

The Story of LawCare: Mental Health and Wellbeing in the Legal Community Past, Present and Future

Abstract: This article explores how and why LawCare came into being. LawCare is the only charity dedicated to promoting and supporting good mental health and wellbeing across the legal community in the UK. The charity started in 1997 to help solicitors with alcohol problems, but has developed over the years and now supports all legal professionals in the UK, Channel Islands and Isle of Man with any mental health and wellbeing issues. This article by Mary Jackson is based on a presentation she gave at the BIALL Online Annual Conference held in June 2021.

Keywords: mental health; wellbeing; legal profession

Mental health is a state of wellbeing in which an individual realises his or her own potential can cope with the normal stresses of life, can work productively and fruitfully, and make a contribution to his or her community.¹

World Health Organisation

At LawCare our aim is to both promote and support good mental health and wellbeing across the legal community. In this article I will describe how the charity came into being, how it has changed, and how indeed it may change and adapt in response to the needs of the legal community.



Figure 1: The LawCare logo.

THE HISTORY OF LAW CARE

LawCare has its origins in the Lawyers Support Group (LSG), a group of lawyers from all walks of the profession in recovery from alcohol addiction. Formed in 1983, the group met regularly in London.

In 1995, partly prompted by a letter in the Law Society Gazette, Charles Elly, President of the Law Society, set up a working party to look into helping members of the profession affected by alcohol misuse.

SolCare, as it was then called, was established in April 1997 and Barry Pritchard, a solicitor living in North Wales who was a recovering alcoholic with 13 years' sobriety, became the first Coordinator. He was given a modest grant and a surplus-to-requirements Law Society computer which he set up in a corner of the kitchen in his renovated farmhouse and started a helpline for lawyers with alcohol problems. During that first year he took 60 calls. Members of LSG were among those who became the first LawCare volunteers, offering ongoing peer support to the callers.

A year later LawCare moved into an office in Porthmadog and Barry took on a secretary, Anna Jones (now Buttimore). Another staff member joined in 1999 when SolCare's services were extended to Scotland, and as demand for the charity's services grew Barry became CEO and another member of staff was appointed as Coordinator for England and Wales.

In 2001 the name was changed to LawCare when the Bar Council arranged for barristers also to be covered by LawCare's services, and Hilary Tilby was employed as the member of staff with special responsibility for the Bar. When Barry retired in 2003, Hilary took over as Chief Executive and Anna, formerly Barry's secretary, took on a new role of Administrator. Also at this time all staff began working from home. In 2008 LawCare's services were extended to the Republic of Ireland and I was recruited as the Coordinator for Ireland.

Fast forward to 2021 and LawCare now has seven members of staff assisted by around 90 volunteers. Elizabeth Rimmer has been LawCare's CEO since Hilary Tilby's retirement in 2014, assisted by an Office Manager (Rose Donnelly) and Communications Manager (Gemma

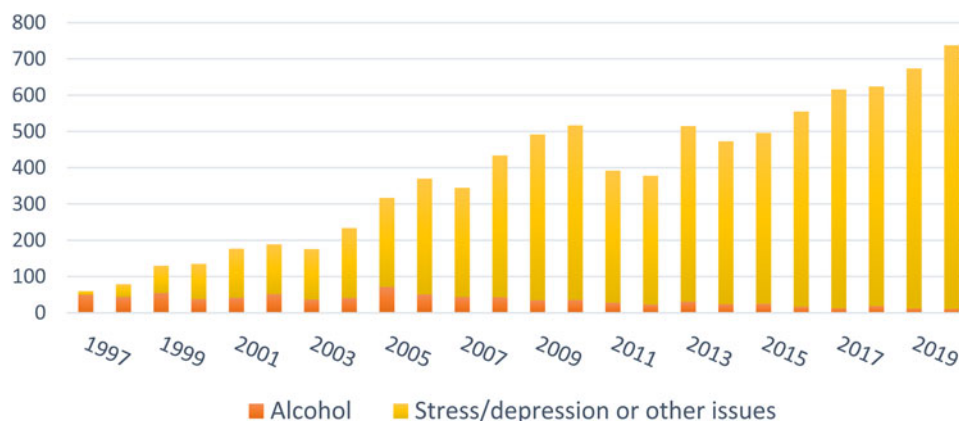


Figure 2: Statistics showing how LawCare's service has developed and the level of responses it has provided.

