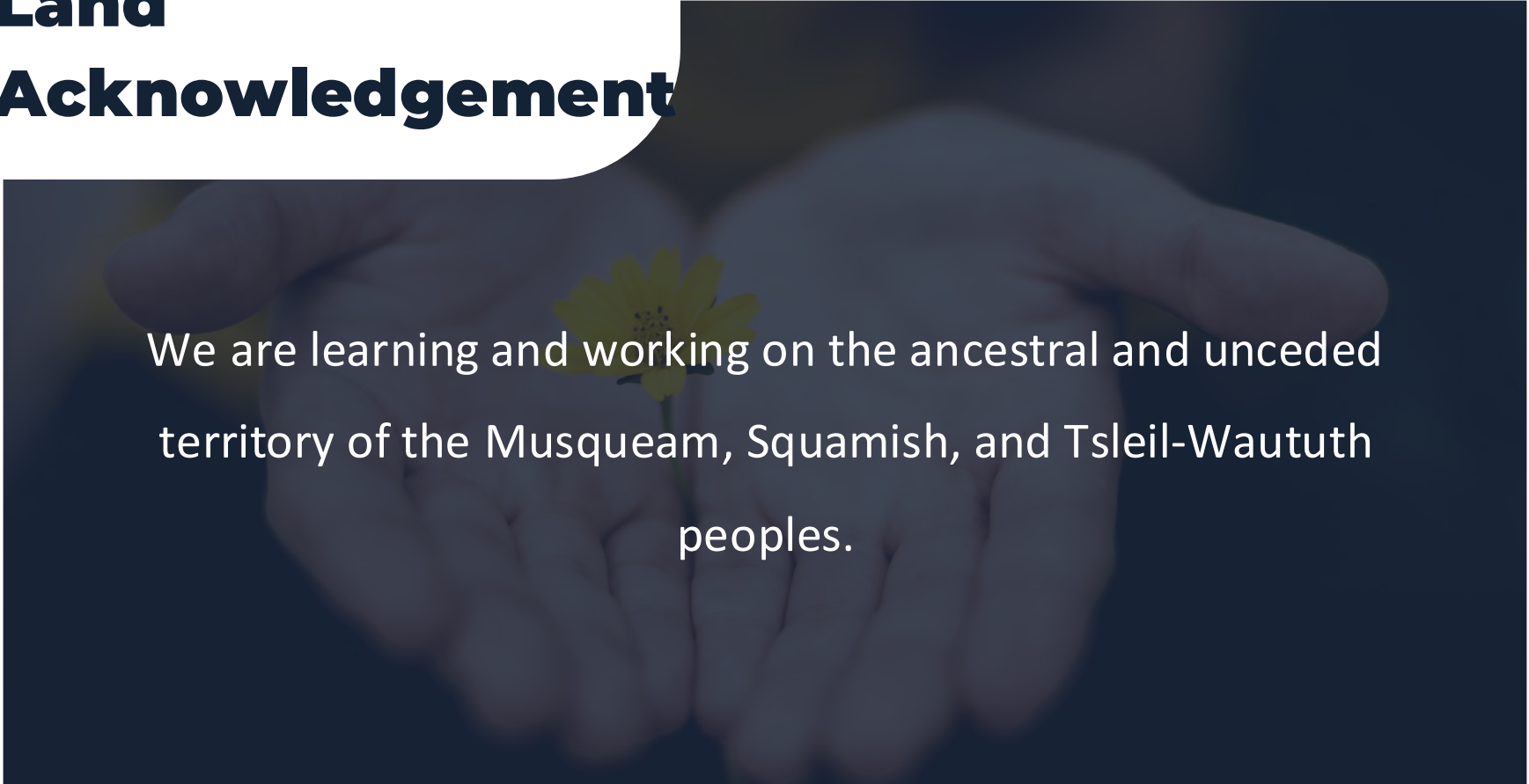


Well-Being and Trauma-Responsive Practice: Building a Human Curriculum for Lawyers

Jennifer Khor and Dr. Judy Jaunzems-Fernuk



Land Acknowledgement

A background image showing a pair of hands cupped together, holding a small yellow flower. The image is dark and moody, with the hands and flower being the central focus.

We are learning and working on the ancestral and unceded territory of the Musqueam, Squamish, and Tsleil-Waututh peoples.

Overview

Image 2

1. Legal Context
2. Surviving or thriving
3. Human Curriculum

Research Report

- *Towards a Healthy and Sustainable Practice of Law in Canada*
 - Université de Sherbrooke, Federation of Law Societies of Canada, and the Canadian Bar Association
- Phase 1 2022-2022
- Phase 2 2022-2024 (BC report)

Phase I

2020-2022

Image 8

Objectives:

- **Portrait of health and wellness issues**
- **Identify main risk and protective factors**
- **Recommendations to improve health of professionals (align with law society mission to protect the public)**

Poll Question

Have you experienced any of the following (multi-select):

- | | |
|--|--|
| <ul style="list-style-type: none">• Being discouraged• Fatigue/Lack of energy• Having difficulty sleeping• Being agitated• Feeling lonely• Being fearful or worried• Being negative towards others | <ul style="list-style-type: none">• Getting angry more easily• Being irritated/Getting upset over minor things• Having difficulty remembering things |
|--|--|

