



Towards a Healthy and Sustainable  
Practice of Law in Canada

**PHASE I | 2020-2022**  
**TARGETED**  
**RECOMMENDATIONS**

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.



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Law Societies  
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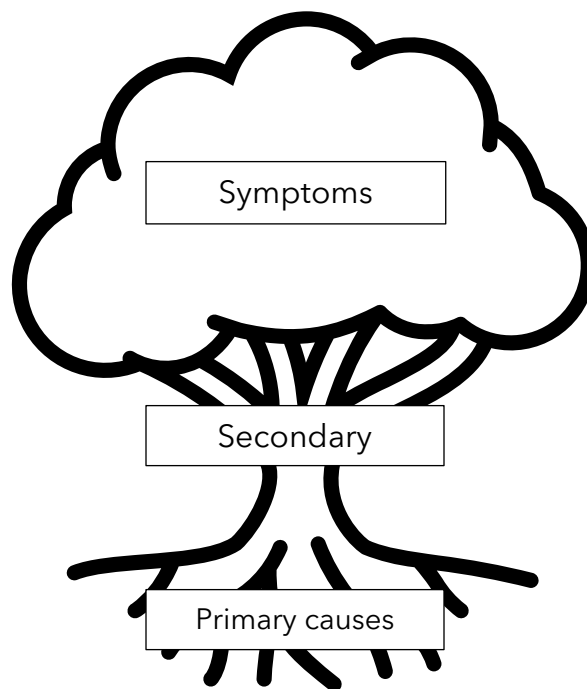
## Summary of the main findings

The research team used the Current Reality Tree approach to formulate targeted recommendations on the basis of this study's findings. Derived from Goldratt's Theory of Constraints (1990), the Current Reality Tree is used in change management to establish an inventory of problems that can then be analyzed and linked. The objective is to provide a better understanding of a problem's underlying or primary causes. The tree, as illustrated in Figure 1, presents the following elements:

1. Primary causes: Illustrated by the roots, they represent the elements of the professional context that are at the root of all the problems.
2. Secondary causes: Illustrated by the trunk, they stem from the primary causes (e.g., work–life conflict or violence and incivility).
3. Symptoms: Illustrated by the foliage, they represent the consequences that arise from the primary and secondary causes (e.g., stress, psychological distress, excessive alcohol consumption).

**Figure 1**

Illustration of the theoretical framework for the Current Reality Tree



The results reveal that most of the issues (secondary causes) experienced by legal professionals, and the symptoms of these problems, stem from three main primary causes. These primary causes are exacerbated by the professional performance culture that is so common in Canadian legal work environments. Based on the results of the study, as illustrated by the current reality tree, three main categories of primary causes were identified: social contexts, practice contexts and individual contexts.

## PRIMARY CAUSE 1: SOCIAL CONTEXTS | SUMMARY OF THE MAIN FINDINGS

Social contexts play a role regardless of a professional's work setting or areas of practice may be. In this study, social contexts (primary cause) lead to the following secondary causes:

- Violence and incivility in professional practice;
- Levels of commitment to the profession and intention to leave the profession;
- Stigma associated with mental health issues;
- Barriers to seek help from assistance programs (including employee assistance programs), particularly those of the law societies; and
- Regulatory frameworks in the practice of law.

Table 1 presents a summary of the main findings for each secondary cause that stem from social contexts.

**Table 1**

Summary of the main findings for each secondary cause stemming from social contexts

<b>SECONDARY CAUSE</b>	<b>SUMMARY OF THE MAIN FINDINGS</b>
<b>Violence and incivility</b>	<ul style="list-style-type: none"><li>• 58.7% of participants reported having been exposed to incivility sometimes, often, or very often in the past five years.</li><li>• 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.</li><li>• 9.8% of Ontario paralegals reported 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.</li><li>• In 72.2% of the cases, the uncivil and violent acts came directly from the legal community, whether from colleagues, supervisors, or judges.</li><li>• Experiencing incivility was significantly associated with increased psychological distress, depressive symptoms, anxiety, and perceived stress.</li></ul>
<b>Levels of commitment and intention to leave the profession</b>	<ul style="list-style-type: none"><li>• 54.2% of respondents reported having considered leaving the practice of law and taking another job at the same pay level.</li><li>• Only 42.4% of the participants said they looked forward to starting a day's work.</li><li>• 28.6% of legal professionals reported frequently dreaming of working in another profession.</li><li>• 29.9% of legal professionals with less than 10 years of experience reported regretting to have choose their profession.</li><li>• 27.0% of legal professionals with less than 10 years of experience reported that they did not enjoy being a notary, lawyer or paralegal.</li></ul>

**Table 1 (continued)**

Summary of the main findings for each secondary cause stemming from social contexts

<b>SECONDARY CAUSE</b>	<b>SUMMARY OF THE MAIN FINDINGS</b>
<b>Stigma associated with mental health issues</b>	<ul style="list-style-type: none"> <li>• 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.</li> <li>• 43.3% of legal professionals with mental health issues reported feeling alienated because of their mental health issues.</li> <li>• 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.</li> <li>• 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.</li> </ul>
<b>Barriers to seek help from assistance programs</b>	<ul style="list-style-type: none"> <li>• 44.9% of professionals reported having sought help to cope with stress in their professional practice.</li> <li>• 46.8% of legal professionals reported having felt the need to seek professional help for psychological health problems, but had not done so.</li> <li>• 66.8% of professionals who reported having had suicidal thoughts since starting their practice had not sought help when they felt the need.</li> <li>• The main reasons given for not seeking help were: <ul style="list-style-type: none"> <li>○ 55.8% told themselves "It's temporary, it will pass";</li> <li>○ 37.6% did not have the energy to commit in such a process;</li> <li>○ 26.3% did not have enough time;</li> <li>○ 23.2% were not sure if they should seek professional help;</li> <li>○ 23.2% lacked financial resources.</li> </ul> </li> <li>• Only 26.4% of legal professionals reported ever using a program to help them cope with stress in their practice.</li> <li>• 40.5% of legal professionals reported not being confident to use the assistance program offered by their legal workplace if they needed it.</li> <li>• 36.5% of professionals reported not being confident to use their law society's assistance programs.</li> <li>• The most common reason given by professionals (39.8%) for not using the assistance program associated with their law society was the fear that the content of their exchanges would be shared with their law society or another regulatory body.</li> <li>• The second most important reason given was a belief that the assistance program would not help them (34.2%).</li> </ul>
<b>Regulatory frameworks in the practice of law</b>	<ul style="list-style-type: none"> <li>• 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.</li> <li>• 75% of Quebec notaries reported feeling stress due to the accountability associated with their professional title.</li> <li>• 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.</li> <li>• 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.</li> </ul>

**Table 1 (continued)**

Summary of the main findings for each secondary cause stemming from social contexts

<b>SECONDARY CAUSE</b>	<b>SUMMARY OF THE MAIN FINDINGS</b>
<b>Regulatory frameworks in the practice of law (continued)</b>	<ul style="list-style-type: none"><li>• 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.</li><li>• 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.</li></ul>

**PRIMARY CAUSE 2: PRACTICE CONTEXTS | SUMMARY OF THE MAIN FINDINGS**

Practice contexts shape the daily lives of legal practitioners and correspond to the different work settings and areas of practice. In this study, practice contexts (primary cause) lead to the following secondary causes:

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

Table 2 presents a summary of the main findings for each secondary cause that stem from practice contexts.