Matthews). Anna Buttimore is now the Support Services Manager assisted by Marina Williams who oversees the volunteers in her role as Support Services Coordinator. Mary Jackson and Trish McLellan manage LawCare's training, education and engagement which reaches over 12,000 lawyers each year with key messages about workplace wellbeing. They are also part of the team delivering the core support services.

LawCare's service has now extended far beyond support with alcohol misuse, and the majority of contacts to our support service via phone, email and live online chat are now around stress, depression, anxiety, workplace bullying and disciplinary matters. The statistics below illustrate how the service has changed and responded to demand since 1997.

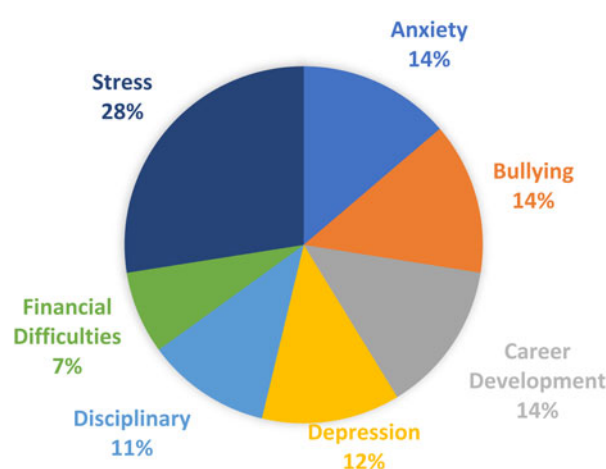


Figure 3: A variety of factors that contribute to mental health and wellbeing concerns.

MENTAL HEALTH AND WELLBEING

Back when LawCare began in 1997 I think it is fair to say that it was difficult for anyone, let alone lawyers, to get any form of emotional support. Certainly, no-one was talking about mental health and wellbeing at work. There has been a gradual sea-change which has accelerated over the past couple of years as celebrities and sportspeople have talked openly about their personal struggles, with even the Royal Family joining in with campaigns like 'Heads Together', 'This is Me' and 'Time to Change'.

We all have differing degrees of mental health at different times of our lives. Most people are not at the extreme end of bad or perfect mental health but fall somewhere in between. That 2.2lbs' worth of amazing wiring, the brain, can sometimes misfire, burn-out, malfunction. Mental health is on a continuum. Every day we are challenged by our health, both mental and physical, now more than ever as Covid-19 challenges our established routines, freedoms, and expectations.

WHAT WE DO TO PROMOTE GOOD MENTAL HEALTH AND WELLBEING

LawCare is unique in being the charity that promotes and supports good mental health and wellbeing across the legal community in the UK. We are here to help all branches of the legal profession: solicitors, barristers, advocates, judges, chartered legal executives, paralegals, trade mark attorneys, patent attorneys, costs lawyers, support staff and concerned family members. Our support spans the legal life from student to training to practice and retirement.

We have four key goals:

1. Provide emotional support to people in the legal community
2. Raise awareness about why mental health and wellbeing matter for lawyers and the help available

3. Create change in the profession and challenge the stigma that prevents people seeking help
4. Provide information and education

We do this via:

- a free, confidential, independent helpline, open Monday to Friday, 09.00–17.30
- live online chat
- email support
- a peer support programme
- information resources tailored for lawyers on issues such as stress, bullying, anxiety, top tips for wellbeing and how to create mentally healthy workplaces
- educational talks and webinars on topics such as coping with the demands of working in the law, vicarious trauma, and managing work life balance
- a fund to meet counselling costs for those in financial need
- a website with tailored content for the legal community which includes factsheets, news, blogs, case studies, resources for employers, and links to other sources of help
- active social media profiles
- a monthly newsletter
- an ambassadors programme known as LawCare Champions
- thought leadership, awareness raising
- a research project called 'Life in the Law' which aims to create change in the culture of the legal profession

We offer a safe space where lawyers, their staff and close families can communicate with other lawyers, be listened to without judgment and with empathy and compassion. The overriding aim is not wanting to *fix* but to support. It is worth noting that we can only do this with the help of our volunteers whose passion is to help fellow-professionals; altruism at its finest.

