



Towards a Healthy and Sustainable
Practice of Law in Canada

PHASE I | 2020-2022

EXECUTIVE SUMMARY

National Study on the Health &
Wellness Determinants of Legal
Professionals in Canada

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This study was carried out through a partnership between the Université de Sherbrooke, the Federation of Law Societies of Canada and the Canadian Bar Association, as well as with the mobilization of the law societies of Canada and the Chambre des notaires du Québec. The Federation of Law Societies of Canada and the Canadian Bar Association funded the first phase of this project.



Federation of
Law Societies
of Canada

Fédération des ordres
professionnels de juristes
du Canada



THE CANADIAN
BAR ASSOCIATION
L'ASSOCIATION DU
BARREAU CANADIEN



Université de
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INTRODUCTION

In recent decades, several studies around the world have identified significant health and wellness issues within the legal community. To understand these issues, we must weigh the magnitude of the challenges that shape the practice of law: sustained emotional demands, work overload, long hours worked, billable hour targets to meet, job insecurity, and other stressors. The list of stressors is long and the resources for coping with them are few and of limited effectiveness.

In any field, the first step towards improvement is measurement. Without rigorous measurement of health issues, and of the stressors that cause them, we will be unable to take sustainable action to support the health of legal professionals.

My research team in partnership with the Federation of Law Societies of Canada and the Canadian Bar Association worked together on a research project to assess the mental health of Canadian legal professionals. This project had three major objectives: 1) to develop a portrait of health and wellness issues in the Canadian legal community; 2) to identify the main risk and protective factors that contribute to the psychological health of legal professionals; and 3) to develop recommendations specific to the practice of law in Canada that will improve the health of professionals, in alignment with the mission of its law societies to protect the public.

Thus, this executive summary presents the main findings and ten key recommendations emerging from the first phase of this project which took place between 2021 and 2022. The results are based on the responses from an overall sample of 7,300 legal professionals working in each province and territory of Canada. This sample was weighted to take gender and law society representation into account, as well as ensure the most accurate and representative portrait of legal practice in Canada. All of the results have been subjected to a diligent statistical analysis that is governed by a highly rigorous methodological and ethical protocol

The executive summary is divided into four parts. The first part presents the findings associated with key mental health indicators in the legal profession. The second and third parts discuss the factors that give rise to mental health issues. Through a multidimensional perspective of health and wellness at work, these factors arise from social context, practice context and the individual context in which professionals evaluate. Finally, the fourth part outlines ten major recommendations towards a healthy and sustainable practice of law in Canada.

We hope you will enjoy and benefit from this work. Our wish is that it will help to make life better for Canadian professionals—because *le travail, c'est la santé*.



Prof. Nathalie Cadieux, Ph.D., CRHA

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Business School, Université de Sherbrooke

PART I

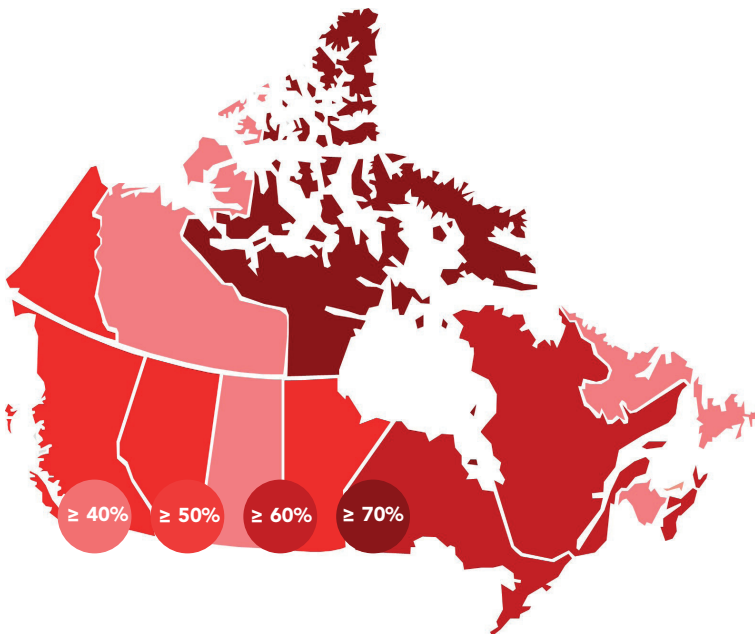
GENERAL FINDINGS ON MANY HEALTH AND WELLNESS INDICATORS AMONG CANADIAN LEGAL PROFESSIONALS



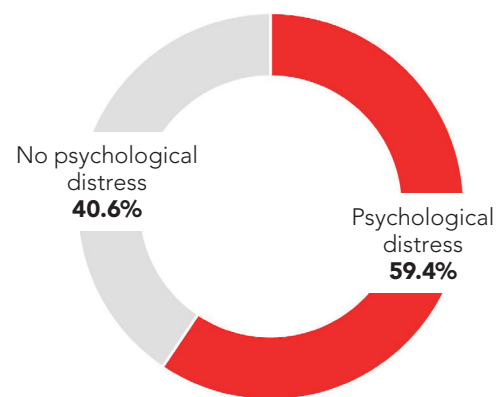
Psychological distress

Psychological distress: An unpleasant subjective state that combines a set of physical, psychological and behavioral symptoms which cannot be attributed to a specific pathology or disease. These symptoms, such as fatigue, irritability, concentration problems, anxiety or insomnia, are sometimes similar to depression and sometimes to exhaustion.

