

**LIFE IN THE LAW RESEARCH STUDY  
LAUNCH EVENT 28 SEPTEMBER 2021: QUESTIONS AND ANSWERS**

| Question   | Answer   |
|--|--|
| <p>The 69% figure appears to include people who self-diagnosed mental illness. What criteria were they asked to use? How would LawCare respond to a challenge that by including self-diagnosis, this figure over-states the extent of the problem?</p> | <p>Participants were asked to self-report whether they had experienced mental ill-health within the past 12 months, without being given specific criteria. So it is likely that the number who self-reported this is a higher percentage than those with diagnosed mental health conditions. However, this perception by participants is, in itself, important. It also needs to be read in conjunction with the findings on burnout. [EJ]</p> <p>Yes. The study does not seek to be representative of the views of lawyers and provides, rather, a ‘snapshot’ of the views at a moment in time and valuable data about the problems they can face. A related point of note here is that more female participants (72.6%) took part in the study than male (26.4%), a gender disparity common theme across research studies. The data presents a picture of the experiences of these legal professionals within the specific context of the pandemic (and notes, for example, recurring concerns around juggling the commitments of work, home and care – see other responses to questions below). The survey generally draws attention to the intersectional dimensions of wellbeing and the data e.g. that 1 in 5 of the legal professionals surveyed stated they had been bullied, harassed, or discriminated against should be read in this context [RC]</p> |

| Question   | Answer   |
|--|--|
| <p>How many total lawyers are in the areas of the study? I'm wondering about the numbers in the study versus total lawyers.</p>  | <p>The number of participants only represents a small percentage of the overall number of legal professionals in the UK. However, quantitative analysis is used to provide statistical estimates. [EJ]</p> <p>An important point. The study, as with other research in the area presents the views of a small percentage of individuals working in the legal profession. It also has to be read against the backdrop of COVID and, as with other studies, this may have impacted on a sense of 'survey fatigue'. The survey acknowledges the specific context of COVID in the questions it asks but it is still the case that had this and other recent surveys been taken during 2022 or 2019 the data may have been different [RC]</p>   |
| <p>Despite all the clear issues and problems you outlined that law firms must be aware of, I note that you say that a majority of law firms have no Mental Wellbeing support. Why do you think that is? What are the most important factors do you think will promote Law Firms putting something robust in place for their employees?</p> | <p>A majority of participants' workplaces did have measures in place to support mental wellbeing. There were also some positive comments around support in COVID-19. However, a key issue is how to bridge the gap between organisations having measures in place and ensuring they are implemented in a way which is sustainable and does enhance wellbeing. [EJ]</p> <p>The most effective factor would be the regulatory bodies insisting on robust wellbeing provision, but we are some way off that. In the meantime, peer pressure from other firms and individuals with those firms talking about wellbeing with their colleagues. The business case makes itself. First, reflective practice is part of the SRA requirement for CPD. Steps are being taken to find out whether the SRA will confirm that reflective practice about the effect of the work on practitioners, as opposed to reflection on cases themselves, would be regarded as CPD. If so, then the cost of providing reflective practice can be spread across a wellbeing budget and a CPD budget. Second, it is self-evident that the cost of not providing wellbeing support is far, far greater than providing it. The Department of Business Innovation and Skills produced a report in</p> |

| Question   | Answer  |
|--|---|
|  | October 2014 called “Does Worker Wellbeing Affect Workplace Performance.” It’s worth a read. [GB]   |
| <p>Thank you for sharing the report. Mental health impacts family, friends, and community. Were there any discussions in this area?</p>  | <p>The questions in the survey did not focus specifically upon these issues. However, the comments received from participants about work-life balance (and the impact of COVID-19 on this) do indicate that the repercussions of poor lawyer wellbeing go beyond the consequences experienced within the workplace. [EJ]</p> <p>Yes, there were both positive and negative discussions about mental health impacts on family, and friends. One positive impact of covid and working from home involved increased time with family but this was not experienced by all. Talking, spending time, and getting support from family and friends were also identified as important sources of self-care.</p> <p>However, carers had to juggle work and looking after children and family members. Notably, when we cross-analysed our data on gender with data captured on caring responsibilities, 80.2% of individuals who said they were carers were females. The high percentage of carers being female is itself a revealing statistic, and together with our findings in relation to females displaying higher burnout, and lower levels of autonomy and psychological safety, raises a concern regarding the potential intersectionality between gender and unequal caring responsibilities in the profession (taken from page 40). [CS]</p> |
| <p>Do the panellists think the focus on billable hours is a root cause of poor wellbeing within the legal profession? Burnout and poor wellbeing increase the risk of losing</p> | <p>A focus on billable hours is one of the root causes of stress. There are examples of firms already dispensing with targets with no appreciable (or any) fall in profits. When billing and time targets are used as sticks with which to beat fee</p>   |