WHY DO THE LEGAL PROFESSIONS NEED A CHARITY LIKE LAW CARE?

One of the chief occupational hazards of working as a lawyer is that it requires a certain negative mindset. When a client instructs a lawyer, they have a problem that they cannot solve for themselves and it is the job of the lawyer to really examine all the possibilities including a train of thought that might involve:

- What is wrong here?
- What could go wrong?
- Whose fault is it?

- Could there be exceptions?
- What has the client not told me?
- Are we going to lose?

The brain is always learning and absorbing new information and if it is engaged in such a mode of thinking it is almost inevitable that the lawyer hat remains quite firmly in place when the lawyer has left the (virtual) office. Negative mindsets may lead to more negative emotions which can spiral towards mental health conditions such as acute anxiety or depression. In 2015, Dr Larry Richard in his article, 'The Mind of the Lawyer Leader', talked about both the negative mindset and the lawyer personality:

My research of more than 20 years concerning the personality traits of lawyers consistently shows that the No. 1 trait of lawyers that differentiates lawyers from others is a very high level of something called scepticism...lawyers score 30–40 percent higher on this trait than the general public.²

Larry Richard

In the most recent IBA survey carried out in 2020 with 3,000 responses across 180 organisations, findings show that lawyers' levels of wellbeing are below average in every regional forum. 40% said they could not discuss wellbeing issues with their employer without worrying that it would damage their career and livelihood.³

Professor Richard Collier of Newcastle University's research, *Anxiety and Wellbeing among Junior Lawyers: A Research Study 2019*, followed on from a series of surveys carried out by the Junior Lawyers Division (JLD). He interviewed 12 young lawyers and in summary he says:

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).

But there is hope. Later in the research Professor Collier notes:

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.⁴

HOW HAS THE GLOBAL PANDEMIC AFFECTED THE WORK OF LAW CARE?

To say that the last eighteen months have been difficult is an understatement. The global pandemic has given us all conversation items and articles to write for years to come. At LawCare 34% of contacts to our support service since March 2020 had a Covid element to them. Legal professionals talked about a worsening of existing mental health conditions such as anxiety and depression, they told us about emotional distress due to isolation and boredom, and the struggle to adapt to working from home with poor supervision, training, or support.

Here are 3 examples of contacts to our services over the past year which illustrate how living and working as a lawyer in Covid times has taken and is taking its toll on mental health and wellbeing. Please note, for purposes of GDPR, identifiers have been altered but not the substance.

Furlough fatigue

Sasha was a 42-year-old family lawyer with 2 children. Her secretary had been furloughed as had another team

member. Sasha had been given their workload. She had done incredibly well and exceeded her target but by Christmas she had decided in consultation with her husband to resign. She felt she was in danger of making mistakes owing to her extreme fatigue and was concerned that her mental and physical health was suffering.

Isolation: this man is an island

Angus was a 27-year-old chartered legal executive. He got up at 7am each morning, had a black coffee and put his head down to work. He worked through fuelled by caffeine until 2pm when he might take a quick break and have a sandwich. He never went outside and often worked on into the evening. He lived alone and his girlfriend lived in another city so lockdown rules prevented them from seeing each other. He was feeling constantly tired and fed up and called LawCare to ask, 'Is this all there is to life? Will it always be like this? Am I the only one feeling like this?'