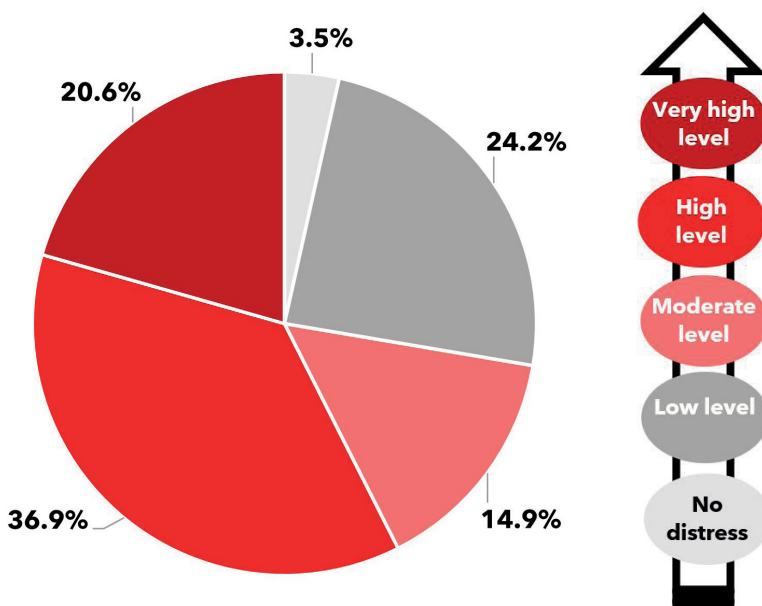
Proportion of psychological distress by province and territory



Proportion of psychological distress observed among legal professionals (n = 6,626)



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



Groups with the highest proportions of psychological distress

- Women legal professionals (63.7%)
- Legal professionals working in the public sector or NFPO (58.0%) and private practice (58.4%)
- Legal professionals between the ages of 26 and 35 (71.1%)
- Legal professionals with less than 10 years of experience (70.8%)
- Articling students (72.0%; unweighted), Ontario paralegals (65.9%) and Quebec notaries (65.9%)
- Legal professionals living with a disability (74.3%)
- Legal professionals identifying as members of the LGBTQ2S+ community (69.3%)
- Legal professionals working in Nunavut (76.4%)

Depressive and anxiety symptoms among Canadian legal professionals

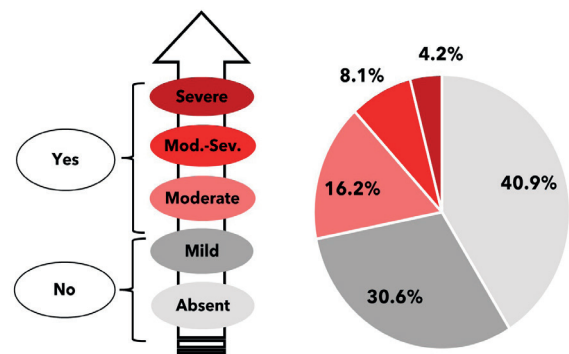
Definitions: Depression and anxiety are mental health disorders (common or transitory) that are included in the DSM-5 and require diagnosis by a trained health care professional. The severity of their associated symptoms varies from mild to severe.

- **Anxiety:** refers to a disorder characterized by an excessive and uncontrollable feeling of worry and fear about some subjects (Anxiety & Depression Association of America, 2021).
- **Depression:** refers to a mood disorder characterized by feelings of sadness, loss of interest or pleasure, guilt or low self-esteem, disturbed sleep or appetite, fatigue, and difficulty concentrating. In its most severe form, depression can lead to suicide (Beck & Alford, 2009).

1) Groups with the highest proportions of depressive and anxiety symptoms (depressive symptoms; anxiety symptoms):

- Legal professionals living with a disability (50.1%; 49.6%)
- Articling - Law Practice Program Students (43.6%; 49.8% - unweighted)
- Ontario paralegals (43.3%; 42.1%)
- Legal professionals who identify as members of the LGBTQ2S+ community (37.0%; 45.4%)

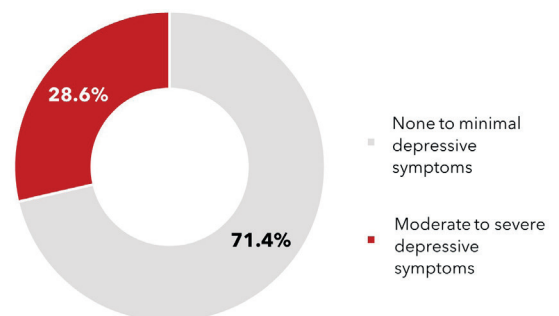
Proportion and severity of depressive symptoms reported by Canadian legal professionals (n = 6,785)



