



Law Society  
of Scotland



International  
Conference of  
Legal Regulators

# **Workshop D2: Wellbeing and positive mental health: Engaging the legal profession and regulators**

***Moderator: David Lee***

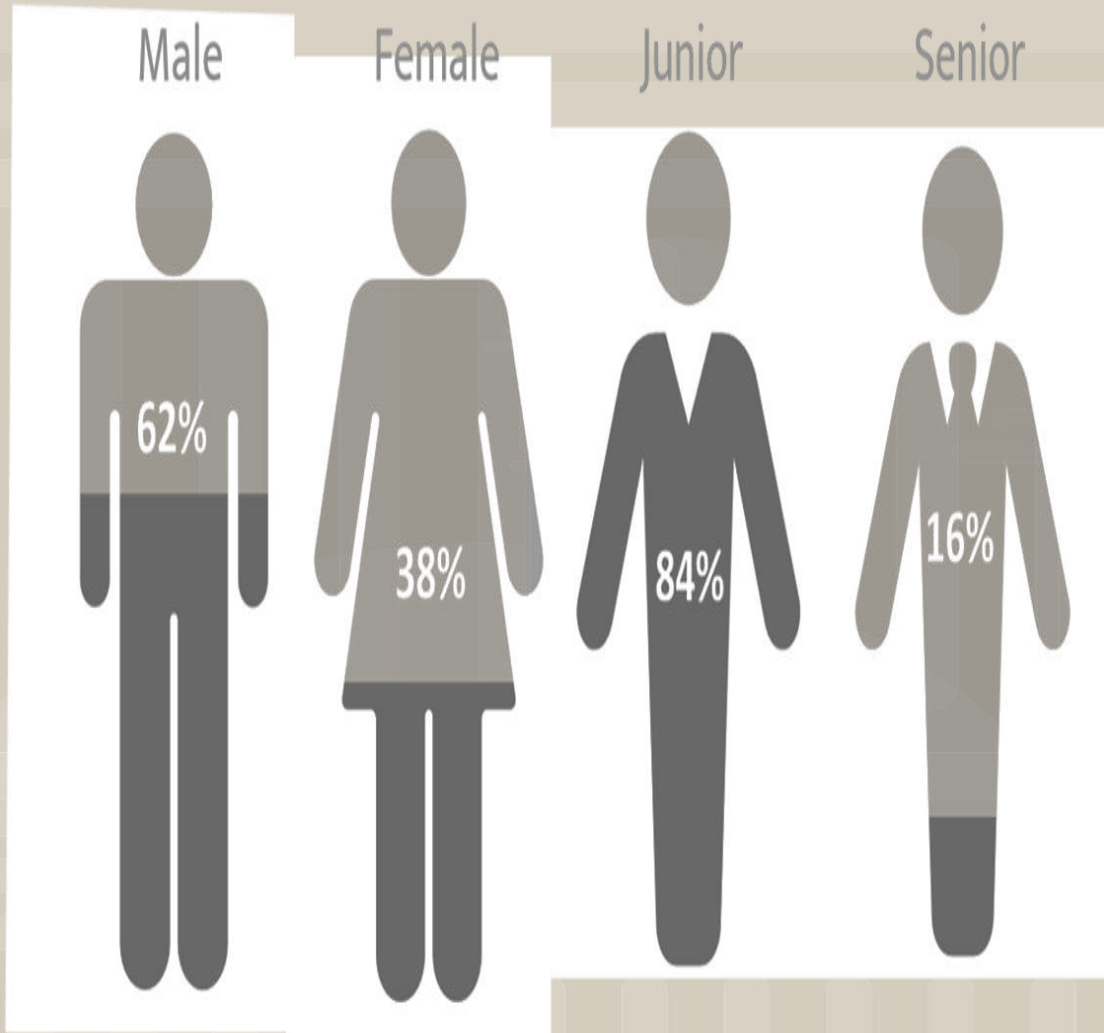
***Stephanie Spiers, Federation of Law Societies of  
Canada***

***Peter Lawson, Burness Paull LLP***

***Ciara Murphy, The Bar of Ireland***



# MEMBERSHIP PROFILE



- **Representative body for 2,155 barristers in Ireland**
- **All barristers are sole traders, vast majority practice from the 'Law Library' throughout Ireland**
- **Membership Gender Profile: 62% Male; 38% Female**
- **A third of members are less than 10 years in practice**



THE BAR  
OF IRELAND

*The Law Library*

# MEMBER SURVEY 2019

**Members not engaging in any significant numbers with wellbeing supports/services available**

**'Balance at the Bar' Member Survey undertaken in May/June 2019, to be published in October 2019**

**Looked at general wellbeing of members, such as:**

- 1. workplace happiness*
- 2. collaboration and collegiality*
- 3. physical and mental wellbeing*
- 4. experience of stress*
- 5. work-related concerns*
- 6. any negative experiences members have encountered including bullying, discrimination and sexual harassment.*

**567 barristers completed survey/response rate of 26%**



THE BAR  
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**B&A** RESEARCH  
& INSIGHT

Balance at the Bar  
Members Survey, August 2019





**1. Four out of five barristers consider the work environment at the Bar to be collaborative and co-operative**

*Those who disagree are more likely to be women, more likely to practice in family law and less likely to have a mentor (formal or in-formal).*

**2. Vast majority are comfortable to ask a colleague for advice/help**

*Notably, a tenth believe it would be poor form to ask for help.*

*Older practitioners are more comfortable with the idea of asking a colleague for help, notable gender difference between men v women.*

**3. Majority indicate that their friends/social network are where they turn to for support, a lower proportion referring to The Bar of Ireland**