Psychological distress

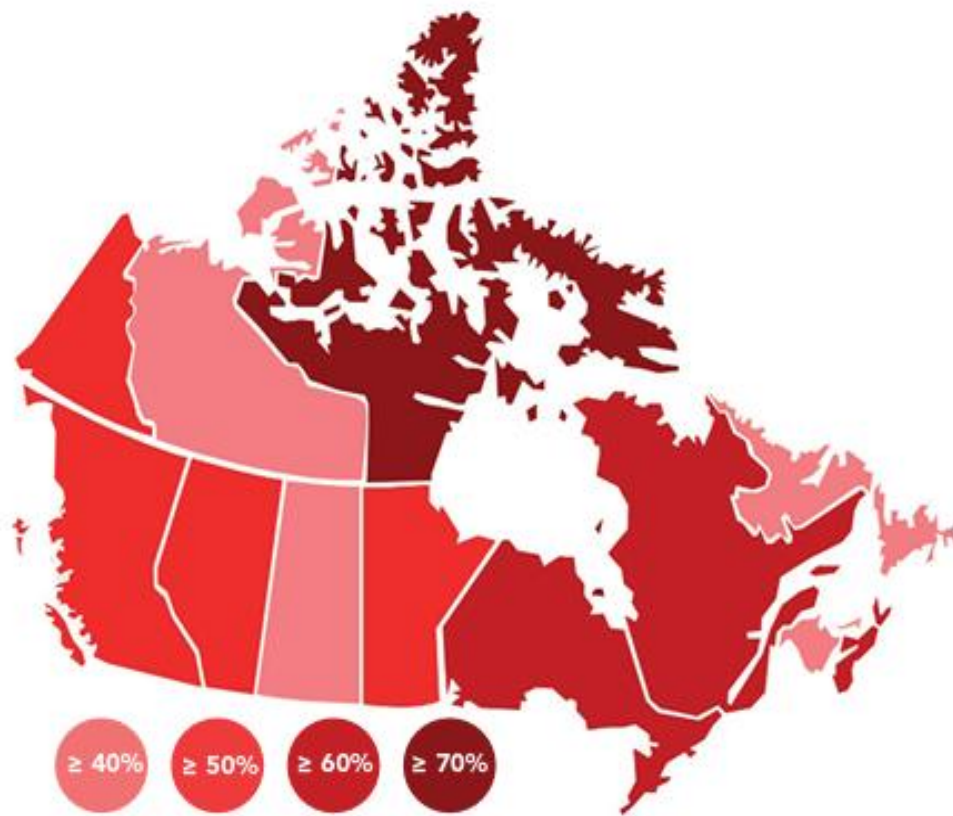
Image 5

Psychological distress: unpleasant subjective state that combines a set of physical, psychological and behaviour symptoms which cannot be attributed to a specific pathology or disease

Symptoms: fatigue, irritability, concentration problems, anxiety, insomnia

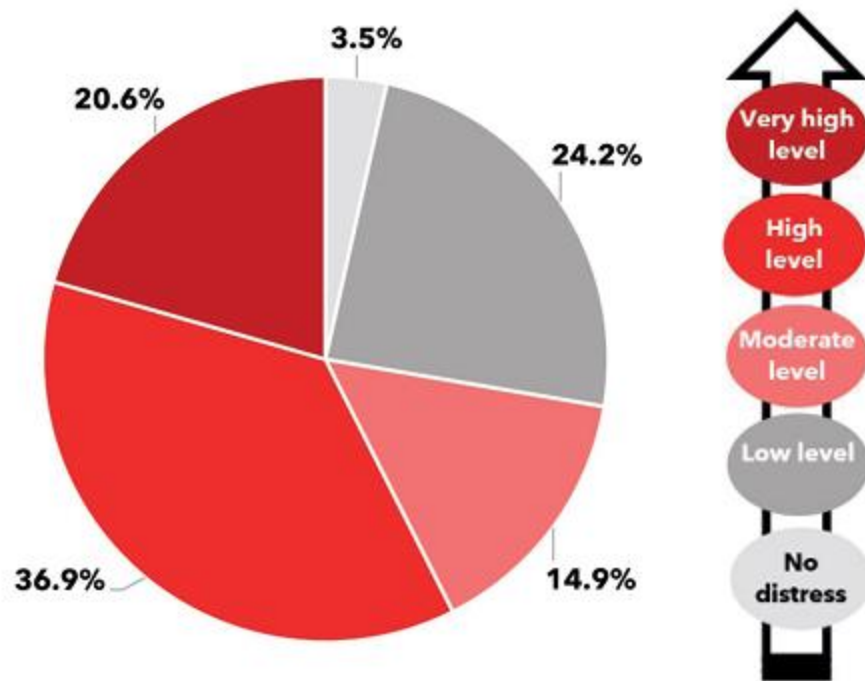
Figure 1

Proportion of psychological distress by province and territory



Graph 2

Proportion of levels of psychological distress among legal professionals ($n = 6,900$)



Examples of Symptoms

DEPRESSIVE



Feeling lonely

Being discouraged

Weeping easily

ANXIOUS



Being fearful

Being negative towards others

Being internally agitated

AGGRESSIVE



Getting angry more easily

Being irritated

Getting upset over minor things

COGNITIVE



Having memory lapses

Having difficulty remembering things

Quote

Image 5

We need to be looking at wellness beyond mental health. I always thought because my mental health was strong, the insane stresses and workload that I had when I was in private practice was being carried okay. Not so. My physical and heart health came crashing down and forced the closure of my law firm after I was unable to work. Mental health is important, but we need to pay attention to all the ways that the stress of legal profession impacts our health.

Poll Question

Compared to the general population, the rate legal professionals are affected by major depressive disorder and generalized anxiety disorder is:

- a. Lower
- b. About the same
- c. Twice as high
- d. Three times as high

Compare to general population?

Image 3

28.6% of legal professionals vs.
15 % of Canadians affected by major depressive disorder

35.7% of legal professionals vs.
13% of Canadians affected by generalized anxiety disorder

Statistics Canada (2021) – between Sept-Dec 2020

<https://www150.statcan.gc.ca/n1/daily-quotidien/210318/dq210318a-eng.htm>

Anxiety and Depression

Groups with highest rates	Depressive symptoms	Anxiety symptoms
Legal professionals with a disability	50.1%	49.6%
Articling students	43.6%	49.8%
Ontario paralegals	43.3%	42.1%
LGBTQ2S+ legal professionals	37.0%;	45.4%

Anxiety and Depression

Groups with highest rates depressive symptoms:

Less than 10 years (36.4%)
Under 40 years of age (34.4%)
Indigenous (33.3%)
Working in education (31.4%)

Groups with highest rates anxiety symptoms:

Age 35 and under (52.1%)
Less than 15 years experience (45.2%)
Women (42.6%)
Working in private sector (36.8%)

Suicidal ideation

Image 5

24.1% legal professionals since beginning practice

11.8% of Canadian population in lifetime

19% of physicians during lifetime

Quote

I suffer from anxiety and depression. The job is stressful beyond what I imagined in law school.... Despite having my own firm and having grown it and having lots of opportunities ahead, I constantly feel like a failure. If I don't get the result I or the client wanted, I berate myself. If I get the result the client wanted and that I wanted I still berate myself because I think that I should have aimed even higher.... Thoughts of self harm and suicide ... became quite prevalent during the Pandemic and during stressful times before it."

Warning signs

A woman with dark hair and glasses, wearing a teal-colored shirt, is shown in profile, looking down at a stack of papers or a desk. The background is blurred, showing another person's head and shoulders, suggesting an office or study environment. The overall tone is professional and focused.