2) Groups in which depressive symptoms are the highest:

- Legal professionals with less than 10 years of professional experience (36.4%)
- Legal professionals under 40 years of age (34.4%)
- Indigenous legal professionals (33.3%)
- Legal professionals working in the education sector (31.4%)

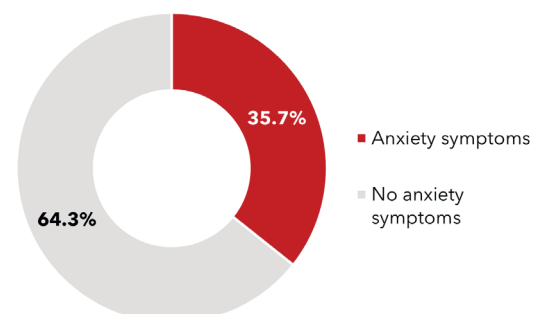
Proportion of moderate to severe depressive symptoms among legal professionals (n = 6,785)



3) Groups in which anxiety symptoms are the highest:

- Legal professionals aged 35 and under (52.1%)
- Legal professionals with less than 15 years of experience (45.2%)
- Women legal professionals (42.6%)
- Legal professionals working in private practice (36.8%)

Proportion of anxiety reported by participating legal professionals (n = 6,719)



Suicidal thoughts



CAUTION: The following section contains information about suicide that may be difficult to read and may be triggering for some people.

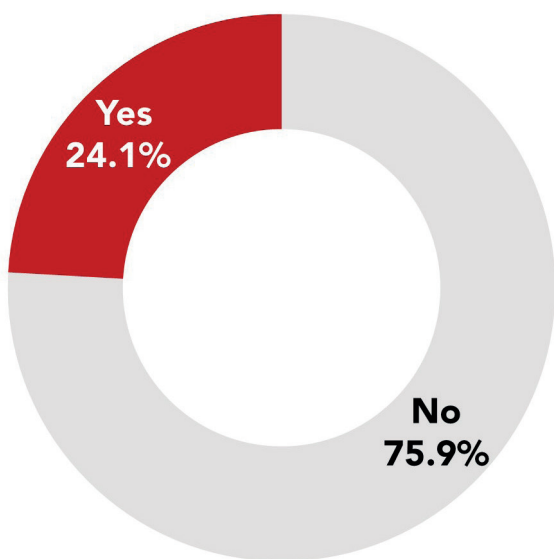
If you feel the need, please contact Crisis Services Canada.

<https://www.crisisservicescanada.ca/en/looking-for-local-resources-support/>

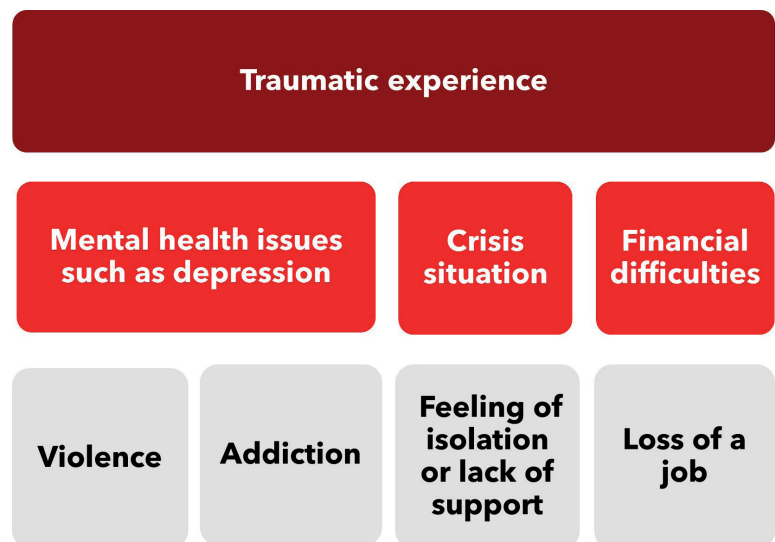
1-833-456-4566 | Texte 45645

Suicidal ideations: "refers to thoughts (cognitions) or intentions to take one's life. Research indicates that 'serious' ideations are more associated with the risk of suicide attempts and suicide" [Free translation] (Laforest et al., 2018, p. 318).