**Table 2**

Summary of the main findings for each secondary cause stemming from practice contexts

<b>SECONDARY CAUSE</b>	<b>SUMMARY OF THE MAIN FINDINGS</b>
<b>Organizational risk factors</b>	<ul style="list-style-type: none"><li>• 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.</li><li>• 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.</li><li>• 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.</li><li>• Compassion fatigue was associated with an increase in perceived stress, psychological distress, anxiety, depressive symptoms, and burnout.</li><li>• 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.</li></ul>

**Table 2 (continued)**

Summary of the main findings for each secondary cause stemming from practice contexts

<b>SECONDARY CAUSE</b>	<b>SUMMARY OF THE MAIN FINDINGS</b>
<b>Organizational risk factors (continued)</b>	<ul style="list-style-type: none"> <li>• 26.8% of legal professionals reported experiencing secondary traumatic stress, of which 25.5% were affected by moderate symptoms.</li> <li>• More than 70% of criminal, child, family, and elder law practitioners were exposed to high emotional demands.</li> <li>• Internal and external agility were associated with lower levels of self-perceived stress, feelings of work overload, and intention to leave the profession.</li> <li>• Legal professionals who reported working in a more agile management environment experienced lower burnout symptoms on average.</li> <li>• Lack of resources and of supervisory support were significantly associated with lower levels of internal and external organizational agility.</li> </ul>
<b>Billable hours business model</b>	<ul style="list-style-type: none"> <li>• Billable hours represented only 67.9% of the actual hours worked by Canadian legal professionals reporting having billable hour targets.</li> <li>• 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.</li> <li>• 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.</li> <li>• 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.</li> </ul> <p>Based on the analysis conducted, the following is a list of the main consequences associated with professionals reported having billable hour targets to meet:</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• Pressure to meet targets directly affected the health of professionals by increasing psychological distress, depressive symptoms, and burnout.</li> <li>• 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.</li> <li>• The impact of the pressure to meet billable hours on depressive symptoms increased significantly in professionals exposed to high emotional demands.</li> <li>• As billable hour targets increased, so did incivility experienced by legal professionals.</li> <li>• As billable hour targets increased, professionals became less emotionally committed to their profession and their intention to leave it increased.</li> </ul>

**Table 2 (continued)**

Summary of the main findings for each secondary cause stemming from practice contexts

<b>SECONDARY CAUSE</b>	<b>SUMMARY OF THE MAIN FINDINGS</b>
<b>Adjustment to teleworking</b>	<ul style="list-style-type: none"> <li>• 85.6% of professionals teleworked during the COVID-19 pandemic, with Quebec notaries teleworking the least.</li> <li>• The rate at which lawyers were able to adjust to teleworking was lower than that of Quebec notaries and Ontario paralegals.</li> <li>• 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.</li> <li>• 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).</li> <li>• 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.</li> <li>• Adjustment to teleworking was associated with the following:               <ol style="list-style-type: none"> <li>1) A decrease in the level of technostress experienced by legal professionals.</li> <li>2) Reduced perception of technology-induced overload and work pressure.</li> <li>3) A decrease in the feeling that technology added a communication burden.</li> <li>4) Less work-life conflict.</li> </ol> </li> </ul>
<b>Technostress</b>	<ul style="list-style-type: none"> <li>• The most salient technostressors were:               <ul style="list-style-type: none"> <li>○ The feeling of pressure induced by information and communication technologies (ICT).</li> <li>○ The feeling of communication overload.</li> <li>○ The feeling of ICT-induced work-family conflict.</li> </ul> </li> <li>• Among the technologies most strongly associated with technostress, the most recurrent ones were text messaging, collaborative platforms, and mobile technologies.</li> <li>• Technostress affected all professionals, but professionals aged 36-45 seemed particularly affected by technology-induced stress (57.8%).</li> <li>• The health indicators most correlated with technostress were anxiety (35.0%), depression (38.4%) and burnout (49.3%).</li> </ul>

### **PRIMARY CAUSE 3: INDIVIDUAL CONTEXTS | SUMMARY OF THE MAIN FINDINGS**

Individual contexts relate to an individual's character traits and what influences their work experience and legal practice. In this study, individual contexts (primary cause) lead to the following secondary causes:

- Discrimination and diversity;
- Key skills that protect wellness;
- Consumption habits;
- Work-life conflict; and



- Prolonged absences due to illness and barriers to returning to work.

Table 3 presents a summary of the main findings for each secondary cause that stem from individual contexts.

**Table 3**

Summary of the main findings for each secondary cause stemming from individual contexts

SECONDARY CAUSE	SUMMARY OF THE MAIN FINDINGS
<b>Discrimination and diversity</b>	<p><u>Findings among legal professionals in their early careers</u></p> <ul style="list-style-type: none"> <li>• 73.8% of legal professionals with less than 3 years of experience reported psychological distress.</li> <li>• The proportion of participants reporting symptoms associated with psychological distress decreased as the number of years of experience increased.</li> <li>• 49.8% of articling students reported having been diagnosed with a mental health issue since they started practising law.</li> <li>• 11.4% of articling students reported receiving unsolicited sexual advances.</li> </ul> <p><u>Findings in the Indigenous community</u></p> <ul style="list-style-type: none"> <li>• 70.3% of the Indigenous legal professionals participating in the study reported experiencing psychological distress.</li> <li>• 41.2% reported experiencing moderate to severe depressive symptoms.</li> <li>• 66.2% of Indigenous legal professionals reported experiencing burnout.</li> </ul> <p><u>Findings among women</u></p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• 71.2% of women who have been working in law for less than 15 years reported having experienced significant to very significant distress.</li> </ul> <p><u>Findings for professionals from an ethnicized group</u></p> <ul style="list-style-type: none"> <li>• 66.6% of ethnicized legal professionals reported experiencing psychological distress compared to 55.5% of non-ethnicized legal professionals.</li> <li>• 29.3% of ethnicized legal professionals reported experiencing a very high level of distress.</li> <li>• 66.6% of ethnicized legal professionals reported experiencing a significant level of distress.</li> <li>• 62.3% of ethnicized legal professionals reported experiencing burnout.</li> <li>• 37.7% of ethnicized individuals reported experiencing moderate to severe depressive symptoms.</li> </ul> <p><u>Findings in the LBGTO2S+ community</u></p> <ul style="list-style-type: none"> <li>• 75.5% of legal professionals in the LBGTO2S+ community reported experiencing psychological distress.</li> <li>• 44.7% reported experiencing moderate to severe depressive symptoms.</li> <li>• 68.6% of legal professionals in the LBGTO2S+ community reported experiencing burnout.</li> <li>• 37.5% reported having had suicidal ideation since beginning their professional practice.</li> <li>• 40.2% of LBGTO2S+ legal professionals reported that their colleagues did not know that they identified as a member of the LBGTO2S+ community.</li> </ul>

**Table 3 (continued)**

Summary of the main findings for each secondary cause stemming from individual contexts

<b>SECONDARY CAUSE</b>	<b>SUMMARY OF THE MAIN FINDINGS</b>
<b>Key skills that protect wellness in law</b>	<ul style="list-style-type: none"> <li>• 32.1% of professionals reported believing they could be assertive and set boundaries.</li> <li>• Only 14.5% of professionals reported believing they could psychologically detach from work outside of office hours.</li> <li>• Men and professionals with more than 10 years of experience reported using skills that protect mental health in greater proportion.</li> <li>• Professionals' assertiveness and psychological detachment were significantly associated with lower psychological distress, depressive symptoms, burnout, and feelings of work-life conflict.</li> <li>• Assertiveness was associated with a significant increase in affective commitment to the profession and a significant decrease in intention to leave the profession.</li> <li>• 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.</li> <li>• Psychological detachment was associated with better adjustment to telework.</li> <li>• Psychological detachment and assertiveness were associated with decreased alcohol consumption.</li> </ul>
<b>Consumption habits</b>	<p><u>Alcohol consumption</u></p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• In the year preceding the survey, 5.7% of professionals reported that a friend, doctor, or other professional had advised them to reduce their alcohol consumption.</li> <li>• 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.</li> <li>• 24.5% of men reported having risky drinking habits, compared to 18.5% of women.</li> <li>• Between five and ten years of experience, the proportion of men reporting high-risk alcohol use increased from 27.4% to 34.1%.</li> <li>• 23.3% of women and 30.0% of men with high perceived stress reported hazardous or harmful alcohol use or even an addiction disorder.</li> </ul> <p><u>Drug use</u></p> <ul style="list-style-type: none"> <li>• 22.7% of participants reported having used drugs for non-medical purposes in the 12 months prior to the survey.</li> <li>• Cannabis was the most frequently used drug among professionals who used drugs for non-medical purposes, with 19.6% using it weekly.</li> <li>• 85.4% of Canadian legal professionals reported having a low risk of drug use compared to 76% of American lawyers in a similar study.</li> <li>• 12.8% of Canadian legal professionals reported having a moderate risk compared to 20.9% of American lawyers in a similar study.</li> </ul>

**Table 3 (continued)**

Summary of the main findings for each secondary cause stemming from individual contexts