- Increased substance use (alcohol or drugs)
- Feeling of helplessness or hopelessness
- Anxiety, agitation or uncontrolled anger
- Unable to sleep or sleeping all the time
- Feeling of being trapped – there's no way out
- Withdrawal from friends, family, society
- Acting recklessly or engaging in risky activities
- Dramatic mood changes

Burnout

Work-related burnout: the degree of physical and psychological fatigue and exhaustion that is perceived by the person as related to [their] work

- Work-related
- Exposed to chronic stress

Leads to cynicism, detachment, and an undervaluing of personal accomplishments

Burnout

Groups with highest rates:

Age 31-35 (67.0%)

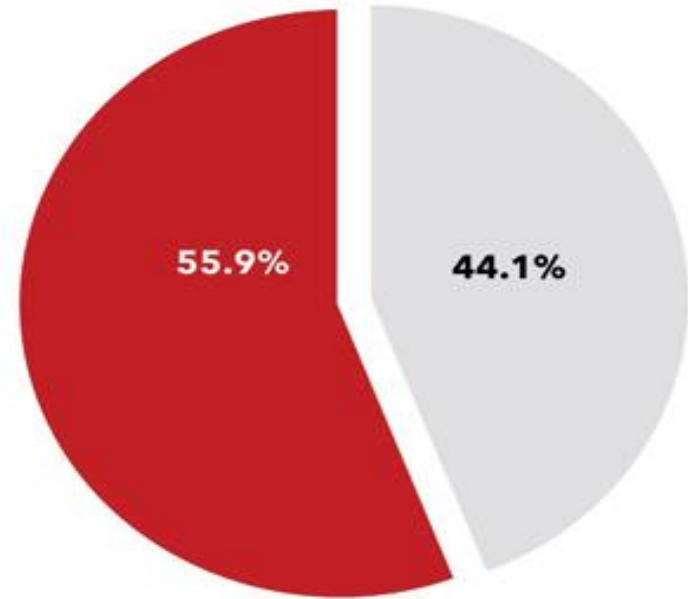
Women under 40 (67.4%)

Working in Nunavut (81.2%)

With a disability (69.8%)

LGBTQ2S+ (62.7%)

Proportion of burnout among Canadian legal professionals (n = 5,975)



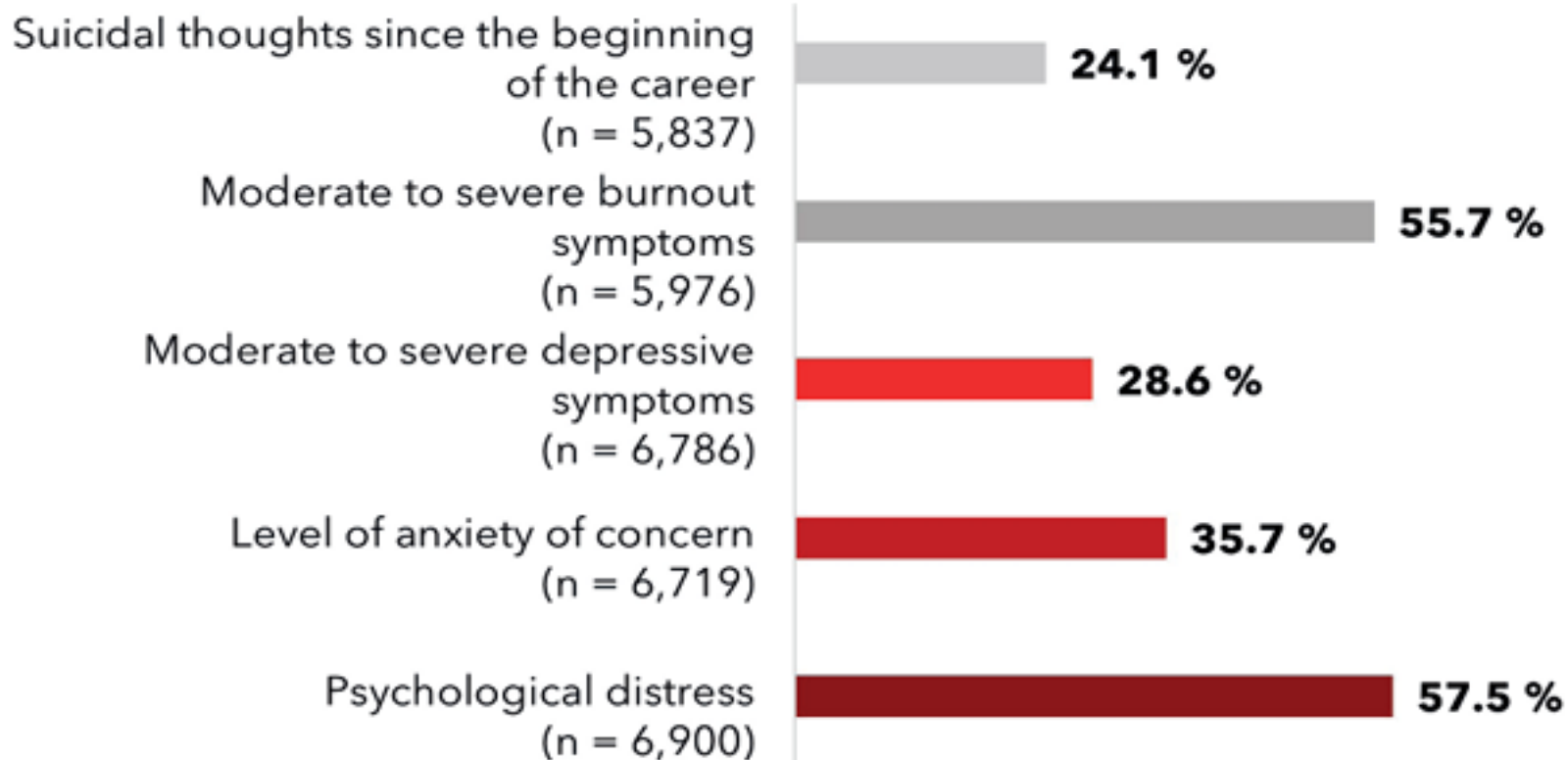
■ No (score of 0 to 49)

■ Yes (score of 50 or more)

Quote

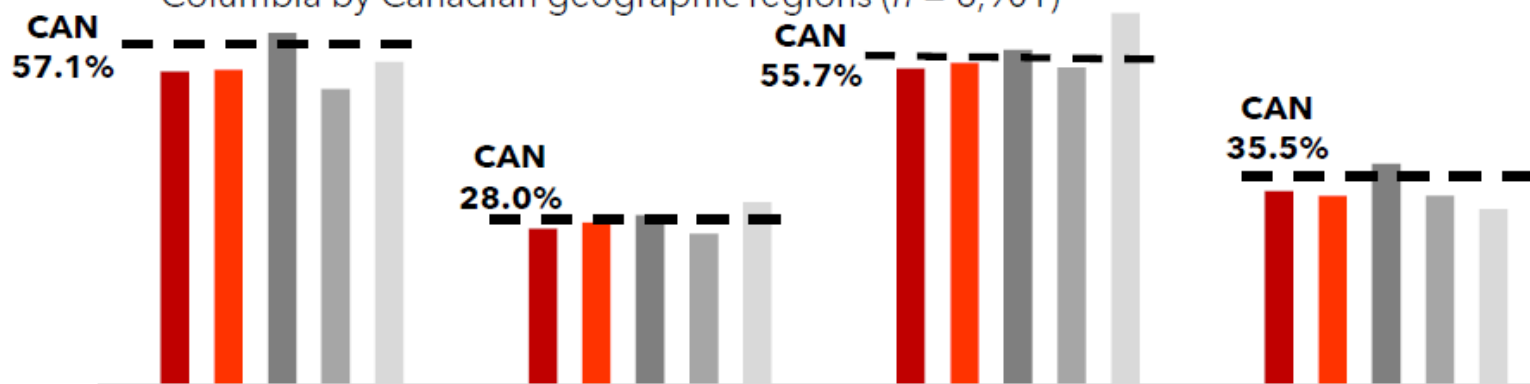
Family law is beyond exhausting. I stay in the profession because I care about my clients, but I permanently work burned out. I work with legal aid and we are insanely overworked and underpaid, however we do care about our clients so we choose to stay in the profession. I am often ashamed to say I am overwhelmed or need help and do not have the energy or financial resources to access the supports needed. It is a difficult cycle, but one that many female lawyers feel trapped in.

