



RESEARCH REPORT

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# Anxiety and Wellbeing Amongst Junior Lawyers: A Research Study

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## THE BACKGROUND

Recent years have seen a growing interest internationally in the issue of the wellbeing and mental health of lawyers. In the UK an array of initiatives are being introduced across the legal professions seeking to better understand and tackle what a host of studies suggest is a pervasive problem of poor lawyer wellbeing. The *2019 Junior Lawyers Division (JLD) Resilience and Wellbeing Survey* paints a troubling picture of the levels of negative stress and mental ill-health experienced by junior lawyers. At the same time providers of legal education and training, including university law schools, are seeing increasing concern around the wellbeing of their law students, set against the backdrop of substantial evidence of poor mental health across the UK university sector.

## THE RESEARCH: WHY JUNIOR LAWYERS AND ANXIETY?

This project contributes to this debate around lawyer wellbeing by interrogating the lived experiences of junior lawyers, defined for the purposes of the study as trainee solicitors, paralegals and solicitors with up to 5 years post-qualification experience (PQE). More specifically, the research seeks to 'flesh out' the findings of the 2019, 2018 and 2017 JLD surveys of wellbeing and resilience. These highlight the importance of fostering a healthy working environment in which junior lawyers can develop and thrive and ensuring lawyers are not left feeling unsupported in the early years of their career.

The funding awarded supported a focused empirical study based on in-depth semi-structured interviews (each c.1 hour) with twelve practising solicitors in a range of law firms and across areas of legal practice in the UK. Core research questions included:

- How is anxiety experienced and understood in relation to the debates now taking place around lawyer wellbeing? What practices and cultures in the workplace and legal education are linked to anxiety difficulties in law for these junior lawyers?
- What organisational attempts are being made to promote improved awareness of anxiety and support for staff who do face difficulties?
- What is, and might be, the role of law firms and professional-related bodies such as (amongst others) LawCare, Law Societies and the Solicitors Regulatory Authority (SRA) in this area? What knowledge exists of charities such as Anxiety UK regarding support provision and information on anxiety?

In keeping with the qualitative tradition, the interview method was seen as ideal in eliciting information mapping perceptions of how legal practice, organizational culture and structures link to experiences of anxiety. With regard to methodology this self-selected sample has, as is widely recognised in relation to projects of this kind, the potential impact to skew opinion towards negative interpretations of wellbeing; the criticism being that many respondents may be individuals who are already disaffected to varying degrees and who have experienced past or ongoing problems around anxiety. Contra to such a view, these are the very individuals whose insights are invaluable in developing deeper appreciation and understanding of the problem, adding a texture and complexity to quantitative surveys. Of the 12 interviewees it is to be noted that 11 were female and one male (see below), a split that mirrors the marked gender disparity evident in other studies of lawyer wellbeing.



## KEY FINDINGS AND THEMES

Interviewees perceived the factors contributing to poor junior lawyer wellbeing as varying across legal practice areas. The distinctive pressures associated with client demands, well-documented concerns around competitive workplace cultures, issues of vicarious/secondary trauma and the impact of the dominant organisation and form of billing of legal work were seen as more acute in some areas of law than others (with differences between large corporate firms, 'High Street' practice, In-House and law centre and legal aid work). Notwithstanding such diversity, however, **8 recurring themes** emerged from the interviews:

### 1. Challenging Stigma and 'Speaking Out'



*Recognising the greater visibility of wellbeing and mental health agendas in the legal profession, there was seen to remain a pervasive cultural stigma around disclosing mental health problems in the legal community.*

All interviewees saw it as essential that understandings of mental health be separated from ideas of weakness and felt some distinctive pressures were faced by lawyers early in their career which could make it difficult to speak out about problems; for example, concern around the possible implications of disclosing difficulties, the need to be seen as 'bullet-proof' in coping with work demands when starting out.

### 2. Law as an 'Anxiety-Inducing' Profession - Competition and the Route to Qualification

Interviewee comments routinely depicted the process of qualification as a lawyer as highly anxiety-inducing. Legal practice, education and training were viewed by interviewees as marked by highly competitive cultures in a way that fostered certain 'structures of feeling' in relation to both approaches to work, study and, digging deeper, what it meant to be a successful lawyer.