<b>SECONDARY CAUSE</b>	<b>SUMMARY OF THE MAIN FINDINGS</b>
<b>Consumption habits (continued)</b>	<p><u>Drug use (continued)</u></p> <ul style="list-style-type: none"> <li>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.</li> </ul>
<b>Work-life conflict</b>	<ul style="list-style-type: none"> <li>49% of professionals reported experiencing work-life conflict. By gender, this broke down as follows: <ul style="list-style-type: none"> <li>53.9% of women</li> <li>45.4% of men</li> </ul> </li> <li>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.</li> <li>The proportion of legal professionals experiencing work-life conflict was similar for those with children (48.3%) compared to those without children (49.5%).</li> <li>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.</li> <li>Work-life conflict was associated with increased psychological distress, depressive symptoms, and burnout.</li> </ul>
<b>Prolonged absences due to illness and barriers to returning to work</b>	<p><u>Prolonged absences (more than three months) due to illness</u></p> <ul style="list-style-type: none"> <li>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. <ul style="list-style-type: none"> <li>For 27.6% of these professionals, the first absence was followed by at least one subsequent absence.</li> <li>For 66.7% of these professionals, the diagnosis that led to the leave was a mental health issue.</li> </ul> </li> <li>Participants who reported having taken a prolonged absence were also more likely to perceive stigma within the legal community related to perceptions of mental health issues than those who had not taken a prolonged absence.</li> <li>Professionals who reported being absent for more than three months made significantly more use of an assistance program to deal with stress or wellness issues in their practice than professionals who did not have experienced such an absence.</li> <li>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 employee assistance program and the law society's lawyer/member assistance program.</li> </ul> <p><u>Barriers to returning to work</u></p> <ul style="list-style-type: none"> <li>Between 77.6% and 94.1% of respondents reported that cognitive difficulties were the most prevalent barrier to returning to work.</li> <li>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 in returning to work.</li> </ul>

**Table 3 (continued)**

Summary of the main findings for each secondary cause stemming from individual contexts

SECONDARY CAUSE	SUMMARY OF THE MAIN FINDINGS
<b>Prolonged absences due to illness and barriers to returning to work (continued)</b>	<p><u>Barriers to returning to work (continued)</u></p> <ul style="list-style-type: none"> <li>• 80.0% of respondents reported that regular work responsibilities could cause a relapse of their symptoms.</li> <li>• 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.</li> <li>• 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%).</li> </ul>

## **Recommendations: Towards a healthy and sustainable practice of law in Canada**

Based on the main findings (secondary causes), the research team identified approximately 50 recommendations grouped into 10 key recommendations to address the consequences (symptoms) that stem from the secondary and primary causes. These 10 key recommendations are:

- 1) Improve preparation of future professionals to support them to deal with psychological health issues;
- 2) Improve supports and guidance available at entry to the profession;
- 3) Improve the 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 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.

It is important to acknowledge that the recommendations are expressed broadly here. Many legal educators, legal workplaces, law societies, and other actors already have programs and activities that may address the substance of some of our recommendations. In recognition of this, we have chosen to highlight some of them as examples. However, these should not be taken as an exhaustive list of them, nor should their highlighting be taken as a suggestion that they could not be improved, particularly in light of the findings of this report.

Phase II of the Wellness Study will offer a better understanding and, thus a greater focus, on what measures are most needed in each province and the territories.

# 1

## IMPROVE PREPARATION OF FUTURE PROFESSIONALS AND PROVIDE THEM SUPPORT TO DEAL WITH PSYCHOLOGICAL HEALTH ISSUES

The results obtained highlight the significance of stress and mental health issues experienced by legal professionals as soon as they enter the profession. These issues compromise the health of professionals, their commitment to their profession, and their willingness to stay in the profession throughout their working lives.

Although the experience gained after entering the profession provides some key skills that facilitate legal professionals' daily lives, the results of the survey tend to highlight the importance of better preparing the next generation of legal professionals for the challenges that will affect their career.

This recommendation is divided into three main parts: 1) ensure a balance between theory and practice in university or college curriculum; 2) include critical and transversal skills in the education of legal professionals that will benefit them throughout their professional life; and 3) promote healthy lifestyles, increase awareness about mental health issues and improve the ability of future professionals to reach out for help.

### 1.1 ENSURE A BALANCE BETWEEN THEORY AND PRACTICE IN UNIVERSITY OR COLLEGE CURRICULUM

For early-career legal professionals, there is often a significant gap between their idea of the profession and their experience of it in the first years of practice. This finding highlights the importance of learning by doing and immersion in professional environments throughout the academic curriculum.

Therefore, this recommendation aims **to ensure a better theory-practice balance during the university or college curriculum**. This balance could be achieved through 1) pedagogical approaches that allow for the development of skills (e.g., in-class advocacy exercises, case studies) and 2) increased students' exposure to the legal workplaces' realities throughout their university or college program. Through meetings and discussions organized by universities and colleges, professionals can share their experiences with students while raising awareness among the next generation of what it is really like to practise law.

Here is a concrete example of how to encourage exchanges: 1) set up an immersion week when students can shadow a legal professional; 2) equip the students with an observation form to be completed during the week; and 3) finish the week with a reflective assignment (e.g., essay on their experience or their expectations).

### 1.2 INCLUDE CRITICAL AND TRANSVERSAL SKILLS IN THE EDUCATION OF LEGAL PROFESSIONALS THAT WILL BENEFIT THEM THROUGHOUT THEIR PROFESSIONAL LIFE

The severity of the results obtained for mental health indicators, and especially the relationships observed between these indicators and many stressors in the legal profession, highlights the

**importance of developing certain key skills.** These skills will sustain entry into the profession as well as ongoing professional development throughout one’s career.

Some of these skills (e.g., emotional intelligence, teamwork skills) have been identified by the World Economic Forum<sup>1</sup> as being among the 10 skills of the future. Table 4 presents skills that emerged from the study as having an impact on mental health and explains why these skills are essential to preparing future professionals for a legal career.

**Table 4**

Essential skills to prepare future professionals for a legal career

SKILL	EXPLANATION
<b>Teamwork skills</b>	The pressure to perform observed in the workplace reflects what is happening in academia. Since collegiality is at the heart of the practice of law, it is important to develop teamwork skills. This measure ensures that these skills are applied in the workforce and helps reduce competition between students from the very first semesters of their university careers. In this context, law faculties should promote teamwork and team success over individual achievement.
<b>Emotional intelligence</b>	Managing emotions is closely linked to the ability to take decisions. More specifically, emotional intelligence has an important effect on the understanding of our emotions and those of others. In this context, emotional intelligence is not only an important tool for the daily practice of law but also in a professional's interactions with their peers. Therefore, implementing mandatory credits for developing emotional intelligence specific to the practice of law, particularly in managing emotional demands, is one way to prepare students to deal with their demanding profession.
<b>Self-knowledge</b>	Offering a course on self-knowledge helps students select an area of professional practice. Consider including psychometric tests that enhance self-knowledge and the identification of personal limits—essential skills in choosing an area of practice. The integration of this skill could also include a self-reflection on skills development that protect one’s health. The goal is to promote the development of key skills related to wellness, whether in terms of practical or behavioural skills (e.g., managing time and priorities, setting boundaries, learning to psychologically detach from work, managing workload successfully).
<b>Professionalism, soft skills, and civic minded behaviours</b>	The purpose of such a course would be to give future legal professionals the opportunity to develop soft skills and civil and courteous behaviours for a professional practice that is in line with the profession's values.
<b>Diversity</b>	Implementing equity, diversity, and inclusion skill training (e.g., emotional intelligence, adaptability, curiosity, creativity) is intended to make students aware of discriminatory biases and issues experienced by equity-seeking groups so they can apply this knowledge in their work. The earlier professionals are made aware of the realities of equity-seeking communities the more likely it is that mindsets will change and that the need for equity, diversity, and inclusion will be better understood.

