



HEALTH AND WELLBEING IN THE LAW



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A PRESENTATION BY NGOSA M. SIMACHELA

INTRODUCTION

- What image comes to mind when you hear “productive lawyer”?
- The legal profession can be both demanding and rewarding.
- Nowadays, stress has been glamorized and this has caused professionals to burn out quicker and exit the profession early.
- Being a lawyer is stressful but the key is to not let it become overwhelming.
- The aim should be to build a balanced and long lasting career. The key word is sustainability.

WELLBEING V PRODUCTIVITY (CATEGORIES OF LAWYERS BASED ON THEIR APPROACHES TO WELLBEING AND PRODUCTIVITY)

1. The "Workaholic Warrior" (High Productivity, Low Wellbeing)

- Prioritizes work above all else, often sacrificing personal life and health.
- Measures success by billable hours and workload.
- Often experiences burnout but wears it as a badge of honour.
- Productivity driven by long hours rather than efficiency.

2. The "Burnout Casualty" (Low Productivity, Low Wellbeing)

- Started as a high performer but is now overwhelmed and exhausted.
- Struggles with mental and physical health due to chronic stress.
- Productivity suffers as exhaustion leads to mistakes and inefficiency.
- May consider leaving the profession or drastically changing work style.

WELLBEING V PRODUCTIVITY (CONT.)

3. The "Strategic Performer" (High Productivity, High Wellbeing)

- Focuses on efficiency rather than excessive hours.
- Uses technology, delegation, and prioritization to maintain high productivity.
- Balances work with personal well-being, avoiding unnecessary stress.
- Recognizes the importance of rest and mental clarity in decision-making.

4. The "Detached Practitioner" (Moderate Productivity, Moderate Wellbeing)

- Does the bare minimum to fulfil professional obligations.
- Prioritizes well-being over ambition, sometimes at the expense of career growth.
- May avoid high-pressure cases or firm environments to maintain a stress-free lifestyle.
- Productivity is steady but uninspired, driven more by necessity than passion.

THE MINDFUL LAWYER (HIGH WELLBEING, BALANCED PRODUCTIVITY)

- Integrates mindfulness, wellness practices, and work-life balance into daily routine.
- Understands that well-being enhances long-term productivity.
- Advocates for a healthier legal culture, promoting mental health and sustainable work practices.
- Often involved in mentorship and workplace improvements.

COMMON CHALLENGES FACED BY LITIGATION LAWYERS

1. Law is by nature a stressful profession.
2. High stakes cases.
3. Tight deadlines.
4. Difficult clients
5. Court appearances.



NAVIGATING STRESSORS AT AN INDIVIDUAL LEVEL

1. Setting clear boundaries between work and personal life. E.g. Having set working hours and having fixed working spaces
2. Time management. Effective time management is crucial for lawyers to navigate stress while maintaining productivity.
3. Regular physical exercise/self care
4. Having a support network. Identify a trusted peer or mentor and share your struggles.
5. Align your core values. Ask yourself why you became a lawyer? What is your idea of success?

WHAT CAN FIRMS/INSTITUTIONS DO TO SUPPORT LAWYERS NAVIGATE STRESS?

1. Better workload distribution. Have regular check-ins with employees. Look into how work is assigned to individuals.
2. Use of Technology/ Automation.
3. Wellness Programs e.g. group sports and self care.
4. Flexible work arrangements. This allows staff to balance work with personal life and commitments.
5. Developing a culture of support.
6. Access to mental health services.

CONCLUSION

- The legal profession is demanding but it should not be overwhelming.
- There is need to deliberately combat stress at an individual and institutional level in order to promote balance (Remember the Mindful Lawyer!)
- At an institutional level, the welfare of employees should be prioritized.



THE END!

C4: HEALTH AND WELL BEING IN THE LAW



I'VE BEEN TO THERAPY...

My personal experiences

Challenges young lawyers experience

Signs you can look for

Mental health initiatives

My personal experiences

Anxiety: a feeling of worry, nervousness, or unease, typically about an imminent event or something with an uncertain outcome

Imposter Syndrome: the subjective experience of perceived self-doubt in one's abilities and accomplishments compared with others, despite evidence to suggest the contrary.

Challenges young lawyers experience

Being new and inexperienced

Isolation

Financial pressure

Signs you can look for

Changes in Behaviour

Decline in Social Interactions

Overworking and Neglecting Breaks

Substance Abuse

Mental health initiatives

Communities:

Voices for Mental Health

Legal Education:

Law Society of Ontario's Mental Health
Summit for Legal Professionals

Books:

*The Right Not to Remain Silent: The Truth
About Mental Health in The Legal
Profession (2024)*

TRAUMA AND LEGAL PRACTICE

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PART 1: WHAT IS TRAUMA?