Proportion of the participating legal professionals who have had suicidal thoughts since starting their professional practice (n = 5,836)



Examples of risk factors that may explain suicidal thoughts



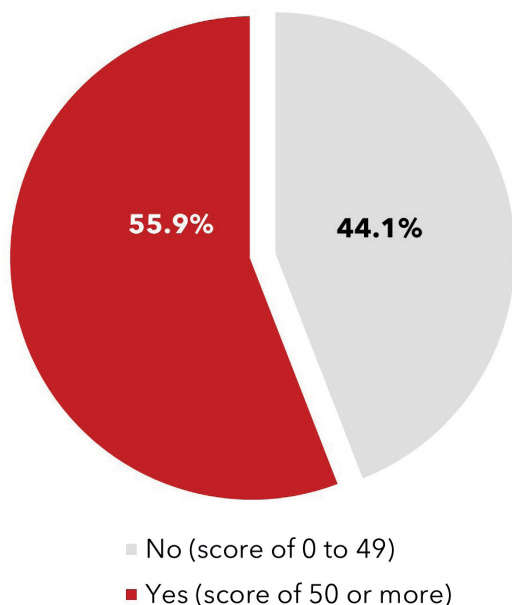
Source: <https://www.quebec.ca/en/health/advice-and-prevention/mental-health/preventing-suicide>

Groups with the highest proportions of suicidal ideation:

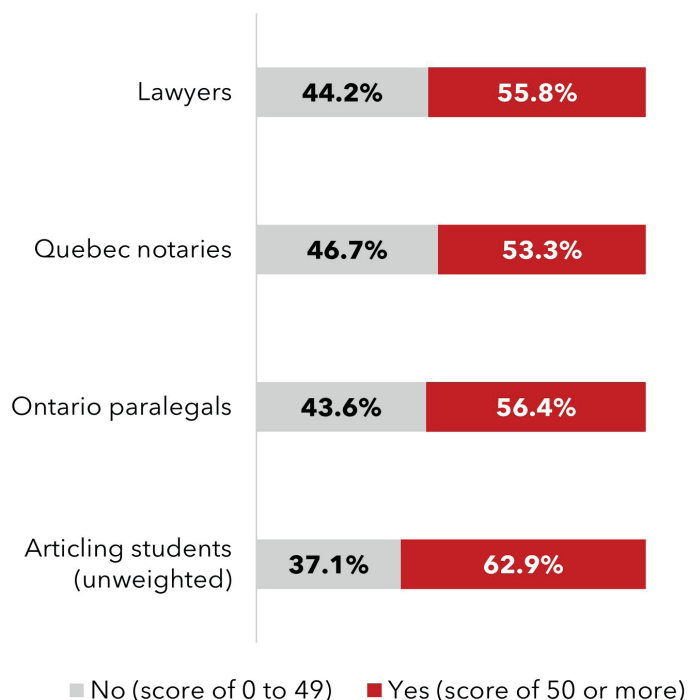
- Legal professionals working in the Canadian territories (29.7%)
- Lawyers (24.4%)
- Legal professionals working in the public sector or NFPO (27.2%)
- Legal professionals who identify as non-binary (61.9%)

Work-related burnout: refers to "the degree of physical and psychological fatigue and exhaustion that is perceived by the person as related to [their] work" (Kristensen, 2005, p. 197).

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



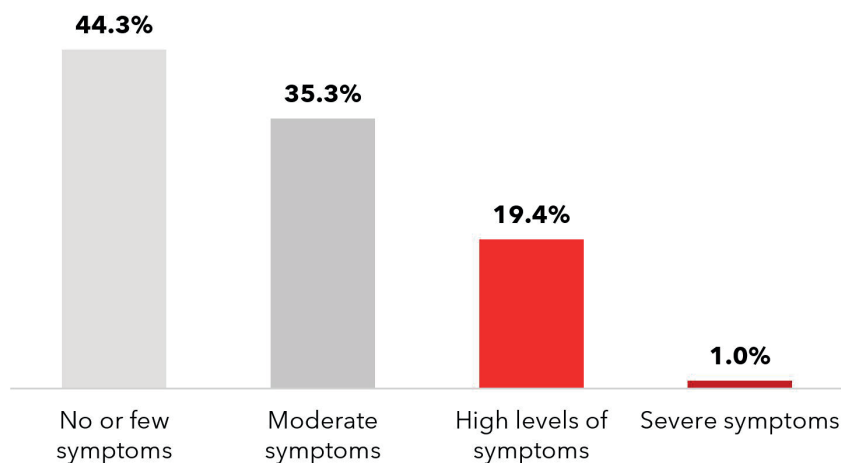
Proportion of burnout by profession (n = 5,939)



Groups with the highest proportions of burnout

- Legal professionals between the ages of 31 and 35 (67.0%)
- Women legal professionals under 40 years of age (67.4%)
- Legal professionals working in Nunavut (81.2%)
- Legal professionals living with a disability (69.8%)
- Legal professionals who identify as members of the LGBTQ2S+ community (62.7%)

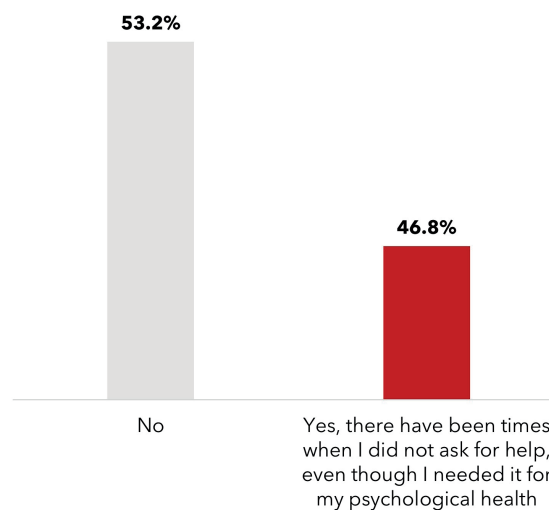
Proportion of intensity of burnout symptoms observed among Canadian legal professionals (n = 5,570)



