

# Managing Mental Well-being In The Legal Profession

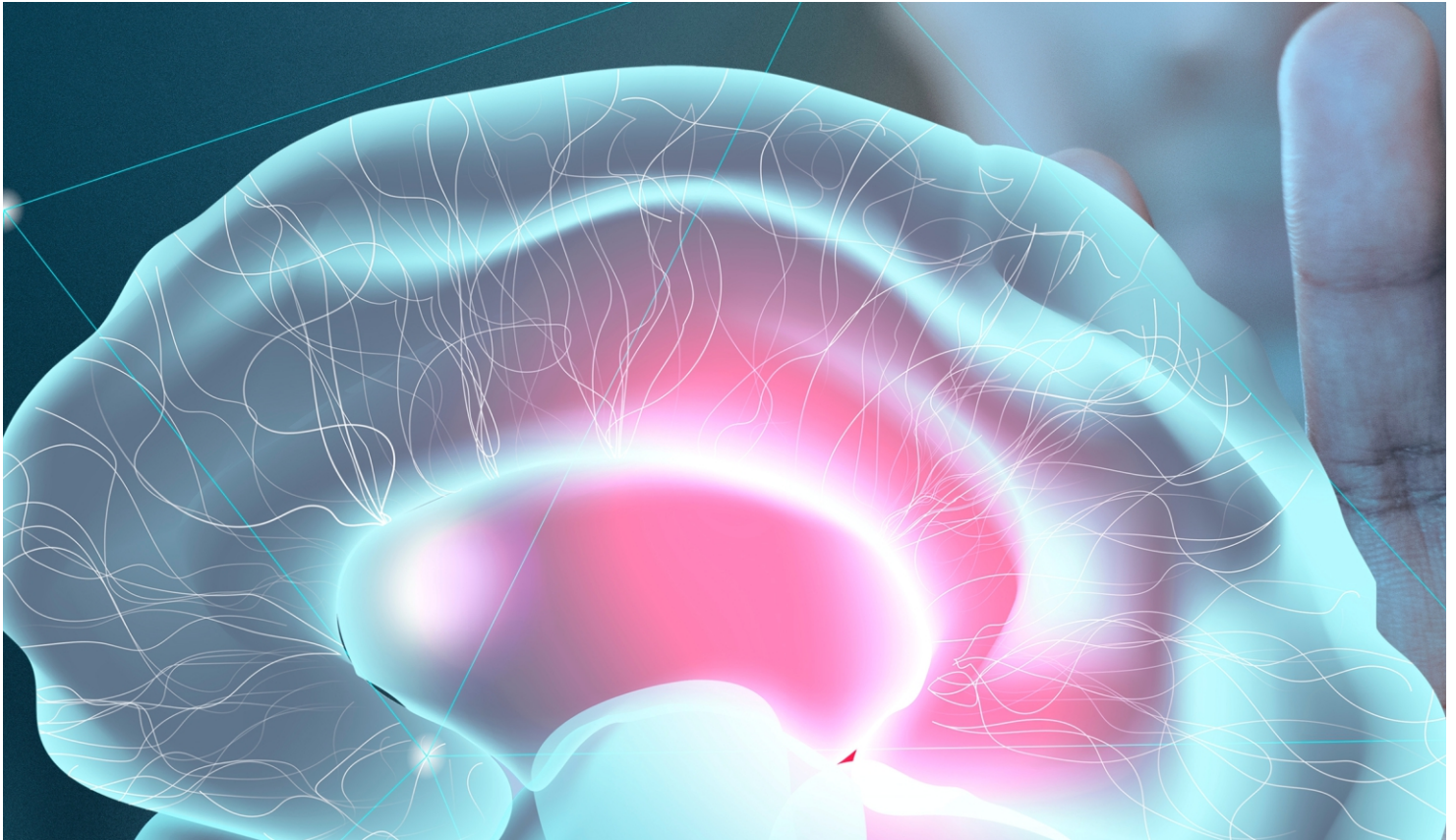


## Introduction

Most of you will agree with me that the legal profession is a prestigious and generally speaking, professionally rewarding, but also a mentally exhausting one. Clients entrust us with the biggest problems of their lives and expect that we will do our best possible to find the most suitable legal solutions to their problems.

