

## **IBA Professional Wellbeing Commission: Terms of Reference**

### **Commission Statement**

The International Bar Association (**IBA**) prioritises the wellbeing of those working within the global legal profession and is committed to addressing this issue. The IBA Professional Wellbeing Commission ('the Commission') is the direct and tangible result of that commitment.

The **Commission's** objectives are:

- to promote the importance of wellbeing as a core issue and priority for the global legal community;
- to identify, coordinate and organise the various global stakeholders in changing or modifying the culture and mindset of the legal profession;
- to raise awareness of the challenges and stigma surrounding discussions of wellbeing, while bearing in mind the cultural differences needed when engaging with this issue at an international and a local level;
- to highlight the ways in which wellbeing issues, needs, and responses vary between different demographic groups; and
- to promote and share policies and working practices that help to promote positive and sustainable wellbeing within the legal profession, and where possible, make recommendations to change or modify the practical and regulatory environment of the legal profession at all levels.

The Commission seeks to achieve these aims by (1) fostering an open spirit of cooperation, communication and support; (2) communicating with wellbeing experts; (3) listening to and championing those with first-hand experience of these issues; (4) encouraging all our members, participants, and colleagues to contribute fully to the objectives and activities of the IBA more broadly; and (5) to the extent practicable, engage with organized bars, law firms, the judiciary, individual attorneys and all stakeholders in the legal profession in programming, recommendations, surveys and such other measures to propose solutions to the issue.

### **Context**

It is generally accepted that the importance of the wellbeing of the legal community\* needs greater recognition and action.

To respond to this need, in 2019 the president of the IBA established a taskforce, the activities of which initially involved the commission of two global wellbeing surveys (of both individuals and institutions). These received well over three thousand individual, and 180 institutional, responses from around the world.

As the president of IBA said at the launch of the surveys:

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 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.

Substance abuse and suicide are two of the most visible, extreme and tragic consequences of not recognising or acting on these issues, but there are other compelling reasons why it makes sense for the IBA to engage with this subject. The results of the surveys, as well as other published data, demonstrate that the culture and practice of law can have and already have had a negative impact on the wellbeing of those working within it. A healthy, engaged, and resilient legal sector is more productive, effective, and sustainable. It is also in the client's interests for lawyers to be mentally fit and able to fully comply with standards of professional responsibility. Wellbeing should therefore be of central importance to the international legal community, and profession as a whole.

In terms of the IBA's unique role; while existing initiatives by membership and regulatory bodies, legal practice, and educational establishments to address wellbeing at a jurisdictional level are positive, there is a need, and an opportunity to achieve more by working together internationally. This was confirmed by the results of the taskforce's surveys, which showed that:

- The wellbeing challenges faced by lawyers are similar across jurisdictions.
- There is low awareness about wellbeing support and services that are available.
- In some jurisdictions there is no such wellbeing support.
- Stigma is a major problem: it is very difficult for practitioners and students to acknowledge they may have problems and seek help without worrying that it will damage their career or livelihoods.
- There is a general lack of knowledge in the legal community about good practice to tackle these issues, and what that looks like.
- Many law firms or regulators who say they take the wellbeing of their employees/members seriously provide little or no training for those in senior or management positions.
- Lawyers seem to be taking positive and healthy personal steps to sustain their wellbeing at an individual level: there is little more they can do without institutional change, which requires a global response.
- There is no (or little) evaluative research on the effectiveness of existing wellbeing programmes in the legal sector.
- There is currently no forum for sharing information and good practice at an international level.
- Limited resources are an issue across jurisdictions and legal sectors.

\*The legal community in this context includes students, those in training, legal practitioners, non-legally qualified staff, families, legal membership and regulatory bodies, and legal academic/training organisations. The term "legal profession" is used synonymously.

The results of the taskforce's surveys were published in an IBA report, entitled [\*Mental Wellbeing in the Legal Profession: A Global Study\*](#), which was published in 2021. The report also contains a set of ten principles, outlining the IBA's recommendations for future wellbeing action in the profession.

These principles (the **IBA Wellbeing Principles**) are:

1. Mental wellbeing matters.
2. Mental wellbeing is not weakness.
3. Raising awareness is fundamental.
4. A commitment to change, and regular continuing assessment, is needed.
5. Policies matter.
6. Maintain an open dialogue and communication.