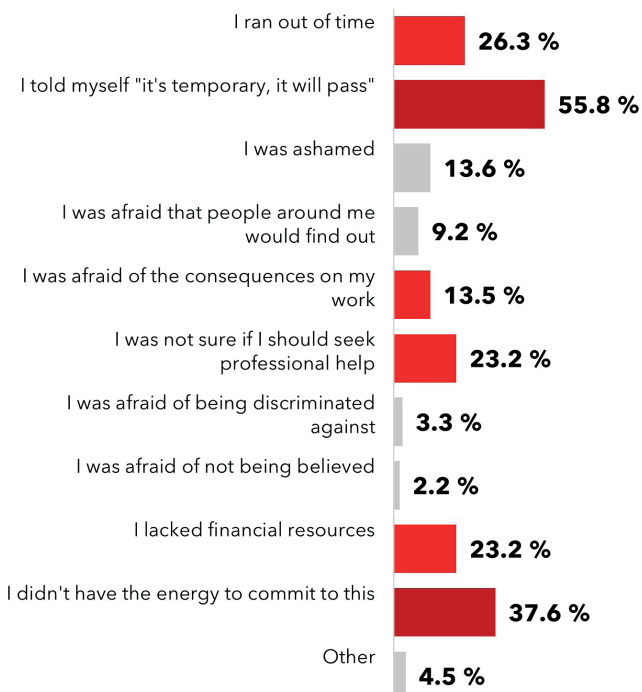
Barriers to seeking help

- 44.9% of professionals reported having sought help to cope with stress in their professional practice.
- 66.8% of professionals who reported having had suicidal thoughts since starting their practice had not sought help when they felt the need.
- Only 26.4% of legal professionals reported ever using a program to help them cope with stress in their practice.
- 40.5% of legal professionals reported not being confident to use the assistance program offered by their legal workplace if they needed it.
- 36.5% of professionals reported not being confident to use their law society's assistance programs.

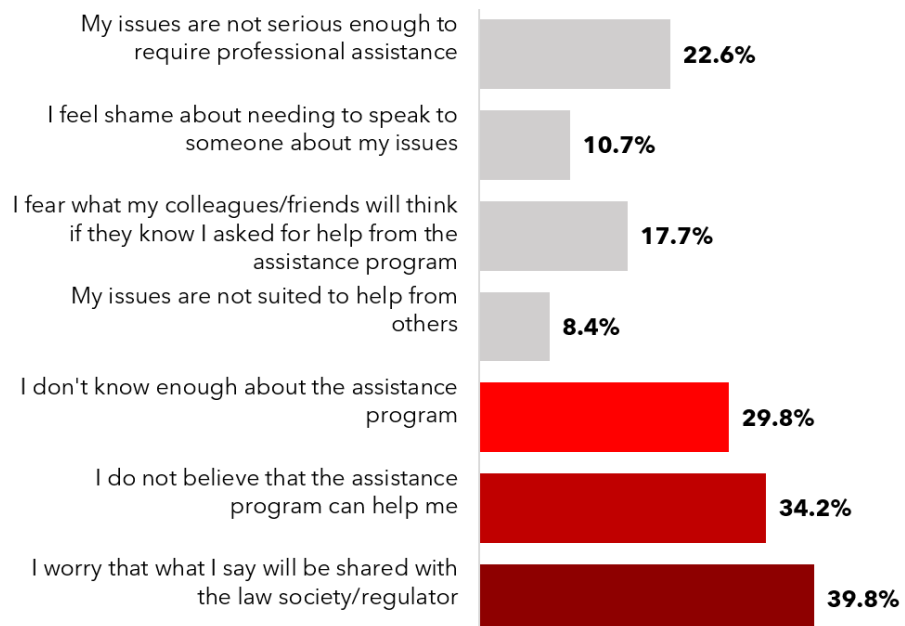
Proportion of responses to the question, "Have you ever felt the need to seek professional help because of psychological health problems, but did not?" (n = 6,710)



Reasons given by participating legal professionals for not seeking psychological health support (n = 3,139)



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)



PARTS II & III

WELLNESS IN LAW: EXPLANATORY FACTORS



The mental health of a legal professional must not be examined in a vacuum; it is influenced by many factors from which it cannot be dissociated. While at first glance it may seem easy to point to specific factors in the work environment that cause an imbalance between stresses and resources, it appears that the development of mental health issues is most often attributable to a combination of factors, and these factors emerge from the different spheres of a person's life (Beauregard et al., 2011; Cadieux et al., 2019; Cadieux & Marchand, 2014; Marchand, 2004). The results reveal that most of the issues experienced by legal professionals, and the symptoms of these problems, stem from three main primary causes: social contexts, practice contexts and individual contexts.