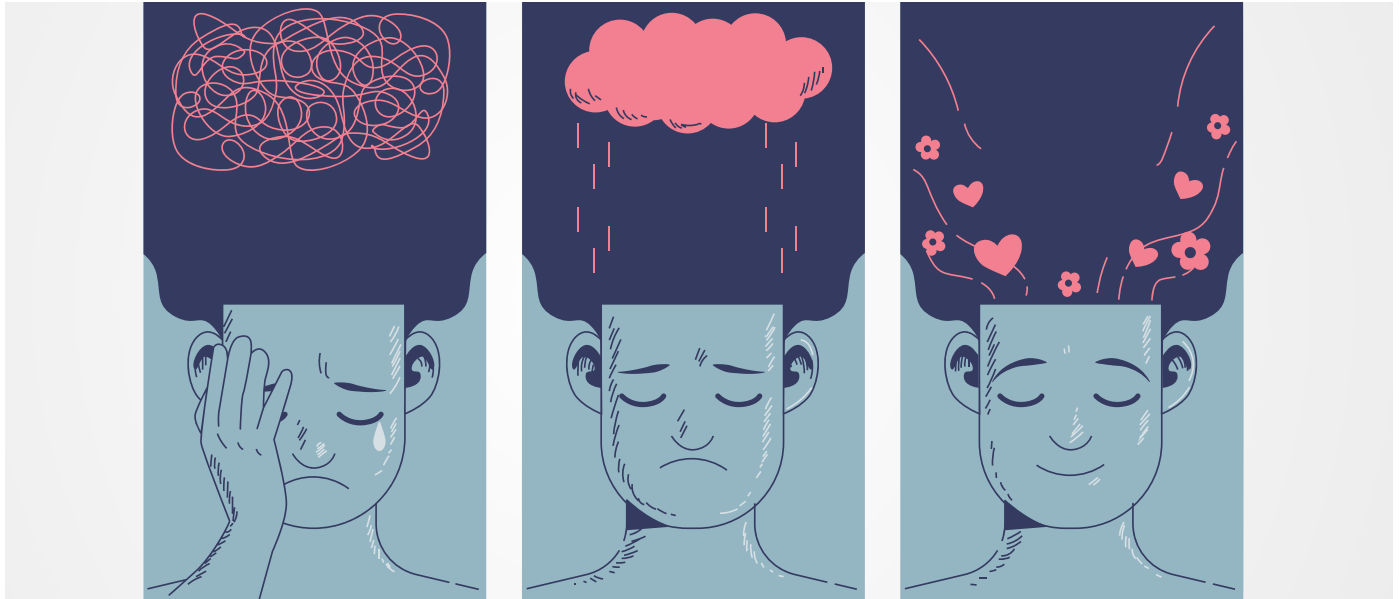
However, whether it is the run-of-the-mill or complex brief, the long hours, sometimes difficult clients, gruelling deadlines and usual afterhours 'homework' can take their toll. With the legal profession, (as with many professional services), there's a 24-7 nature of work and life these days, that has become the new normal over the years, with constant emails, smart cell phones and the internet contributing to the information overload, thereby providing a tremendous amount of information out there, and the expectation of instantaneous responses.

For those in Litigation and dispute resolution practice, the adversarial nature of the practice is huge and can also elevate anxiety and stress; –lawyers, clients, judges and opposing counsel all tussling on different sides (for creative solutions and dare I say, fees).



Wellness is broadly viewed as having seven dimensions which include mental, physical, social, financial, spiritual, environmental and occupational. All are interdependent and influence each other. So, when one is out of balance the others are impacted.

Legal professionals (lawyers- including paralegals, judges etc) and even supporting staff in the private and public sector however have their own issues in their personal capacity including but not limited to the oftentimes long and gruelling commutes to and from work, the high costs of living, family issues and obligations (environmental, financial and otherwise) and sometimes are affected by these challenges which they bring into the workplace; added with how the clients or the cases they handle make them feel, and it affects them mentally and emotionally, making it difficult to separate the work from the emotion and that takes its toll.



It is okay to feel occasionally overwhelmed, tired, exhausted, and somewhat burnt out but when it becomes more frequent and prolonged, there is a need to address the underlying triggers. The perfectionism system and competitive environment of the legal profession can also create a toxic environment instead of a collaborative one; depending on the structure and culture of the workplace

A high number of legal professionals in multi-generational law firms seem to be experiencing high rates of stress, anxiety and depression, and unfortunately have very limited help-seeking behaviours or opportunities. An interesting observation, generally, relating to those who are more likely to experience these mental health issues, is the age of the legal professional as well as their years in practice. It seems more prevalent in younger lawyers with fewer years in the legal field; they seem to have the highest complaints of anxiety, stress, fatigue, needing more days off work, and even feeling depressed and experiencing early burn out. These younger lawyers generally, do not have control of what their practice areas and are also saddled with the grunt work.

Even self-employed legal professionals are affected by lack of support and uncertainty in this highly competitive and stressful environment.

Mental health or wellbeing at work is a complex issue (and there are bio-socio-psycho elements and approaches that need to be better understood and managed) and employers in the public and private sector, regulators and bar associations have both legal and ethical duties to protect and promote the health of their employees and members; those in the legal profession who struggle with their mental wellbeing cannot serve clients to the best of their abilities; Apart from the harm caused to the individual, these (prolonged) mental health issues can occasionally threaten the reputation and integrity of their work, cause economic and reputational damage to firms, organisations, clients, the bench and the legal profession as a whole.

For leaders and those in management, there is a direct correlation between mental health and our physical health being poor (or declining performance), lost days at work and employee turnover, which disrupts effective planning (including succession planning) and growth of firms and related organisations.



## Keeping Well

Like most people, I find that recent events like the COVID-19 pandemic have forced majority of us to stop and consider what it is we value most in our lives, and how our daily activities, decisions and specifically careers, impact positively, or not, to our mental wellbeing and sense of purpose and value in life.