<sup>1</sup> [https://www3.weforum.org/docs/WEF\\_Future\\_of\\_Jobs.pdf](https://www3.weforum.org/docs/WEF_Future_of_Jobs.pdf)

**Table 4 (continued)**

Essential skills to prepare future professionals for a legal career

SKILL	EXPLANATION
<b>Performance optimization on a file</b>	<p>The objective is to ensure that future professionals develop essential skills that they will heavily rely on once they enter the practice of law. Three components warrant being addressed in the curriculum:</p> <ul style="list-style-type: none"> <li>• Component 1   Optimizing performance on a file—going above and beyond legal knowledge: This component may include topics such as effective note taking, filing systems, preparing a case file, developing work tools, etc.</li> <li>• Component 2   Developing clientele: This component aims to teach students techniques that facilitate managing and developing clientele.</li> <li>• Component 3   More tricks of the trade: This last component covers key tricks of the law practice trade. It can be taught in the form of a session entitled "Everything I wish I had known before starting my career."</li> </ul> <p>These teachings would prepare students for the workplace, better equip early career legal professionals, and enhance their daily performance.</p>
<b>Use of technological tools</b>	<p>Including courses on digital literacy and technology use would help future legal professionals develop the skills and reflexes necessary for exemplary practice. In a regulated profession where digital privacy and security are serious concerns, these future legal professionals must acquire and develop these skills as early as possible in their professional careers. The latest technological tools should be integrated into the academic curriculum to increase students' familiarity with the technologies they are most likely to use in law practice upon entering professional life.</p>
<b>Promotion of psychological wellness</b>	<p>The training aims to develop wellness skills in future legal professionals (e.g., self-awareness, assertiveness/ability to set boundaries) to provide the tools they will need throughout their careers to foster work-life balance. As professionals become more self-aware, they develop positive skills and healthier coping strategies that protect their health. This will empower future professionals and lead to better work-life balance.</p>

### **1.3 PROMOTE HEALTHY LIFESTYLES, INCREASE AWARENESS ABOUT MENTAL HEALTH ISSUES AND IMPROVE THE ABILITY OF FUTURE PROFESSIONALS TO REACH OUT FOR HELP**

It is essential to consider the health of legal professionals well before they commence practising law. Academic and training environments appear to be a perfect place to promote healthy lifestyle habits throughout the program by organizing activities with the student community (e.g., workshops on nutrition or physical activity).

Where applicable, it seems **important that educational environments teach students about mental health issues**. While many universities have made this shift in recent years, this would allow students to better understand themselves and detect the warning signs of health issues (in both themselves and their colleagues) once they enter the workforce. Such training would also help gradually break down taboos about mental health issues. Students will develop mental health skills (e.g., self-awareness, self-knowledge, ability to set boundaries) and better equip themselves for their future career path. The earlier individuals get to know themselves, the more they acquire positive skills and coping strategies for protecting their health.



Law schools should **better advertise the full range of possible legal careers available to law graduates**, including non-practice careers, as there seems to currently be an over-emphasis on private practice and practice within the public sector and an indirect pressure to follow those career paths as the "true" career paths. Better explaining the scope of legal careers could help prevent recent graduates and professionals from feeling "trapped" in their current situation, and would also destigmatize changing areas and types of practice, including leaving the practice of law altogether.

Lastly, to facilitate access to psychological support when it becomes necessary, **a list of available psychological resources should be included in course outlines**. Including psychological resources in law course outlines provides a useful reference for students who may be experiencing psychological health issues.



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## 2

## IMPROVE SUPPORTS AND GUIDANCE AVAILABLE AT ENTRY TO THE PROFESSION

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The environments in which young professionals practise law at the beginning of their careers are diverse, as are the challenges that they face in those environments.

Working in a regulated profession comes with significant responsibilities. In exercising their full responsibility early in their careers, young professionals are also simultaneously exposed to many stressors specific to their work setting or area of practice (e.g., exposure to high emotional demands).

Three important and complementary avenues should be explored to support early career professionals: 1) create a Professional Integration Plan (PIP); 2) promote mentoring for those entering the profession; and 3) remove billable hour targets for professionals in their first two years of practice.

### 2.1 CREATE A PROFESSIONAL INTEGRATION PLAN (PIP)

The first avenue to facilitate the acquisition of essential skills for a healthy and sustainable practice of law is for law societies **to create a Professional Integration Plan (PIP)**. The PIP would provide guidance and support to help young legal professionals adjust to the practice of law as they start their careers. It would include specific objectives related to competence acquisition and could be spread over the first two years of a professional's career. These plans must allow for a gradual progression and should involve follow-up at key moments of a professional's journey in starting their careers. By ensuring that the acquisition of know-how and the offering of legal services by the young professional is ramped-up gradually, the PIP helps workplaces better support professionals and limits the pressure new hires may experience at the beginning of their careers. The PIP can also be combined with a mentoring program, reducing the duration of the integration by a few months for professionals who participate in a mentoring program.

This type of integration plan exists in some regulated professions such as medicine and engineering. This plan provides for a more gradual integration of all the know-how required to fully exercise one's professional responsibilities.

### 2.2 PROMOTE MENTORING FOR THOSE ENTERING THE PROFESSION

The second avenue to facilitate entry into the profession is **to promote mentoring for those entering the profession**. Mentoring is a valuable training method for developing skills that are essential for maintaining one's health. It is important to support legal professionals at the beginning of their careers and to protect their mental health given its impact on commitment and intention to leave the profession. Mentoring allows for informal discussions between mentor and mentee so that the latter learns from the former's experience and is better equipped to deal with the ups and downs of legal practice.

## **2.3 REMOVE BILLABLE HOUR TARGETS FOR PROFESSIONALS IN THEIR FIRST TWO YEARS OF PRACTICE**

The third avenue is related to the support from legal workplaces and work conditions that promote optimal wellness at the beginning of the career. Considering the numerous skills to be acquired by new legal professionals, it is relevant to review the performance indicators traditionally used, which compromise both the quality of the acquired knowledge and the health of the professionals. To this end, we recommend that **billable hour targets should be removed for legal professionals in their first two years of practice**. Early-career legal professionals are confronted with numerous demands and must develop their skills. Legal workplaces should remember that billable hour targets encourage a certain type of performance from professionals to the detriment of their acquiring the skills that are essential to high-quality practice.

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# 3

## IMPROVE THE CONTINUING PROFESSIONAL DEVELOPMENT (CPD) OFFERED TO LEGAL PROFESSIONALS

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Stress is human. Professionals are human. Consequently, legal professionals will inevitably experience stress during their careers. The results of the survey highlight the challenges that arise in legal professionals' lives by showing the evolution of stressors at different stages of their careers.

Careers are constantly changing, as are the challenges that professionals face.

In this context, training (in the form of continuing professional development) is essential to support professionals and increase their capacity to deal with challenges.

Yet many professionals, under the pressure of a heavy workload, struggle to align their professional development with the needs encountered in their practice. It is easy to understand why when we consider the various needs that emerge in a context where resources in time, and sometimes money, are scarce: new technologies, adaptation to telework, legislative changes, etc.

Four essential ingredients appear to be important for improving CPD: 1) Adopt an evolving vision of professional development needs throughout one's career; 2) better structure mandatory training hours for professionals; 3) develop training aligned with the risk factors; and 4) better structure mentoring program and promote informal training. Those who provide, or accredit, such CPD should be mindful of these essential ingredients.

### 3.1 ADOPT AN EVOLVING VISION OF PROFESSIONAL DEVELOPMENT NEEDS THROUGHOUT ONE'S CAREER

First, it seems essential that law societies **create an evolving skill plan that incorporates psychological health as a core skill for law practice**. The objective of creating an evolving skill plan based on specific needs throughout the career is to improve long-term commitment to the profession. For example, the plan could include the following skills for legal professionals:

- 0–5 years: Developing new working methods and clientele; managing administrative issues.
- 6–10 years: Managing career growth and longevity, and workflow and workload, in order to achieve work–life balance.
- 11–25 years: Managing pressure and stress arising from the constant need to keep professional competencies up to date.

In order to achieve this, law societies can start by developing an assessment grid to be completed annually by legal professionals when they renew their licence to practise. The assessment grid aims to identify the issues and challenges experienced by legal professionals during the year. This information then becomes the basis for improvement and can lead to the implementation of specialized training that supports professionals by targeting specific problems they have encountered.

### 3.2 BETTER STRUCTURE MANDATORY TRAINING HOURS FOR PROFESSIONALS

In recent years, some law societies have adopted a prescriptive approach to mandatory training for professionals, indicating how many hours should be achieved in a particular subject matter area. This approach is very promising. Many Canadian law societies are not as prescriptive with their CPD requirements and some do not have mandatory CPD at all. Every law society should **have mandatory CPD and should prescribe how many hours should be achieved per subject matter area.**

The CPD requirements for professionals must be tailored to meet specific needs, including wellness, and to better support knowledge updates that are critical to their practice quality. This tailoring is particularly important since the stress associated with knowledge updates is one of the most persistent stressors associated with professional regulation throughout a legal career.

Beyond the number of hours required, CPD requirements should include minimum targets on key topics (e.g., diversity in the practice of law, violence and incivility prevention, stress management and healthy coping strategies).

