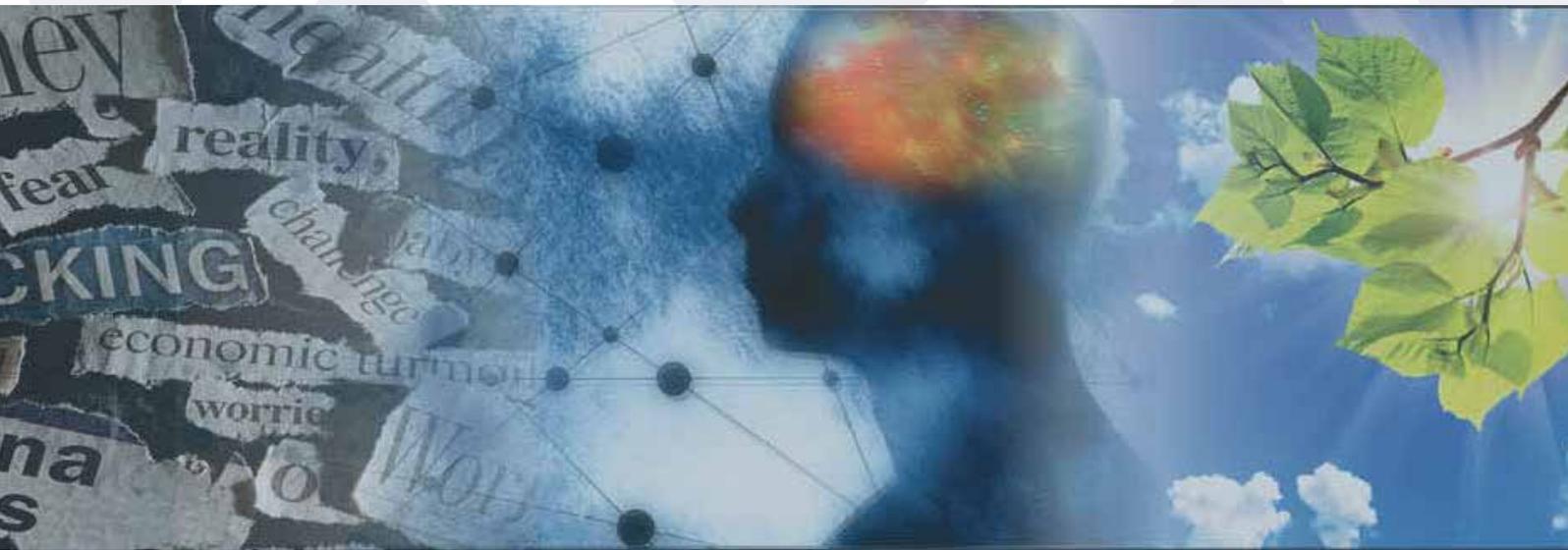




the global voice of
the legal profession®

Mental Wellbeing in the Legal Profession: A Global Study



**A report prepared by the IBA Presidential Task Force
on mental wellbeing in the legal profession**

The International Bar Association (IBA), established in 1947, is the world's leading international organisation of legal practitioners, bar associations, law societies, law firms and in-house legal teams. The IBA influences the development of international law reform and shapes the future of the legal profession throughout the world. It has a membership of more than 80,000 lawyers, 190 bar associations and law societies and 200 group member law firms, spanning over 170 countries. The IBA is headquartered in London, with offices in São Paulo, Seoul, The Hague and Washington, DC.

The IBA Legal Policy & Research Unit (LPRU) undertakes research and develops initiatives that are relevant to the rule of law, the legal profession and the broader global community. The LPRU engages with legal professionals, law firms, law societies and bar associations, governments, non-governmental organisations and international institutions to ensure innovative, collaborative and effective outcomes.

This report considers sensitive issues, which may cause distress among some readers. Readers are encouraged to seek appropriate support. In many countries, free telephone and online counselling services are available.

October 2021

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Acknowledgements

The IBA Presidential Task Force on Mental Wellbeing in the Legal Profession is pleased to present this report, which we believe to be the first of its kind to focus on the mental wellbeing of lawyers, and others in the legal profession, at a global level. It is also the first IBA publication to deal with mental wellbeing as an issue.

We are immensely thankful to the members of the task force from across the world, whose efforts and expertise have helped craft this report, as well as the surveys undertaken to obtain the data on which many of its conclusions are based. We are particularly thankful to Dr Emma Jones and her academic team – Dr Neil Graffin, Professor Richard Collier and Dr Mathijs Lucassen – for their amazing work in assembling a first working draft of the report, analysing the survey data and providing the template survey found at the end of this document. We would also like to thank the staff at Acritas for their technical support in designing and hosting the surveys.

We believe this report is an important tool, and a meaningful statement of the IBA's commitment to the issues it addresses. In this context, we would also like to thank former IBA President Horacio Bernardes Neto for assembling the task force, and his successor as president, Sternford Moyo, for continuing to support its work and mission.

Disclaimer

The findings, interpretations, and conclusions expressed in this report are the product of the work of the IBA Presidential Task Force on Mental Wellbeing in the Legal Profession, and do not necessarily reflect the views of the IBA.

Neither the Task Force nor the IBA guarantees the accuracy of the data included in this work.

Statements by individuals are given in their individual capacities, and do not necessarily reflect the views of their employers or governments.

Definitions

The World Health Organization (WHO) defines good mental health as a state where:

‘[...]every individual realizes his or her own potential, can cope with the normal stresses of life, can work productively and fruitfully, and is able to make a contribution to her or his community.’¹

The term ‘mental health’ is often used interchangeably with the term ‘mental wellbeing’. In fact, the term ‘wellbeing’ can have a range of different meanings. However, when referring to ‘mental wellbeing’ this report is using the term in a manner which equates to the WHO's definition of good mental health.

1 World Health Organization, ‘WHO urges more investment, services for mental health’ (2021), see <https://www.who.int/news/item/12-08-2010-who-urges-more-investments-services-for-mental-health> accessed 1 June 2021.

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IBA Presidents' forewords

Horacio Bernardes Neto

When I became president of the IBA, I made addressing mental wellbeing within the legal profession one of my main priorities. I had become increasingly concerned with all too frequent reports of substance abuse, severe depression and suicide within the profession, particularly as highlighted by the work of the US National Task Force on Lawyer Well-Being. As a result, in 2019 I asked Steven Richman and Deborah Enix-Ross to set up a task force to investigate these issues. At the time, I had in mind a session at our Miami Annual Conference, scheduled for the start of November 2020, where members of the IBA and ABA could come together to discuss what could be done to tackle the problems they had identified. Little did any of us know that our Miami meeting would be cancelled due to Covid-19, or what would emerge from this project in its place.

I am very proud to say that, despite all the challenges we have faced over the past two years, the Task Force has exceeded my expectations. Supported by the data from two pioneering global surveys, the conclusions and principles contained in this report represent a vitally important first step in addressing the global crisis in lawyer mental wellbeing. The report also demonstrates what can be done when the IBA operates according to its greatest strength: bringing people together from across the world to share their knowledge and expertise in the pursuit of helping our profession to thrive in the face of ever evolving challenges and opportunities. I congratulate the Task Force for its efforts, and encourage the IBA to continue supporting work in this vital area.

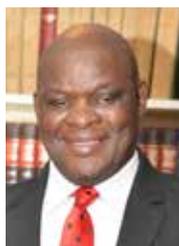
Sternford Moyo

Having inherited this project from my predecessor, Horacio Bernardes Neto, it soon became clear to me that its subject matter was of a level of importance that required continued presidential endorsement. This is why I was very happy to make the event at which this report will be launched into presidential showcase, as part of the IBA's 2021 Global Showcase series.

The contents of this report deserve to be carefully read and digested, and I look forward to overseeing the development and evolution of the Task Force and its work over the course of my presidency. Many congratulations to the Co-Chairs and members of the Task Force, as well as to Horacio Bernardes Neto for his vision in commissioning work on these issues. Recent events have forced all of us to stop and think about what it is we value most in our lives, and how our careers contribute, or not, to our mental wellbeing and sense of purpose. In that sense, this report could not be more timely or relevant.



Horacio Bernardes Neto



Sternford Moyo

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A handwritten signature in black ink, appearing to read "Sternford Moyo".

Co-Chairs' foreword

Against a backdrop of growing concern about the mental wellbeing of those in the legal profession – encompassing lawyers and judges across the private and public sectors, in academia and government, and other professionals who work in and support the administration of justice – the IBA Presidential Task Force on Mental Wellbeing in the Legal Profession was formed in 2019 by then President Horacio Bernardes Neto. We have had the privilege and honour of co-chairing the Task Force, whose mission is:

- to promote the importance of mental wellbeing as an issue within the global legal community;
- to raise awareness and challenge the stigma surrounding discussion of mental wellbeing, bearing in mind the differences in approach and attitude needed when engaging with this issue at an international and a local level;
- to highlight the ways in which mental wellbeing issues, needs and responses vary between different groups, including women, ethnic minorities, those with disabilities and those at the beginning of their careers;
- to promote and share policies and working practices that help to promote positive and sustainable mental wellbeing within the legal profession; and
- to identify, coordinate and organise the various global stakeholders to create a movement to change the culture of the legal profession.

With the indefatigable work of the IBA Legal Policy & Research Unit team led by Sara Carnegie and George Artley, international surveys were conducted. A team of experts from every continent was assembled. This report is the result of those efforts.

The report is a call to action and compels our attention. It is our hope and intention that it will be used around the world to further the work of implementing practical solutions to a global crisis on an ongoing basis. It is meant to be a living document that will continue to address the needs of the legal community in this area.



Steven Richman



Deborah Enix-Ross

A handwritten signature in blue ink, appearing to read "Steven Richman".

A handwritten signature in blue ink, appearing to read "Deborah Enix-Ross".

Main findings from surveys



Impact of stigma:

41 per cent would not discuss mental wellbeing concerns with their employer for fear it may have a negative impact on their career.

Lack of training:

82 per cent of institutions say they take mental wellbeing seriously – only 16 per cent provide training for senior management.

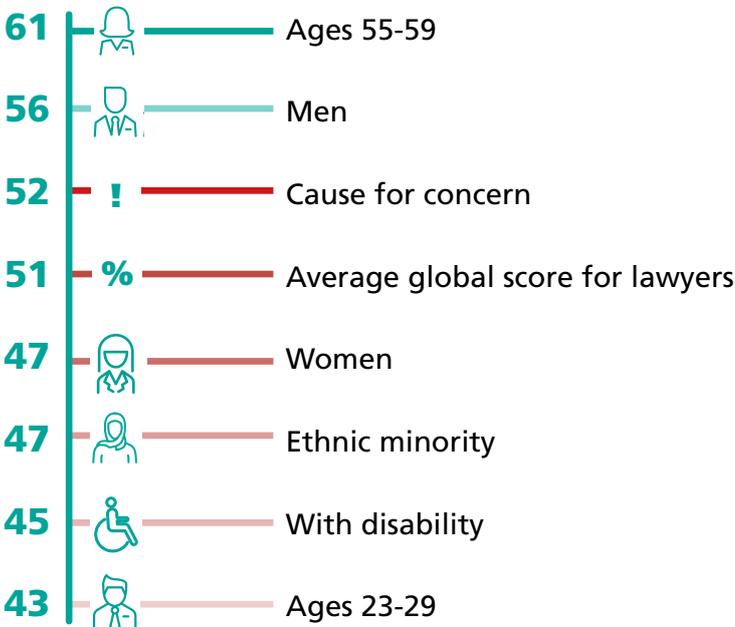


WHO-5 Mental Wellbeing Index Scores:

This World Health Organization scale allows comparisons across groups, regions, and with previous studies. For an individual, a score below 52 per cent is an indicator for a health professional to screen for depression, and suggests a more formal assessment of mental wellbeing problems is warranted. The average overall score of respondents to the IBA Survey of Individuals was 51 per cent.

Discrepancy in Wellbeing Index scores:

scores:



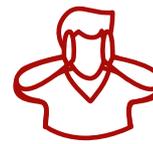
1 in 3 say their work has a negative, or extremely negative impact on their wellbeing

Reasons why people don't speak out:



32.1%

Fear of being treated differently as a result



24.1%

Employer does not sufficiently recognise mental wellbeing issues



17.2%

Fear of not being believed/taken seriously



28% want to see improved workplace culture:

to create a culture of mutual respect and address poor behaviour.



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www.ibanet.org/mental-wellbeing-in-the-legal-profession



IBA Mental Wellbeing Principles for the Legal Profession

- 1 Mental wellbeing matters:** The IBA Presidential Task Force on Mental Wellbeing in the Legal Profession surveys have laid bare the realities of a global crisis in lawyer mental wellbeing. No one jurisdiction or section of the profession is unaffected.
- 2 Mental wellbeing is not weakness:** The notion that someone who is experiencing a mental health difficulty and/or poor levels of mental wellbeing is personally 'weak' or in some way unsuitable for legal practice must be refuted.
- 3 Raising awareness is fundamental:** Many lawyers feel unable to speak about their mental wellbeing because of stigma attached to the subject, and fears for the impact on their career or professional standing. This needs to change.
- 4 A commitment to change, and regular continuing assessment, is needed:** Having acknowledged the importance of protecting and promoting mental wellbeing for the profession, the next step is to make changes to tackle the current crisis.
- 5 Policies matter:** A simple first step for all sections of the profession in achieving change is the adoption of a mental wellbeing policy.
- 6 Maintain an open dialogue and communication:** Once a mental wellbeing policy has been implemented, it is vital that it is backed up by the fostering of an open dialogue and communication around mental wellbeing, and the approaches that are being taken to tackle the underlying issues.
- 7 Address systemic problems:** The focus needs to be on the structural and cultural working practices within law which are problematic for mental wellbeing, and not on enhancing the 'resilience' of individual legal professionals.
- 8 Recognise intersectionalities:** Issues of equality, diversity and inclusion have an effect on, and are arguably at the heart of, the mental wellbeing of the legal profession. The nature and cause of difficulties experienced by specific groups, including younger, female, ethnic minority and legal professionals with disabilities must be understood, acknowledged and tackled.
- 9 Share good practices:** Good practices must be shared between individuals, institutions, sectors, jurisdictions and regional fora, in order to ensure that appropriate and healthy ways of working within the post-pandemic legal profession are disseminated and perpetuated. Worldwide and local gatherings of stakeholders is also vital.
- 10 Learn from others:** The IBA Presidential Task Force on Mental Wellbeing in the Legal Profession is not the first group to focus on these issues. It is vital that the work and wisdom of other bodies working in this sphere are, and continue to be, shared and discussed.

Executive summary of key findings

It is possible to identify a number of key findings within this project which can be used as the basis for developing strategies, interventions and initiatives around mental wellbeing in the legal profession moving forward. These are as follows:

- Mental wellbeing within the legal profession is an important issue which requires global attention and action. Over a third of legal professionals surveyed feel work negatively affects their mental wellbeing.
- A stigma around mental wellbeing remains. Nearly half of all legal professionals surveyed indicated that a fear of the impact on their career would put them off discussing their mental wellbeing with their firm or organisation.
- Greater levels of difficulties with mental wellbeing may be experienced by participants in the legal profession who are younger, female, from an ethnic minority or disabled. This does not mean that these groups are in some way 'weaker', but does suggest a strong inter-relationship between mental wellbeing and issues of equality, diversity and inclusivity. It also raises significant challenges around recruitment, retention and the shape of the future legal profession which must be addressed to ensure a strong and diverse legal profession moving forward.
- Key issues contributing to difficulties with mental wellbeing include the stressful nature of the work, intensive work/time demands, poor work-life balance and high levels of pressure. Factors relating to time pressures were most commonly perceived as having a negative impact on lawyers' mental wellbeing. However, where bullying and harassment is reported, this appears to have the most detrimental effect. Self-employed legal professionals are also particularly affected by lack of support and uncertainty.
- Individual legal professionals employ a range of healthy and appropriate self-care mechanisms to deal with the above issues, including exercising, taking breaks and other therapies. Only a small minority are lacking in self-care techniques and/or accessing potentially unhealthy coping mechanisms, such as alcohol and recreational drug use. This finding contrasts quite starkly with previous research, which concludes that alcohol and substance abuse levels are higher among lawyers than the general population, and suggests that further research on this important issue may be necessary.
- There are significant work and health-related consequences when legal professionals experience difficulties with their mental wellbeing. As well as the harm caused to individuals, these can cause economic and reputational damage to firms, organisations, clients, the bench and academia, and the legal profession as a whole. More fundamentally, this affects the public's perception of the rule of law.
- Firms and organisations are increasingly acknowledging the importance of mental wellbeing. Over three quarters of firms and organisations in this project indicated that they prioritised mental wellbeing. Most of these stated they had measures to support mental wellbeing at work in place.