*The process of qualifying as a 'proper' lawyer – which included moving from being a paralegal to trainee solicitor - was experienced as an anxiety inducing transition; 'jumping through hoops, passing exams, applying for training contracts ... and always worrying if they'll then be a job'. Qualifying as a lawyer, and the shift from legal education to employment, was viewed through a 'lens of anxiety' in which a sense of "never knowing if you'll get 'there'" was bound up with a belief that experiences of anxiety had become commonplace in this professional world.*

For these junior lawyers this linked not just to aspects of the work (see below) but also to a constant need to 'prove oneself' in a context of considerable precarity and uncertainty around professional futures within the legal services sector. All interviewees had faced pressures on completing university in funding the next stage of entering the profession. Repeated reference was made to the need to pay off debts and, for some, the impact in the areas of law in which they worked of dwindling resources, financial cuts and structural and technological changes impacting on junior lawyers.

### 3. Legal Education and the Role of University Law Schools

The interviews raise related questions about the role of university law schools and providers of vocational education and training in supporting junior lawyer wellbeing (with two-thirds of these interviewees holding a qualifying law degree). In reflecting on their own experiences of law school, none had encountered dedicated sessions on wellbeing and discussion of anxiety as part of the law curriculum. It was recognised, however, that this position may have changed in recent years in the light of growing concern about the wellbeing and mental health of UK university students.



*Interviewees questioned if the traditional law curriculum could have better supported the wellbeing of students and prepare those who do enter practice. This was linked to issues of core competency requirements and broader questions about the place of emotion in legal education and professional practice alike.*

In addressing wellbeing in legal education reference was made to the potential of clinical components and developing new approaches to dispute resolution; the professional/ethical dimensions of wellbeing issues; and the need to recognize the value of diverse styles of communication in the law. Two interviewees referred to the implications of poor junior lawyer wellbeing for regulators such as the Solicitor's Regulation Authority (SRA), Bar Standards Board and the Chartered Institute for Legal Executives (CILEx) Regulation, exemplified by recent cases involving junior lawyers before the Solicitor's Disciplinary Tribunal.



*All interviewees suggested, more generally, that a vortex of forces are serving to heighten pressures on university students and, perhaps especially, those on vocational courses such as law.*

The factors underscoring why so many law students appear to be experiencing problems in relation to anxiety were seen as multiple, encompassing concerns about funding and financial stress e.g. around repaying Legal Practice Course (LPC) loans (with no clear view expressed as to whether the proposed two-stage SQE (Solicitors Qualifying Exam) will address these concerns); uncertainty around future careers; the need to 'do well'; the nature of the law curriculum and assessment processes; lack of support around the transition not just to but also from university; and broader issues relating to concerns around friendship/peer relationships and structural, economic and cultural shifts impacting on the experiences of students within an increasingly marketized Higher Education sector.



*Interviewees questioned whether law schools might better highlight how a focus on intrinsic motivation in career choices is linked to positive wellbeing; if, as part of an ethical obligation to law students and as part of developing this wellbeing agenda, law schools and providers of legal education and training should challenge a dominant employability narrative and send more realistic messages about the nature of the labour market awaiting law students.*

#### 4. Work-life Balance, Long Hours and Client Demands



*All interviewees suggested concerns about high workload and poor work-life balance were common in the law but that junior lawyers could face distinctive pressures here in ways that had implications for their wellbeing.*

Particular problems for junior lawyers were associated with lack of flexibility in working arrangements and deadlines in relation to Partner and client demands; and, especially in certain areas and departments, the requirement to work unpredictable and frequently long hours. Other issues referred to include the potentially 'double edged' impact of new technologies and provision of remote working; the low decision latitude, lack of control over work and limited workplace autonomy experienced by many early career lawyers; and issues around pay, recognition, reward and fairness (e.g. in value for work undertaken, undertaking unpaid overtime). Interviewees strongly supported calls by the JLD and others for a minimum salary.



*At the same time these concerns were also seen as part of the 'package deal' a junior lawyer would buy into in the route to becoming a lawyer; a relationship between 'work' and 'life' that would be likely to continue into their legal careers.*

#### 5. 'The People We Are': Reflecting on Anxiety

Building on the above, interviewees reflected in different ways on what were described as the distinctive 'personality attributes' of those who enter law.



*Frequent reference was made to the idea that many lawyers were 'insecure overachievers' with tendencies towards 'perfectionism' and 'imposter syndrome'. This was viewed as a particular issue for those starting out on a career in law, where highly demanding self-expectations were bound up with a fear of making a mistake in ways that led to constant self-vigilance and a sense of anxiety.*

At the same time, it was suggested in three interviews that law firms may actively seek to select people driven by a need to exceed expectations, characteristics fostered by an educational system and work environments marked by intense competition around credentialization, appointment and promotion. For all interviewees it was recognised that a successful career in law could, for some lawyers, if certainly not all, bring relatively high financial rewards and status. Repeated reference was made to how family and friends had viewed law as a desirable and high-status occupation.