STRESSORS FROM SOCIAL CONTEXTS

Social contexts play a role regardless of a professional's work setting or areas of practice may be. In this study, stressors from social contexts are:

- Violence and incivility in professional practice;
- Levels of commitment to the profession and intention to leave the profession;
- Stigma associated with mental health issues; and
- Regulatory frameworks in the practice of law.

Violence and incivility

- 58.7% of participants reported having been exposed to incivility sometimes, often, or very often in the past five years.
- 30.1% of legal professionals living with a disability reported experiencing workplace bullying in the 12 months prior to the date they completed the survey.
- 9.8% of Ontario paralegals reporting having experienced threats of violence, ranging from a few times to every day in the 12 months prior to the date they completed the survey.
- In 72.2% of the cases, the uncivil and violent acts came directly from the legal community, whether from colleagues, supervisors, or judges.
- Experiencing incivility was significantly associated with increased psychological distress, depressive symptoms, anxiety, and perceived stress.

Level of commitment and intention to leave the profession

- 54.2% of respondents reported having considered leaving the practice of law and taking another job at the same pay level.
- Only 42.4% of the participants said they looked forward to starting a day's work.

- 28.6% of legal professionals reported frequently dreaming of working in another profession.
- 29.9% of legal professionals with less than 10 years of experience reported regretting to have choose their profession.
- 27.0% of legal professionals with less than 10 years of experience reported that they did not enjoy being a notary, lawyer or paralegal.

Stigma associated with mental health issues

- 19.0% of respondents somewhat to strongly agreed that people with mental health issues are not as capable of working in the legal profession as those without such issues.
- 43.3% of legal professionals with mental health issues reported feeling alienated because of their mental health issues.
- 52.8% of legal professionals who reported having (or having had) mental health issues felt inferior to their colleagues who did not have such issues.
- 17.3% of legal professionals who reported having (or having had) a mental health issue perceived that they were discriminated against on that basis by colleagues, supervisors, and other legal community members.

Regulatory frameworks in the practice of law

- 60.9% of legal professionals reported that the possibility of making a professional error or causing serious harm to a client caused them stress. This proportion was higher among legal professionals in their early careers: 76.5% for 0-3 years and 74.9% for 0-6 years of experience.
- 75% of Quebec notaries reported feeling stress due to the accountability associated with their professional title.
- 65.3% of legal professionals reported finding it challenging to keep their knowledge up to date due to the high volume of work required from them on a daily basis.
- On average, 56.2% of legal professionals were stressed by the thought of having to openly discuss the details of their professional practice to a law society investigator.
- In Quebec, 88.6% of lawyers and 82.4% of notaries feared that a review of their professional practice would lead to a complaint against them.
- 60.6% of Quebec notaries who underwent a review and/or audit reported feeling confident during the review. This proportion rose to 75.7% among Quebec lawyers.

STRESSORS FROM PRACTICE CONTEXTS

Practice contexts shape the daily lives of legal practitioners. In this study, stressors from practice contexts are:

- Organizational risk factors specific to the practice of law;
- Billable hours business model;
- Adjustment to teleworking; and
- Technostress.

Organizational risk factors

- All risk factors (e.g., emotional demands, quantitative and qualitative overload, job insecurity) had a higher impact than resources (e.g., autonomy, support from colleagues, and supervisors) on mental health indicators.
- Organizational risk factors (emotional demands, job insecurity, hours worked, quantitative overload, qualitative overload, lack of resources) accounted for 30.3% of the perceived stress, 29.7% of the psychological distress, 26.0% of the depressive symptoms, and 47.3% of the burnout of participating legal professionals.
- By simultaneously considering the effect of several factors, emotional demands, job insecurity and the number of hours worked were the factors with the most detrimental effects on participants' health. These constraints were associated with significantly higher levels of perceived stress, psychological distress, depressive symptoms, and burnout.
- Compassion fatigue was associated with an increase in perceived stress, psychological distress, anxiety, depressive symptoms, and burnout.
- 56.2% of participants reported experiencing compassion fatigue; this proportion rose to 66.5% among those with 0-5 years of experience and to 61.8% among women.
- 26.8% of legal professionals reported experiencing secondary traumatic stress, of which 25.5% were affected by moderate symptoms.
- More than 70% of criminal, child, family, and elder law practitioners were exposed to high emotional demands.
- Internal and external agility were associated with lower levels of self-perceived stress, feelings of work overload, and intention to leave the profession.
- Legal professionals who reported working in a more agile management environment experienced lower burnout symptoms on average.
- Lack of resources and of supervisory support were significantly associated with lower levels of internal and external organizational agility.

Billable hours business model

- Billable hours represented only 67.9% of the actual hours worked by Canadian legal professionals reporting having billable hour targets.
- Professionals with billable hour targets worked an average of 54 hours per week, while professionals without billable hour targets worked fewer hours—on average, between 47 and 48 hours per week.
- 78.4% of professionals with a billable hours target of less than 1,200 hours felt pressured to meet this target. This proportion rose to 85.8% among legal professionals who were required to complete over 1,800 billable hours.
- 70.7% of respondents with a billable hours target of between 1,200 and 1,800 hours per year were afraid of starting a family, and this proportion rose to 81.5% among professionals who were required to complete over 1,800 billable hours.