| Question   | Answer  |
|--|---|
| <p>talented people - in view of this, isn't it time that law firms and clients thought more seriously about alternative charging models?</p> | <p>earners the effect is simply to add to the stress they are already suffering and cannot fail to impact performance. [GB]</p> <p>For law firms, as with any other business, it's a balancing act between two factors: (i) revenue increase, on the one hand, and (ii) genuinely caring for, and listening to, employees, on the other hand.</p> <p>The balance in the profession is currently skewed in favour of the former. Junior lawyers can be viewed as depersonalised commodities, and hard work is referred to euphemistically as "sweating the assets".</p> <p>Lip service is paid to the latter, and initiatives abound, but the uncomfortable truth is that if the former and the latter come into conflict, the former generally wins.</p> <p>We need to redress the balance if we want to create emotionally healthy workplaces. Ever-increasing billable hours targets encourage longer hours, less downtime, and more stress. [SJ]</p> <p>A root cause. The survey reinforces findings of other studies suggesting the dominant model of chargeable hour/billing requirements and impact of time billing targets is of central importance in understanding lawyer wellbeing. Whilst billing is a well-established feature of governance across law firms, studies suggest the financialization of law and intensification of drivers towards profit maximisation over the past two decades is linked to the concerns we are now seeing around wellbeing, including tensions between billing/governance and more traditional notions of professional autonomy [RC].</p> |

| Question  | Answer   |
|---|--|
| <p>Question regarding seniority and leadership, in Legal Aid areas we've started to see increased numbers of lawyers taking leadership and supervision roles at relatively junior stages of their careers because there isn't anyone else to take those roles - wonder if the panel have any thoughts on supporting those lawyers.</p>  | <p>This is of concern and some firms are less likely to have mechanisms in place to support wellbeing due to their small size and limited resources, which may also explain why junior lawyers in these firms are taking up leadership roles. Given the type of work they do, legal aid lawyers may also be more likely to represent clients with childhood trauma and face a higher risk of transferable trauma themselves. One solution may be for such lawyers to set up local support groups with other lawyers from legal aid firms, perhaps via their local association. Another option maybe to see whether support and training is available through their regulatory or public bodies. [NS]</p> |
| <p>With regard to leaders in the profession - how important is it for judges to acknowledge advocates are people with families, other cases to consider and lots of different pressures to contend with? In criminal trials, for example, sometimes it feels as though judges only care about the court not losing time, expecting detailed skeletons to be produced overnight.</p> | <p>Very few participants commented that the Judiciary was responsible for their wellbeing (0.9%(n=15)). However, as senior leaders the Judiciary share in the opportunity, we all have as a community to address poor working practices. [CS]</p>  |
| <p>World Health Organisation data shows that 80% of mental ill health stems from dysregulated mood and/or emotion. What did the research tell us about the understanding of mood and emotions in the legal sector?</p>  | <p>We didn't specifically cover this in the report. However, in my previous research on lawyer wellbeing there were some indications that lawyers were missing the emotional cues indicating unacceptable levels of stress and were only becoming aware of an issue when behavioural issues arose. I feel developing emotional competence is key for legal practice. [EJ]</p>  |
| <p>Do clients have a role to play in enabling change? (Full disclosure, I am an in-house lawyer and may have the ability to reset expectations.)</p>  | <p>If clients can highlight the importance to them of these sorts of issues (and ask firms to demonstrate this to them), then it will sharpen the focus of firms in this area, which is to be lauded.</p> <p>However, clients aren't easily duped. Wellbeing initiatives (or ESG or other socially important matters) should not be used by firms as sales collateral.</p>   |

| Question  | Answer   |
|---|--|
|   | <p>Ideally firms should engage on wellbeing and other issues simply because it's the right thing to do, and (as the saying goes), "when no one is looking".</p> <p>Although with roots in financial services, on the role of clients in enabling change the Mindful Business Charter (and, in different ways, work of City Mental Health Alliance) are interesting examples of attempts socialising a concern around mental health into business practices and at reframing the relationship between lawyers and clients - e.g. addressing the principles that govern how organisations operate internally and with clients [RC]</p> |
| <p>What can junior lawyers do to improve the culture of the profession / their workplaces?</p>  | <p>Some branches of the profession already have groups for younger lawyers, for example YRes which is the junior branch of Resolution, the family lawyers' group and JLD, SYLA, TANQ, NIYSA and Young Bar groups. These groups should get together to discuss the changes that they want to see and then start talking to their bosses. People in groups with a common purpose are more likely to achieve something. [GB]</p>  |
| <p>Linked to the question above, I wonder if Emma has any insight into the difference (if any) between the survey results for fee earners and legal support staff?</p>      | <p>We are going to be doing some additional work drilling down into questions like this. [EJ]</p>  |
| <p>Does the panel consider that part of the training to be a solicitor should have some element of management skills and reflective practice? Start at the beginning...</p> | <p>100%. The task ahead of us is huge! [GB]</p> <p>There is evidence of issues with law student wellbeing, at least in part connected to their socialisation into potentially harmful cultural norms. Students who wish to enter the legal profession (and of course many choose not to) are aware that it is competitive and challenging and their response to this can be to focus upon their individual academic achievements, rather than their wellbeing and reflective practice. Legal education and training providers need to be a part of</p>   |