*The interviews suggest that competition and these tendencies to perfectionism are bound up with a sense of living up to what was expected by others: "I mean, I'm so lucky to have a training contract, I keep thinking I should be grateful".*

## 6. Intersections and the Question of Gender



*All interviewees felt there were marked differences in men's and women's experiences of and willingness to speak about poor mental health in the legal workplace; and engaging senior members of the profession, especially men, was without exception seen as central to advancing this wellbeing agenda (mapping to themes in the Law Society 2019 'Male Champions for Change' report and toolkit).*

Describing workplaces as a 'value-chain' those in leadership positions experiencing poor wellbeing were seen as likely to adversely impact the wellbeing of those 'further down'. Several highlighted how their own wellbeing and anxiety directly linked to experiences of uncivil workplace cultures, with examples provided of the gendered nature of legal cultures and practices including discussion of harassment and discrimination. Two interviewees referred to the specificity of their own experiences as BAME lawyers. One noted how lawyers with disabilities could face particular difficulties in legal workplaces where ableism is endemic.

## 7. Understandings of Anxiety and Self-Care

Just as mental health was seen as a broad term frequent reference was also made to how there was no 'one' experience of anxiety. Interviewees interpreted the term in a variety of ways, with anxiety subsumed within a wide set of concerns around wellbeing and mental health in the profession. Particular reference was made to individual experiences of intense/distressing feelings of worry in relation to work demands; low mood; worries about lack of focus/concentration; fatigue and feeling physically sick, panic attacks, chest pains, irritability, insomnia/disrupted sleep and emotional exhaustion; problems relating to vicarious/secondary trauma; detachment, social anxiety and feelings of low accomplishment and more general concerns around being ineffective at work.

'Self-care' strategies referred to as personally helpful in dealing with anxiety included exercise; connecting with others, such as friends, family and, to a lesser degree, colleagues; taking 'time out' and regular breaks; undertaking courses and utilising the wellbeing resources that were available (with frequent mention made of mindfulness); addressing poor sleep, improving diet and staying hydrated. Anecdotally, mention was also made of other common mechanisms amongst junior lawyers in dealing with anxiety and work demands, notably alcohol consumption, self-medication and tendencies to overwork/work long hours to complete tasks. Three of the interviewees stated they already knew of Anxiety UK and had visited the website in the past and six had heard of or already had contact with LawCare. None of the interviewees had come across 'wellbeing objectives' or a 'wellbeing matrix' as an embedded part of performance reviews.

## 8. What Works - and What Doesn't: The Importance of Management and the Limits of 'Resilience'

The interviews strongly support the JLD Resilience and Wellbeing Surveys in highlighting the key importance of management and need for adequate line-manager training in dealing with mental health matters when they do arise for junior lawyers.



*Repeated reference was made to the need for managers to develop a better understanding of the specific experiences of trainees and early career lawyers, to be approachable and have regular 'check-ins' where possible.*

This linked to broader concerns about the desirability of promoting mental health literacy in the profession, mapping to the JLD themes of Support and Education (e.g. in relation to manager and supervisor ability to identify early warning signals when an individual may be under stress).

Additional examples of desirable practice referred to in the interviews include; the 'showcasing' of lawyers, especially senior employees such as law firm Partners who had experienced periods of mental ill health; visible signs of law firm commitment to improved wellbeing such as the signing of Workplace Wellbeing Charters where present and, related to this, the role-modelling of openness around mental health difficulties, including anxiety; the need to embed wellbeing-congruent behaviour; and the introduction of training and wellbeing workshops and accessible and approachable mental-health first-aiders (MHFAs), wellbeing mentors and 'champions' as prominent features of law firm culture.



*Interviewees questioned, however, an approach to wellbeing in the legal profession that was seen to be encouraging individual lawyers to do something about their own wellbeing whilst not addressing the broader causes of their distress. Several challenged the idea that lawyers should simply 'become resilient', suggesting that this could slide into self-blame and a furthering of distress; and that it could also legitimate in law firms a "ticking the box" approach to wellbeing rather than seeking to bring about more substantive change in the legal profession.*

In recognising the responsibility of individual lawyers to attend to their own wellbeing and 'be responsible', and noting the limitations of what law firms could do to address problems, it was seen as imperative that the profession did not lose sight of the structures and cultures in law productive of experiences of poor wellbeing in the first place; and that a **culture of cooperation** be fostered in this area between employer and employee.