### 3.3 DEVELOP TRAINING ALIGNED WITH THE RISK FACTORS

**Training offered to professionals** by CPD providers (whether they are law societies, bar associations or other providers) **must be aligned with the needs that arise from changes in the practice of law** (e.g., technological changes, telework). It must also be aligned with the major challenges in practising law that contribute to the emergence of significant stressors. Within this framework, the results of this research reveal several key needs for legal professionals. These needs are presented in Table 5.

**Table 5**

Key professional development needs for legal professionals

CONTENT	EXPLANATION
<b>Valuing experiences and learning from missteps</b>	<p>Professionals are human. All humans make missteps. So professionals make missteps. However, in a professional context strongly focused on performance, it often seems there is no room for missteps, and even more so when it has consequences on clients. Missteps are synonymous with shame, failure, and questioning of one's skills. Yet, missteps can be a source of learning and betterment. They sometimes learn more than when they do exactly what is expected of them.</p> <p>Thus, everyone should be able to benefit from these missteps, which allow us to grow collectively. As professionals gain experience, they understand this and often share their professional anecdotes from missteps they have made through which they have grown, especially through mentoring. But not all professionals take part in a mentoring program.</p> <p>In this context, it is advisable to develop training that highlights real-life experiences from missteps frequently made (within the limits of solicitor-client privilege). A portion of the training could focus on best practices for fixing missteps or, ideally, avoiding them, and should include more senior legal professionals sharing their "what I wish I</p>

**Table 5 (continued)**

Key professional development needs for legal professionals

CONTENT	EXPLANATION
<b>Valuing experiences and learning from missteps (continued)</b>	would have known" moments with legal professionals early in their careers. This type of training allows for progress on two levels. First, this type of training allows professionals to progress collectively by preventing some of the missteps frequently made by members of their profession. Secondly, such training also reduces the productivity cult fueled by unrealistic expectations that professionals have for them.
<b>Violence and incivility</b>	Part of an ongoing effort to raise awareness among legal professionals and to promote civil behaviour. Professional development can cover different topics each year and it is advisable to make it mandatory. Additional ideas for enhancing interest include: <ul style="list-style-type: none"> <li>• Awarding a certification to participants after the initial two-hour training.</li> <li>• Making an annual mandatory training session (30 to 60 minutes).</li> <li>• Changing topics (violence and incivility in courtrooms, sexual violence, etc.) each year.</li> </ul>
<b>Diversity, inclusivity and discriminatory bias</b>	Some professional development should be aimed at promoting a practice free of discriminatory bias. Legal professionals should be encouraged to become role models for inclusion, and a forum should be provided for professionals to share their realities while becoming aware that others may have different experiences. As part of a more structured professional development plan, professionals should be required to complete annual training hours specifically dedicated to diversity matters.
<b>Skills that preserve health</b>	Certain key skills give legal professionals the power to protect their psychological health and enable professionals to cope better with the stressors they face in their practice. For example, the ability to set boundaries and detach psychologically from work are essential skills that not only directly influence psychological health but also greatly influence the ability to cope with workplace stressors. Including mandatory professional development hours specifically for developing psychological health-protective skills sends a strong message about the importance of wellness in law practice. In addition, it guides professionals on how to have a fulfilling practice. Topics could include managing time and priorities, setting boundaries and learning how to psychologically detach from work, managing workload successfully, etc.
<b>Secondary stress/vicarious trauma</b>	Training on vicarious trauma serves to raise awareness of this issue and to support professionals who have repeated exposure to traumatic material. It is important that training include a component on the warning signs of secondary trauma (e.g., repeated exposure to high emotional demands) so that professionals can recognize those signs in themselves and their colleagues.
<b>Teleworking in the practice of law</b>	This training content would support professionals who telework to ensure compliance with their professional obligations under their code of conduct (e.g., protecting confidentiality). It is important to ensure that professionals with flexible work arrangements understand and adhere to best practices in a hybrid telework environment. These practices are intended to support an optimal telework experience. Ideas for topics to cover in the training include: <ul style="list-style-type: none"> <li>• Ensuring and maintaining information security and privacy (at home and during virtual communications).</li> <li>• Being aware of the importance of disconnecting at specific times of the day despite the permeability of the life spheres created by teleworking.</li> <li>• Understanding potential bias in interactions between colleagues when teleworking.</li> <li>• Improve familiarity with the required technical tools.</li> </ul>

**Table 5 (continued)**

Key professional development needs for legal professionals

CONTENT	EXPLANATION
<b>Technology</b>	<p><b>Tools</b>   Ensure that legal professionals keep their knowledge up to date with the use of technological tools that contribute to the quality of their practice and maximize productivity. This kind of training will ensure that proper technological tools are used by professionals. By ensuring that they have the proper technological tools, legal professionals are able to protect data and confidentiality.</p> <p><b>Topics</b>   Beyond the tools used, it seems important to provide training on technology and practical topics such as technology and client interaction, technology and work-life conflict, technology and work-team collaboration, technology and data protection, etc.</p> <p><b>Issues</b>   Training related to technology is an occasion to list the main issues arising from changes in technology and raise professional's awareness regarding these issues (e.g., data security, electronic signatures, teleworking, the evolution of artificial intelligence).</p> <p><b>Best practices</b>   Offering training on best practices. For example, training related to the use of mobile technology will facilitate psychological detachment and reduce the sense of urgency triggered by mobile technology. This sense of urgency interferes with the ability to disconnect and, in turn, to recover. This training can include two components. First, ensuring confidentiality in terms of data management and privacy. Second, adopting practices that establish a clear divide between professional and personal life.</p> <p>This kind of training should include best practices in a highly-connected environment, to increase the professional's ability to schedule high-focus work periods and to learn to schedule time offline in order to minimize technology-related distractions (e.g., text messages, emails) that lessen productivity.</p> <p>Where applicable, law societies and bar associations should add a "technology" section to their websites including a practical guide. This section would promote best practices and the latest developments in regulatory guidelines and technology use. The section could include a practical guide with best practices and various tools that facilitate professionals' work and enhance the quality of their practice<sup>2</sup>.</p>
<b>Work-life balance</b>	<p>The implementation of work-life balance training workshops aims to empower professionals by giving them access to key resources that promote better work-life balance. These workshops could be themed lunches where professionals share their experiences, the challenges they have encountered in their careers, and the tools or resources that helped them find better work-life balance.</p>
<b>Coach managers to improve organizational agility (where applicable)</b>	<p>In legal workplaces, provide training to managers to help develop key skills related to organizational agility (e.g., change management, process optimization). In addition to supporting optimal performance, this kind of training contributes to the wellness of professionals.</p>

<sup>2</sup> See, for example: [Legal Ethics in a Digital Context](#)

**Table 5 (continued)**

Key professional development needs for legal professionals

CONTENT	EXPLANATION
<b>Webinars about stressors</b>	<p>The development of webinars in the form of Q&amp;A allows legal professionals to share their experiences on various topics (e.g., being a lawyer and LGBTQ2S+, reconciling work and personal life while practising law). To encourage discussions among legal professionals, anonymous participation may be considered. Also, webinars or lunch-and-learns about the stressors from the practice of law (with topics such as time management, work-life conflicts, and healthy coping strategies for stress and emotional demands) can help legal professionals find balance in their lives.</p> <p>To encourage and recognize the involvement of volunteer lecturers, law societies could give these legal professionals three hours of their continuing professional development requirement.</p>

### 3.4 BETTER STRUCTURE MENTORING PROGRAM AND PROMOTE INFORMAL TRAINING

Lastly, training offered to professionals can be improved by strengthening mentoring program structures and by promoting informal training.

To ensure success, **a mentoring program should be structured with a planning chart that tracks the skills to be developed**. In addition, customized programs can be added to the professional development plan to meet specific training needs (e.g., mentoring for women or legal professionals working in specific areas of practice). Longer-term mentoring should also be considered since professional development is a continuous and iterative process.

**A structured mentoring plan should include specific relevant themes related to wellness in law** (e.g., managing time and priorities, setting boundaries and learning how to psychologically detach from work, managing workload successfully). A structured mentoring plan should also include a component on violence and incivility.

Further, **promoting informal training** will allow professionals to benefit from the experience of their peers to cope with difficulties they are experiencing. Informal training, which can take different forms (see Table 6 on next page), refers here to training where the content is less structured, and the objectives are not clearly defined. This kind of training are characterized by human interactions where the individual learns through the sharing of experiences on different topics.