Comparison of proportions of mental health indicators among participating Canadian legal professionals



Mental health indicators (Phase 1): Law Society of British Columbia

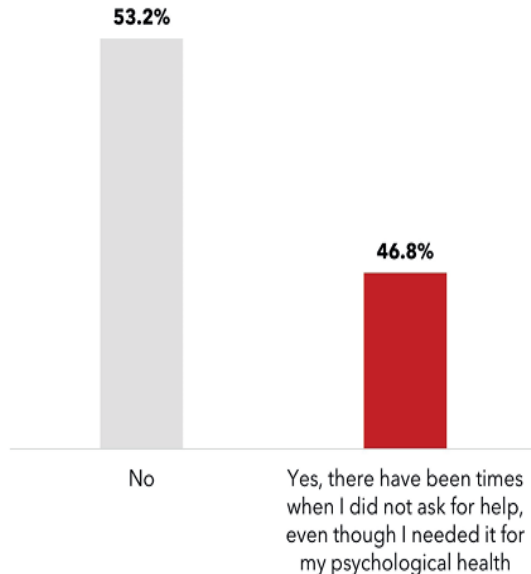
Proportion of mental health indicators of participating legal professionals in British Columbia by Canadian geographic regions ($n = 6,901$)



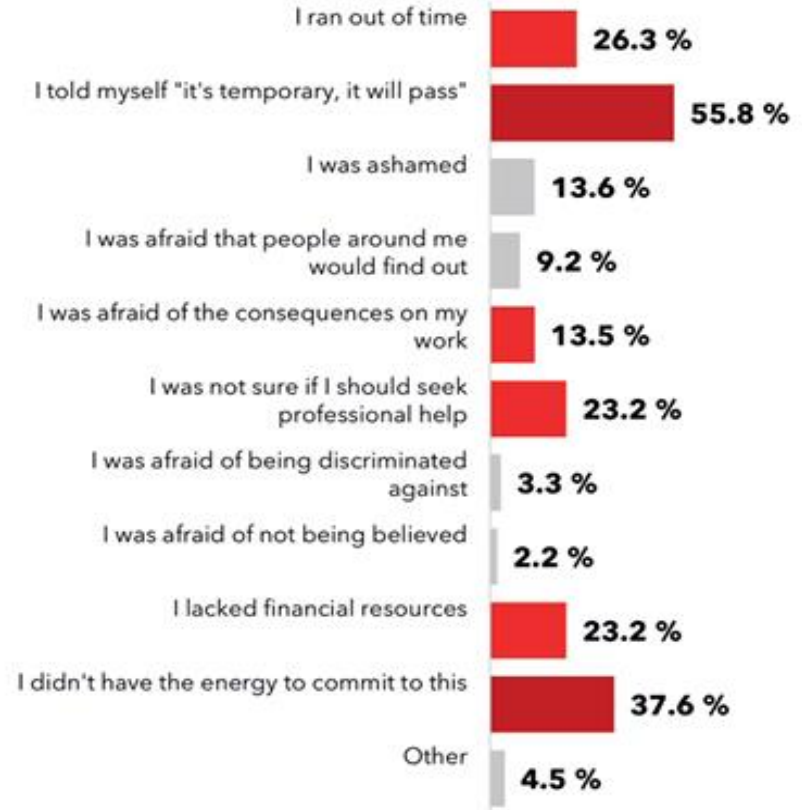
	Psychological distress	Moderate to severe depressive symptoms	Burnout	Anxiety symptoms
British Columbia	52.9%	26.4%	53.4%	32.7%
Western Provinces	53.2%	27.4%	54.3%	31.9%
Central Canada	59.4%	28.6%	56.5%	37.3%
Eastern Provinces	49.9%	25.5%	53.6%	31.9%
Territories	54.5%	30.8%	62.7%	29.7%

Legal Professionals seeking help

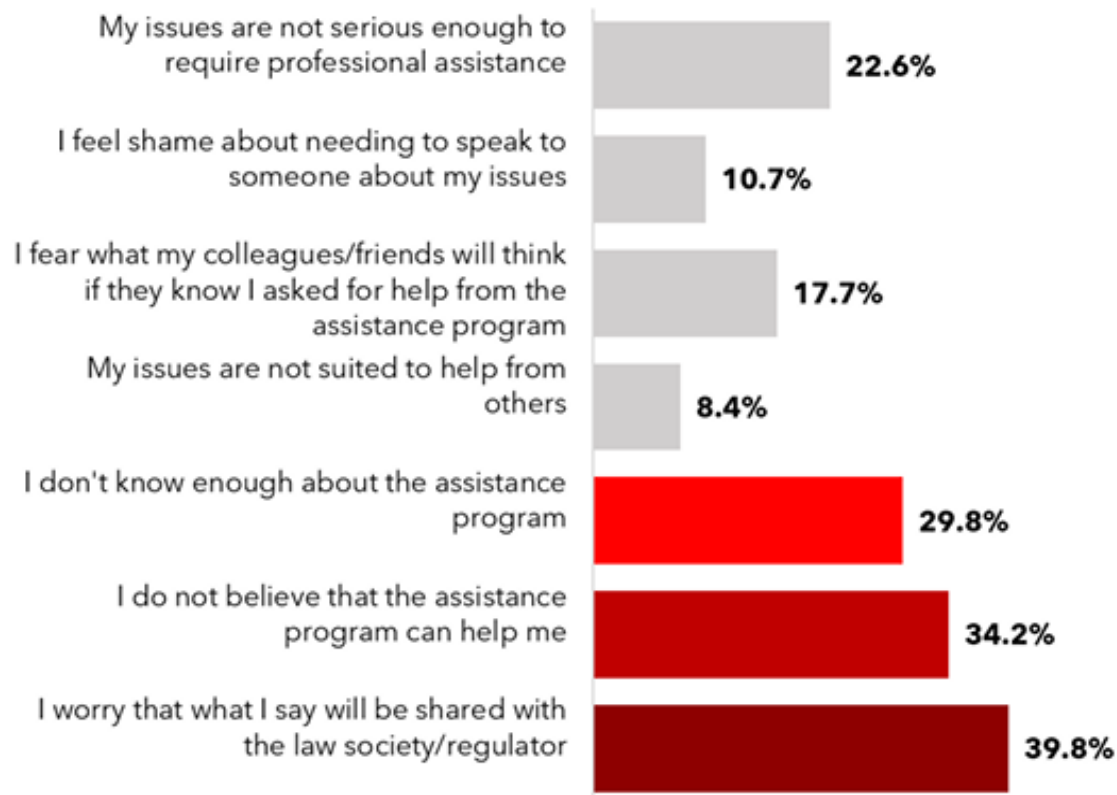
Proportion of responses to the question, "Have you ever felt the need to seek professional help because of psychological health problems, but did not?"
(n = 6,710)