- Despite this increasing acknowledgment, individual legal professionals do not perceive firms and organisations as responding effectively to issues affecting mental wellbeing. Issues contributing to this may include a lack of funding, data collection or evaluation for wellbeing-related work. Leaders may also lack the skills necessary to tackle the issues once they have been identified.
- Individual legal professionals want this increasing acknowledgment on the part of firms and organisations to be converted into effective action. Significant and tangible changes are needed from firms and organisations, including changes in workplace culture, workload and work-life balance, managerial approaches and specific wellbeing-related interventions.
- Where firms and organisations do respond effectively, they make a positive and meaningful difference in terms of mental wellbeing.
- Covid-19 has increased levels of awareness of mental wellbeing among firms and organisations, although the extent of this increase is disputed by individual legal professionals.
- A majority of individual legal professionals felt their firm or organisation had responded positively to the Covid-19 pandemic, in terms of employee wellbeing. However, only a minority indicated that their firm or organisation had provided mental wellbeing support and/or advice. This may exacerbate existing divisions within the legal profession around the levels of support available.
- Individual legal professionals want firms and organisations to retain changes in working practices necessitated by the pandemic, such as virtual meetings, less travel, working from home and flexible hours. They also want the post-pandemic legal profession to have a specific focus on mental wellbeing. In addition, workload allocation and outputs, culture and approaches to individuals should all reflect this.

On the basis of these key findings, and the recommendations of existing reports and studies into lawyer wellbeing from around the world, the IBA Presidential Task Force on Mental Wellbeing in the Legal Profession has created ten mental wellbeing principles on which future efforts by the legal profession to tackle these issues should be based and guided. These can be found on the following page.

Mental wellbeing principles

These principles build on the recommendations made by the IBA in connection with its ground-breaking work on bullying and sexual harassment. Recommendation 9 of the IBA's 2019 report on the subject, entitled *Us Too?*, was to 'appreciate the wider context' of bullying and harassment in the workplace.² To do so, it was argued that the legal profession should 'acknowledge the relationship between mental health, quality of life, diversity and negative workplace conduct', while the IBA as an organisation committed itself to 'fostering awareness and highlighting solutions to the mental health challenges facing the profession'. These principles represent the IBA's first efforts to help meet these challenges:

² Kieran Pender, *Us too? Bullying and Sexual Harassment in the Legal Profession*, IBA (2019). The report and other materials are available online at www.ibanet.org/bullying-and-sexual-harassment.

1. Mental wellbeing matters

The IBA Presidential Task Force on Mental Wellbeing in the Legal Profession surveys have laid bare the realities of a global crisis in lawyer mental wellbeing. No one jurisdiction or section of the profession is unaffected. The Task Force believes that tackling this crisis is of paramount importance, because:

- employers, regulators and professional bodies have both legal and ethical duties to protect and promote the health of their employees and members;
- lawyers who struggle with their mental wellbeing cannot serve clients to the best of their abilities, and threaten the reputation and integrity of their places of work and the profession more broadly;
- other professions and industries, such as medicine, have taken serious action on these issues;
- a legal profession with persistent levels of poor mental wellbeing is not a sustainable profession – it may well find itself unable to continue attracting the best talent in a world where other employers are adapting to the shifting mental wellbeing needs and attitudes of the general public;
- there is good evidence that promoting positive lawyer mental wellbeing is good for the business of law; and
- a significant culture shift is being demanded to support equity, diversity and inclusion.

The Task Force calls for and invites collaborative action to be taken on these issues before more damage is done, and to avoid change inevitably being imposed on the profession by outside forces.

2. Mental wellbeing is not weakness

The notion that someone who is experiencing a mental health difficulty and/or poor levels of mental wellbeing is personally ‘weak’ or in some way unsuitable for legal practice must be refuted. This is necessary in order to foster a culture in which individual legal professionals feel able to disclose mental wellbeing difficulties without being in any way penalised or stigmatised.

Mental wellbeing at work is a complex issue, and to suggest that fault lies primarily with individuals misses the point that it is the whole system that needs to be examined. Taking a more systemic perspective on mental wellbeing will benefit everyone, and not just those who may experience episodes of ill health or challenges at certain points in their working lives.

3. Raising awareness is fundamental

Many lawyers feel unable to speak about their mental wellbeing because of stigma attached to the subject, and fears for the impact on their career or professional standing. This needs to change.

It is vital that the importance of mental wellbeing is openly and freely acknowledged across the entire legal profession internationally. This includes:

- individual legal professionals;

- firms and organisations;
- regulatory bodies; and
- law schools.³

Other legal stakeholders, such as the legal press, also have a role to play in this process.

A sustained focus, with open discussion and dialogue, is necessary to ensure that mental wellbeing becomes and remains a global priority for the legal profession.

4. A commitment to change, and regular continuing assessment, is needed

Having acknowledged the importance of protecting and promoting mental wellbeing for the profession, the next step is to make changes to tackle the current crisis.

Individual participants in the IBA mental wellbeing surveys felt that, at present, when it comes to making these changes, firms and organisations are ‘talking the talk’ but not yet ‘walking the walk’. They pointed out that yoga sessions, fruit baskets and meditation apps are not enough, and, if anything, delay the development of a more sustainable and strategic approaches to mental wellbeing within an organisation. Cosmetic activities are not meaningful or lasting solutions: well-meaning is not a substitute for wellbeing.

It is therefore vital that institutions commit to tangible, sustainable and systemic change. This includes employers and regulators, who need to investigate both the hard and soft approaches to achieving this change, including reforming their working cultures and black-letter health and safety regulations on these issues. This is an ongoing obligation that requires buy-in and commitment from leadership, who need to model the healthy behaviours and working practices they are promoting.

As well as a commitment to change, a commitment to regular continuing assessment is also needed. This can be read in two ways. First, regular assessment of levels of mental wellbeing within a firm or organisation is required. Second, an assessment of how the commitment to change is being implemented, and its impacts, is also necessary.

5. Policies matter

A simple first step for all sections of the profession in achieving change is the adoption of a mental wellbeing policy.

This must:

- involve a collaborative approach for its design, involving colleagues in a wide range of roles and of differing levels of seniority;
- outline the organisation’s commitment to protecting and promoting mental wellbeing, and the responsibilities of all staff involved in achieving this objective;

³ Law schools are arguably closer to the evolving needs and expectations of future lawyers and can, with the appropriate supports, be experimental and progress more rapidly on these issues, therefore potentially leading the way for other legal stakeholders.

- state what staff should expect the organisation will do to achieve these commitments, including systems for reporting, developing skills and competencies, providing support and resources and links to other relevant policy information;
- be implemented appropriately, and supported by effective procedures (eg, a clear and confidential process to provide support for individuals who disclose a mental wellbeing issue);
- include a commitment to providing training for those with managerial responsibilities that equips them to implement and sustain change;
- not simply be imposed as a series of ‘top-down’ measures;
- avoid box ticking, and an expectation that it is up to individuals to become more ‘resilient’; and
- have appropriate funding, be monitored and evaluated to enable identification of effective strategies, and assist in the development of new and existing initiatives and the sharing of good practice.

As part of their commitment to regular and ongoing assessment of this policy, firms and organisations are encouraged to use the template survey attached to this report in the Appendix.

6. Maintain an open dialogue and communication

Once a mental wellbeing policy has been implemented, it is vital that it is backed up by the fostering of an open dialogue and communication around mental wellbeing, and the approaches that are being taken to tackle the underlying issues.

This will assist institutions in understanding what is needed and expected within their specific working environment; and enable individuals to understand when action is (or is not) being taken.

To be successful it is important that such dialogue is not used to judge the individuals involved, or to put pressure on them to be more ‘resilient’ or strive for greater ‘self-improvement’.

Instead, the emphasis should be on generating workable solutions and fostering the forms of systemic change required, for example, proactively creating working conditions and environments that are conducive to optimum mental wellbeing and developing ways to acknowledge and learn from mistakes without focusing upon blame and recriminations.

7. Address systemic problems

Every problem has both immediate and underlying elements. Addressing the immediate concern is temporary; what is important is addressing the underlying and fundamental causes of these problems.

The IBA Presidential Task Force on Mental Wellbeing in the Legal Profession Survey of Individuals indicates that many individuals have good self-care practices in place, but that their mental wellbeing is being challenged by the structures and cultures in which they operate.

The focus needs to be on the structural and cultural working practices within law which are problematic for mental wellbeing, and not on enhancing the ‘resilience’ of individual legal professionals.

These structural and cultural issues include:

- poor or non-existent managerial training, particularly in the area of psychological growth and the development needs of staff;
- a lack of basic mental wellbeing support, including specific measures to address PTSD and vicarious trauma;
- bullying, harassment, sexism and racism; and
- for some, the ‘up or out’ working culture, which equates success with unsustainable hours, hitting billing targets and ever higher pay, particularly for junior members of the profession.

The transition to post-pandemic legal practice provides an important opportunity for firms and organisations, in consultation with their members and staff, to assess their business model, working practices, culture and future strategy.

Ensuring that the potential impact upon mental wellbeing is factored into decisions and choices in the future has the potential to make a meaningful contribution towards enhancing the mental wellbeing of both individual legal professionals and the legal profession as a whole. Such a strategic integration of mental wellbeing can also have a direct benefit on the sense of belonging of employees, and positively influence talent attraction and retention.

8. Recognise intersectionalities

Issues of equality, diversity and inclusion have an effect on, and are arguably at the heart of, the mental wellbeing of the legal profession. The nature and cause of difficulties experienced by specific groups, including younger, female, ethnic minority and legal professionals with disabilities must be understood, acknowledged and tackled.

Developing a meaningful understanding and awareness of the needs of specific groups, and identifying effective ways to foster equality, diversity and inclusion within the legal profession globally is necessary to shape and benefit the future of law.

9. Share good practices

Good practices must be shared between individuals, institutions, sectors, jurisdictions and regional fora, in order to ensure that appropriate and healthy ways of working within the post-pandemic legal profession are disseminated and perpetuated. Worldwide and local gatherings of stakeholders is also vital.

10. Learn from others

The IBA Presidential Task Force on Mental Wellbeing in the Legal Profession is not the first group to focus on these issues. It is vital that the work and wisdom of other bodies working in this sphere are, and continue to be, shared and discussed.

For examples of existing reports, and detailed recommendations for mental wellbeing policies for different sectors of the profession, see the materials that can be found on the Task Force website at www.ibanet.org/mental-wellbeing-in-the-legal-profession.

The call to action

To support the global legal profession in upholding these principles, the IBA has plans to:

1. Continue the work of Presidential Task Force on Mental Wellbeing in the Legal Profession via the creation of a dedicated, ongoing IBA body, or the adoption of the Task Force's work by an existing IBA entity.
2. Ensure that mental wellbeing events and panels always form a part of the IBA's major mid-year and annual conferences and programming.
3. Establish and maintain a website of mental wellbeing research, resources and contacts for the global legal profession.
4. Encourage the constituent divisions, committees, fora and members of the IBA to consider the impact and role of mental wellbeing on their areas of focus and expertise.

Finally, the IBA calls on all members of the legal profession – firms, bar associations, law schools and all other relevant stakeholders – to adopt and uphold the IBA wellbeing principles, and to emulate the work of the IBA in the action points described above.

Introduction

‘The profession fulfils me with purpose and a sense of achievement, however, the permanent pressure, fear of failure, constant battle between work and private/family life is extremely stressful and has a negative impact on my mental wellbeing [...].’

Solicitor/attorney, female, Switzerland, European Regional Forum

‘The legal challenges offer a never ending source of intellectual excitement. However, the excitement at the same time burdens me with stress and anxiety about delivering quick and efficient solutions for our clients.’

Solicitor/attorney, male, Mexico, Latin American Regional Forum

Working in the legal profession can be rewarding, interesting and meaningful. However, it can also be stressful, intense and pressurised. High workloads, chargeable hours and billing targets, increasing client demands and expectations and unsupportive workplace environments can all have a detrimental impact on the wellbeing of lawyers. While many legal professionals relish tackling the intellectual and practical challenges involved in law, there is an increasing recognition that no one – regardless of their status, abilities and passion for their work – is immune from the potential negative consequences of experiencing such sustained levels of high demands.

Defining mental health and mental wellbeing

Everyone has mental health, it is useful to think of this as being on a continuum that can and does change. Such changes are influenced by a variety of factors: some personal, some occupational, some environmental. Like our physical health, it is also likely to fluctuate depending on different personal and workplace factors.

The WHO defines good mental health as a state where:

‘[...] every individual realizes his or her own potential, can cope with the normal stresses of life, can work productively and fruitfully, and is able to make a contribution to her or his community.’⁴

The term ‘mental health’ is often used interchangeably with the term ‘mental wellbeing’. In fact, the term ‘wellbeing’ can have a range of different meanings. However, when referring to ‘mental wellbeing’ this report is using the term in a manner which equates to the WHO’s definition of good mental health.

It is important to note that good mental health and wellbeing should not be equated to the absence of a particular mental health condition, such as depression or anxiety. It is possible for an individual with a diagnosed mental health condition to have high levels of mental health and wellbeing if that person receives the support or interventions they require (eg, medication and/or ‘talking therapies’). On the other hand, it is possible for someone without a formally diagnosed mental health condition to experience considerable distress and as a result poor mental health and wellbeing.⁵

4 World Health Organization, ‘WHO urges more investment, services for mental health’ (2021), see <https://www.who.int/news/item/12-08-2010-who-urges-more-investments-services-for-mental-health> accessed 1 June 2021.

5 Corey L M Keyes, ‘Mental Illness and/or Mental Health? Investigating Axioms of the Complete State Model of Health’ (2005) 73(3) *Journal of Consulting and Clinical Psychology* 539, 540.

It is also worth noting that mental wellbeing within the legal profession is likely to be influenced by a range of wider factors within individual jurisdictions, and will also have different cultural, political and policy interpretations and significance depending on which part of the world someone is working in. For example, within this project, individual respondents' perceptions of their local country/culture's attitude to mental wellbeing varied. A majority in North America indicated it was commonly and openly discussed, whereas a majority of respondents in Africa suggested this was not generally the case. It is also the case that a majority of all respondents felt that societal attitudes to mental wellbeing were becoming increasingly open around the world.

Mental wellbeing and the legal profession

The majority of evidence on the mental wellbeing of legal professionals to date comes from the United States, where relevant studies have taken place since at least the 1960s. Much of this is captured in *The Path to Lawyer Well-Being: Practical Recommendations for Positive Change*, the report of the National Task Force on Lawyer Well-Being (now the Institute for Well-Being in Law).⁶ Since 2009, there has also been a substantial body of work on lawyer wellbeing in the Australian context, often linked to the work of the Tristan Jepson Memorial Foundation (now the Minds Count Foundation).⁷

Across other jurisdictions, significant disparities exist in terms of the availability of evidence. Many have less comprehensive or newly emerging bodies of work, such as Spain and the United Kingdom. Other jurisdictions, such as Nigeria and Turkey, seem to have little, if any, research on this issue. Overall, there appears to be more data from common law jurisdictions than from their civil law counterparts, something which could possibly be linked to the adversarial nature of common law, and its impact on lawyer mental wellbeing (see below).

What research there has been to date can be broadly summarised as follows:

- Legal professionals are thought to experience higher levels of depression, anxiety, stress and lower levels of mental wellbeing than members of the general population.⁸
- Deploying potentially 'harmful coping mechanisms' has led to levels of alcohol and substance abuse among lawyers that are higher than the norm for members of the general population in some jurisdictions. In some jurisdictions it has been suggested that this abuse may be ingrained and normalised as part of the legal culture.⁹

6 National Taskforce on Lawyer Well-Being, *The Path to Lawyer Well-Being: Practical Recommendations for Positive Change* (Aug 2017), see <https://lawyerwellbeing.net/wp-content/uploads/2017/11/Lawyer-Wellbeing-Report.pdf> accessed 1 June 2020.

7 See, eg, Norm Kelk, Georgina Luscombe, Sharon Medlow and Ian Hickie 'Courting the Blues' (Jan 2009) at <https://cald.asn.au/wp-content/uploads/2017/11/BMRI-Report-Courting-the-BluesLaw-Report-Website-version-4-May-091.pdf> accessed 1 June 2021.