**Table 6**

Various forms of informal training

<b>FORM OF INFORMAL TRAINING</b>	<b>EXPLANATION</b>
<b>Professional codevelopment groups</b>	Professional codevelopment groups are “a specific and structured approach to reflectivity, exchange and sharing. This approach aims at learning and developing professional practice through a search for solutions to situations presented by the participants. They are led to adopt a posture of practitioner-researcher in the investigation and in mutual aid” (Payette & Champagne, 1997). These types of sessions focus on key themes that emerge from the participants' needs and allow colleagues to share their valuable experience in dealing with common difficulties of the practice, as well as the tools, tips and tricks of the trade.
<b>Structured self-help groups</b>	Structured sharing groups allow legal professionals to discuss the challenges associated with professional practice (including the emotional demands) and share strategies for coping with overloaded schedules and capacities.
<b>Peer support programs</b>	A peer support line would provide support to legal professionals, even if they are not necessarily in a problematic situation, by providing an outlet for talking about their mental health issues. Here are some concrete suggestions: <ul style="list-style-type: none"><li>• Peer helpers should be members of the profession in various roles and sectors (e.g., judges, criminal law, private/public sector).</li><li>• Peer helpers who volunteer to listen to their peers or participate in informal virtual meetings should be trained by the law society and be bound by confidentiality.</li></ul>



# 4

## WHERE RELEVANT, EVALUATE THE IMPLEMENTATION OF ALTERNATIVE WORK ORGANIZATION MODELS THAT LIMIT THE IMPACT OF CERTAIN RISK FACTORS ON THE HEALTH OF LEGAL PROFESSIONALS

Where relevant, it would be important to evaluate the implementation of alternative models of work organization<sup>3</sup> that limit the impact of certain risk factors on legal professionals' health. As mentioned several times throughout this report, risk factors (compared to resources) weigh heavily on the mental health of legal professionals. This finding means that any action aimed at addressing risk factors will significantly impact the health of professionals. In addition, certain risk factors stand out, including high emotional demands and billable hours.

On the one hand, high emotional demands over time lead to many health issues, including compassion fatigue and vicarious trauma. On the other hand, billable hours 1) promote work in silos, 2) favour individual performance over collegiality and teamwork, 3) value quantity over quality of the professional activity, and 4) put constant, increasing, and potentially unbearable pressure on legal professionals to develop clients.

Evaluating the implementation of alternative work organization models includes: 1) review the organization of work; and 2) review billable hour system and evaluate alternative business models.

### 4.1 REVIEW THE ORGANIZATION OF WORK

The organization of work is at the core of several major stressors in the Canadian legal community, regardless of the work setting or the area of practice.

For example, a professional working in criminal law, and working solely on a case rather than as part of a team, could be overexposed to the case's emotional demands. Not only does the professional become the only person exposed, but also working individually reduces exposure to colleagues and to the immediate support of colleagues likely to be present during teamwork.

On the contrary, working in team or by project would better distribute the risks inherent in this exposure, which is intrinsic to the practice of criminal law. For example, a professional could be in charge of a case (including meetings with victims), but on another case support a colleague and handle other tasks that would be less emotionally challenging. This approach allows for a sharing of risks, and also values collegiality and mutual aid. The same applies for professionals who work in billable hour models in the private sector. Working in silos overexposes professionals to stress, including the stress of meeting their billable hour targets. By working collaboratively as a team, the gains and losses are also realized collectively. Team successes and the recognition of these successes, particularly through bonuses, tend to reinforce collaboration and mutual aid.

That said, it is suggested that **work be reorganized to reduce exposure to certain stressors and better distribute them**. The adoption of alternative modes of organization aims to reduce legal

<sup>3</sup> Work organization refers to "the way we design jobs and work systems, and the way we managed them" (Leka et al., 2003, p. 5). A poor work organization "can cause work stress. Excessive and otherwise unmanageable demands and pressures can be caused by poor work design, poor management and unsatisfactory working conditions" (Leka et al., 2003, p. 5).

professionals' exposure to certain demands that significantly affect their health (e.g., repeated emotional demands, quantitative overload). For example, is it possible to divide certain tasks or to rotate the professionals who interact with clients on a given case? In addition to making work distribution more flexible and contributing to organizational agility, such an approach has significant benefits for the health of legal professionals.

## **4.2 REVIEW BILLABLE HOUR SYSTEM AND EVALUATE ALTERNATIVE BUSINESS MODELS**

For law societies and bar associations, it is suggested that **working groups be established to collaborate with law firms on alternative work organizations, and promote these alternative models to law firms.**

The objectives of setting up a working committee to look into alternative ways to organize work are 1) to discuss issues regarding the actual organization of work (e.g., billable hours business model), 2) to generate ideas of new approaches, and 3) to evaluate the possibility of establishing guidelines for protecting the quality of practice (e.g., number of consecutive hours of work allowed, maximum number of active cases). In addition, this measure protects professionals from health-compromising overload (emotional, quantitative and qualitative) thus protecting the public.

The proposed working committee could look at legal workplaces that are structured differently. It could also examine what is being done elsewhere, in other non-legal organizations, such as engineering consulting firms, and review the relevant literature and good practices. The idea is really to gather information about other models of work organization that are effective and efficient, but also sustainable in terms of the health of professionals.

By promoting alternative business models to billable hours, law societies and bar associations can encourage legal workplaces to move towards new models that are more conducive to maintaining the health of legal professionals, and more in line with the values of the profession and its regulatory framework. This could comprise the theme of an annual training day, highlighting alternative models based on profitability rather than target billable hours. It would also be an opportunity to highlight success stories from firms that have stopped using this business model.

It is critical **to assess the use of alternative business models.** Firms that still require billable hour targets would do well to analyze the potential benefits of a profit-oriented approach with project-based management rather than siloed file management. The change in focus can improve professionals' motivation and even their performance. Billable hours encourage siloed work and devalue collegiality and teamwork in favour of individual performance. Transitioning to a new business model requires restructuring client billing and time management processes and reviewing remuneration structures.

If billable hour targets are maintained, the **billable hour system has to be reviewed.** To minimize individual competition and encourage cooperation, a team bonus could be attributed at the end of the year if the target is reached. The bonus can be weighted according to certain criteria (e.g., seniority, specific contribution, team spirit). For organizations that maintain targets, billable hours should be gradually integrated for legal professionals in their early careers and reaching targets should be associated with a bonus. For these organizations, the option to bank billable hours should be

considered to support the case for legal professionals to take vacation. Also, a threshold of 1,800 hours should never be exceeded as it has been shown to be associated with a higher risk of mental health issues. **Professionals who work in areas of practice involving high emotional demands (e.g., family law, criminal law) should not have billable hour targets to meet.** This model is incompatible with managing high emotional demands since it can compromise the health and even the practice of professionals. The purpose of this measure is to allow legal professionals to take the time required with their clients and also to take time to recover from intense emotional demands, which is difficult to do in a billable hours model. It is also recommended that each case be billed using a flat fee or hourly rate, depending on its specific needs. Lastly, this measure would require revising the performance evaluation criteria for legal professionals concerned.

It is also important **to promote work collaboration and shared professional responsibility.** Providing mechanisms for internally auditing work in a team leverages the strengths of each individual. It also reduces pressure on the individual in terms of both the fear of making mistakes and the need to take full responsibility for professional actions. This measure means organizing work in a way that values teamwork and is supported by suitable billing mechanisms.

Legal workplaces have **to reduce mechanisms that encourage excessive overload.** In many cases, it means reviewing existing remuneration systems to reduce mechanisms that encourage overloading and over-performing. A review of recognition criteria and programs is also advisable, so they promote ideal outcomes for the health of legal professionals.

Mental health is an essential condition for the retention of legal professionals, both in the profession and in the organizations in which they work. Moreover, today's professionals seek not only a level of professional fulfillment, but also an environment in which they can reconcile their personal and professional aspirations. In this context, it appears essential for legal workplaces with billable hours to review their practices if they wish to remain attractive. Otherwise, they will struggle to retain and recruit new talent.

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# 5

## IMPLEMENT ACTIONS AIMED AT DESTIGMATIZING MENTAL HEALTH ISSUES IN THE LEGAL PROFESSION

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Health is a collective responsibility. The findings of the study indicate that legal professionals who experience mental health issues during their careers become emotionally disengaged from their profession. This disengagement can eventually lead to the intention to leave the profession. Therefore, it is important that they speak up and seek help when needed.

By seeking help early enough, professionals can avoid more serious health issues. They should therefore never hesitate to ask for help in any form (e.g., delegate a case, consult a psychologist, ask a relative for help).