*However, up to half of female barristers are reluctant to solicit support from either peers or the organisation.*

**4. 55% indicate that they have a formal or informal mentor**

*Younger members more likely to have a mentor as are those working in civil or criminal law. The benefit of a barrister having a formal mentor is clearly supported by this study.*



**5. Barristers are most likely to consider their career as 'stressful', albeit underpinned by both 'enjoyment' and 'fulfilment'**

*The more worrying aspects mentioned by 29% are that it can be 'lonely' – more commonly expressed by female barristers. Younger barristers more likely to describe their career as 'worrying'. Men more likely to describe their career as 'successful'.*

**6. Barristers under the age of 40 indicate a substantially higher level of pressure & stress in all facets of work and life**

*In contrast more senior members indicate less stress – more probable that their families are a little older and therefore 'juggling' life is less pressurised.*

**7. 77% of barristers believe they are in good physical & mental health**

*The groups indicating more uncertainty in regard to mental strength tend to be younger, and are slightly more likely to be female.*

**8. Average working hours = 47 (in excess of avg working week in Ireland)**

*Senior Counsel better able to manage workload in comparison to Junior Counsel. Younger and female barristers feel much less in control and also experience a poorer work-life balance.*



- 9. 4 in 5 barristers worry about being paid for work they have undertaken;**  
*This is a particular problem amongst more junior barristers and female barristers. 28% say that they struggle to make a living. Strong correlation between length of time practising and making a good living.*
- 10. 7 in 10 indicate they feel reasonably happy in the profession, however 8 in 10 say that they often find themselves worrying about work related matters in their free time**  
*2 out of 3 say they dwell on mistakes and up to half claim difficulty sleeping as a result of work. Female barristers significantly more likely to have negative sentiments around stress in the workplace.*
- 11. 1 in 4 barristers indicate that they experience anxiety or being on edge 'most' or 'all of the time'.**  
*The experience of stress is much greater among younger barristers and those working in criminal law. Triggered by going into court (46%).*
- 12. 7 in 10 agree that they tend to be very critical of themselves**  
*Experience of self-criticism is notably elevated among younger and female barristers.*
- 13. 31% answered in the affirmative to experience of depression/mental ill-health as a result of work**  
*Higher among female barristers and more apparent amongst Counsel qualified between 6 and 15 years.*



1. 'Consult a Colleague' Confidential Helpline
2. Professional Practices Committee Advisory Service
3. Law & Women Mentorship Programme
4. New Members Mentorship Programme
5. Resilience & Performance Committee
6. Social Clubs & Societies (x15)
7. Education Programme – nutrition, health, sleep, mindfulness
8. Benevolent Society



**88% of members aware of one or more of the above initiatives,  
7 in 10 aware of the confidential helpline.**



# INITIATIVES SUGGESTED

%



Workshops are the most commonly cited initiative (18%), with help collecting fees/getting paid second (12%).







# SUMMARY CONCLUSIONS

Difficult to engage the profession in matters relating to well-being, a positive result that **88% have an awareness** of one or more of the supports available.

Members indicate that they have **other sources** from whom they seek support (family, friends, informal mentor)

Demographics displaying most challenges to their well-being are **female barristers and younger barristers**.

Strong evidence that **mentoring programmes** are of significant benefit.

## **ACTIONS TO BE CONSIDERED:**

1. Increase focus on women and younger practitioners;
2. Continue to invest in mentoring programmes;
3. Develop programme of workshops;
4. Enhance internal fee collection service;
5. Evaluate again in 3 years.





International  
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2019 - Edinburgh, Scotland

## **Workshop D2**

**Well-Being and Positive Mental Health:  
Engaging the Legal Profession and Regulators**

***"What we know about the well-being challenges of legal professionals in North America and regulatory responses"***

**Stephanie Spiers**

**Senior Director, National Projects & Member Relations  
Federation of Law Societies of Canada**



# **Well-Being Studies in Canada**

- **Barreau du Québec survey on Factors Affecting the Mental Health of Quebec Lawyers in the Workplace (2019)**



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- **Barreau du Québec survey on Factors Affecting the Mental Health of Quebec Lawyers in the Workplace (2019)**
- **Law Society of British Columbia's Mental Health Task Force Report (2018)**



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- **Law Society of British Columbia's Mental Health Task Force Report (2018)**
- **Canadian Bar Association (CBA) Survey of Lawyers on Wellness Issues (2012)**



# **Well-Being Studies in the United States**

- **The Path to Lawyer Well-Being (2017)**



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- **The Prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys (2016)**



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- **U.S Survey of Law Student Well-Being: Suffering in Silence (2016)**





# How the Law Society of British Columbia is addressing lawyer well-being



## 1. Educational Strategies

- Practice Advisor role expanded to include confidential consultation and referral on mental health and substance use issues
- Create specialized education and training to staff and elected decision makers
- Provide roster of qualified mental health professionals to assist staff
- Develop profession-wide communications strategy
- Remove barriers to accessing member support services
- Explore mandatory CPD requirement



# How the Law Society of British Columbia is addressing lawyer well-being



## 2. Regulatory Strategies

- Encourage firms to put in place policies to support lawyers experiencing mental health and substance use issues
- Re-evaluate enquiries into mental health and substance use at admission stage
- Eliminate stigmatizing language in “duty to report” requirement in B.C. Code of Conduct
- Develop diversionary discipline stream for lawyers affected by mental health



## **What legal regulators can do to protect the public**

- Proactive vs. reactive regulation
- Support culture change by leading change
- Provide training and awareness
- Supports for members
- Provide needed tools and resources
- Addressing systemic issues that may contribute to mental health challenges

As illustrated in *"The Path to Well-Being:"*