1. Biological and psychological response to traumatic events
2. Effect on brain – (mal)adaptive behaviours
 1. Hypervigilance
 2. Aggression
 3. Impulsivity
 4. Memory
 5. Information processing
3. Effect on body
 1. Increased stress and increased likelihood of disease
 2. 'The body keeps the score' (Besel van der Kolk)



Source: K McLachlan, *Trauma-Informed Criminal Justice* (2024) Palgrave McMillan

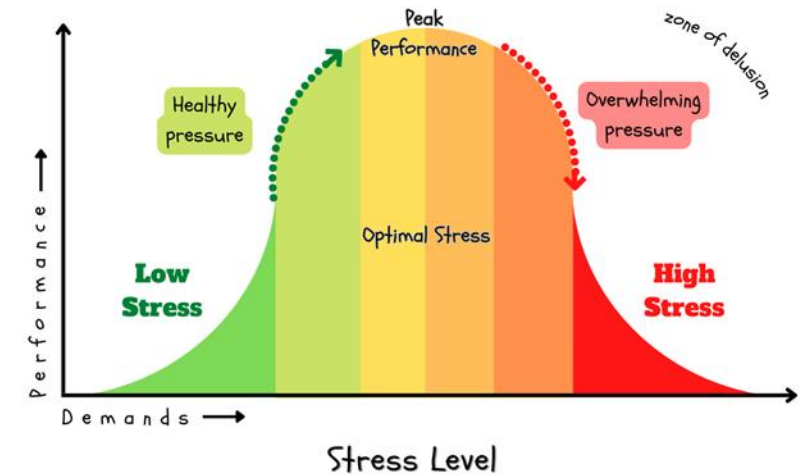
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PART 2: VICARIOUS TRAUMA

VICARIOUS TRAUMA

- Distress response to learning about another person's traumatic experiences
- Risk of VT in legal practice
- Linked to stress – but not the same as stress

Stress Performance Curve



Low	Moderate	Optimal	High	Too high
Inactive Bored Unchallenged	Engaged Focused Motivated	Confident In control Productive	Distracted Fatigue Overwhelm	Exhaustion Anxiety Burnout
"I wish I had more to do!"	"I'm feeling focused & energised"	"Now I'm really in the zone"	"I feel anxious & unfocused"	"I can't take this anymore"

SYMPTOMS OF VICARIOUS TRAUMA

- Often we're the last ones to realise the signs
- Physiological symptoms
 - Heart rate elevation
 - Body shakes
 - Sweating
 - Nausea
 - Digestive issues
- Emotional/Behavioural symptoms
 - Overly emotional/Completely numb
 - Agitation
 - Tearfulness
 - Aggression
 - Impulse control
 - Lack of sleep
 - Avoiding friends/family

RED-FLAGS FOR VICARIOUS TRAUMA

- 1) When your loved ones tell you that you are snappy or more easily agitated. Listen to them. They usually see it before we do.
- 2) Emotional exhaustion: Feeling drained and unable to cope with the emotional intensity of your work.
- 3) Cynicism and detachment: Losing your sense of hope and connection to your clients or the profession.
- 4) Intrusive thoughts and nightmares: Experiencing flashbacks or distressing dreams related to your clients' experiences.
- 5) Changes in physical health: Including headaches, stomach aches, sleep disturbances, and changes in appetite.
- 6) Decreased empathy and compassion: Feeling numb or disconnected from others' suffering.
- 7) Difficulty concentrating or making decisions: Feeling mentally foggy or overwhelmed.

STRATEGIES TO MINIMISE VICARIOUS TRAUMA

- Taking breaks
- Debriefing
- Containing trauma-dumping from clients
- Boundaries (where possible)
- Self-care
- Seek help where appropriate

PERSONAL REFLECTIONS ON VICARIOUS TRAUMA

- Insulating ourselves from distressing experiences is not the answer – instead it's about being better able to help people who have those distressing experiences
- Emotions are inevitable – they can't be outrun
- Be honest – is the problem workload? If yes, then a small amount of self-care isn't going to help

FURTHER READING

K McLachlan, *Trauma-Informed Criminal Justice* (2024) Palgrave McMillan

Substance Abuse and Mental Health Services Administration (SAMHSA), *SAMHSA's Concept of Trauma and Guidance for a Trauma-Informed Approach* (2014) US Department of Health and Human Services

B van der Kolk, *The Body Keeps the Score*