| Question  | Answer  |
|---|---|
|   | <p>the discussions around wellbeing in the legal profession and have their part to play in facilitating cultural change.</p> <p>In terms of vocational training, the SRA did not choose to include wellbeing and emotional competence as parts of their SQE assessment. This seems to me to be an unfortunate omission. More broadly, there is a need to foster the development of 'reflective practitioners'. This is well-integrated into teacher training so there is no reason it cannot be done within law. [EJ]</p> |
| <p>To what extent did the survey look at differences in experience between private practice and inhouse lawyers?</p>  | <p>We are going to be doing some additional work drilling down into questions like this. [EJ]</p>   |
| <p>Perhaps we all now need "life-style friendly" work policies for both Solicitors and Barristers in addition to family-friendly policies? Also the Bar is notoriously bad at looking after itself - no body encourages Barristers to say "no" and traditions are held against Barristers to take things on which may not be in their best interests health or work/life wise. An emphasis on modern work practices, and less appeals to tradition, may help.</p> | <p>This sounds a sensible suggestion, and we hope that in the coming weeks many useful discussions can take place and we can collectively work for positive change [CS]</p>   |
| <p>Gillian, when you say a space for reflective practice, what do you envision?</p>   | <p>My firm provides 1 - 1 supervision (reflective practice) on a monthly basis. The supervision is provided by a psychotherapist and by a family therapist. Both are supervisors in their professions of origin. I envision that this is something that should be available across the profession and paid for by firms and chambers. (See above re cost). [GB]</p>   |
| <p>I'm wondering if we actually need to make mental health training / sessions compulsory whilst we are moving through the resistance to change. Whilst everything is still optional, it's not being considered as important as billing time.</p>   | <p>Agreed! [GB]</p>   |

| Question  | Answer   |
|---|--|
| <p>Do you think law firms could differentiate themselves as an employer if they adopted a positive code of practice regarding the wellbeing of their employees and could it be a factor that is shown in league tables - to be as important as billing?</p>   | <p>See answer to Q9.<br/>Yes, and yes it should be. [GB]</p>   |
| <p>Did you capture any data on how many lawyers do end up having to take time off sick for mental health recovery, how long they take, and what the cost to organisations is of that? If not, that would be really useful research to do as a follow-up to make the case for further investment and culture shift</p>   | <p>We did not address these questions. However, as part of our ongoing activities we will be looking at follow on research projects [CS]</p>   |
| <p>Hi folks - really insightful conversation. Interested to hear any examples / case studies that come to mind for making big progress in the last 6-12 months?</p>   | <p>We hope that some good examples may arise from our ongoing discussion, and we hope to design follow on research projects that can identify effective measures. [CS]</p>   |
| <p>How can we get involved to help create change?</p>   | <p>Share your experiences and solutions, particularly if you have a leadership or supervisory role. It can be reassuring and impactful, particularly for junior solicitors, to hear from their senior colleagues. Use such experience to help create change. It could be something as simple as a partner explaining that when they have had a stressful day, they use meditation or go to a yoga class to help them relax/cope and then suggest setting up a meditation or yoga group within the firm. [NS]</p> |
| <p>I did wonder if you had been able to drill down to establish if the sector to which responders to your survey belonged affected their responses? It appeared to me from the discussion, rightly or wrongly, that the focus was on private practice legal professionals. I am interested in whether you were able to provide findings about responses received from in-house, particularly public sector lawyers?</p> | <p>We are going to be doing some additional work drilling down into questions like this. [CS]</p> <p>This raises an important question about areas of legal practice in which we know far less about the specific problems faced by lawyers e.g. in-house, self-employed - only more recently growth of work around legal aid, in law centres, charities, in NGOs and the field of social justice and cause lawyering [RC].</p>  |



**Answers supplied by:**

Gillian Bishop, Consultant, Family Law in Partnership, LawCare Champion, Launch Event Panellist

Professor Richard Collier, Professor of Law and Social Theory, Newcastle Law School, LITL research committee

Sam Jardine, Partner, Fieldfisher, LawCare Champion, Launch Event Panellist

Dr Emma Jones, Senior Lecturer in Law, University of Sheffield, LITL research committee

Naeema Sajid, Founder, Diversity+, Launch Event Panellist

Professor Caroline Strevens, Professor of Legal Education and Head of Department, Portsmouth Law School, LITL research committee