8 See, eg, Justin Anker and Patrick R Krill, 'Stress, drink, leave: An examination of gender-specific risk factors for mental health problems and attrition among licensed attorneys' (2021) 16(5) PLoS ONE: e0250563. <https://doi.org/10.1371/journal.pone.0250563>.

9 See, eg, Patrick R Krill, Ryan Johnson and Linda Albert, 'The prevalence of substance use and other mental health concerns among American attorneys' (2016) 10(1) Journal of Addiction Medicine 46.

- Structural and cultural factors, including chargeable hour/billing requirements, other financial pressures and poor leadership/management are key causes of issues impacting on mental wellbeing.¹⁰
- There are some indications that there may be variations between the anticipated causes of compromised mental wellbeing in different practice areas and at differing stages of an individual's career and life course.¹¹
- Issues related to mental health and wellbeing are still stigmatised (or, at the least, perceived as stigmatised) within the legal profession. This stigma may be somewhat reduced by using 'wellbeing' as a more general term to encompass mental health issues or problems, but this is not yet clear.¹² Another potentially destigmatising adjustment would be to locate the ill-health where it originates, that is, within the system, and to call out 'psychologically unsafe/harmful' firms and organisations.

Although these findings may manifest in different ways across (and be mediated by) different legal systems and jurisdictions, they represent the common themes found internationally in the research on lawyer mental wellbeing to date.

The impact of poor mental wellbeing: why this subject matters

'Mental wellbeing is the best driver to work enthusiastically, creatively, productively and efficiently. Fatigue and bad mental state is very counterproductive.'

Advocate, female, Lithuania, European Regional Forum

'I have learnt that as a lawyer you need to be mentally okay to be able to attend to your clients [...] Depression and many more reduces the productivity of work hours. Organisations need to take care of their employees' wellbeing.'

In-house counsel, male, Nigeria, African Regional Forum

Poor mental wellbeing can lead to a range of negative outcomes for individuals, firms, organisations, the economy and society as a whole:

- Individuals may experience significant personal distress and unhappiness which in turn may also have effects on their colleagues, families and friends. At the most extreme, there have been instances of lawyer suicide where the pressures of work have been implicated or indeed known by family and colleagues of the deceased to have been a contributory factor.¹³

10 See, eg, Richard Collier, 'Wellbeing in the legal profession: reflections on recent developments (or, what do we talk about, when we talk about wellbeing?)' (2016) 23(1) *International Journal of the Legal Profession* 41; Adele J Bergin and Nerina L Jimmieson, 'Australian lawyer well-being: Workplace demands, resources and the impact of time-billing targets' (2014) 21(3) *Psychiatry, Psychology and Law* 427; Gina Lai, Chan Kwok-Bun and Ko Yiu-Chung, 'Coping resources, coping strategies and work stress among six professional groups' in Chan Kwok-Bun (ed) *Work Stress and Coping Among Professionals*, Brill, 2007, 203.

11 See, eg, James R Faulconbridge and Daniel Muzio, 'Learning to be a lawyer in transnational law firms: communities of practice, institutions and identity regulation' (2012) 12(1) *Global Networks* 48.

12 See, eg, Emma Jones, Neil Graffin, Rajvinder Samra and Mathijs Lucassen, *Mental Health and Wellbeing in the Legal Profession*, Bristol University Press, 2020.

13 See, eg, Blechynden, 'Defence Lawyer Greg King Was Haunted by Crimes' (17 Oct 2013) at www.stuff.co.nz/national/9294657/Defence-lawyer-Greg-King-was-haunted-by-crimes accessed 1 June 2021.

- There can be both a financial and reputational impact on employers. For instance, employees with reduced mental wellbeing may be less productive and require more sick leave. It can also lead to higher staff attrition rates.¹⁴
- There is also some evidence suggesting mental wellbeing issues can lead to a decline in ethical judgement and an increase in workplace errors.¹⁵ This raises issues for the reputation of the legal profession as a whole, affecting not only individual legal professionals, firms and organisations, but also regulators and clients.
- The economic impact on employers can affect the economy overall. For example, a 2017 report estimated that mental health problems had cost the UK economy nearly £35bn (approximately US\$48bn) in the previous year. This includes £10.6bn in sickness absence, £21.2bn in reduced productivity and £3.1bn replacing staff who left for mental health reasons.¹⁶ The WHO estimate the global economic cost of depression and anxiety to be US\$1tn per year.¹⁷

Lawyers play a vital role within society in upholding the rule of law. If they are unable to perform that role effectively, or are perceived as being unable to do so, this can undermine public confidence and have wider repercussions for the justice system and its role within society.

The IBA Presidential Task Force on Mental Wellbeing in the Legal Profession Surveys

Former IBA President, Horacio Bernardes Neto, formed the IBA Presidential Task Force on Mental Wellbeing in the Legal Profession 2019 (the Task Force). The Task Force then embarked on a global project to address the mental wellbeing of legal professionals.

The key initial phase of the project consisted of two global surveys (the ‘IBA surveys’) comprising: a survey for individual legal professionals to complete (the ‘IBA Survey of Individuals’); and a survey for law firms and other legal organisations, including bar associations, law societies and in-house legal departments to complete (the ‘IBA Survey of Institutions’). These were both open for participation from July 2020 to December 2020.

The IBA surveys were intended to assist in addressing the existing gaps in research and evidence relating to lawyer wellbeing. However, the onset of the Covid-19 pandemic also meant that there was a unique opportunity to obtain a snapshot of mental wellbeing in the legal profession during a time of particular challenge and uncertainty:

‘When I became president of the IBA in 2019, I made addressing mental wellbeing within the legal profession one of my main priorities. I had become increasingly concerned with all too frequent reports of substance abuse, severe depression and suicide within the profession. Little did I, or any of

14 Deloitte, ‘Mental Health and Employers. The Case for Investment’ (October 2018) see www2.deloitte.com/content/dam/Deloitte/uk/Documents/public-sector/deloitte-uk-mental-health-employers-monitor-deloitte-oct-2017.pdf accessed 1 June 2021.

15 Jarrod F Reich, ‘Capitalizing on Healthy Lawyers: The Business Case for Law Firms to Promote and Prioritize Lawyer Well-Being’ (2020) 65(2) *Villanova Law Review* 361; Jennifer Moore, Donna Buckingham and Kate Diesfeld, ‘Disciplinary Tribunal Cases Involving New Zealand Lawyers with Physical or Mental Impairment, 2009–2013’ (2015) 22(5) *Psychiatry, Psychology and Law* 649.

16 Michael Parsonage and Gina Saini, ‘Mental health at work: The business costs ten years on’ (Sep 2017) see www.centreformentalhealth.org.uk/sites/default/files/2018-09/CentreforMentalHealth_Mental_health_problems_in_the_workplace.pdf accessed 1 June 2021.

17 World Health Organization, ‘Mental health and substance use’ (2021) see www.who.int/teams/mental-health-and-substance-use/mental-health-in-the-workplace accessed 1 June 2021.

us, know of the events that were to come. The devastating effects of depression, stress, addiction and other such attacks on our wellbeing may have preceded the Coronavirus pandemic, but there is no question that it has exacerbated their impact.’

Horacio Bernardes Neto, Former IBA President

This report provides a summary of the findings of the IBA surveys. It begins by summarising the demographics of respondents and explaining the methodology employed. It is then divided into five sections:

1. Levels of individual mental wellbeing within the legal profession, applying a standardised self-report measure.
2. The impact of work on mental wellbeing, identifying key issues affecting individual mental wellbeing within the legal profession.
3. The consequences arising as a result of poor mental wellbeing, including both work-related and health-related impacts.
4. Institutions’ responses to issues, and individual respondents’ perceptions of these, together with individual respondents’ suggestions for better responses in future.
5. The impact of the Covid-19 pandemic on mental wellbeing.

The first three sections focus on the findings from the IBA Survey of Individuals.

When discussing the responses of firms and organisations to mental wellbeing in the workplace, the findings of the IBA Survey of Institutions are used, although data from the IBA Survey of Individuals on individual respondents’ perceptions of the responses of firms and organisations is also included.

Data from both IBA surveys is included in the final section.

Both IBA surveys can be found on the IBA Presidential Task Force on Mental Wellbeing in the Legal Profession website at www.ibanet.org/mental-wellbeing-in-the-legal-profession.

Methodology

In July 2020 the IBA Presidential Task Force on Mental Wellbeing in the Legal Profession – in conjunction with market research company Acritas – launched the IBA surveys on the mental wellbeing of lawyers. The surveys were available online in both English and Spanish. Full copies of both surveys can be found on the IBA Presidential Task Force on Mental Wellbeing in the Legal Profession website.¹⁸

Each survey contains both closed items which are to obtain statistical quantitative data; and open items to obtain written qualitative data, with respondents explaining their experiences in their own words. The IBA Survey of Individuals also included the WHO Wellbeing Index ('WHO-5'), a short (ie, five item) self-report measure of current mental wellbeing (over a two-week period) introduced in 1998. This measure has previously been validated in a number of studies,¹⁹ and aims to measure the subjective mental wellbeing of respondents.

The surveys were disseminated widely via the IBA website, email to IBA members, coverage on social media and in the legal press. Members of the Task Force also promoted the surveys across their own networks. The surveys were open to all members of the profession; IBA membership was not a requirement. The surveys were anonymous and no identifying information was sought. Neither the IBA nor Acritas is able to identify individual respondents or their workplaces or individual institutions. Internet Protocol (IP) addresses were captured to ensure survey integrity and prevent multiple completions by the same respondent. The surveys closed in December 2020, having been open for approximately five months. A total of 3,256 responses were received to the IBA Survey of Individuals, with 186 responses received to the IBA Survey of Institutions.

Selected indicative qualitative responses from individual respondents are included in this report to help illustrate key points that are made. Each respondent is identified by their role, gender, country of residence and regional fora (eg, respondents from Canada are allocated to the IBA North American Regional Forum). To assist with readability, where there are obvious typographical errors in spelling, these have been rectified, with care being taken that the meaning of the statement has not been altered.

Strengths and limitations of the IBA surveys

Any piece of data-collection will inevitably have both strengths and limitations. The key strengths of the IBA surveys include:

- *Global reach.* The range of jurisdictions involved – 124 – is impressive. Asking the same questions across all jurisdictions enables valuable comparisons to be made, addressing gaps in the existing research and evidence.
- *Breadth of potential respondents.* The IBA surveys' approach of allowing individuals to self-define as legal professionals meant it was open to the widest possible range of potential respondents. This is reflected in the diversity of workplaces and types of role identified by respondents (see Demographics).

¹⁸ See www.ibanet.org/mental-wellbeing-in-the-legal-profession.

¹⁹ See, eg, C W Topp, S D Østergaard, S Søndergaard, and P Bech, 'The WHO-5 Well-Being Index: A Systematic Review of the Literature' (2015) 84(3) *Psychotherapy and Psychosomatics* 167.

- *Use of a standardised measure.* The use of the WHO-5 measure enables comparisons to be made between respondents' scores, and scores from previous studies applying the WHO-5 to members of the general population around the world.

Limitations of the IBA surveys include:

- *Reliance on a 'convenience sample'.* The survey was open to all and was publicised by the IBA and their network of contacts. It therefore did not aim to be representative of the make-up of legal professions or legal institutions within individual jurisdictions (across which the response rates vary considerably) or within a particular IBA regional forum.
- *Response rates.* The response rate of 3,256 individuals and 186 institutions is promising, but only reflects a small percentage of individuals/institutions involved within the legal profession globally. For example, in England and Wales alone there are 152,393 solicitors, together with a wide range of other legal professionals.²⁰ The response rate may well in part have been due to a sense of 'survey fatigue', exacerbated during the Covid-19 pandemic.²¹

These key limitations mean that an important part of the IBA's work has been to identify which findings align with existing research on wellbeing in the legal profession, in order to strengthen the validity of the findings and recommendations contained within this report.

More generally, it is also important to acknowledge that the IBA surveys took place at a very specific point in time, in the middle of a pandemic, during which a rapid reframing of debates around wellbeing and mental health has been taking place.²² The IBA surveys sought to acknowledge this by including discrete questions relating to respondents' experiences during the pandemic. These have great value in providing a unique snapshot of how the legal profession is functioning globally during a time of change and uncertainty. However, it is possible that some respondents' wider answers are predominantly reflective of the particular global circumstances at the time of the IBA surveys, and the responses to the global pandemic in specific jurisdictions and legal systems. Therefore, a survey undertaken in 2019 rather than 2020 may well have received different responses.

20 Solicitors Regulation Authority, 'Population of Solicitors in England and Wales' (May 2021) see www.sra.org.uk/sra/how-we-work/reports/statistics/regulated-community-statistics/data/population_solicitors accessed 1 June 2021.

21 Adrian Field, 'Survey fatigue and the tragedy of the commons: Are we undermining our evaluation practice?' (2020) 6 *Evaluation Matters—He Take To Te Aromatawai* see www.nzcer.org.nz/system/files/journals/evaluation-maters/downloads/EM_Field_OF.pdf accessed 1 June 2021.

22 Richard Collier, 'What will come from this? Wellbeing and mental health in the legal profession after COVID-19', *The Law Society of England and Wales* (7 May 2021) see www.lawsociety.org.uk/en/topics/hr-and-people-management/wellbeing-and-mental-health-in-the-legal-profession-after-covid19 accessed 1 June 2021.

Demographics

The IBA Survey of Individuals

The breakdown of respondents by age, gender, ethnicity and declared disability is shown in Figure 1. In terms of age, it is notable that the most common age bracket was between 25 and 39 (54 per cent). The breakdown of respondents by gender shows more females (56 per cent) than males (43 per cent), suggesting a possible over-representation in terms of the global composition of the legal profession.²³ This could indicate that younger and/or female legal professionals are more willing to complete a survey on mental wellbeing than their older and/or male colleagues.

The proportions of self-declared ethnic minority (15 per cent) and disabled participants (three per cent) were relatively low, suggesting that more research may be needed to obtain a more detailed picture of mental wellbeing within these sub-groups.

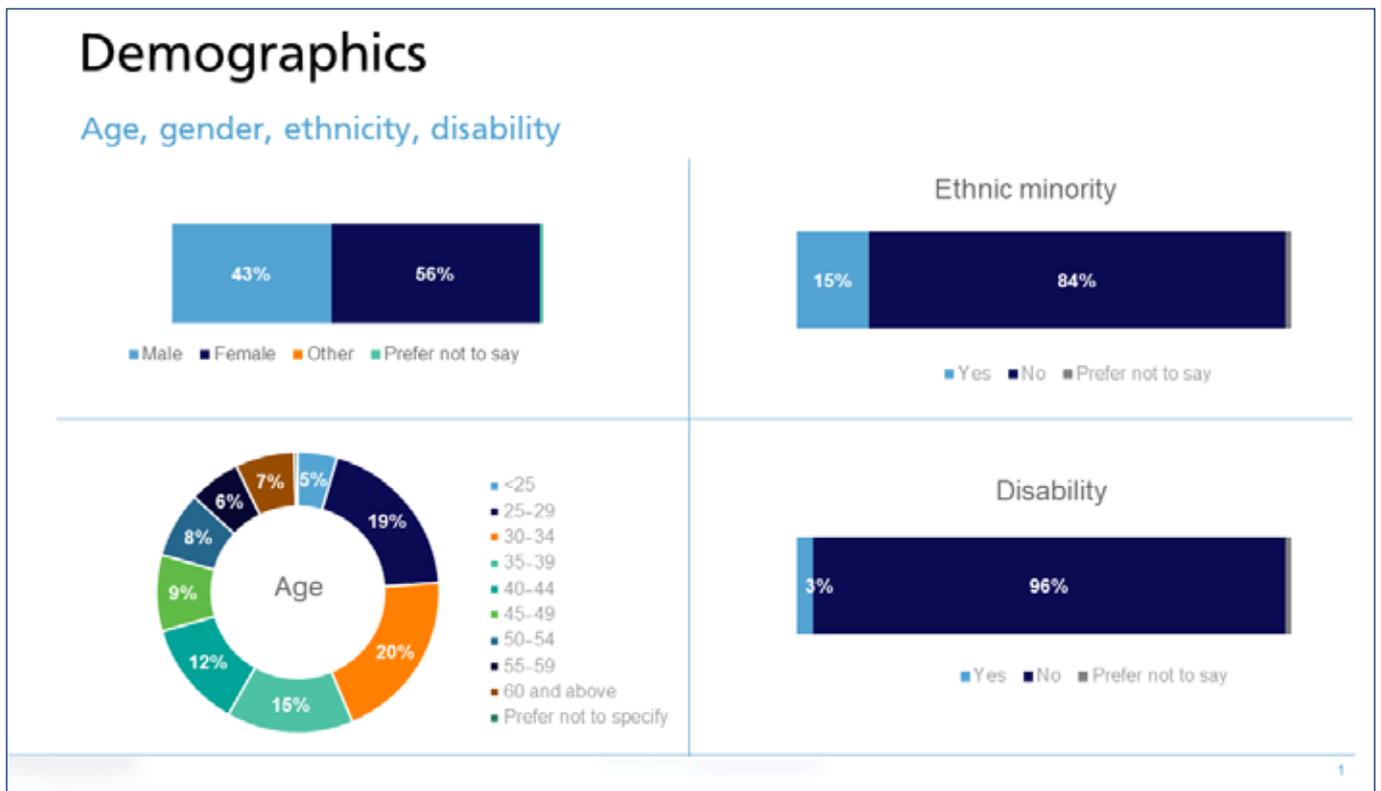


Figure 1: age, gender, ethnicity, disability

The breakdown of respondents by workplace, profession and regional fora is shown in Figure 2. The IBA has six regional fora, representing the interests of members practising in, or with links to, a particular geographical region. Figure 2 shows a range of workplaces, with law firms from 0–50 partners being most common (49 per cent). There are also a range of professions listed, with solicitor/attorney, and solicitor/attorney (partner) forming the majority (65 per cent) of responses. While all fora were represented, over three quarters of respondents were from the regions of Europe and the Asia Pacific (76 per cent).