Proportion of reasons given for not seeking psychological health support



Proportion of reasons given for not using the assistance program associated with their law society among legal professionals who indicated that they were not confident in using this program (n = 2,289)



Quote

... I find the process of finding a therapist daunting. Each session is so expensive, that trying various therapists until you're lucky enough to find one with whom you work well is an expensive endeavor, and a barrier to entry for seeking out help.



26.3%

Participating legal professionals in British Columbia who have had suicidal thoughts since the beginning of the career ($n = 655$). The average in Canada is **24.1%**



48.4%

Participating legal professionals in British Columbia did not seek help for their mental health issues, even though they felt the need to do so ($n = 748$). The average in Canada is **46.8%**.

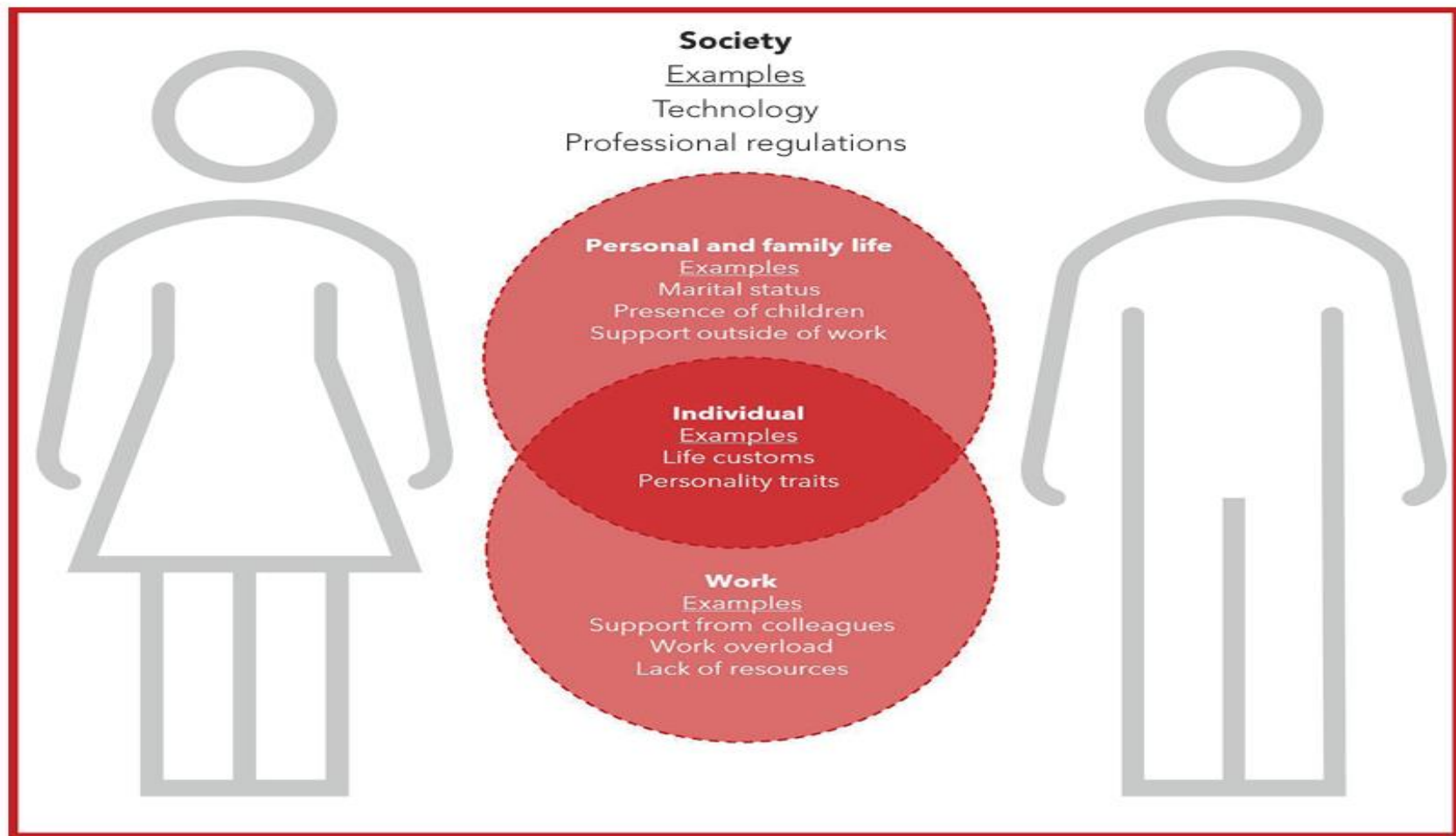
Three main reasons for not seeking help:

1. Thoughts that the issue is temporary **24.5%**
2. Lack of energy of seeking help **19.5%**
3. Not being sure about help necessity **10.9%**



7.9%

Participating legal professionals in British Columbia who have taken more than three months of medical leave in the last five years ($n = 770$)



