resilience and wellbeing, it presents 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.

James Pereira, 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 final chapter James discusses both individual and team 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 programmes 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, 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.

**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, Inc., 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*.

**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. Matt and Victoria Byrne 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 who has a particular interest in working collaboratively with business leaders to develop the business case for cultural change. Kate advises Pinsent Masons LLP and Brook Graham Ltd and their clients across the full range of diversity topics. Kate's interests include developing and embedding mental health and wellbeing strategies and helping businesses learn how to start conversations and reduce stigma. She has been heavily involved in founding and developing the Mindful Business Charter, which is a cross-industry set of principles, aimed at reducing unnecessary sources of stress and increasing wellbeing. The Mindful Business Charter has now been adopted by a number of leading law firms and financial services institutions. Kate is also passionate about supporting businesses achieve a better balance in relation to gender, race and ethnicity. She works with companies to develop strategies to attract and retain the best talent, and to cultivate the skills needed to serve their clients and communities. Kate is an employment lawyer by background, with 15 years' post-qualification experience specialising in equality, diversity and inclusion. Kate is an experienced advocate and represented her clients in Employment Tribunals across England, Scotland and Wales. Kate also assists her clients with practical diversity initiatives, including setting up mentoring and buddying schemes and delivering unconscious bias training. Kate is a member of the Employment Lawyers' Association, and a number of leading diversity networks.

**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, relationships and systems 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 Gather Coaching ([www.gathercoaching.com](http://www.gathercoaching.com)) and The Libra Partnership ([www.thelibrapartnership.com](http://www.thelibrapartnership.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.