²³ Ethan Michelson, 'Women in the Legal Profession, 1970-2010: A Study of the Global Supply of Lawyers' (2013) 20(2) *Indiana Journal of Global Legal Studies* 1,071.

Demographics – 3256 completed surveys

Workplace, profession, and regional fora



Figure 2: workplace, profession and regional fora

The IBA Survey of Institutions

The breakdown of institutional respondents by representation, staff/member numbers and office locations is given in Figure 3. A large majority of respondents were representing law firms (81 per cent). The majority were single office (48 per cent). The staff and member numbers were more equally spread from below five to over 1,000 (firm/in-house staff) and below 1,000 to over 20,000 members (organisations and societies).

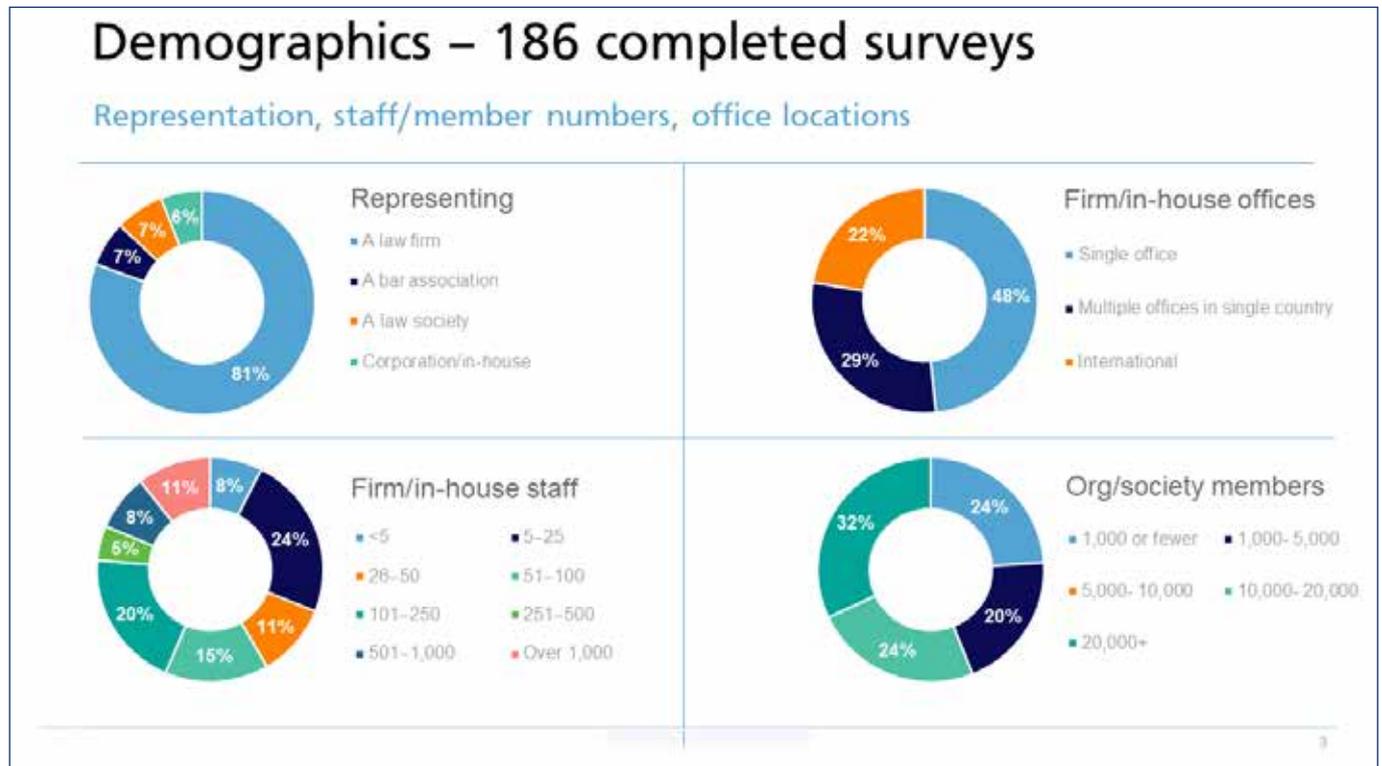


Figure 3: representation, staff/member numbers, office locations

The breakdown of institutional respondents by regional fora is given in Figure 4. As with the IBA Survey of Individuals, the majority of institutional respondents were from the Europe and Asia Pacific regions (63 per cent). However, there was a greater proportion of institutional respondents than individual respondents in Latin America (23 per cent for the former, against nine per cent for the latter).

Demographics

Regional fora



Figure 4: respondents by IBA regional fora

Measuring the mental wellbeing of the global profession: WHO-5 scores

The European Quality of Life Survey 2012 applied the WHO-5 measure of mental wellbeing to 34 European countries. Among these countries, the average score of the general population was found to range from 70.1 per cent (Denmark) to 53.7 per cent (Republic of Serbia).²⁴ For an individual, a score below 52 per cent is an indicator for a health professional to screen for depression, and suggests a more formal assessment of mental health problems is warranted.

The average overall score of respondents to the IBA Survey of Individuals was 51 per cent.

A more detailed breakdown of scores is illustrated in Figure 5. This overall score falls just below the average score found within general populations in a range of countries. This suggests that approximately half of the respondents reported reduced wellbeing relative to adults in the general population.

Looking at the breakdown of respondent sub-groups, the most consistent and marked differences in wellbeing appear to be based upon age, gender, disability and ethnicity. This suggests a probable connection between problems with equality, diversity and inclusion, and potential difficulties with mental wellbeing. Although not shown in the breakdown below, the gap in wellbeing scores between genders worsened with age, particularly among those with disabilities or from ethnic minority backgrounds.

On average, respondents from civil law jurisdictions had better levels of mental wellbeing than respondents from common law jurisdictions. This suggests that the more adversarial forms of legal practice commonly associated with common law jurisdictions are potentially detrimental to wellbeing. However, the wellbeing gender gap was most marked in civil jurisdictions, with African and Arab Regional Fora results showing the largest differences. Geographically, applying the WHO-5 measure, the Arab Regional Forum scored lowest (46 per cent), and the Latin America Regional Forum scored highest (59 per cent).

In terms of roles, associates and advocates scored below others, with an average score of 46 per cent. Partners scored most highly with an average score of 57 per cent. Looking at workplaces, firms of 50-100 employees scored lowest with an average score of 47 per cent. Those employed in corporations or 'other legal roles' scored highest, with both having an average score of 53 per cent.

²⁴ Topp, Østergaard, Søndergaard and Bech, see n 15 above.

Overall mental wellbeing index score

Clear split between younger and older ages

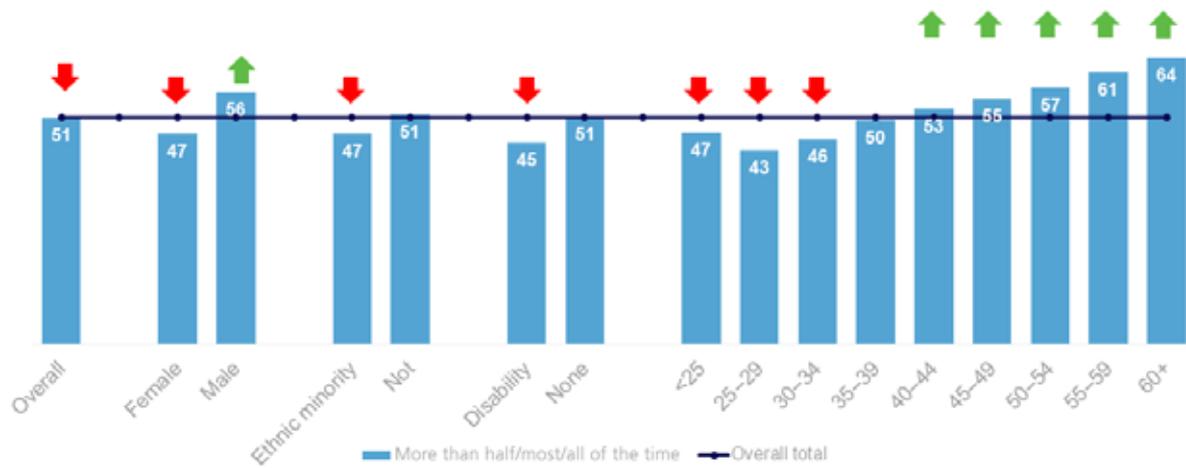


Figure 5: overall wellbeing index score

The impact of work as a legal professional on mental wellbeing: positive or negative?

Respondents were asked: ‘On balance, what impact do you feel your work as a legal professional has upon your mental wellbeing?’

They were then asked to identify which of a number of factors or issues (eg, competing demands and long hours) they had experienced over the previous 12 months. Respondents were also asked to identify the strategies and coping mechanisms they found most effective in managing or improving their mental wellbeing.

The overall impact

Overall, 35 per cent of respondents indicated that their work had a negative or extremely negative impact on their mental wellbeing. This aligns closely to the number who scored lowest in the WHO-5 analysis, such that 24 per cent of respondents indicated their work had a neutral impact and 41 per cent indicated it had a positive or extremely positive impact.

Overall, those aged under 35 were most likely to claim that the impact of their work as a legal professional had a negative effect on their mental wellbeing. In particular, 49 per cent of respondents aged 24–29 negatively rated the impact of work, compared to 28 per cent who were neutral and 23 per cent who thought it had a positive effect. Poor work-life balance and the detrimental mental and physical health consequences of work were the key factors driving these negative responses for the under-35s. By contrast, 75 per cent of respondents aged 60 and above reported that their work had a positive impact on their mental wellbeing (with 12 per cent neutral, and 14 per cent negative), with working culture and environment cited as a key factor.

The negative impact of stress/pressure and workload were relatively consistent factors throughout the age ranges. The particularly negative impact on the mental wellbeing of the under-35s could result from a number of factors, including a greater awareness of wellbeing-related issues, the competitive nature of entry into and progression through the legal profession and the more junior roles they are likely to occupy.

In terms of the impact of work on mental wellbeing broken down by profession, role and region, the findings indicate that respondents in law firms of 51–100 employees experience the most detrimental effects (44 per cent negative compared to 35 per cent negative overall). Associates (46 per cent) and paralegals (39 per cent) were the specific roles most negatively affected. The North American Regional Forum also posted the worst negative impact scores, with 46 per cent of respondents saying that their work negatively affected their mental wellbeing.

Reasons for responses: the different sides to the job

Respondents were asked to explain their answer, with the results shown in Figure 6. It should be noted that a number of responses indicated both positive and negative aspects of legal work, but these were coded in accordance with the respondent's overall assessment of their work on their mental wellbeing.

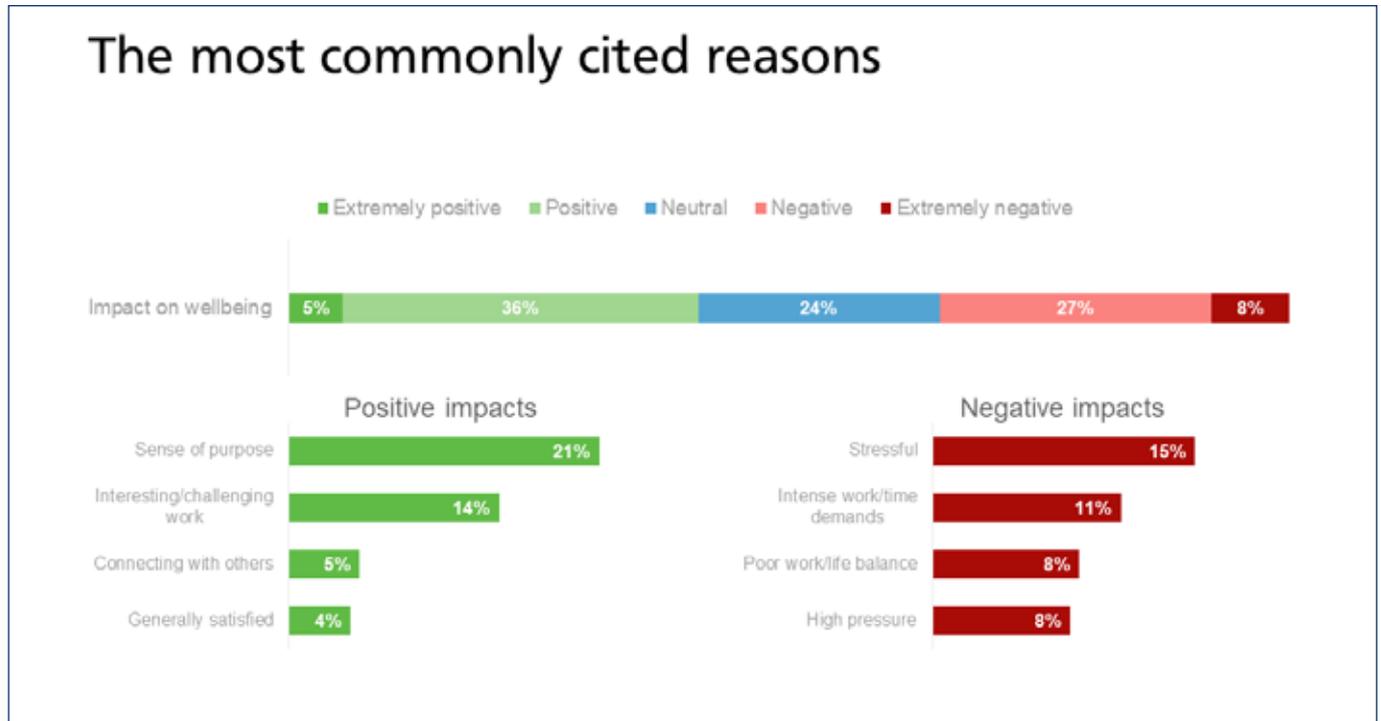


Figure 6: the most commonly cited reasons

Positive factors

The most commonly cited factors contributing positively to respondent mental wellbeing (as illustrated in Figure 6) were as follows:

A sense of purpose:

'I enjoy solving problems, working on solutions. It gives me personal satisfaction.'

In-house counsel, female, Ireland, European Regional Forum

'Helping clients and solving legal issues is gratifying.'

Solicitor/attorney (partner), male, United States, North American Regional Forum

'Knowing that you advance the interest of justice, no matter how little, is a positive reinforcement to my mental wellbeing.'

Solicitor/attorney, male, the Philippines, Asia Pacific Regional Forum

A number of the individual responses relating to a 'sense of purpose' emphasised the ways in which work provides a focus and the satisfaction involved in being able to assist clients in resolving issues. A sense of pride in being part of the legal profession and the ability to contribute to the justice system and wider society was also referred to by some.

Interesting/challenging work:

‘The profession [litigation] offers challenges of different nature, fit to curious minds.’

Solicitor/attorney, male, Russia, European Regional Forum

‘I feel stimulated and challenged, albeit stressed!’