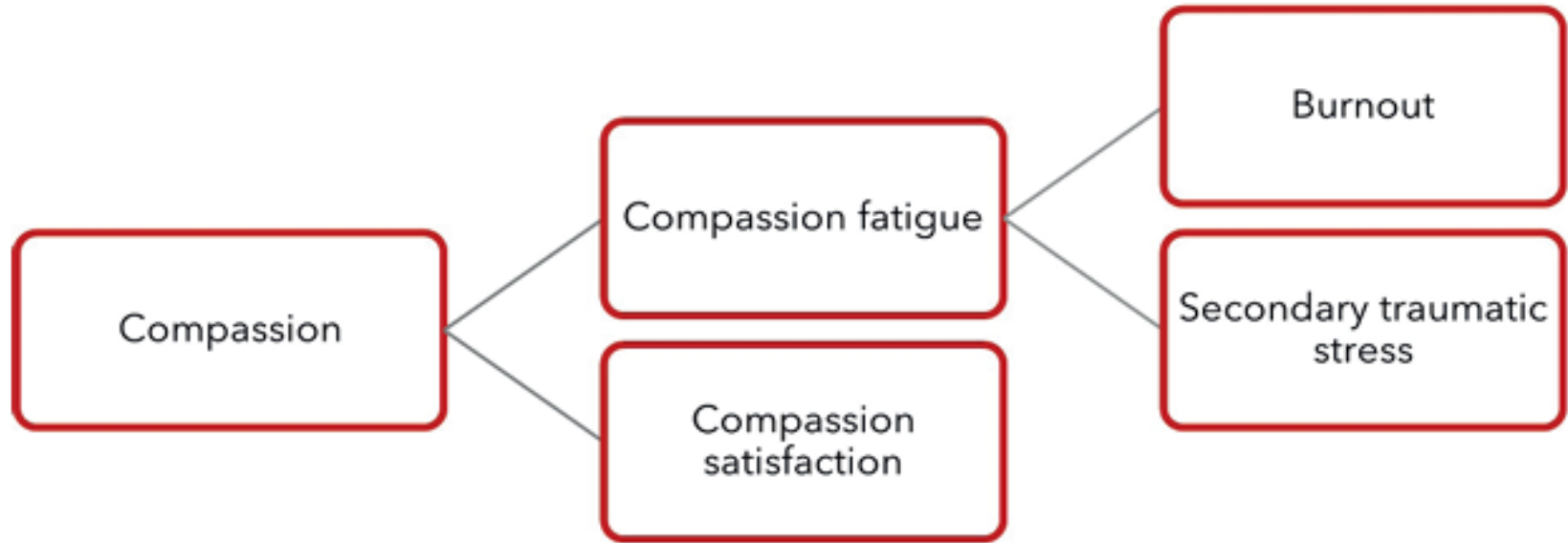
Stressors in Practice

1. Working conditions
2. Areas of practice and work setting
3. Impact of billable hours
4. Technostress
5. Adjustment to telework
6. Agility of firm/organization
7. Psychological consequences of working with clients (compassion fatigue)

