

Legal Leadership

the Good, the Bad and the Ugly

By Claire E Bibby, Senior In-House Lawyer & Non-Executive Director, Speaker & Mediator



Workplaces are stressful. There's nothing terribly earth-shattering in that comment, I know. But throw into the mix a chisel of lawyers, working on highly pressurized, often decidedly complex issues, within an adversarial environment, regularly accompanied by tight deadlines, and there's the potential for a problem. A big problem. Add to the mix in lawyers' personalities, our propensity to be workaholics, the nature of the people that we work with, the status of our physical and emotional health, our personal relationships and the inevitability of major life changes happening at the drop of a hat. Then layer upon that our clients who rely on us to protect their legal position and carry the burden of their emotionally charged problems, while at the same time facilitating the resolutions they seek. Long hours are expected of us, and by some, are even seen as a mark of our success. Our spouses and families, grow to understand that we work in a tough environment and in many instances, they watch us as we make things even tougher for ourselves. In short, our time is focussed on solving

other people's problems, regrettably often at the expense of ourselves. But there's only so far that you can stretch a rubber band, right?

For a bunch of very Intelligent people, are we sometimes so caught up in our own world that we miss the signs that something's not right within either ourselves or our people? While we often expect perfection of ourselves and our peers, it should ultimately come as no surprise even to the brightest of our bunch, that as a profession, we suffer disproportionately higher levels of psychological distress than almost any other profession. It's a problem that's not lost on our youth - young lawyers are opting out of law at alarming rates.

Stress is an all-encompassing phenomenon, consisting of our physical, mental and emotional responses to life's changes and demands. We all experience stress every day and at various levels, and not all stress is harmful. Some stress can, in fact, be positive, challenging people to act in creative and imaginative ways. But when stress is chronic, it can be damaging and lead to serious health problems, which if nothing else, can turn a good lawyer into a bad one.

Depression affects more than 80,000 Australians each year. During their lifetime, one in five individuals will be affected by the illness. And for those who make up the legal profession in Australia, the statistics are even more harrowing. Lawyers in Australian private practice have said of themselves that they are most likely to use alcohol or other drugs to reduce or manage their symptomatology. I put it to you that Australian lawyers are no different to any other lawyers around the world.

Employee engagement and business performance are intrinsically linked. And while it's not always possible to avoid stress, it is possi-

ble to look at both the causes of stress and how we respond to stress, so that as leaders we can deal with both ends of the burning candle. Your lawyers' well-being, as well as your own, is a continuous process of seeking to thrive positively in all dimensions of one's life, as our occupational, emotional, intellectual, social and physical needs all overlap. It is a rare lawyer who can compartmentalize their life such that they don't take their stresses of work back to their home.

A great legal leader, in my mind, should help his or her lawyers to perform at their best. Armed with the knowledge that we are facing down the barrel of psychological distress in the way that we practice law, I believe that one's leadership style goes a long way to ensuring that your staff are motivated and engaged and want to come to work. The climate within which your organization operates directly impacts your team's performance. Employees are happy when they are mentored, challenged, promoted, involved, appreciated, empowered, valued and trusted. I challenge you for a moment to hold up a mirror to yourself – are you the sort of leader your younger self would have wanted to have worked for when you first entered the profession? If not, I encourage you to think more deeply about how you practice law and how you lead your lawyers. Advancing your client's transaction or goals doesn't have to come at the expense of your counterparty; nor at the expense of your own team's psychological or physical health. Behavior that compromises the psychological health and happiness of lawyers should not be accepted as the norm. As a leader, the climate within which your lawyers operate stems from the behavior of those in authority. Namely,

the behavior of those in authority. Namely, from you.

Common causes of depression amongst lawyers include:

- A culture of competitiveness: fear of failure is commonplace;
- Pessimism: legal work often warding off what will go wrong;
- Learned helplessness: lawyers must follow a client's instructions, even if those instructions contradict one's better judgment;
- Disillusionment: many lawyers feel compromised by ethical dilemmas in their work.

Psychological distress and the risk of depression in law students is higher than Australian community norms and other tertiary student groups – recently, more than 20% of Australian law students were suffering high levels of distress (compared to 10% in the general population). In 2015 Justice Marshall of the Federal Court of Australia, having previously gone public about his own battle with depression, wrote that: "the mental well-being of law students would be greatly assisted by the curriculum including a mental well-being subject within it, preferably in the first year. It would also be of assistance for practitioners, academics, and jurists who have battled depression to share their experiences." He also wrote that: "suc-

cessful people who have battled mental distress include, to name merely a few, Mark Twain, Theodore Roosevelt, Abraham Lincoln, Sir Winston Churchill, Catherine Zeta-Jones, and Madonna. The mindset of knowing that they are not alone, together with the changes to law school curriculum to provide a greater focus on mental well-being, development of soft skills and an integrated attitude to the law, can only assist to improve the overall health of our law students and practitioners."

As a leader, the climate you create ultimately liberates potential and actual business results. But it can also ultimately restrict performance. You can help change the tide of distress washing through our profession by:

- Promoting awareness and education;
- Removing the stigma attached to mental health;
- Encouraging self-help strategies; and
- Providing support and resources.

Some simple coping strategies you can offer your staff include helping them to:



I urge you to be the type of boss you wish you'd had when you first joined our honourable profession. Be the leader who creates a psychologically safe and healthy workplace, both for yourself and your staff. You'll be a better lawyer for it, as will be your team.



About the Author:

[Claire E. Bibby](#) is a well-known innovator and influencer in the in-house legal sector. Claire is a non-executive director of Marist180, Australian Property Circles and the University of Technology Sydney Law Advisory Board. She is also the an Executive Member of the Association of Corporate Counsel, an Entrepreneur Ambassador for Opportunity International, and a committee member of Soroptimist International, the NSW Law Society Futures Committee and the Resolution Institute. She is also a Foundation Speaker with the Prominent Society Speakers Agency. Claire has been recognized as one of Australia's best lawyers and female executives, including having been the

“Excellence Award for Women in Law,” “General Counsel of the Year,” “Female Executive of the Year in Asia, Australia, New Zealand,” and most recently, “Mentor of the Year.” Part and parcel with her passion for the law, Claire is an active philanthropist and public speaker on issues of innovation, diversity and inclusion, psychological wellness, dispute resolution, developing high performing teams and women’s leadership. Claire is also a mentor for Layne Beachley's "Aim for the Stars" Foundation, and was featured in Smart Company’s 2018 International Woman’s Day Showcase

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