Solicitor/attorney (partner), female, South Africa, African Regional Forum

‘Being in legal practice has given me awareness on many aspect and keeps me going and searching for more. There’s always something challenging and educational and keeps me alert.’

Advocate, female, Malaysia, Asia Pacific Regional Forum

A number of the individual responses related to ‘interesting/challenging work’ emphasised the intellectual stimulation involved and the sense of continually addressing new challenges in a way which is both rewarding and motivating.

The ability to connect with others:

‘I feel fortunate to work in a friendly and cooperative environment. Moreover, I have the opportunity to work on legal issues I am passionate about and this gives me the strength and energy to face the inevitable challenges we all face at work.’

Legal advisor/legal officer, female, United Kingdom, European Regional Forum

‘I have built up a good relationship with other co-workers and created a friendly atmosphere. I enjoy working with my colleagues and they support my work a lot.’

Solicitor/attorney (partner), male, Vietnam, Asia Pacific Regional Forum

‘I enjoy my work and assisting my clients as well the interactions with my staff and other counsel.’

Barrister, male, Canada, North American Regional Forum

A number of the individual responses related to ‘connecting with others’ referred to a collegiate atmosphere, the support provided by colleagues and/or managers and a sense of connection with clients.

General job satisfaction:

‘Fortunate to still have an income.’

Other role, female, Kenya, African Regional Forum

‘Work takes my mind out of what’s already happened: Covid, typhoon floods and broken car.’

Solicitor/attorney (partner), male, the Philippines, Asia Pacific Regional Forum

‘I enjoy what I do and I have positively impacted lives around me.’

Advocate, female, Uganda, African Regional Forum

This broad point covers a range of responses, from general statements about liking or enjoying work, to more specific answers such as those quoted above. Several participants also mentioned their workplace’s response to the Covid-19 pandemic as having a positive impact on their mental wellbeing.

Negative factors

The most commonly cited factors contributing negatively to respondent mental wellbeing (as illustrated in Figure 6) were as follows:

Stress:

‘The constant stress and pressure of deadlines and pressure to bill hours do not stop at the end of the work day. I struggle to shut off the work part of my brain. The stress is always there in the background.’

Barrister, male, Canada, North American Regional Forum

‘My work presents multiple challenges for my mental wellbeing that I need to actively manage to prevent harm. The job is stressful and I deal with vulnerable people in difficult circumstances. In some ways, my work only shows me the things that are wrong in the world and I need to actively work to remember that this is not the true view of the state of things.’

Solicitor/attorney, female, Australia, Asia Pacific Regional Forum

The terms ‘stress’ and ‘stressful’ appeared in numerous comments, including a number relating to other key points.

Intense work/time demands:

‘Constant billing pressure, obligation of 24/7 digital connection, little support between partners, inclusive demands during holidays or weekends, long working hours.’

Solicitor/attorney (partner), female, Spain, European Regional Forum

‘I feel the main issue is the difficulty of maintaining your own agenda. You may have a perfect planning for the week, yet it is hardly ever the case that you can fully stick to the planning as incoming requests for advice are typically “urgent”. So, you are in a constant rescheduling mode, whereby, if need be, the social life is the first thing you will compromise on to meet an “urgent” deadline.’

Solicitor/attorney, male, Belgium, European Regional Forum

‘High pressure, tight deadlines, juggling huge workload, expectations beyond capacity all lead to negative impact on my daily life.’

In-house counsel, female, Ireland, European Regional Forum

A number of the individual responses related to ‘intense work/time demands’ referred to billing pressures and the high level of demands and expectations from both clients and employers.

Poor work-life balance:

‘My work, at times, occupies an important part of my time, and as such, it affects the possibility of other activities. The level of stress during certain periods also affects family life.’

Legal advisor/legal officer, female, Chile, Latin American Regional Forum

‘A significant amount of the time I’m awake, I’m working. I have a busy practice and a heavy workload, leading to feelings of overwhelming stress about half the time. It invades my home life, my dreams. It can be difficult to manage.’

Solicitor/attorney (partner), male, Australia, Asia Pacific Regional Forum

‘[N]ot enough time to dedicate to myself and mental health’

Advocate/solicitor-advocate, female, Malta, European Regional Forum

This was closely related to the above point, with a focus on intensive work/time demands leading to an inability to take appropriate breaks and holidays. Some respondents referred to the lack of a set routine and difficulties in planning their work in advance. The difficulties of ‘switching off’ during leisure time and a blurring of work-life boundaries (possibly related to the Covid-19 global pandemic) were also referred to by several respondents.

High pressure working environment:

‘Although I like my job, the truth is that the pressure and responsibility of the issues discussed weighs heavily on my emotional well-being. I tend to be very demanding with myself, even if the matter is “small” so I usually live in a state of “fear” of failure and that involves anxiety and discomfort. In addition, it is frustrating for me to carry that weight, because I am autonomous, with my own office and, in reality, nobody forces me to take cases or clients that distress me, but the truth is that, the deadlines, the trials, the behaviour of some colleagues, the demands of clients etc, make the profession rather complicated than simple.’

Solicitor/attorney (partner), female, Spain, European Regional Forum

‘Demand for immediate responses for various clients, it generates mental pressure and stress that somatises the body and even contaminates life outside the office. The system of hours chargeable to clients (having to justify at least nine hours of work a day) also generates negative pressure.’

Attorney/solicitor, female, Peru, Latin American Regional Forum

‘High stress from work volume; and need to take care especially with high value cases and demanding clients.’

Barrister, male, Hong Kong, Asia Pacific Regional Forum

A number of the individual responses related to ‘high pressure’ referred to the demands and expectations involved in their roles, and the complicated and challenging nature of their work.

Everyday issues in the workplace

When respondents were asked to identify which of a number of specific issues they had experienced over the past 12 months, their responses correlated closely with the more general factors affecting mental wellbeing identified above. Figure 7 shows the issues which were listed in the survey, along with how frequently respondents said they had experienced them (ranging from ‘never’, to ‘all/most of the time’).

Those issues experienced most often, such as ‘competing demands’, ‘long hours’, ‘unrealistic time pressures’ and ‘inability to take breaks’ all echo the comments of respondents found above. The specific issues most commonly identified also appear to be the more tangible manifestations of broader work/time pressures, such as ‘unclear expectations’ and ‘lack of support’.

Which of the following have you experienced?

Having to work in own time most common issue experienced in past 12 months

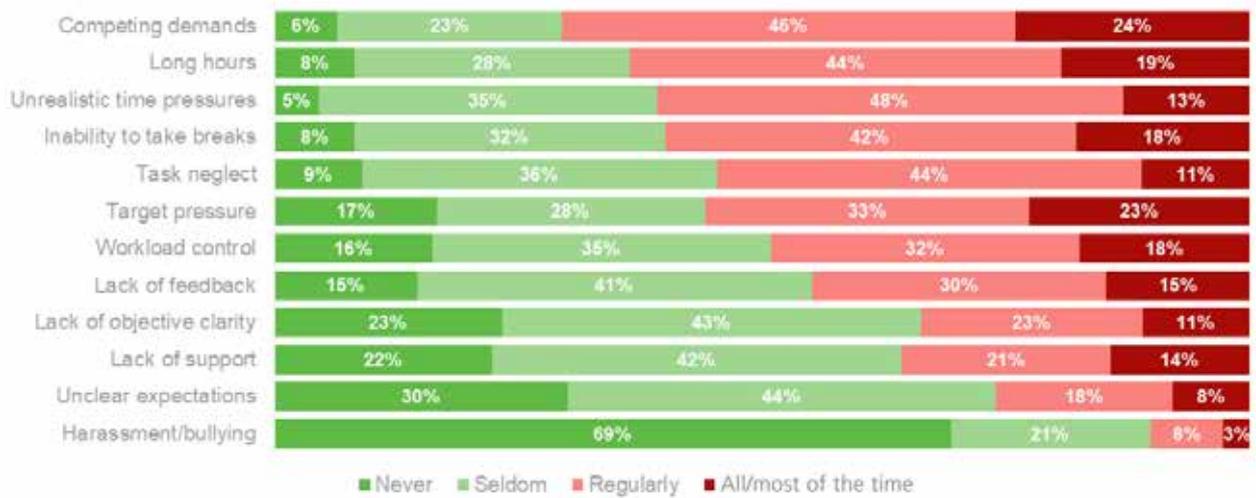


Figure 7: issues experienced in the past 12 months

Factors relating to time pressures were most commonly perceived as having negative impacts on lawyers' mental wellbeing. However, where bullying and harassment was experienced, either regularly or all/most of the time, this was identified as having the most detrimental effect. It seems relatively rare for this to be experienced.

Self-employed legal professionals

Respondents who identified as self-employed were asked what specific aspects of being a self-employed lawyer they felt had the most detrimental impact on their mental wellbeing. The most common responses were a lack of support (23 per cent), and uncertainty (22 per cent). This was followed by loneliness and isolation (15 per cent) and poor work-life balance (14 per cent).

Strategies and coping mechanisms

Figure 8 illustrates the most commonly used strategies and coping mechanisms for managing and improving respondents' mental wellbeing. Over 50 per cent of respondents used exercise and/or taking leave/a break. Only two per cent of respondents had no specific strategies. Only two per cent selected recreational drugs, and ten per cent alcohol. Given previous research findings,²⁵ it was anticipated that the number would have been higher, however there may have been a social desirability bias towards selecting more positive responses.

²⁵ Krill, Johnson and Albert, see n 9.

Strategies and coping mechanisms

Exercise and taking a break/leave used by over 50 per cent of respondents

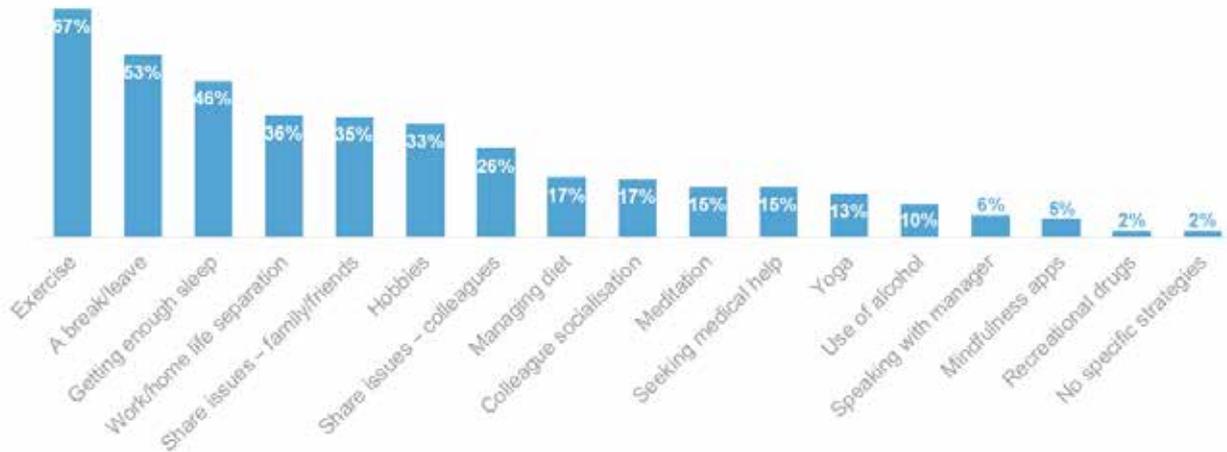


Figure 8: most commonly used strategies and coping mechanisms

In terms of accessing external organisations to obtain support with work and mental wellbeing, 71 per cent of respondents were unaware of the existence of any such organisations within their jurisdiction. This could either be because such organisations do not exist, or because there is a general lack of awareness as to the support they offer. Of the 29 per cent who indicated they were aware, private counselling/therapy was most commonly identified (by 19 per cent of respondents) with Employee Assistance Programmes and law societies next (both by 16 per cent of respondents).

The consequences of poor mental wellbeing in the legal workplace

Respondents were asked whether they had experienced or undertaken a number of responses, actions and issues as a result of work-related mental wellbeing problems in the past 12 months. They were also asked whether they had experienced any of a range of health issues as a result of work-related mental wellbeing issues.

Impact on work

Figure 9 illustrates the extent to which work-related consequences had been experienced/undertaken. It demonstrates that 46 per cent of respondents had considered taking time off, with 20 per cent actually taking time off. Twenty-six per cent made a mistake, and 24 per cent nearly made a mistake. Thirty-two per cent felt unable to cope, 32 per cent felt unable to perform and 31 per cent looked for another job.

All of these issues have potentially significant economic and reputational consequences for firms and organisations.

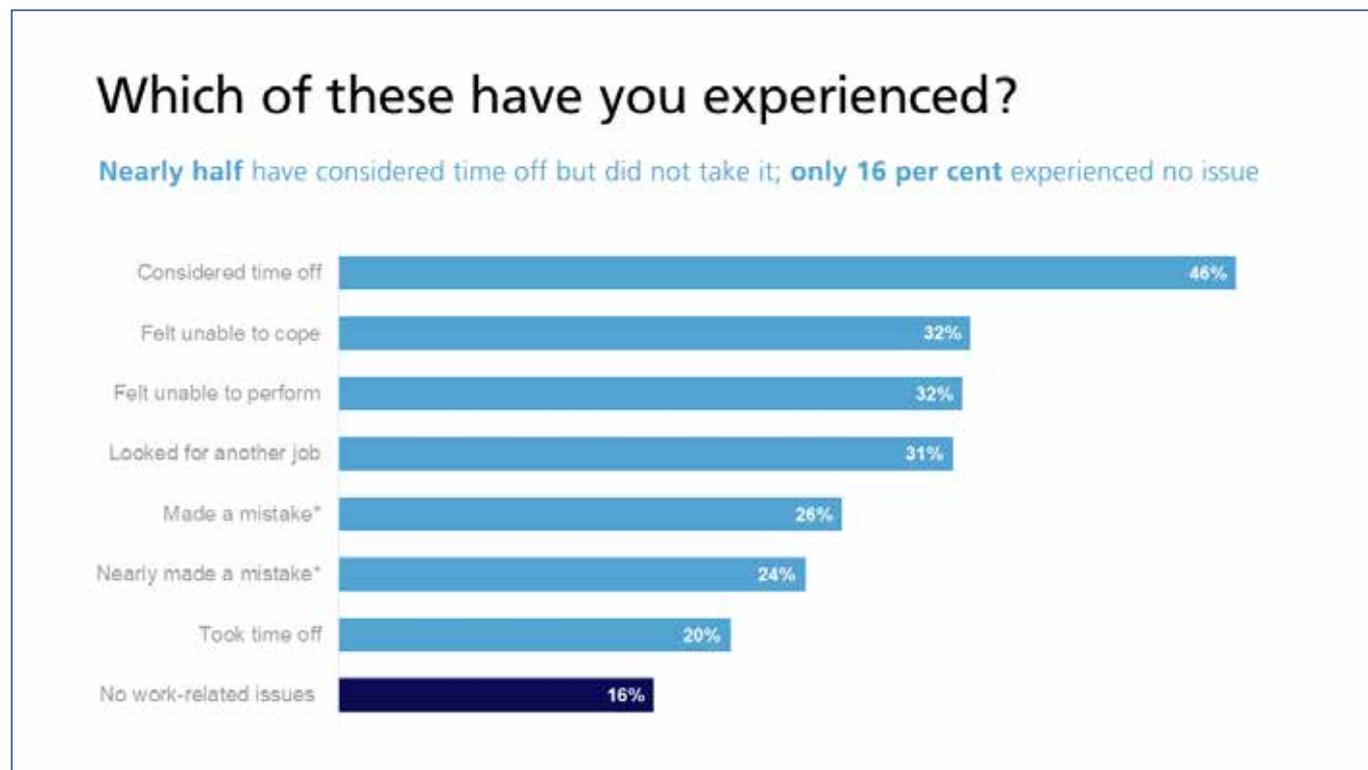


Figure 9: work-related consequences of poor mental wellbeing experienced/undertaken

Impact on health

Figure 10 illustrates the extent to which health-related issues were experienced by respondents. Fatigue and interrupted sleep were most commonly experienced (both by 57 per cent of respondents) with anxiety close behind (56 per cent). Only ten per cent identified experiencing no issues at all.

The 11 per cent of respondents experiencing bullying and harassment either regularly or all/most of the time were more than three times more likely to experience suicidal thoughts, and seven times more likely to self-harm, than respondents who had never or seldom experienced bullying and harassment.