## SUMMARY AND CONCLUSION: GENERATIONAL CHANGE AND THE SOCIAL CONTEXT: REFRAMING ANXIETY IN LAW

The research suggests pressures and concerns relating to anxiety are shaped not only by the stage of life and career of junior lawyers but also the understandings of legal professionalism that shape the distinctive habitus of the practice areas in which these lawyers work. All interviewees recognised, for example, that high levels of job stress could coincide with high levels of job satisfaction, with frequent reference made to the joys, rewards, pleasures and challenges that were also part of developing a career as a lawyer. Several provided accounts of good practice in the law firms in which they either still did or had worked, including instances of practical support provided by managers and peers.

The idea that poor wellbeing should be accepted as "just how things are" in law, however, and that the bottom-line of client satisfaction would ensure working practices harmful to health "goes with the territory", was strongly questioned. The project supports other research in suggesting that aspects of legal culture can have an important role in sustaining the paradox of satisfied lawyers who are under working conditions that may be conducive to stress, including experiences of anxiety.



*Consideration of the wider social context of the legal profession's present 'wellbeing turn' suggests these issues around wellbeing, mental health and anxiety should be seen as a core business issues for law firms with clear and evidenced benefits in terms of costs, retention and recruitment; and that, looking to generational and demographic changes in the profession, problems in this area will not 'go away' and should be taken seriously by law firms.*

The research supports the view, in particular, that there may be a **generational change** taking place in the legal profession, reflected in the greater willingness on the part of Millennials to be open about mental health issues; and, looking also to the JLD Wellbeing and Resilience Survey data, that this is now a key factor driving the contemporary wellbeing debate in law.

Several interviewees observed how networks were forming and conversations taking place about mental health in the legal community, including openness around anxiety, that would have been difficult to imagine even ten years ago; and that this is a discussion of wellbeing interlinked to issues of equality, diversity and inclusion in the legal profession within a context of demographic changes and increased awareness of mental health. This had changed the contours of the debate in law and the greater visibility of these issues culturally meant it was no surprise they should be discussed in the profession.



*Attempts to develop new ways of working in law, and challenge traditional models of billing, work culture and organisational structures, were themselves seen as wellbeing and quality of life issues; and for all interviewees the desirability of law firms monitoring the wellbeing of their staff (e.g. via surveys, appraisals and undertaking stress and risk assessments) was seen as a key part of boosting productivity.*

By exploring the views of junior lawyers themselves via in-depth interviews focused on life experiences this project strongly support the 2018 JLD 'Guidance for Best Practice' in drawing attention to the 'three core pillars' of addressing (a) workplace **Culture** in ways that would help combat problems around stress and anxiety related depression in the legal profession; (b) the **Support** provided to junior lawyers, including encouraging lawyers who are experiencing problems to self-disclose and seek help; and (c) the need for appropriate **Education and Training** in mental health literacy.

*The themes discussed above suggest organisational responses to problems should be **multi-dimensional** and **cut across the legal community** as a whole, including the interface between legal practice and legal education and training.*

*This debate is raising significant questions about how law firms respond to evidence of a far greater awareness of the complex interactions between **mental health and the workplace**; the need to work in more **effective, efficient and safer ways**; and, looking to **generational shifts** in attitudes, the greater willingness of younger lawyers to be open about mental health issues.*

In the context of a rapidly changing profession and marketplace for legal services the voices of lawyers themselves suggests taking wellbeing seriously is becoming a key part of what it now means to be a good employer and provide a first-class service to clients.

## KEY FINDINGS AND THEMES

1. Challenging Stigma and 'Speaking Out'

2. Law as an 'Anxiety-Inducing' Profession - Competition and the Route to Qualification

3. Legal Education and the Role of University Law Schools

4. Work-life Balance, Long Hours and Client Demands

5. 'The People We Are': Reflecting on Anxiety

6. Intersections and the Question of Gender

7. Understandings of Anxiety and Self-Care

8. What Works - and What Doesn't: The Importance of Management and the Limits of 'Resilience'



### Professor Richard Collier

Richard Collier is a Professor of Law and Social Theory at the Newcastle University Law School. He has published widely in the area of law and gender, with a particular focus in the past on issues around masculinities, fatherhood and families. Richard is currently researching wellbeing in the legal professions and legal education and was recently the recipient of a Leverhulme Trust Research Fellowship. He is writing a book *Wellbeing, Law and Society* for Cambridge University Press.

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