Image 8

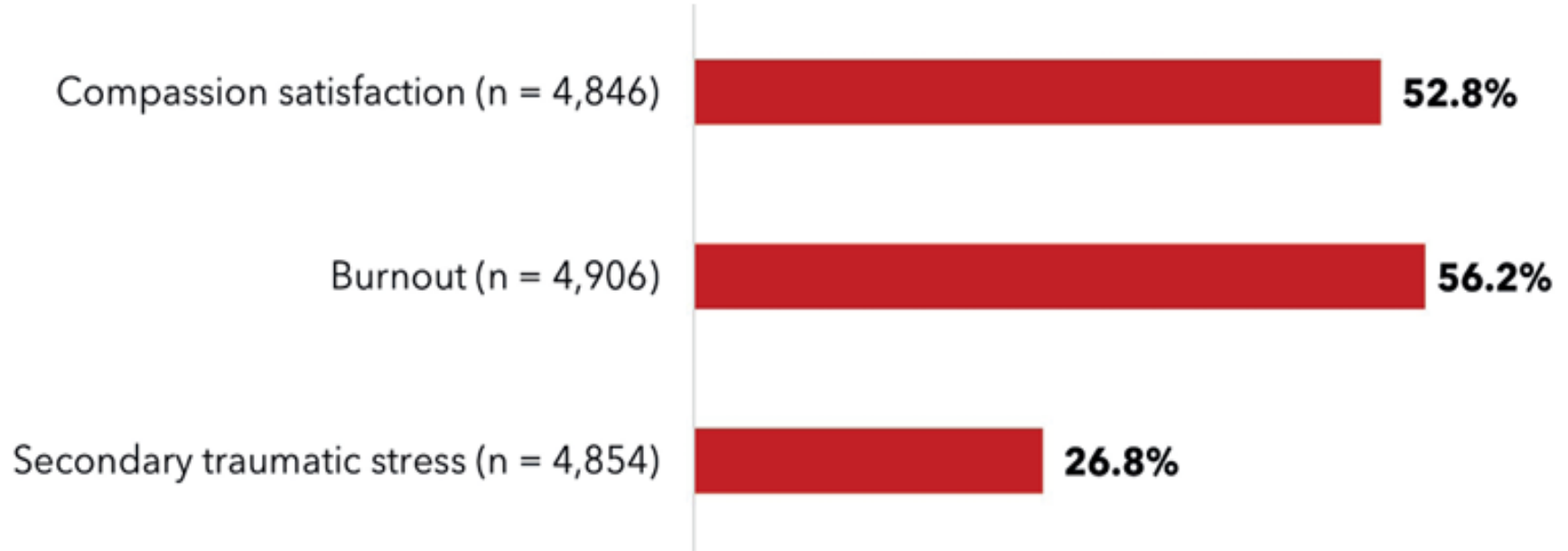
Compassion Fatigue

Illustration of the effects of compassion in relationships with clients

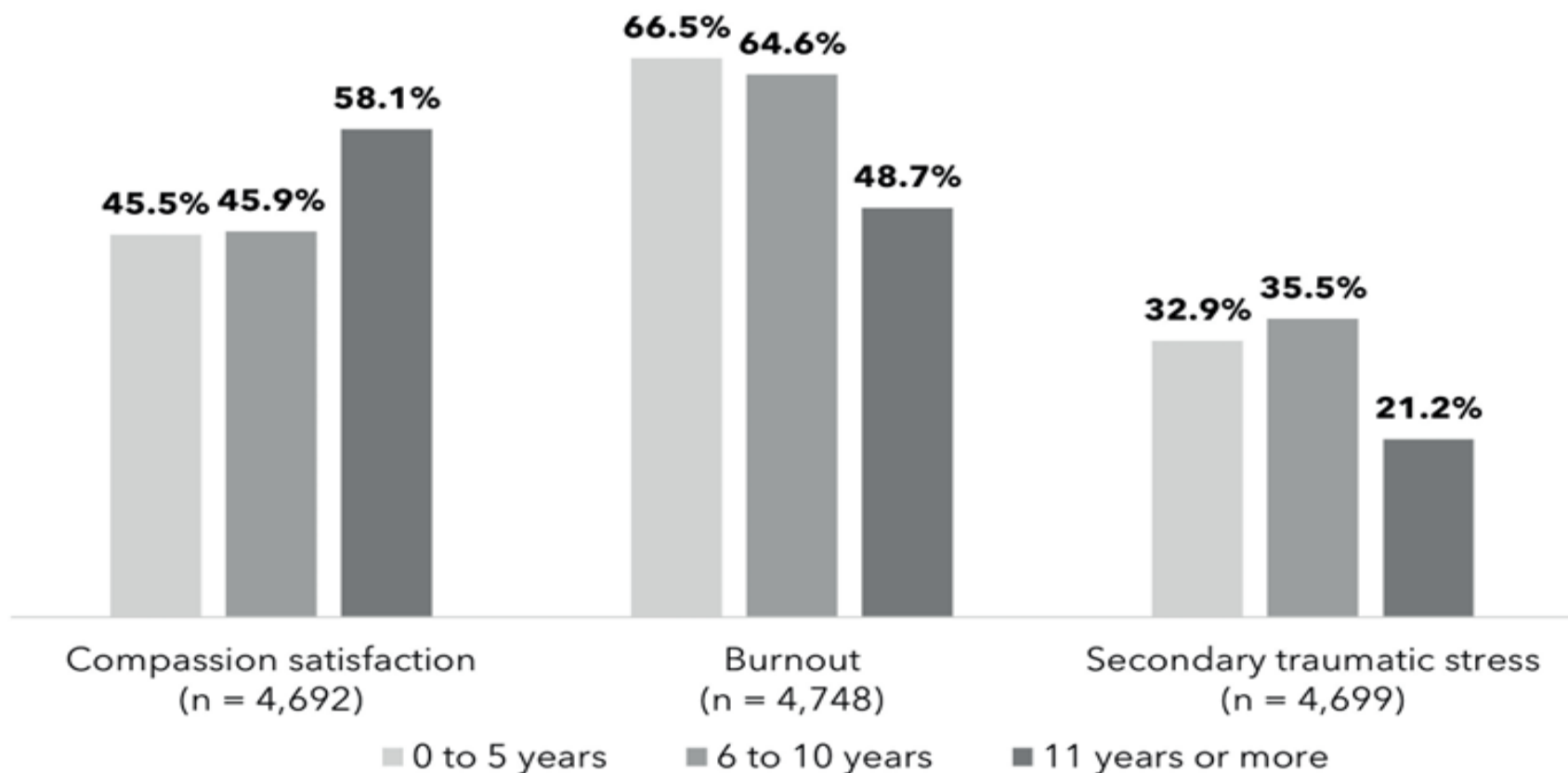


Compassion Fatigue

Proportion of legal professionals affected by the components of compassion in the client relationship



Proportion of legal professionals experiencing compassion satisfaction, burnout, and traumatic stress, by years of experience



Quote

...I think [work satisfaction] is a key to our mental health, because most lawyers want to help people and enjoy giving help. The problem arises when we must do that with unhealthy people, victims of abuse, and people with extremely difficult problems due in part to their own upbringing and life circumstance. We WANT to help these people, and identify with them as a result of that, BUT IT IS VERY HARD ON US when things don't always go their way. I love my work, but it is killing me slowly. [...]

Risk and Protection Factors

Risk Factors

Emotional demands
Quantitative Overload
Qualitative Overload
Job insecurity
Hours worked
Lack of resources

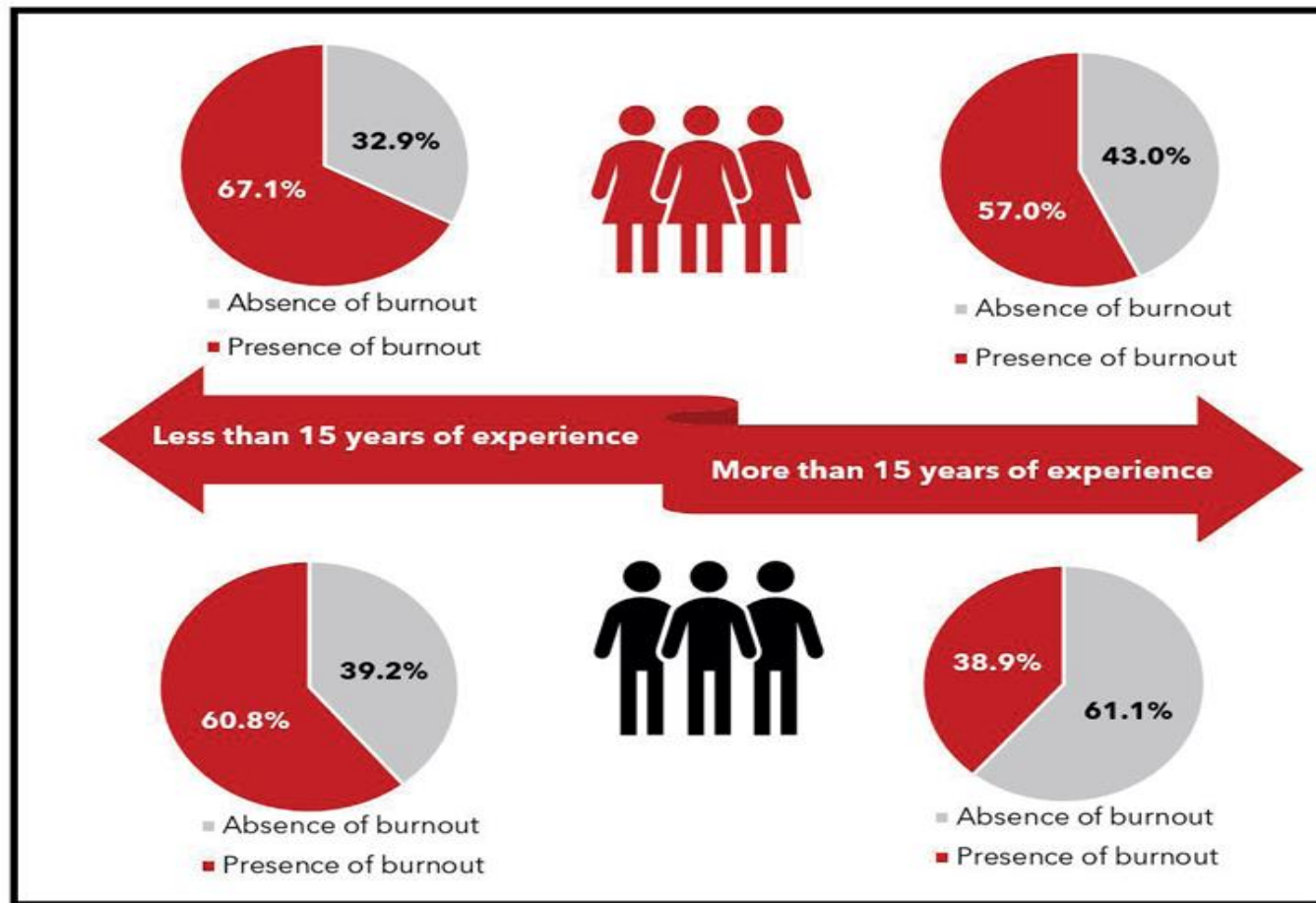
Protection Factors

Autonomy
Consistency of values
Career opportunities
Telework
Support from colleagues

Quote

If I am suffering from exhaustion due to understaffing and an increased workload, asking me to find better work-life balance or to "perform" more self-care is disingenuous when the workload is not being ameliorated in any way. All the massages in the world will not change the fact that the workload exceeds what is reasonable."