Experienced health issues

Fatigue, disrupted sleep and anxiety experienced by over half in the past year

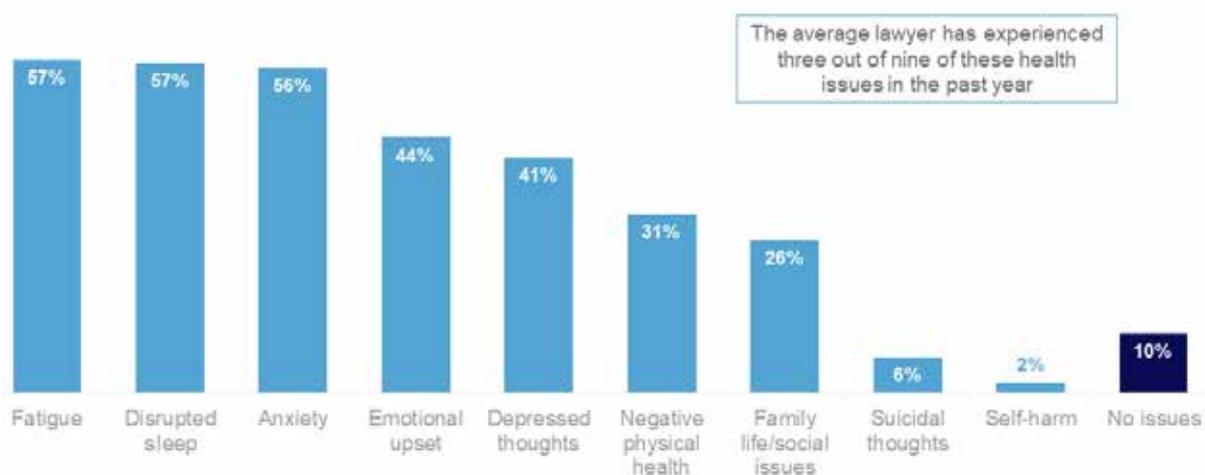


Figure 10: health-related consequences of poor mental wellbeing

The most likely group to report experiencing work and health-related issues as a consequence of poor levels mental wellbeing were 25–34 year olds, as were associates, females, ethnic minorities, and respondents with disabilities. Such issues were reported as being less commonly experienced by those who were older.

One in six respondents with disabilities reported experiencing suicidal thoughts as a result of work-related mental wellbeing issues and one in eight had self-harmed. One limitation of this project is that respondents were not asked to disclose the nature of their disability/disabilities, so it is unclear if specific types of disabilities exacerbated this tendency.

In terms of regions, it was respondents in the North American Regional Forum who experienced the most issues across the board.

Institutional responses to mental wellbeing

In the IBA Survey of Institutions, firms and organisations were asked whether the mental wellbeing of their employees/members was a priority issue. Over four fifths of respondents (82 per cent) said yes, with 15 per cent saying no and four per cent saying they did not know.

Respondents from the Latin American and Arab Regional Fora reported prioritising mental wellbeing more than those in other parts of the world. Respondents with under 25 employees/members also reported prioritising wellbeing more than the global average (96 per cent).

Figure 11 illustrates that most employers and institutions indicated they had measures to support mental wellbeing in the workplace. The majority of these measures were in place prior to the Covid-19 pandemic, with a number having been in place for over a decade. Of the 25 per cent of respondents who did not have measures in place, one third had plans to set them up. Respondents with larger numbers of employees/members were increasingly likely to have such measures already in place (from 60 per cent for firms and organisations with under 25 employees/members, to 85 per cent for firms and organisations with 251 and over employees/members).

Forty-three per cent of firms and organisations also indicated that they promoted or advertised other internal or external activities, training or events connected with mental wellbeing in the legal profession. A similar amount (44 per cent) indicated that similar activity was planned within the next 12 months.

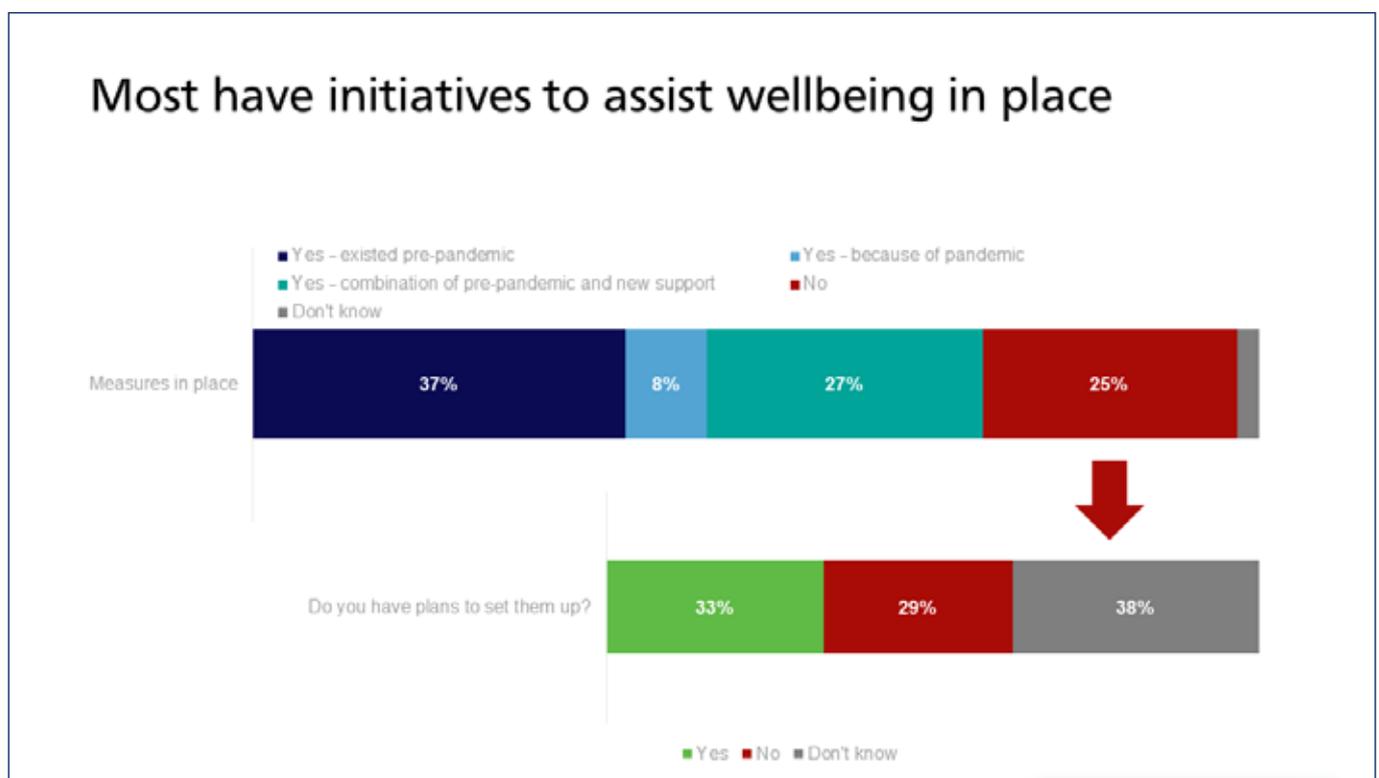


Figure 11: measures to support mental wellbeing

Of those firms and in-house departments who had an employee mental wellbeing policy in place, 39 per cent said a majority of partners/senior managers were involved in implementing it, although 32 per cent said only one or a small number were involved and 11 per cent said none were involved. Only 16 per cent

said all partners/senior managers had been given specific training on mental wellbeing, with 26 per cent indicating some had and the majority (54 per cent) indicating that none had been given such training.

The IBA Survey of Institutions included questions to ascertain whether respondents collected data on employee/member mental wellbeing, and whether they funded and measured the impact of wellbeing initiatives, services, and support programmes. The majority of respondents did none of these, as shown in Figure 12.

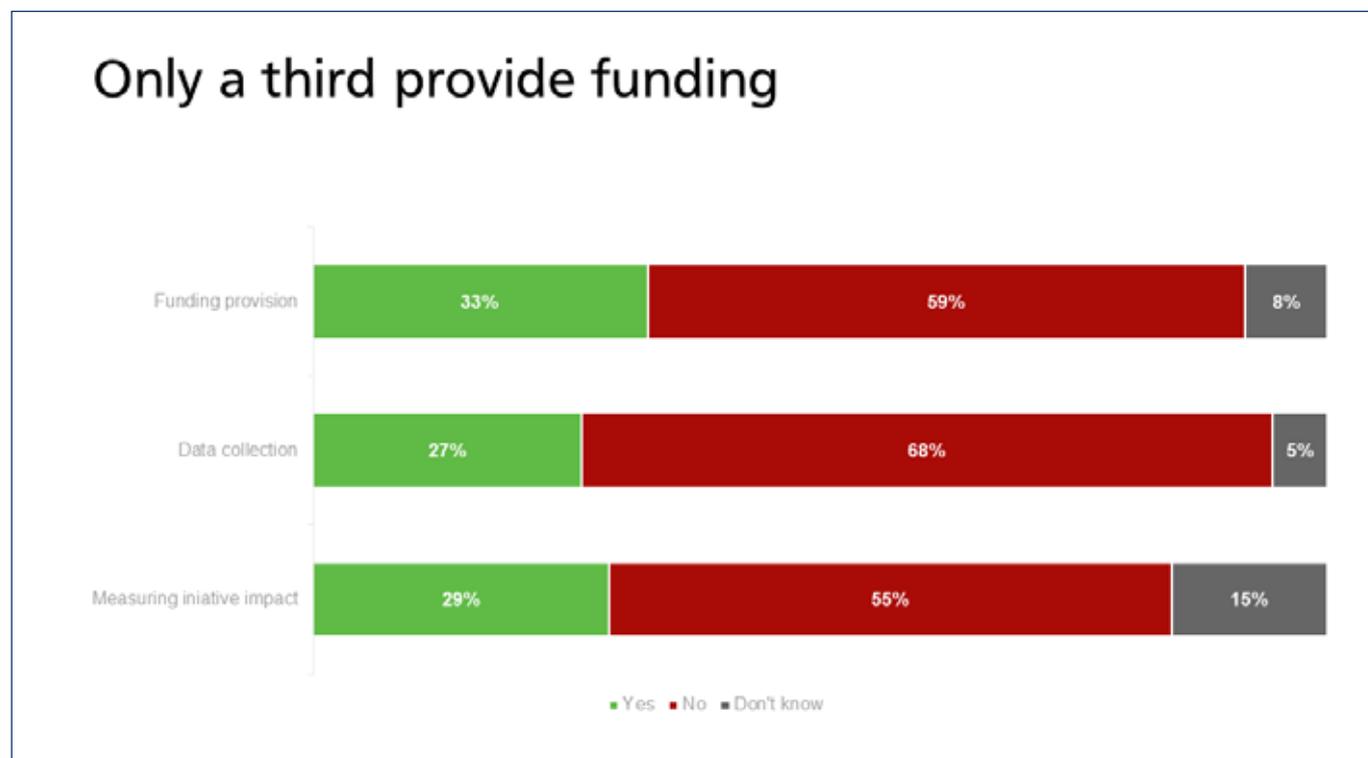


Figure 12: funding, data collection and evaluation

Where funding was provided, it was most commonly used to fund specific organisations, such as an employee assistance programme. Other uses included sponsorship and charity donations and paid-for services for employees, such as Mental Health First Aid training. When measured, data and impact were most frequently collected via surveys.

What do employees think?

Individual respondents were asked how they would rate their firm or organisation’s response to the issues identified in Figure 7 (issues experienced in the past 12 months), in terms of support available. Figure 13 illustrates how employer responses were rated in terms of the workforce generally. ‘Highly ineffective’ was the most common response in seven out of 12 areas. This was particularly the case in relation to harassment and bullying, despite this being identified as having the most detrimental effects on mental wellbeing, mirroring some of the findings of the IBA’s 2019 *Us Too?* Report.²⁶

²⁶ Pender, see n2.

How has your employer response been to these?

'Highly ineffective' is the most common response in 7/12 areas

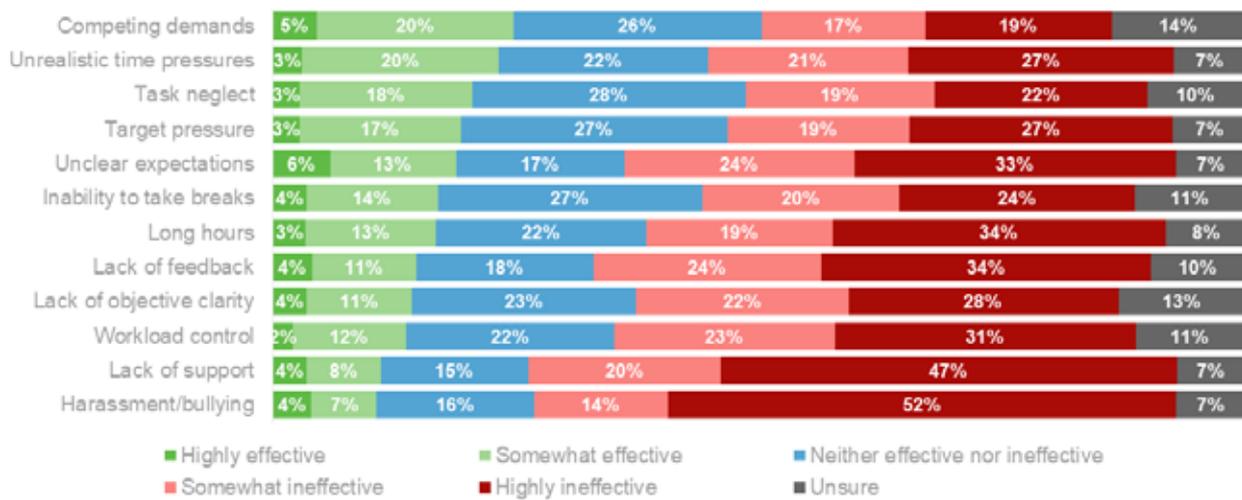


Figure 13: rating of employer responses

Evidence that employers can make a difference

It was notable that levels of individual mental wellbeing were higher than the average for respondents who indicated that their firm or organisation had responded effectively to issues they had raised. However, where individual respondents indicated their firm or organisation did not respond effectively to their concerns, levels of individual mental wellbeing were lower than average. This demonstrates that firms and organisations can make a meaningful difference in terms of the mental wellbeing of their employees when they are equipped with the resources to do so.

Of the types of support available from firms and organisations, 22 per cent of individual respondents indicated that there was no help, support or guidance in place. When they were in place, the most common types of support available were flexible working patterns (32 per cent) and flexible/agile working hours (28 per cent). Supportive workplace culture, supportive senior staff and time off for wellbeing were next, each scoring 24 per cent.

In terms of whether employees thought that firms and organisations should be doing more to address mental wellbeing, there was a clear split between younger and older respondents. For example, 76 per cent of respondents aged 25–29 thought they should be, compared to 48 per cent of respondents aged 60 and over. Those respondents working for the government and/or as legal advisors were most likely to agree that more should be done, as were those based in the African and Latin American Regional Fora.

Individual respondents were asked: 'If you have had, or if you were to have, concerns about your mental wellbeing at work, would any of the following put you off discussing those concerns with your employer?'. In response, 41 per cent cited a fear for the potential impact on their career, including 32 per cent who

indicated a fear of differential treatment, were they to raise such concerns. Thirty-five per cent stated they would simply rather not discuss wellbeing concerns with their employers.

What more should firms and organisations be doing?

Individual respondents were asked what more should firms and organisations be doing to respond to the issues identified as affecting mental wellbeing. The responses, illustrated in Figure 14, largely focus on cultural change and intervention, better workload provision and increased support from management.



Figure 14: what else should be done?

The desired improvements (as illustrated in Figure 14) were as follows:

Improved workplace culture:

‘[R]ecognise that mental wellbeing affects everyone, all the time, without exception and to any degree. The ability to cope or manage is indeterminable, inconsistent, unsustainable and may be ineffective; and the outcome may be disastrous for the organisation as a whole and life shattering, for the individual with many lives destroyed and institutions, irreparably harmed in the long run.’

Judge/magistrate, female, Malaysia, Asia Pacific Regional Forum

‘Embed healthy practice at the core of the firm, as demonstrated by requiring work-life balance through how senior partners model best behaviour for everyone else. For example – take paternity leave, demonstrate real work/home boundaries, promote what is positive for mental health as well as identifying and reducing or eliminating what is negative, share their own experiences in an open and

vulnerable way: it's ok not feel ok.'