Help! I need somebody

Jasmine had relocated from the north of England to a bigger firm in the home counties. She was a brilliant young lawyer far exceeding her targets but owing to Covid now lived at home with her parents. She felt she was missing out on life as she has no social interaction, she had not yet met her colleagues or been inside the offices. She was very low and wondered whether she was good enough. She was also terrified of making a mistake as she was afraid to ask too many questions and never knew when it was a good time to interrupt her team leader who worked from home and had a young family. She was not sleeping properly and felt very sluggish and lacking in energy.



Figure 4: LawCare's statistics on how emotional support has been provided.



Figure 5: LawCare's statistics on the number of hours spent providing support by telephone.

WHAT DO THESE CASE TELL US ABOUT MENTAL HEALTH?

All of us have had extra challenges to cope with, mentally and physically, as we sacrificed personal freedoms during lockdown. WH Auden called the period after the Second World War 'the Age of Anxiety' and I wonder whether we are living through a second one. Medical professionals are anticipating an upsurge in people dealing with stress, anxiety, and depression among the population at large so those who work in the legal professions are unlikely to be exempt.

Dr Antonis Kousoulis, Director for England and Wales at the Mental Health Foundation, said:

It is absolutely important to remember that the experience of the past year has not been shared by everyone...the Coronavirus vaccine brings hope, the warmer weather brings smiles. However, for many of us, the next few months and even years will remain tough, vulnerable, and uncertain.⁵

The times we are living through continue to be challenging. Our brief at LawCare is to promote and support good mental health. If you know someone who might benefit from our services please spread the word and remember we are there for you too as law librarians working alongside lawyers.

WHAT NEXT?

Our work going forward will be informed by our ground-breaking research project, 'Life in the Law', which looked at how legal practice and workplace culture affect the mental health and wellbeing of over 1,700 legal professionals. The results of the research were published on our website towards the end of September: www.lawcare.org.uk/lifeinthelaw.

The legal professions are moving forward but we have a long way to go. Our hope as we approach LawCare's 25th anniversary is that in another 25 years' time the legal professions will look entirely different where mental health and wellbeing are concerned. We would like to think that anyone with a problem will be able to talk about it openly, without judgment and find support. We need a change in culture not just in the legal professions but in the workplace generally. It is known that long hours, stress, and physical inactivity are bad for our mental health and wellbeing. We need to get away from the mindset of presenteeism, of being in and on 24/7 thanks to technology. Our CEO, Elizabeth Rimmer, says:

We know that lawyers are among the most stressed people in the workforce. We know that lawyers work long hours and have little time for anything but work. The big question remains unanswered – what are we going to do about it? It is fantastic that organisations are more switched on to mental health, that many individuals are taking better care of themselves with regards to exercise, sleep, practicing mindfulness or spending more time with friends and family...however this will not fix the problems that lie at the heart of the legal profession. In the words of Desmond Tutu, "There comes a point where we need to stop pulling people out of the river. We need to go upstream and find out why they are falling in." We hope that the results of our research, Life in the Law, might provide some answers and act as a steering point towards making changes in the culture and practice of law.⁶

I believe that maintaining good mental health and looking after one's wellbeing is paramount. We have all learned more about ourselves and others in living alongside Covid-19. I often quote from Angus Lyon's seminal book, *A Lawyer's Guide to Wellbeing and Managing Stress*. In the Introduction he says:

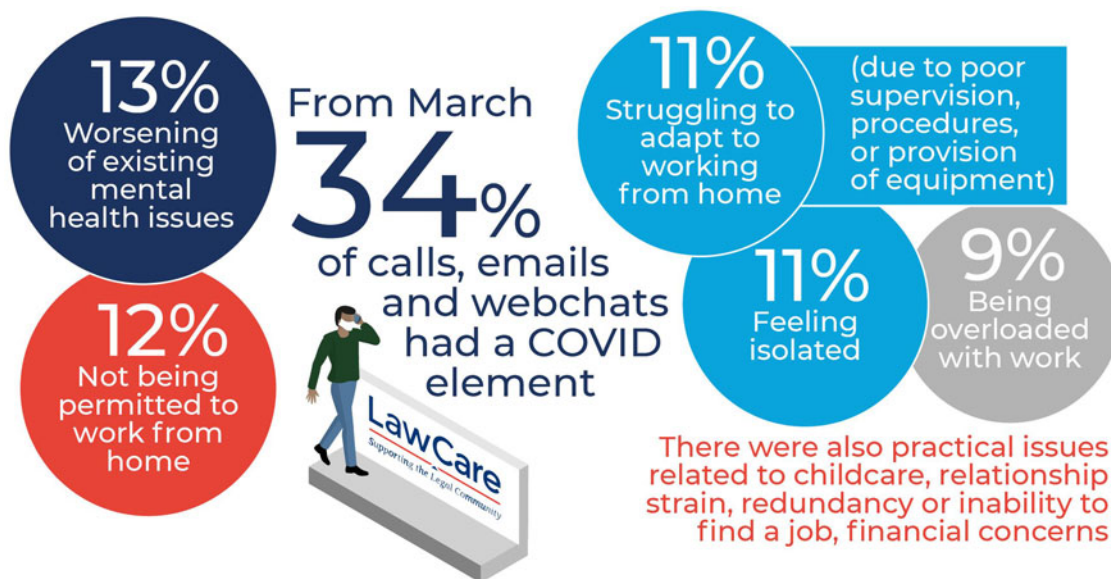


Figure 6: Percentages of calls, emails and webchats since March 2020 that had a Covid-19 element.

Lawyers use their minds continually, exercising their brains to find innovative solutions to client problems, anticipating potential pitfalls and developments in the course of a matter, and in managing and prioritising caseloads. The need to think about and care for our minds and be more aware of the minds of others must be of prime concern.⁷

His book concludes with a simple but telling phrase: 'Healthy justice depends on healthy lawyers.'

Finally a quote from *The Boy, the Mole, the Fox and the Horse* by Charles Mackesy:

'What's the bravest word you've ever said?' asked the boy.

'Help,' said the horse.⁸

Contact the free, independent and confidential LawCare support service on 0800 279 6888, email support@lawcare.org.uk or visit www.lawcare.org.uk.

Footnotes

- ¹ <https://www.who.int/news-room/fact-sheets/detail/mental-health-strengthening-our-response#:~:text=Mental%20health%20is%20a%20state,to%20his%20or%20her%20community> accessed 13 August 2021.
- ² Dr Larry Richard, 'The Mind of the Lawyer Leader' *Law Practice* (September/October 2015) *Law Practice* www.lawpractice.org accessed 13 August 2021.
- ³ IBA, *IBA Releases Interim Survey Results on Wellbeing in the Legal Profession* (1 April 2021) www.ibanet.org accessed 13 August 2021.
- ⁴ Richard Collier, *Anxiety & Wellbeing Amongst Junior Lawyers: a Research Study* (June 2019) www.ncl.ac.uk accessed 13 August 2021.
- ⁵ <https://www.mentalhealth.org.uk/news/pandemic-one-year-landmark-mental-health-study-reveals-mixed-picture> accessed 13 August 2021.
- ⁶ <https://www.lawgazette.co.uk/commentary-and-opinion/we-need-to-work-together-to-foster-wellbeing-in-the-law/5101754.article> accessed 13 August 2021.
- ⁷ Angus Lyon, *A Lawyer's Guide to Wellbeing and Managing Stress* (ARK 2015) pp xvii, 115.
- ⁸ Charles Mackesy, *The Boy, The Mole, The Fox and the Horse* (Penguin 2019).

Biography

Mary B Jackson is the Director (Education & Training) at LawCare. Mary joined LawCare in 2008. She formerly worked as a corporate lawyer until 2000 when she changed career to work as a Regional Manager for the Law Society. Prior to law, Mary was an inner-city teacher in London and has also worked as a university lecturer. She moved to the South West of England in 1996 where she lives in a cottage in North Devon. In 2017 she qualified as a BACP Counsellor inspired by her LawCare helpline work. Away from LawCare, Mary enjoys walking, writing poetry, being a trustee for Beaford Arts and voluntary counselling for Young Devon.