Based on the analysis conducted, the following is a list of the main consequences associated with professionals reported having billable hour targets to meet:

- The discrepancy between billable hours and actual hours worked led legal professionals to extend their working hours to meet their targets, thus putting added pressure on work–life balance.
- Pressure to meet targets directly affected the health of professionals by increasing psychological distress, depressive symptoms, and burnout.
- The impact of pressure to meet billable hours did not decrease with experience and years of practice. Instead, it gradually drained professionals' resources and was associated with greater psychological distress, depressive symptoms, and burnout.
- The impact of the pressure to meet billable hours on depressive symptoms increased significantly in professionals exposed to high emotional demands.
- As billable hour targets increased, so did incivility experienced by legal professionals.
- As billable hour targets increased, professionals became less emotionally committed to their profession and their intention to leave it increased.

Adjustment to teleworking

- 85.6% of professionals teleworked during the COVID-19 pandemic, with Quebec notaries teleworking the least.
- The rate at which lawyers were able to adjust to teleworking was lower than that of Quebec notaries and Ontario paralegals.

- The rate at which women adjusted to teleworking was significantly higher than those of men. In addition, telework was associated with significantly reducing burnout among women.
- Lawyers from the Barreau du Québec and Quebec notaries showed a higher level of telework adjustment than legal professionals in several other jurisdictions (including British Columbia, Alberta, Saskatchewan, Manitoba, Ontario, New Brunswick, Prince Edward Island, and Newfoundland and Labrador).
- Supervisor/manager/partner support, recognition at work, and organizational support during the COVID-19 pandemic were all associated with a greater ability to adjust to telework.
- Adjustment to teleworking was associated with the following:
 - 1) A decrease in the level of technostress experienced by legal professionals.
 - 2) Reduced perception of technology-induced overload and work pressure.
 - 3) A decrease in the feeling that technology added a communication burden.
 - 4) Less work-life conflict.

Technostress

- The most salient technostressors were:
 - The feeling of pressure induced by information and communication technologies (ICT).
 - The feeling of communication overload.
 - The feeling of ICT-induced work-family conflict.
- Among the technologies most strongly associated with technostress, the most recurrent ones were text messaging, collaborative platforms, and mobile technologies.
- Technostress affected all professionals, but professionals aged 36–45 seemed particularly affected by technology-induced stress (57.8%).
- The health indicators most correlated with technostress were anxiety (35.0%), depression (38.4%) and burnout (49.3%).

STRESSORS FROM INDIVIDUAL CONTEXTS

Individual contexts relate to an individual's character traits and what influences their work experience and legal practice. In this study, stressors from individual contexts are:

- Discrimination and diversity;
- Key skills that protect wellness;
- Consumption habits;
- Work-life conflict; and
- Prolonged absences due to illness and barriers to return to work.

Discrimination and diversity

Findings among legal professionals in their early careers

- 73.8% of legal professionals with less than 3 years of experience reported psychological distress.
- The proportion of participants reporting symptoms associated with psychological distress decreased as the number of years of experience increased.
- 49.8% of articling students reported having been diagnosed with a mental health issue since they started practising law.
- 11.4% of articling students reported receiving unsolicited sexual advances.

Findings in the Indigenous community

- 70.3% of the Indigenous legal professionals participating in the study reported experiencing psychological distress.
- 41.2% reported experiencing moderate to severe depressive symptoms.
- 66.2% of Indigenous legal professionals reported experiencing burnout.

Findings among women

- 63.9% of women reported experiencing psychological distress, 42.6% reported experiencing worrisome anxiety symptoms, 31.5% reported experiencing moderate to severe depressive symptoms, and 63.3% reported experiencing burnout.
- 71.2% of women who have been working in law for less than 15 years reported having experienced significant to very significant distress.

Findings for professionals from an ethnicized group

- 66.6% of ethnicized legal professionals reported experiencing psychological distress compared to 55.5% of non-ethnicized legal professionals.
- 29.3% of ethnicized legal professionals reported experiencing a very high level of distress.
- 66.6% of ethnicized legal professionals reported experiencing a significant level of distress.
- 62.3% of ethnicized legal professionals reported experiencing burnout.
- 37.7% of ethnicized individuals reported experiencing moderate to severe depressive symptoms.

Findings in the LGBTQ2S+ community

- 75.5% of legal professionals in the LGBTQ2S+ community reported experiencing psychological distress.
- 44.7% reported experiencing moderate to severe depressive symptoms.
- 68.6% of legal professionals in the LGBTQ2S+ community reported experiencing burnout.

- 37.5% reported having had suicidal ideation since beginning their professional practice.
- 40.2% of LGBTQ2S+ legal professionals reported that their colleagues did not know that they identified as a member of the LGBTQ2S+ community.