Other role, male, Ireland, European Regional Forum

'Identifies a number of values that all are encouraged to take on and a supportive culture respectful of the individual professional and encouraging respect and true team spirit and applicable firm wide. Give clear guidelines.'

Solicitor/attorney, female, Italy, European Regional Forum

A number of respondents who referred to 'improved workplace culture' emphasised the need for a supportive and open workplace. Several respondents referred to the need for discussions around mental wellbeing to be normalised, and emphasised that poor mental wellbeing should not be viewed as a form of 'weakness'. The need for partners to model appropriate behaviour, demonstrate empathy and listen to employees was also referred to.

Direct interventions/support:

'Establish protocols to sensitise, practice and address mental health issues on priority basis.'

Advocate, female, India, Asia Pacific Regional Forum

'Have clear policies that recognise that these issues exist at all levels of our professional careers, from a law student to a senior partner. In that way, people will feel more confident that their career is not at stake should they decide to seek help at the firm.'

Solicitor/attorney (partner), male, Mexico, Latin American Regional Forum

'We are only talking about these kind of problems between colleagues. We never receive professional help. I believe a session with a professional who is specialised to work with people under pressure due to their profession, would be great for all lawyers in my firm.'

Solicitor/attorney, female, Turkey, Arab Regional Forum

Some respondents indicated that their firms or organisation's first step has to be acknowledging that the problem existed:

'[E]ven if the organisation is aware of it, they're slow or refuse to recognise the problem and even slower or never had provided any support/help to the mental health of lawyers, especially junior lawyers within the profession.'

Advocate, female, Malaysia, Asia Pacific Regional Forum

Suggestions from respondents for specific direct interventions and support ranged from providing professional wellbeing support and conducting surveys of employee/member wellbeing, to 'wellness days', meditation apps, and more informal support mechanisms. Several referred to existing issues of funding, for example, currently only being able to access a limited amount of counselling/therapy.

Workload/work-life balance:

'It could start actually valuing employees who want a work-life balance and demonstrate that this was a valid and valued way to work. They could also do this by promoting and paying those people well. There are plenty of people who are satisfied with demanding and intellectually satisfying work but also want to go home at 5.30. Not everyone wants to be Steve Jobs. People are different and it is ridiculous

to try and peg them all the same instead of valuing and working to the strengths of the individual in front of you.’

Solicitor/attorney (partner), female, Ireland, European Regional Forum

‘The firm I work for is aware of welfare issues at the policy level, but I feel like there is still a very large gap in implementation. There are wellness programmes, trainings, classes and resources online, but the real possibilities that everyone can access them are very slim. There is so much to do.’

Solicitor/attorney, female, Colombia, Latin American Regional Forum

‘Be more flexible in terms of billing expectations and especially allow for the ability of employees to take their vacation time without having to then work overtime later to meet their billable requirements, properly train managers to engage with lawyers who are experiencing mental health issues and how to properly provide accommodations, hire more lawyers or better manage workplace assignments to ensure a proper distribution of workload.’

In-house counsel, female, Canada, North American Regional Forum

Regarding this point, there was an emphasis on the need for clear policies and procedures. However, a number of respondents also emphasised the need for the appropriate implementation and monitoring of these policies to ensure that their aims were achieved:

‘I think that a lot of firms tick boxes, create policies, even promote these policies – but do not oblige the people who really need to pay attention to them to attend or adhere to them. And do not tackle problems that would (they anticipate – though I think it is a false premise in some cases) impinge upon their bottom line. There is no point in having great policies and protocols if firms don’t root out the rot to begin with.’

Solicitor/attorney, female, Bermuda, North American Regional Forum

A number of respondents referred to the focus on billing targets within firms, suggesting financial considerations were being prioritised over the needs and health of employees. Several also referred to difficulties when complaints were dealt with by a firm’s human resources team, rather than an independent body.

Some suggested that the business model of law firms itself needs a fundamental rethink in order to shift this focus and prioritise mental wellbeing:

‘Raising awareness is good, but in the end, it is the business model that is the main cause of the issue. Providing wellness training or access to meditation or yoga classes are all great, but you need to find time to do it. With the high billable requirements (and it being the most important measurement of performance), ‘free time’ is almost a luxury. The business model needs serious re-examination.’

Solicitor/attorney (partner), female, Hong Kong, Asia Pacific Regional Forum

Manager support/feedback:

‘See more people as people they are and not as mere resources.’

Solicitor/attorney, male, Paraguay, Latin American Regional Forum

‘There are policies in place but if you don’t feel you have a good relationship with your manager you cannot raise issues. I have seen on several occasions where people have been struggling with wellbeing

and the answer has been to let them go.’

In-house counsel, female, Australia, Asia Pacific Regional Forum

‘Train (or hire in the first place) management/partners and directors in how to deal with and properly speak to persons experiencing mental health issues. Provide an external, confidential and independent counselling service. Address the lack of trust in the company which has led to people feeling unable to bring up mental health issues.’

In-house counsel, female, the Netherlands, European Regional Forum

‘Obtain regular feedback and then act on it. Sometimes they seek feedback but then nothing happens. No follow through.’

Solicitor/attorney, female, Australia, Asia Pacific Regional Forum

Respondents emphasised the need for managers to both be aware of, and implement, relevant institutional policies. There was also reference to managers requiring training and support to develop the understanding and skills necessary to be able to assist individuals who may be experiencing difficulties with their mental wellbeing in the appropriate way. The need for clear communication, and to manage client expectations, were also referred to.

Workplace benefits:

‘Consider believing and trusting their associates and staff. Assign kind senior lawyers to mentor junior lawyers, and provide credit for this task by way of compensation in the partnership pool. Private practice rewards lawyers who bill the most hours. If a firm truly values the mental health of its staff and lawyers, lawyers who participate mental health programmes (such as mentoring, or sitting on a committee) should receive billable hour credit for their participation.’

Barrister, female, Canada, North American Regional Forum

‘[S]upporting facilities for child care, exercise & rest area.’

Solicitor/attorney (partner), male, South Korea, Asia Pacific Regional Forum

‘[...] support me in taking leave so that my files/matters will be managed whilst I’m away so that I don’t have to monitor work while on holiday.’

Solicitor/attorney, female, Australia, Asia Pacific Regional Forum

A number of respondents who referred to ‘workplace benefits’ suggested specific interventions, from ensuring employees took their annual leave, to reducing administrative burdens, to allowing employees more autonomy.

Sport/social classes:

‘Encourage physical activities; promote healthy lifestyle and wellbeing methods.’

Solicitor/attorney, female, Australia, Asia Pacific Regional Forum

‘[...] gym memberships or group activities to ensure people are taking care of themselves despite the pressures to bill and respond to clients.’

Barrister, female, Canada, North American Regional Forum

‘We encourage our team members to go out and join events; we organise team events like watching theatre shows or concerts; monthly lunches – paid by the office. These will hopefully give them relaxation away from office and home-related stress.’

Solicitor/attorney (partner), female, United Kingdom, European Regional Forum

The idea of providing access to sporting activities was highlighted by several respondents as a means of enhancing mental wellbeing. The idea of using social events to build community and to enhance work-life balance was also referred to by others.

The impact of Covid-19

Both IBA surveys included questions designed to ascertain the impact of the global Covid-19 pandemic on mental wellbeing and the responses of firms and organisations to the crisis.

The IBA Survey of Institutions asked firms and organisations whether they had offered mental wellbeing support or advice to employees/members to help them cope with the situation. Figure 15 illustrates that 25 per cent of firms had not offered any support or advice on mental wellbeing. Only 14 per cent had introduced support entirely as a result of the pandemic, with 32 per cent already having already had support in place and 28 per cent providing a mixture of pre-existing and new support. Forty-one per cent indicated they had seen a slight or significant increase in the number of employees/members seeking assistance.

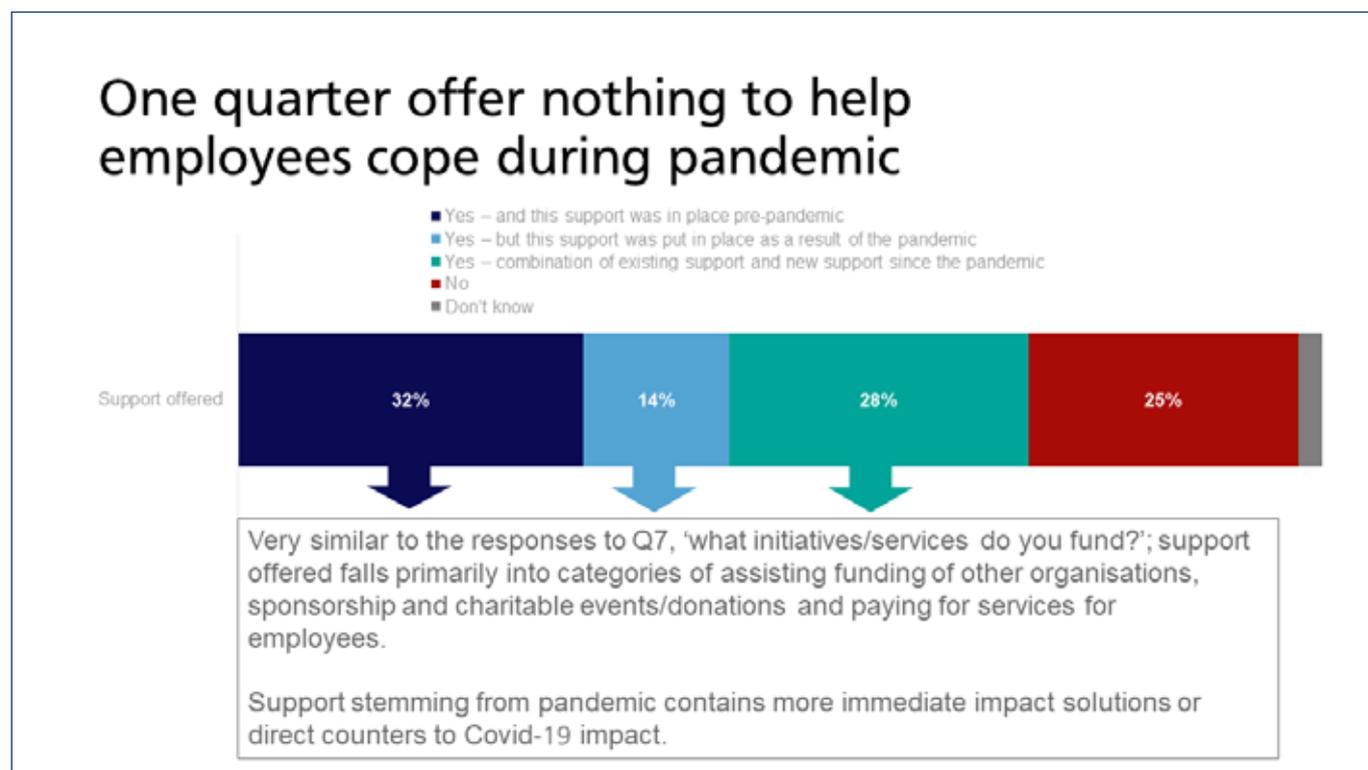


Figure 15: mental wellbeing support offering during the Covid-19 pandemic

Types of support or advice ranged from the provision of protective equipment to weekly meetings and seminars:

‘Providing vacation opportunities, talking sessions, social meetings (by video), recommending therapies.’

Law firm, Brazil, Latin American Regional Forum

‘Protection gear, Covid test, home office, regular call and weekly meetings.’

Law firm, Hungary, European Regional Forum

Of the measures put into place by firms and organisations during lockdown, the most common were virtual meetings/less travel (86 per cent), working from home (76 per cent) and flexible hours (51 per cent). A large majority of firms and organisations viewed all of these measures as positive, and were planning to retain them entirely, or in part, post-pandemic. The least common measure to be introduced was an increased focus on employee wellbeing (38 per cent), however, this was identified as the one firms and organisations were most likely to retain, with no respondent indicating that they would completely remove it.

In relation to each measure, a large majority of individual respondents who had experienced them wanted to retain them post-pandemic, particularly flexible hours and the increased focus on employee wellbeing.

Once again, there was a discrepancy between the findings of the IBA Survey of Institutions and the perceptions of individual respondents. This is illustrated in Figure 16 which demonstrates that while over three quarters of firms and organisations (76 per cent) felt the pandemic had raised their awareness of mental wellbeing, a minority of individuals (46 per cent) felt their firm or organisation’s awareness had been raised. Similarly, while 74 per cent of firms and organisations stated they had offered support during the pandemic, only 37 per cent of individuals said their firm or organisation had offered any support.

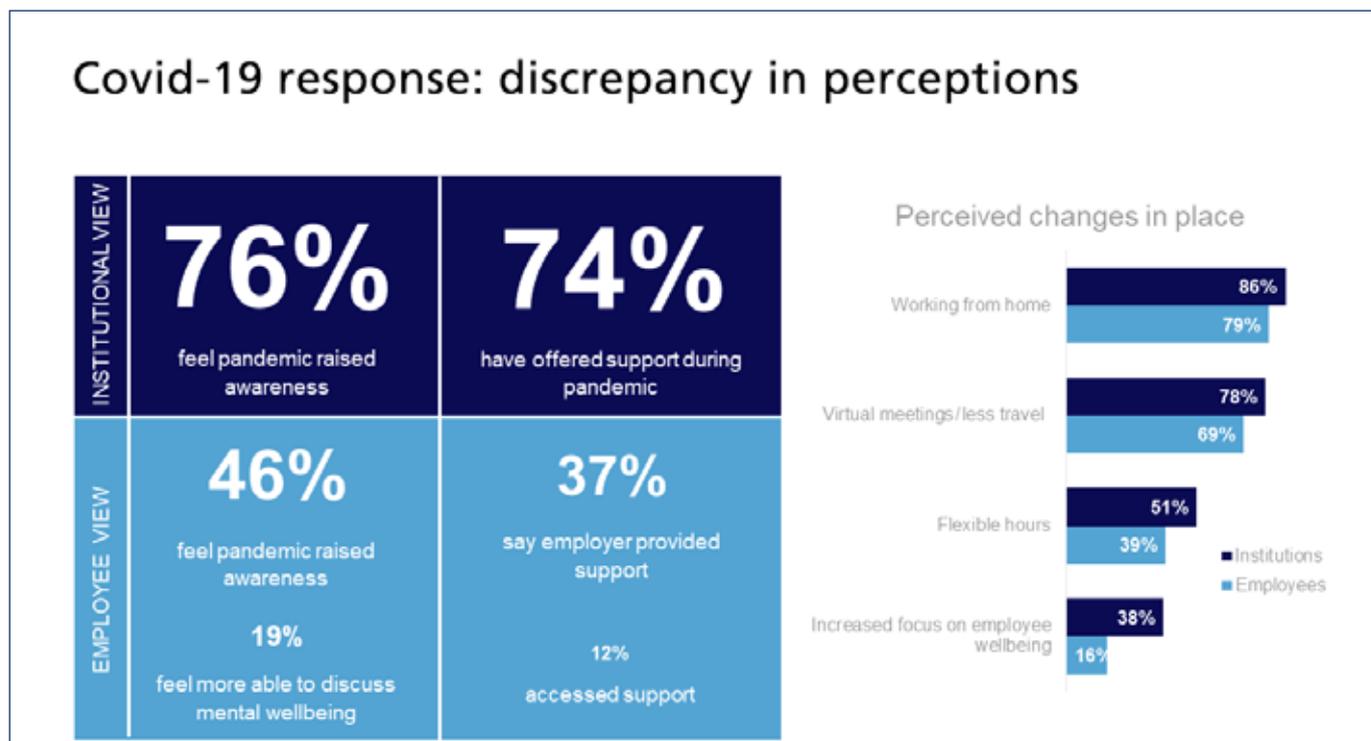


Figure 16: responses to Covid-19

When individual respondents were asked whether they now felt more or less able to discuss mental wellbeing with their firm or organisation, for the majority they felt it was about the same as pre-Covid-19 (62 per cent). However, 19 per cent felt more able, and only nine per cent felt less able. Of those who felt more able, 71 per cent felt this would last beyond the pandemic, with 23 per cent being unsure and six per cent feeling it would not.

When asked: ‘How well has your employer responded to the Covid-19 pandemic, in terms of employee wellbeing?’, a majority of individual respondents (57 per cent) selected ‘well’ or ‘quite well’. However, only a minority indicated that their firm or organisation had provided mental wellbeing support and/or advice (37 per cent), with just 12 per cent accessing it.