A broader focus on well-being is where we all need to be. Focusing on mental wellbeing (not necessarily mental wellness which implies the absence of illness/sickness...so if there's no fever, you are presumed fit/well). However, a lot of lawyers also do not seem to be thriving or finding happiness in the study or practice of law.

Lawyers and those in the legal profession need to recognise that we need to be intentional about keeping healthy (and this includes our mental well-being). Learning and practicing the skills to stay healthy and balanced in a profession that is constantly pushing professionals to do more and be more. Many are practicing 'Presenteeism'-showing up at work physically present but mentally and emotionally distracted from work and this affects not only the individual's performance on the job but also impacts client trust and satisfaction, and organisational growth.

As someone in the legal profession, I am increasingly concerned with the growing changes I see especially in younger lawyers – increasing conversations about feeling stressed, their increasingly distracted nature, and the need to help them gravitate towards mindfulness and the need to focus better on not just on our careers but on our general wellbeing.



For most of us, regular Exercise (the nature and frequency are dependent on the individual preference and requirement), good nutrition, and (restorative) sleep are essential to brain health and we should be attending to these things. I can hear an associate in my office who leaves home for work at 4.30am and gets home daily after 10pm, working 50-60 hours weekly and trudging through unrepentant traffic, and has a wife and son, asking me, what time exactly do I have to exercise, eat right and sleep well?

I do not have the answer, but I know 'something's gotta give'! Your sustained life depends on it.

## Building and Improving our Social Connections

As individuals we need to be proactive and consistent in building sustainable opportunities that help us (re)connect with family friends, loved ones and community preferably in-person and not online/virtually. Such connections help us learn and develop resilience in the time of difficulties.

## The Messaging System

One of the key things is to consider in our workplaces is the messaging systems that lawyers, judges and even law school students are getting about well-being, and fitness for practice.

What are some of the stresses that contribute to the area and practice of law? What's is the impact of that in our work places? How can we better prepare and equip ourselves and others?



## Ill-equipped Leaders and Systems

To combat mental health issues in our workplaces, legal professionals need to adopt new practices to improve work-life balance, reduce stress and improve overall well-being and it needs to be an industry-wide shift.

Some issues contributing to a lack of understanding of legal wellness may include a lack of funding, data collection or evaluation for wellbeing-related work. Many leaders in the legal profession, also lack the skills necessary to tackle the issues surrounding mental wellbeing, once they have been identified. However, it is important for senior (more seasoned) lawyers and those in management to engage in welfare and mentoring programs. Leaders in the legal field also need to take a look at what they can do to promote healthy work environments.

## Structure & Culture

The structure and culture of firms and legally focused workplaces needs to be assessed to reduce or eliminate toxicity and encourage openness and collaboration and there are no one-size fits all approach. Other areas to consider are workload and work-life balance, managerial approaches and specific wellbeing-related interventions.

Where firms and organisations respond effectively, they will make positive and meaningful changes in terms of mental wellbeing and productivity.

## Flexibility in the Workplace

Legal professionals (especially the younger generation) want firms and organisations to retain changes in working practices which were 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. How sustainable will fulltime or partial remote working be? Can/will legal professionals opt to work fewer hours for less pay? Can firms/organisational structures and workloads efficiently cope with such work structures?

## So how do we go about Treating not the Symptoms but the Causes of the Mental Wellness (in The Workplace)?

As employers and leaders in the legal profession, we need to be asking and answering some of these questions to get to the causes: are people happy working here? Is there a sense of empowerment and openness- can people air their views openly? Is the environment collaborative? Is our organisation well managed? Are there opportunities for flexi-time, part-time work or career breaks?





As individuals we need to be asking and answering these questions to get to the causes of some of our mental (and other) health challenges: Am I in the right profession/work-place? Do I feel valued as a team member? Are there more opportunities to be creative and heard? Do I get regular, useful, constructive, feedback on my performance and career growth opportunities?

How can my work journey affect my well-being? \* Is my work aligned with my values? What do I need to practice better and consistently to improve my work-life balance, reduce stress and improve my overall well-being? Because the job and responsibility of living and thriving and being 'well' is no-one else's...but yours

Finally, Change is coming modestly slow to the institution of law where you find that those older, who have been in the area or practice of law for much longer and have done things a certain way, are unable to fully grasp or appreciate the idea of mental ill-health in this generation and its impact on individuals and even on their firms/companies, and courts.

Some large international law firms provide a plethora of resources to their legal teams including onsite mental health professionals and wellness applications and programs.

Law schools & the NBA in their curriculum need to understand and target the evolving needs and expectations of future lawyers and can, with the appropriate support, be innovative and move more intentionally on these issues, therefore hopefully leading the way for other stakeholders in the legal profession.

The Nigerian Bar Association also needs to review the legal work landscape and make effective and sustainable recommendations to well-being in the legal profession broadly.

## Author

### **Tosin Shonubi**

Practice Director

T: +234 803 688 7107

E: tshonubi@alp.company