Observed proportions of burnout by gender and experience of participants



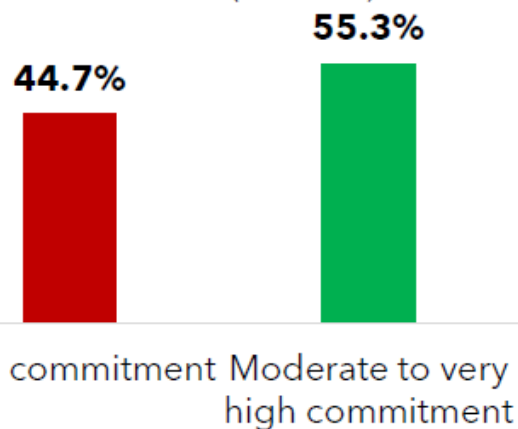
Skills to Develop

Assertiveness: confidence in interpersonal relationships, which is manifested by the capacity for spontaneous emotional expression and the ability to set boundaries by respecting one's rights, thoughts, and feelings without denying those of others.

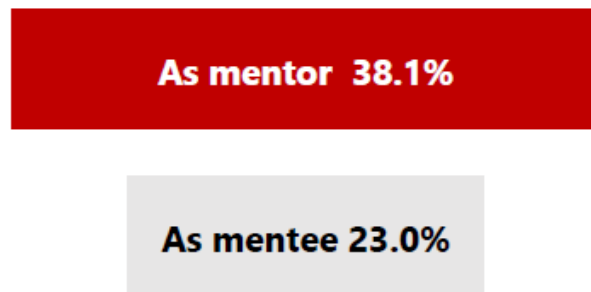
Psychological detachment : the ability to mentally disengage from work outside office hours.

British Columbia

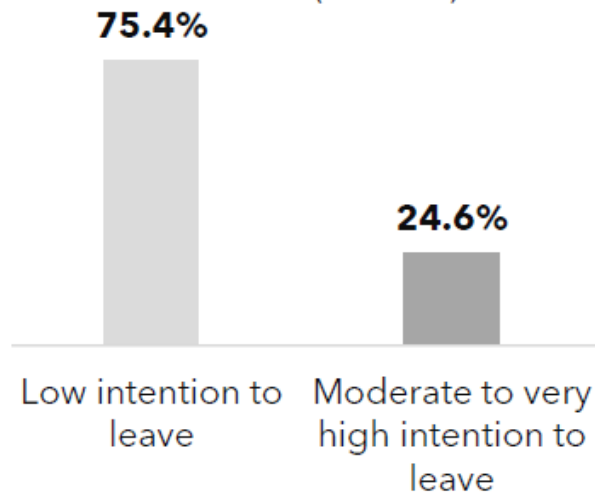
Proportion of **affective commitment to the profession** among participating legal professionals in British Columbia ($n = 536$)



Proportion of **mentorship participation** among participating legal professionals in British Columbia ($n = 770$)



Proportion of **intention to leave the profession** among participating legal professionals in British Columbia ($n = 541$)



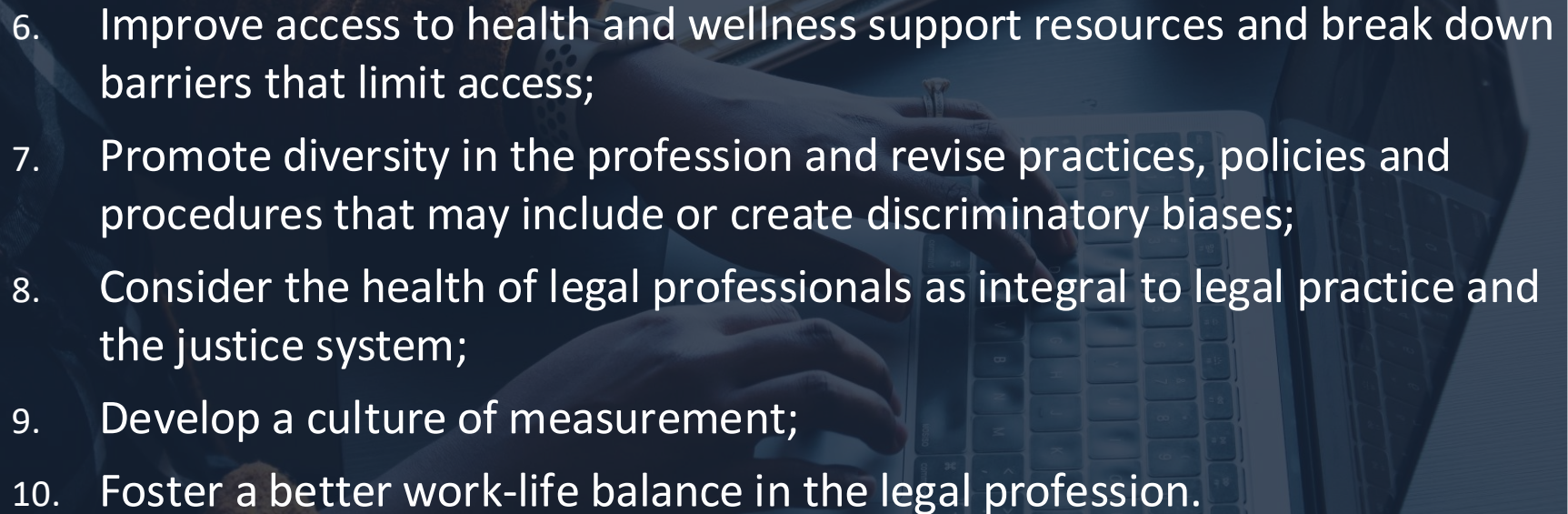
Recommendations

Image 8

1. Prepare future professionals for psychological health issues;
2. Improve supports and guidance at entry to the profession;
3. Improve the continuing professional development (CPD);
4. Evaluate alternative work organization models that limit the impact of certain risk factors on the health;
5. Implement actions aimed at destigmatizing mental health issues in the legal profession;

Recommendations

Image 8

- 
6. Improve access to health and wellness support resources and break down barriers that limit access;
 7. Promote diversity in the profession and revise practices, policies and procedures that may include or create discriminatory biases;
 8. Consider the health of legal professionals as integral to legal practice and the justice system;
 9. Develop a culture of measurement;
 10. Foster a better work-life balance in the legal profession.

Supports

Image 1

LAPBC Lawyer Assistance program 604-685-2171

<https://www.lapbc.com/>

Law Society Telus Health One <https://www.lawsociety.bc.ca/for-lawyers/lawyer-well-being-hub/telus-health-one/>

British Columbia Crisis Line (24/7 mental health support): 310-6789

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Image References

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