Individual respondents were also asked whether the pandemic had changed their perspective on their own career within the legal profession. The highest number (17 per cent) said there was little or no change in their perspective. However, 16 per cent and ten per cent referred to the benefits of remote working and use of technology respectively. Four per cent of respondents indicated that they were quitting the profession.

Looking to the post-pandemic future

Individual respondents were asked what lessons from the pandemic they thought the legal profession, and legal institutions in particular, needed to learn for the future, in relation to mental wellbeing. Figure 17 illustrates the responses given. Those most frequently referred to are changes in working practices (43 per cent), followed by prioritising wellbeing (24 per cent) and changes in workload allocation/output (20 per cent).

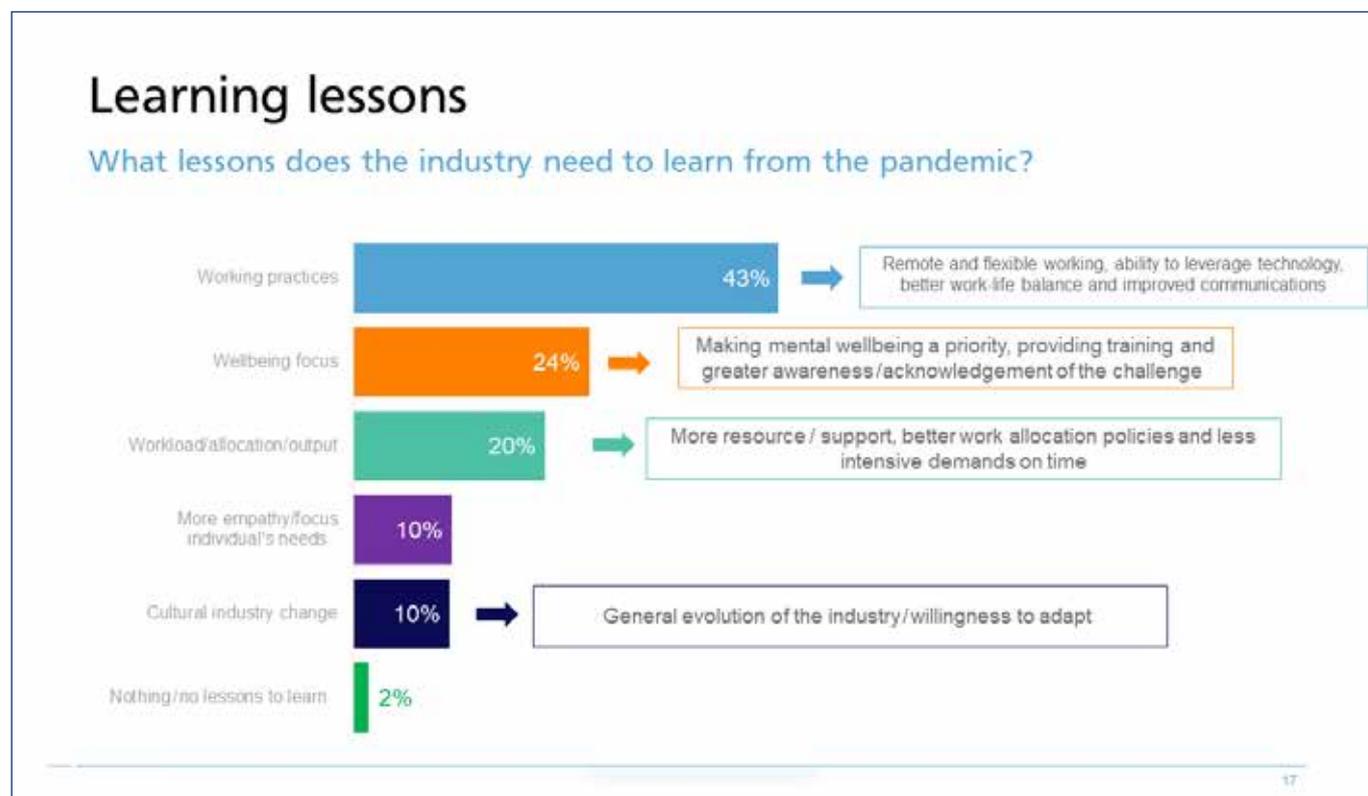


Figure 17: lessons to be learned from the pandemic

The responses were as follows:

Working practices:

‘We can work from anywhere at any time.’

In-house counsel, male, Indonesia, Asia Pacific Regional Forum

‘The pandemic is an opportunity for a serious soul searching exercise. The key issue remains, and will remain in my opinion, that law firms are focused on the bottom line. This will not change but: if management sees that productivity did not suffer as a result from rolling out formal WFH programmes, and in fact, lawyers and staff are less anxious and stressed because, for example, they have more control over their time and are not waiting two hours a day on transportation, then this is a win-win. However, WFH is not for everyone – it does cause a sense of claustrophobia for some and maybe family issues for others – employers should roll out easy-to-use and non-judgmental programmes to help tackle such situations.’

Solicitor/attorney (partner), male, United Arab Emirates, Arab Regional Forum

‘Most work can be done digitally, there is no need for as many travels as took place in the past.’

Legal advisor/officer, male, Poland, European Regional Forum

Remote and flexible working practices were most commonly identified as the key lessons to learn (at 15 and 13 per cent respectively). Leveraging technology was also referred to by ten per cent. Many respondents emphasised the benefits of remote and flexible working and the use of virtual court hearings. However, some did express reservations (eg, the difficulties of maintaining work-life balance), suggesting having a choice in ways of working would be beneficial. Several participants referred to tackling the issue of ‘presenteeism’ and challenging the assumption that individuals would be more productive in an office environment.

More of a focus on wellbeing:

‘People are starting to question whether the significant negative impact on your mental health from the legal profession is really worth it, especially when we are reminded how short our lives are and how it can be taken away any moment, and we are more vulnerable to it because for some of us, for years we have neglected not just our mental health but also our physical health. If firms want to retain talent and the investment they’ve made in training their lawyers and staff they should turn their attention to allowing their lawyers and staff to not just focus on good financial hygiene (like entering time sheets) but also good mental and physical health hygiene.’

Solicitor/attorney, female, Hong Kong, Asia Pacific Regional Forum

‘I don’t think the pandemic caused or helped the legal industry recognize mental health of their employees. This is something that should have been addressed long before a pandemic. There needs to be a systematic overhaul of the entire legal profession starting from law school. Even then it will not change the attitudes and old ways of doing things from the generations that have endured a career worth of harassment and unsupportive environments that has perpetuated a continued legacy of these behaviors and patterns.’

Other role, female, United States, North American Regional Forum

‘Attorney wellbeing needs to be put on the front burner for sure. Too often as an Attorney I neglect my own mental wellbeing for the sake of the development of my Firm. Many times I have ignored my mental health until it reaches crisis proportions in terms of me being depressed or having suicidal thoughts. I think there should be greater education and sensitization of attorneys as it relates to the importance of taking care of our mental health.’

Advocate, male, Trinidad and Tobago, North American Regional Forum

Acknowledging wellbeing, and prioritising wellbeing was identified by 11 and 13 per cent of respondents respectively. The sense of a career in law being demanding and contributing to difficulties with mental wellbeing was highlighted.

Workload allocation/output:

‘[P]ermit flexibility in working hours. Measure output, trust your staff. Put measures in place that measure output, do away with excessive micro-management.’

Other role, female, Ghana, African Regional Forum

‘People don’t leave bad firms, they leave bad managers. Millennials don’t care about money in the same way as Boomers or Gen X did. They want free time, hobbies, family time, they look after their wellbeing. The concept of trainees doing 20-hour days in basements in London law firms is outdated and extremely off-putting to the current generation of young lawyers. As is the Wolf of Wall Street style corporate culture – most law students are women these days. Make your firm’s practices and culture work for your employees – not Partners 40 years their senior. Or they’ll move on.’

Solicitor/attorney, female, Virgin Islands, North American Regional Forum

‘People need more breaks, and flexibility with their work schedule.’

Paralegal, female, Brazil, Latin American Regional Forum

Ten per cent of respondents referred to the importance of having more support, with another ten per cent emphasising the need for work-life balance. Some respondents referred to a growing realisation that life was about more than work and money, making a legal career less attractive unless wellbeing was prioritised.

More empathy/focus on individuals’ needs:

‘Understand that beyond Lawyers, one works with people.’

Other role, male, Chile, Latin American Regional Forum

‘Be kind to one another. Adversarialism is not the end all and be all of the legal profession.’

Solicitor/attorney (partner), female, Malaysia, Asia Pacific Regional Forum

‘That employee-lawyers are not robots and they work more effectively when respected and given some space rather than micromanaged.’

Solicitor/attorney, female, Turkey, Arab Regional Forum

Ten per cent of respondents emphasised the need to focus on the individual, including the individual’s humanity. The need to understand and acknowledge the differing needs and abilities of individuals was also emphasised.

A change in professional culture:

‘The legal profession is very far behind general society in dealing with mental health issues. There is a focus on giving advice and helping others which precludes asking for help yourself. The volume of work the traumatic content and the pressure to perform create constant anxiety. However good you are you are always haunted by the cases that went less well even if it wasn’t your fault.’

Solicitor/attorney (partner), female, United Kingdom, European Regional Forum

‘COVID is such a transformational opportunity for those businesses that remain viable. The legal industry can if it chooses understand that staff can be productive without being constantly watched; that clients are adaptable, that the companies values and culture are what staff remember and are motivated by when the going gets hard.’

Legal advisor/officer, female, Australia, Asia Pacific Regional Forum

‘So many! The most important one probably being that we need to place more emphasis on people and stop with the hamster wheel life. Not only is it not healthy, studies show that it ultimately hurts the bottom line. We need to engage more with cutting-edge HR research on these issues and adopt interdisciplinary approaches to addressing workplace climate issues.’

Other role, female, the Netherlands, European Regional Forum

Six per cent of respondents referred to the profession’s need to evolve. A number of respondents emphasised the need for firms and organisations to acknowledge mental wellbeing as a profession-wide problem and take proactive steps to tackle the underlying causes.

Conclusion

In September 2019, before Covid-19 made such events impossible, thousands of lawyers from around the world met in Seoul, South Korea, for that year's IBA Annual Conference. One of the sessions was dedicated to the issue of mental wellbeing in the legal profession. In a room of senior lawyers from all corners of the globe, a question asked was:

'Knowing what you know about life as a lawyer, how many of you would recommend the law as a career to your children?'

In a packed room, fewer than five hands were raised.

Why was this the case? This report is an attempt to start answering that question from a global perspective. The law is, and continues to be, a rewarding, respected and, in many cases, lucrative profession for those fortunate enough to be a part of it. It is also a vital profession for the proper functioning of civil society, and the defence of our rights and freedoms via upholding the rule of law. Yet there is a real danger that, for large swathes of the profession, these core values have been subsumed by market forces that are driving the law in an unsustainable direction, both in terms of recruiting future talent, as well as the viability of the business model itself in the face of evolving attitudes to working culture, mental wellbeing and issues of equality and diversity in wider society.

These forces, once confined to the likes of large corporate firms in the UK and the US, are now being increasingly felt around the world: billing targets, ever longer hours, ever higher starting salaries to compensate, a cut-throat competitive atmosphere that demands junior lawyers either sink or swim, a sense that anyone who is struggling is weak or just needs to 'toughen up', a belief that managers do not care about the mental wellbeing of their staff as long as the profits roll in, a perception that what mental wellbeing support does exist is just 'window dressing', or dangerous to ask for when it comes to future career prospects. The list goes on, as many of the first-hand stories contained in this Report illustrate so vividly.

What can be done? When the IBA Presidential Task Force on Mental Wellbeing in the Legal Profession was first established, it was thought that its focus would primarily be on understanding and countering substance abuse and other harmful coping mechanisms being deployed by lawyers who were struggling to balance the demands of work with the self-care that was necessary to maintain their mental wellbeing. What soon became clear however, was the complexity of the issues that were in fact involved, and had to be understood, in order to begin explaining and addressing the mental wellbeing crisis the profession is facing. Furthermore, the scope and scale of interest in this subject at an international level, and the need for a home for a global response to these issues, became rapidly apparent.

This report represents the first step in the IBA's efforts to create that resource, by bringing together stakeholders from around the world, several of whom have been working on this area for many years, and developing a set of basic global principles designed to help guide the profession's future work in this area. It also hopefully illustrates the unprecedented opportunity that we have as a profession to focus on mental wellbeing in the post-Covid era, as well as the enormous groundswell of support and interest in this subject that is emerging worldwide. The challenge now is to continue building on this work in order to build the supportive, inclusive, and well-led profession that we all want to be part of.

Appendix

Template Mental Wellbeing Survey for Ongoing Assessment

1. Overall, how has working life impacting upon your mental wellbeing within the last month?

Very positively Positively Neutral

Negatively Very negatively

2. What are the key work-related factors which have influenced your mental wellbeing during this period (eg, workload, line management, client demands)?*

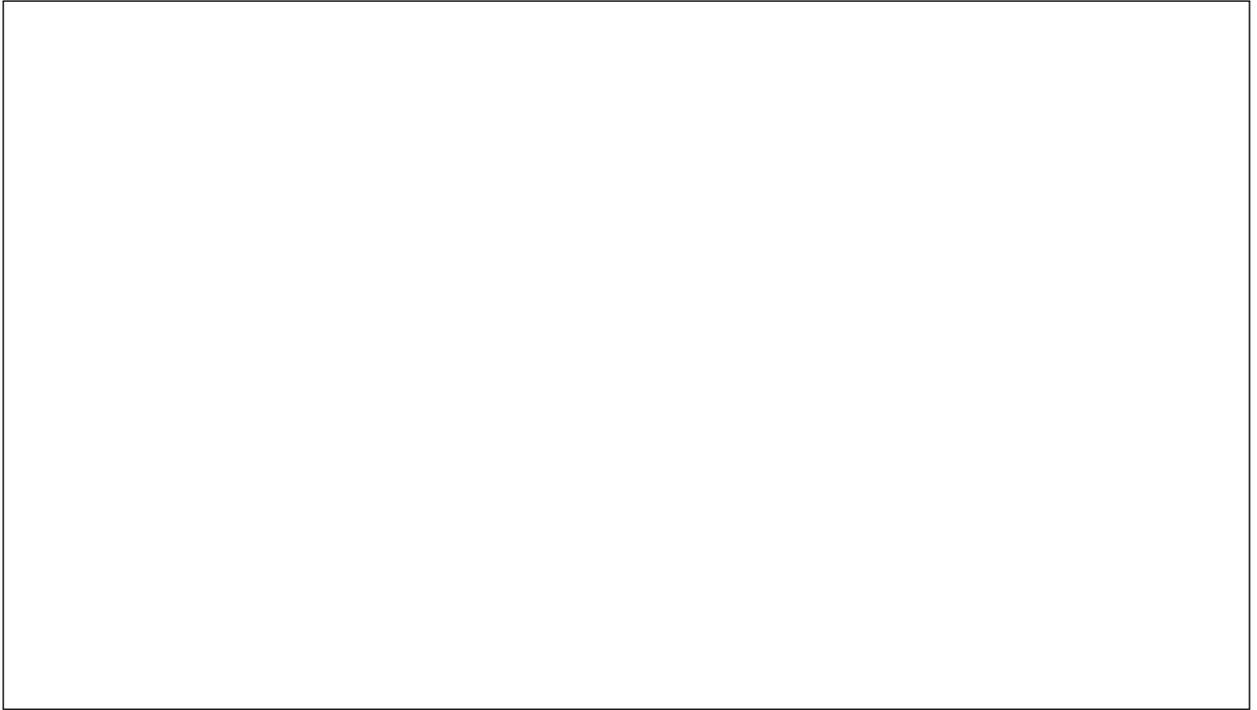
3. How helpful are each of the following workplace support measures to your mental wellbeing at work?

Helpful Unsure Not helpful

Please explain your answer

4. What are the key steps we could take, or changes we could make, as an [department/team/ employer/organisation] to facilitate better mental wellbeing for our [employees/staff/ members]?*

5. Is there anything else you would like to tell us about mental wellbeing in our workplace?

A large, empty rectangular box with a thin black border, intended for respondents to provide additional information or comments regarding mental wellbeing in the workplace.

* Where a large number of responses are expected, to reduce time on analysis, these could be converted into tick-box questions, for example, listing a range of key work-related factors in 2.



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For more information or resources, please contact the
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Visit the IBA Presidential Taskforce on Mental Wellbeing in the
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www.ibanet.org/mental-wellbeing-in-the-legal-profession

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