7. Address systemic problems.
8. Recognise intersectionalities.
9. Share good practices.
10. Learn from others.

### **Role of the Commission**

The activities of the Commission in order to achieve the above-mentioned objectives are to:

1. bring together representatives of organisations from different jurisdictions, sections of the IBA, and outside experts with an interest in advancing wellbeing in the global legal community;
2. identify issues and concerns which are common across jurisdictions and where collaboration will be beneficial, while also highlighting and acknowledging the need for targeted jurisdictional interventions, based on local attitudes and responses to these issues;
3. to help develop and disseminate the IBA Wellbeing Principles in line with the values, aims, and ambitions set out in the Commission Statement; and
4. to contribute to the creation of a global portal of resources and best practice via the Commission's website.
5. Issue an annual written report to the IBA Council on its activities, as well as an oral update at mid-year meetings.

In doing so, it is important to recognise that there is no one cause of impaired wellbeing or 'one-size-fits-all' model, and that both causes and effects are likely to vary depending upon an individual's age, sex, seniority, practice area, and jurisdiction.

### **Structure and Governance**

#### **Position within the IBA**

- The Commission was established in October 2022 as an independent non-membership, non-voting, and non-governing body, sitting within the Public and Professional Interest Division (PPID) of the IBA, by the IBA's Management Board at the IBA's Miami Annual Conference.
- It is a joint entity between the Bar Issues Commission (**BIC**), Section on Public and Professional Interest (**SPPI**), IBA's Human Rights Institute (**IBAHRI**), the Legal Practice Division (**LPD**), and the IBA Legal Policy and Research Unit (**LPRU**).

#### **Governance and Size**

- At any one time the Commission shall have two co-chairs (**Co-Chairs**).
- The founding Co-Chairs shall be Deborah Enix-Ross and Steven Richman.
- Co-Chairs will sit for a fixed term of two years.
- Commissioners shall be appointed by the Co-Chairs of the Commission on the basis of their expertise and ability to further the aims of the Commission.
- Non-members of the IBA may be appointed as commissioners but should be encouraged to join the IBA.
- At any one time there shall be no more than 15 commissioners.

- Commissioners shall serve for a term of one year, subject to renewal for up to five years.
- Commissioners may leave their post, or be asked to leave by the Co-Chairs, at any time.

### **Ex-officio Membership**

- The constituent Divisions and Sections of the IBA (LPD, SPPI, BIC, IBAHRI) may each appoint an ex-officio member of the Commission.
- Each Regional Fora of the IBA may also appoint one ex-officio member of the Commission.

### **Meetings and Conference Sessions**

- The Commission shall meet formally four times a year, and at such other times and in such other formats as may be appropriate.
- To the extent practicable, two of these meetings shall be held in person at the IBA’s Mid-Year and Annual Conferences. The other two meetings may be held virtually.
- Representatives from those sections of the IBA not already represented among the commissioners (i.e. from BIC, IBAHRI, SPPI, LPD, and the Regional Fora) shall be invited to attend the meetings of the Commission, as liaisons and encouraged to report back on the work of the Commission to their sections.
- The Commission will request that it be allocated a showcase session at the IBA’s Annual Conference each year. This will provide a platform to display the ongoing work of the Commission to the wider IBA, as well as provide a forum to discuss both ongoing and new issues of concern and importance regarding wellbeing in the global legal profession.

### **Work and Committees**

The commissioners shall establish standing committees as necessary to work on the following issues (although this is not an exhaustive list):

1. Legal Education – producing best international guidelines for legal education providers (including law schools and institutions which coordinate ongoing CLE) in integrating wellbeing into their curricula.
2. The ‘Business of Wellbeing’, including a focus on the role of:
  - a. Law Firm Leaders – producing a roadmap for best practice for psychological safety in the workplace.
  - b. Clients – helping them to calibrate their expectations.
3. The role of bars and regulators.
4. Wellbeing in the judiciary.

### **Global Hub**

All and any materials, toolkits, guidance, or other resources produced by the Commission shall be uploaded to the Commission’s website, to be known as the IBA Professional Wellbeing Commission Global Hub (**Global Hub**).

The Global Hub will be structured around the following non exhaustive list of sections:

1. Details of the Commission, Co-Chairs and Commissioners.
2. Section for law firm leaders and other senior members of the profession.
3. Section for clients.
4. Section for bars and regulators.
5. Section for educators and students.

6. Section for external/non-IBA resources.
7. Media (podcasts, articles, webinars etc.)