However, many legal professionals with mental health issues perceive a stigma in the legal community. Some are concerned that their law society will take action against them if they disclose their condition. Not only does this situation delay their seeking help, but it also undermines transparency about mental health issues while potentially exacerbating the professionals' health issues. Law societies have to play a role as mental health partners for professionals. While it is clear that law societies regulate legal professionals to protect the public interest, this duty should not be seen as a barrier to using alternative, non-punitive approaches to respond to challenges a practitioner is facing where the underlying cause for problematic behaviour is linked to mental health issues<sup>4</sup>. To the contrary, ensuring that their discipline and regulatory processes properly account for mental health issues, promotes the public interest, as this creates a more mental health-positive regulator. By being more supportive of legal professionals dealing with mental health issues, law societies can help dispel the stigma and perception, as reported by survey participants, that experiencing mental health challenges while practising law is likely to lead to an overly punitive response from their regulator.

Several complementary actions can be taken to reduce the stigma surrounding mental health issues in the practice of law: 1) implement a support/coaching program for professionals returning from prolonged health-related leave or experiencing a health issue without leave; 2) develop a mental health awareness campaign/activities; 3) where applicable, remove mental health disclosure from law society admission applications; 4) frame the ability of legal professionals to share mental health challenges with each other in a confidential way; 5) where applicable, develop alternative discipline processes for professionals dealing with health issues; 6) create a "Health and Wellness Week in Law" highlighting the importance of work-life balance; and 7) create a wellness section on law society, professional association and legal workplace websites.

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<sup>4</sup> See, for example: [Recommendation on the Development of an Alternative Discipline Process \("ADP"\)](#)

## **5.1 IMPLEMENT A SUPPORT/COACHING PROGRAM FOR PROFESSIONALS RETURNING FROM PROLONGED HEALTH-RELATED LEAVE OR EXPERIENCING A HEALTH ISSUE WITHOUT LEAVE**

The objective of the suggested support/coaching program is **to protect and sustain the commitment of legal professionals dealing with health issues**, whether or not these issues have led to a health-related leave. This coaching/support program aims to ensure that the quality of professional practice is maintained despite such health issues. This type of program exists in some Canadian law societies (e.g., the Nova Scotia Barristers' Society). **Professionals would need to be made aware of the program to break down barriers that prevent them from seeking help** when they need it. Such a coaching/support program is an essential pillar for wellness in the profession and essential for establishing real transparency in mental health matters in the legal community.

This kind of program should also be developed by legal workplaces to help and support professionals returning from prolonged health-related leave or experiencing a health issue. **A policy aligned with best practices for gradual return to work** maximizes the reintegration of professionals and minimizes their risk of relapse following injury. The survey findings indicate that the mental load associated with the work of legal professionals is a significant risk and is likely to compromise the chances of a successful return. Therefore, a structured plan should be implemented for returning legal professionals with clear accommodations in how their work is organized.

## **5.2 DEVELOP A MENTAL HEALTH AWARENESS CAMPAIGN/ACTIVITIES**

Key stakeholders (including the Federation of Law Societies of Canada, law societies, the Canadian Bar Association and legal workplaces), should consider **developing an awareness campaign and activities to break down taboos and deconstruct the stereotype** of the lawyer as a superhero.

More specifically, this awareness campaign and these activities would have the following objectives: humanize the legal profession; remove barriers preventing professionals from seeking help; highlight obstacles to mental health in the current professional culture; and start a conversation on suicide prevention among legal professionals.

## **5.3 WHERE APPLICABLE, REMOVE MENTAL HEALTH DISCLOSURE FROM LAW SOCIETY ADMISSION PROGRAM APPLICATIONS**

Some law societies require candidates for admission to disclose mental health issues the individual may be facing (or may have faced), even when those mental health issues have no impact on their professional practice or their suitability to practise law. Doing so contributes to stigma and the perception that experiencing mental health issues is incompatible with the practice of law. It also adds barriers to seeking help. For professionals who do not have a mental health issue when they join the law society, simply having read this request for disclosure on the form may discourage them from seeking help if needed or from disclosing their issues in the future for fear of repercussions from their regulating body. Therefore, it is **recommended that law societies who require such disclosure remove this statement or amend it** to ensure it does not create a barrier to seeking help.

## **5.4 FRAME THE ABILITY OF LEGAL PROFESSIONALS TO SHARE MENTAL HEALTH CHALLENGES WITH EACH OTHER IN A CONFIDENTIAL WAY**

Some survey respondents expressed that they feel that Rule 7.1-3 of the Model Code of Professional Conduct (paragraphs (e) and (f), relating to the duty to report), makes it difficult for legal professionals to share or disclose mental health struggles to fellow legal professionals. The fear is that the Rule in the Model Code would require the colleague receiving the disclosure to then report the disclosing legal professional to their law society for possible investigation. We feel that the wording "conduct that raises a substantial question about the lawyer's capacity to provide professional services" is broad, and seems to leave little room for flexibility if a colleague becomes aware that a colleague is experiencing mental health challenges. Since lawyers are not qualified health professionals, it is difficult to conceive of any legal professional being well equipped to evaluate whether a fellow legal professional's mental health challenges rise to the level of raising a substantial question about their capacity to provide professional services. Consequently, it is recommended that **paragraphs (e) and (f) of clause 7.1-3 be changed to make clear that legal professionals are allowed to talk to each other about their mental health challenges and that those discussions do not generally engage a duty to report.** If there needs to be exceptions to this (i.e., circumstances that should be reported to the regulator in order to protect the public interest), those exceptions should be explicitly set out in the Model Code. In addition, law societies should also adopt policies and practices (where not already the case) that outline how such reporting is to be done, and the reporting process should prioritize the wellness of legal professionals.

## **5.5 WHERE APPLICABLE, DEVELOP ALTERNATIVE DISCIPLINE PROCESSES FOR PROFESSIONALS DEALING WITH HEALTH ISSUES**

The purpose of this recommendation is **to avoid using a punitive system that places professionals on the margins of their profession and tends to stigmatize them** when they are experiencing health issues that are impacting their ability to comply with their professional obligations (rather than helping them). These alternative discipline processes<sup>5</sup> are particularly important for reintegrating professionals with health issues into the profession.

## **5.6 CREATE A "HEALTH AND WELLNESS WEEK IN LAW" HIGHLIGHTING THE IMPORTANCE OF WORK-LIFE BALANCE**

**Creating a "Health and Wellness Week in Law"** is intended to 1) raise awareness about the importance of adopting healthy behaviours to protect mental and physical health and 2) encourage better work-life balance. Health and Wellness Week could be held in October of each year, which is Mental Health Awareness Month in Canada. During this week, law societies, the Canadian Bar Association, and provincial bar associations could offer webinars, training, and conferences on various themes (e.g., "How to find work-life balance", "How **SHE** can improve your daily life: **S**leep, **H**ealthy eating, and **E**xercise").

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<sup>5</sup> See, for example: [Alternative Discipline Process](#)

## **5.7 CREATE A WELLNESS SECTION ON LAW SOCIETY, PROFESSIONAL ASSOCIATION AND LEGAL WORKPLACE WEBSITES**

The proposed wellness section might include videos in which **well-known figures in the legal world share their mental health issues or addiction problems**, helping to break down the taboos associated with mental health that contribute to stigma<sup>6</sup>.

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<sup>6</sup> See, for examples: [CBA Well-Being](#), [Espace Bien-être psychologique of Barreau du Québec](#) (in French only), [OBA Wellness Hub](#)

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# 6

## IMPROVE ACCESS TO HEALTH AND WELLNESS SUPPORT RESOURCES AND BREAK DOWN BARRIERS THAT LIMIT ACCESS TO THESE RESOURCES

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The findings presented at the end of Part I of this report highlight numerous barriers that limit the ability of legal professionals to seek help when they need it, including through available assistance programs, whether related to their legal workplace or the professional assistance program associated with their law society.

Many legal professionals believe that their problems will eventually pass. Others are concerned about the confidentiality associated with use of an assistance program. They fear that people around them will find out about their mental health struggles and this will lead to other negative consequences in their family or professional life. Lastly, many believe that their problems are too serious to seek help or are not aware of the services available.

These observations highlight the importance of making efforts to increase the capacity of legal professionals to seek help when they need it. To achieve this objective, three complementary avenues should be considered: 1) promote the use of available resources and increase the willingness of professionals to seek help; 2) facilitate access to relevant resources according to the problems encountered; and 3) where applicable, improve the perception of confidentiality to increase trust in the law society's lawyer/member assistance program.