Key skills that protect wellness

- 32.1% of professionals reported believing they could be assertive and set boundaries.
- Only 14.5% of professionals reported believing they could psychologically detach from work outside of office hours.
- Men and professionals with more than 10 years of experience reported using skills that protect mental health in greater proportion.
- Professionals' assertiveness and psychological detachment were significantly associated with lower psychological distress, depressive symptoms, burnout, and feelings of work-life conflict.
- Assertiveness was associated with a significant increase in affective commitment to the profession and a significant decrease in intention to leave the profession.
- In situations with high emotional demands, individuals with a better ability to set boundaries were likely to experience fewer depressive symptoms than those who were having difficulty setting boundaries.
- Psychological detachment was associated with better adjustment to telework.
- Psychological detachment and assertiveness were associated with decreased alcohol consumption.

Consumption habits

Alcohol consumption

- The inability to stop drinking after starting emerged as the most prevalent symptom of addiction. Almost 1% of respondents said they have experienced this daily or almost every day, and 3.2% have had difficulty stopping drinking about once a week.
- 5.7% of professionals report that, in the year preceding the survey, a friend, doctor or other professional, had advised them to reduce their alcohol consumption.
- 42.2% of women and 36.5% of men of the study have had a possible alcohol dependence, compared to 39.5% of women and 33.7% of men in a comparable American study of legal professionals.
- 24.5% of men reported having risky drinking habits, compared to 18.5% of women.

- Between five and ten years of experience, the proportion of men reporting high-risk alcohol use increased from 27.4% to 34.1%.
- 23.3% of women and 30.0% of men with high perceived stress reported hazardous or harmful alcohol use or even an addiction disorder.

Drug use

- 22.7% of participants reported having used drugs for non-medical purposes in the 12 months prior to the survey.
- Cannabis was the most frequently used drug among professionals who used drugs for non-medical purposes, with 19.6% using it weekly.
- 85.4% of Canadian legal professionals reported having a low risk of drug use compared to 76% of American lawyers in a similar study.
- 12.8% of Canadian legal professionals reported having moderate risk compared to 20.9% of American lawyers in a similar study.
- 40.97% of legal professionals who reported having used drugs for non-medical purposes in the 12 months prior to completing the survey also presented risky alcohol consumption habits.

Work-life conflict

- 49% of professionals reported experiencing work-life conflict. By gender, this broke down as follows:
 - 53.9% of women
 - 45.4% of men
- 44.3% of women legal professionals reported being apprehensive about the consequences of starting a family on their work-life balance, and 33% reported being apprehensive about the consequences on their careers.
- The proportion of legal professionals experiencing work-life conflict was similar for those with children (48.3%) compared to those without children (49.5%).
- Work-life conflict and fear of starting a family were associated with significantly lower levels of commitment to the profession and significantly higher levels of intention to leave the profession.
- Work-life conflict was associated with increased psychological distress, depressive symptoms, and burnout.

Prolonged absences due to illness and barriers to return to work

- 9.5% of respondents reported having taken more than three months of medical leave in the last five years due to a work disability situation.
 - For 27.6% of these professionals, the first absence was followed by at least one subsequent absence.
 - For 66.7% of these professionals, the diagnosis that led to the leave was a mental health issue.
- Participants who reported having experienced a prolonged absence were more likely to perceive stigma within the legal community than those who did not have been on prolonged disability.
- Professionals who reported being absent for more than three months made significantly more use of an employee assistance program (EAP) to deal with stress or wellness issues in their practice than professionals who did not have experienced such an absence.
- Respectively 44.4% and 39.4% of respondents who reported being absent for more than three months indicated that even if they needed it, they would not be confident using an organizational EAP and the law society's lawyer/member assistance program.
- Between 77.6% and 94.1% of respondents reported that cognitive difficulties were the most prevalent barrier to returning to work.
- 84.3% of respondents reported that returning to work would "drain" their energy and thus affect their personal lives. Work-life balance was the second most significant category of barriers to returning to work. In addition, 67.5% reported that managing both work demands and family demands was an issue.
- 80.0% of respondents reported that regular work responsibilities could cause a relapse.
- 77.4% of respondents reported perceiving that they would experience overload in the first days of their return to work, in such a way as to hinder their reintegration.
- Respondents reported fearing a change in their colleague's attitude towards them (65.1%), a reaction of their colleagues (65.1%) or a contact with them (63.9%).

PART IV

TARGETED RECOMMENDATIONS: TOWARDS A HEALTHY AND SUSTAINABLE PRACTICE OF LAW



Based on the main findings, the research team identified approximately 50 recommendations grouped into 10 key recommendations to address the consequences that stem from the major causes. These ten key recommendations are:

-
- 1 Improve preparation of future professionals and provide them support to deal with psychological health issues
 - 2 Improve supports and guidance available at entry to the profession
 - 3 Improve continuing professional development (CPD)
 - 4 Where relevant, evaluate the implementation of 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
 - 6 Improve access to health and wellness support resources and break down barriers that limit access to these resources
 - 7 Promote diversity in the profession and revise practices, policies and procedures that may include or create discriminatory biases
 - 8 Consider the psychological 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
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