### **6.1 PROMOTE THE USE OF AVAILABLE RESOURCES AND INCREASE THE WILLINGNESS OF PROFESSIONALS TO SEEK HELP**

Communicating and advertising the services offered could increase the number of legal professionals who make use of employee assistance programs, thus decreasing the severity of issues encountered, especially if professionals seek help before those problems worsen further. Legal professionals must be aware of the services that are available so they can seek help when they need it. Law societies, legal employers and bar associations all potentially have a role to play in compiling and distributing this information.

Upon entering the profession, **legal professionals should be provided with information that details all the services offered by the assistance program in their jurisdiction.**

In legal workplaces with an assistance program, it is important **to promote awareness and use of the program** or other external resources. These actions will encourage professionals to seek help.

It is appropriate **to update (as necessary) and resend information each year on the services offered and reassure legal professionals of confidentiality**, in order to continually make professionals aware of the importance of seeking help and the services offered. Membership/license renewal is an excellent time to do this and to reassure legal professionals about the confidentiality of the law society's assistance program.



Professionals with high levels of stress (e.g., from emotional demands or potential vicarious trauma) should **consult a psychologist or other appropriate support in a preventive way**. This practice is common in other professions. Given the risks associated with some areas of practice with potentially high exposure to emotional demands, such a requirement would help mitigate the negative effects. Setting up protection mechanisms beforehand, especially during challenging matters, is a way to support legal professionals who are exposed to high emotional demands. Example: scheduling structured support with organizational psychologists or occupational therapists.

Lastly, to increase the willingness of professionals to seek help it appears essential **to develop alternative mechanisms for disclosing mental health issues**. Accountability is central to the practice of any regulated profession. Accountability arises when a regulator recognizes the professional's competence by issuing them a licence. However, psychological health is a skill and an essential condition for the quality of a professional's practice. For this reason, when a professional's well-being is compromised, they should be able to seek help without fear of facing regulatory repercussions. Unfortunately, the survey results show that legal professionals fear regulatory repercussions for disclosing their psychological health problems. This suggests that many professionals associate their psychological health with their ability to fulfill their professional and ethical obligations. They worry that disclosing their condition could lead the regulator to question their ability to practise.

Nevertheless, experiencing a mental health issue does not mean that legal professionals are unable to meet their ethical and professional obligations. In fact, when legal professionals seek help earlier, they might prevent more serious professional illnesses such as depression or burnout. As a result, they are able to meet their professional obligations even more effectively.

A professional experiencing difficulties may still be able to meet their professional obligations. However, being able does not mean being unsupported. Professionals must feel free to seek appropriate professional assistance without fear that their competence or ability to practise will be questioned.

As a result, it is important to initiate a dialogue with the law societies on implementing alternative disclosure mechanisms for mental health issues. These mechanisms should be combined with a supportive rather than punitive approach, so as to remove the barriers that currently prevent legal professionals from seeking help due to fear of sanctions from the regulator.

## **6.2 FACILITATE ACCESS TO RELEVANT RESOURCES ACCORDING TO THE PROBLEMS ENCOUNTERED**

When professionals seek help, they need to be able to easily identify appropriate resources. In a crisis situation, the challenge of finding a resource may be enough to discourage the professional from seeking help. Failure to seek appropriate help when needed can lead to the deterioration of the professional's health or to the use of coping strategies that are deleterious to health (e.g., drug use, alcohol consumption).

Many elements are likely to improve access to resources for professionals.

First, by **centralizing mental health resources intended directly or indirectly for members of the profession**, legal professionals will have easier access to information and help when needed. This centralization can take the form of a health portal where professionals can consult resources specific to their issue.

Second, by **providing dedicated support services to professionals working in the Canadian territories**. Services adapted to the needs of professionals who practise in Canada's territories should be developed. In this regard, the study findings and the preliminary interviews conducted as part of Phase II indicate that these professionals are exposed to issues that appear to be unique to their situation, and they have difficulty accessing properly adapted resources.

Third, it is important **to better structure the assistance offered**, particularly by anticipating the needs of professionals beforehand. The stressors to which legal professionals are generally exposed are now known. It would therefore be appropriate to draw up a list of the resources available for each of the jurisdictions. Law societies and bar associations both potentially have a role to play in compiling and distributing this information. These resources should target the following needs/themes:

- **Targeted resources on violence and incivility** | A list of specialized resources on violence and incivility would direct legal professionals who are victims of these behaviours to the help they need. For example, this list could include therapists who specialize in treating victims of psychological and physical violence, and organizations that support victims of sexual violence.
- **Targeted resources for secondary or vicarious trauma** | Identifying vicarious trauma resources will enable quick referrals for professionals who make use of the assistance program. Every year, a list should be provided that identifies the specialized resources available in each province and territory.
- **Resources tailored to specific profiles** | By providing legal professionals with access to resources specifically adapted to their different profiles (e.g., early career, women, individuals living with disability, LGBTQ2S+), assistance programs can deliver personalized tools that better meet these professionals' needs. Consider providing a list of dedicated resources for each profile and regularly training service providers on the specific needs of these different groups.
- **Targeted resources for addiction issues** | Addiction requires targeted interventions and treatment by specialized organizations. Dedicated resources allow for better intervention while properly equipping professionals seeking help.

Fourth, it is important **to increase funding for assistance programs**. Improving the structure of support programs and training staff on various areas of concern or profiles are important steps to improving the user experience. Such adjustments require more resources and justify an increase in funding support so the programs can remain free of charge. Financial issues should never be an obstacle to seeking help.

### **6.3 WHERE APPLICABLE, IMPROVE THE PERCEPTION OF CONFIDENTIALITY TO INCREASE TRUST IN THE LAW SOCIETY'S LAWYER/MEMBER ASSISTANCE PROGRAM**

To increase the willingness of professionals to seek help it is essential to address any doubts related to confidentiality. To do so, it seems clear that actions must be taken and that these actions must go beyond the simple transmission of information to reiterate confidentiality.

Where it is applicable, **the fee associated with law society' lawyer/member assistance program must be separated from the law society membership renewal fee.** Most of law society's lawyer/member assistance programs are supported by membership fees/annual licence renewal fees that are collected directly by law societies. A portion of these fees is specifically dedicated to the assistance program. In some law societies this is explicit, in others it is not.

In the context of assistance programs, the fear of a breach of confidentiality and of disclosure to a regulator is a significant barrier for many legal professionals seeking assistance. While assistance programs customarily assure confidentiality, it is essential to separate the fee associated with the law society's membership assistance program from the renewal of its general membership fee. This separation will increase the perception of autonomy between the assistance programs and the law societies.

Law societies should provide clarity with respect to the relationship between the assistance program and the law society. Law societies should also make it clear to legal professionals that the assistance program provider does not disclose any information to the regulator (e.g., who has access to the program, content of the discussions).

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# 7

## PROMOTE DIVERSITY IN THE PROFESSION AND REVISE PRACTICES, POLICIES AND PROCEDURES THAT MAY INCLUDE OR CREATE DISCRIMINATORY BIASES

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The findings highlight that there is still a long way to go to reduce the stigma experienced by several groups: women legal professionals, legal professionals in their early careers, legal professionals who are members of the LGBTQ2S+ community, legal professionals living with a disability, Indigenous legal professionals and ethnicized legal professionals.

Several complementary actions can be taken to promote diversity in the profession, including: 1) develop a national diversity policy/strategy for the legal community; 2) identify ambassadors; and 3) implement diversity management policies and proactive practices that promote inclusion in legal workplaces.

### 7.1 DEVELOP A NATIONAL DIVERSITY POLICY/STRATEGY FOR THE LEGAL COMMUNITY

Within this framework, to promote diversity in the profession and reduce discriminatory biases, **a national diversity policy/strategy should be developed for the legal professional community**. A working committee comprised of representatives from various stakeholders (including the Federation of Law Societies of Canada, law societies, the Canadian Bar Association, provincial bar associations) could be established to develop a national policy/strategy. The committee's mandate would be to identify levers for inclusion and how to eliminate discriminatory systemic biases in the processes governing the profession. By making recommendations to various stakeholders, the committee can help break down barriers (psychological, stereotypical, career-related, etc.) that affect different groups.

### 7.2 IDENTIFY AMBASSADORS

A good way to improve inclusion would be for law societies and Canadian Bar Association **to identify ambassadors**. Selected ambassadors would be committed, inspiring professionals who represent the socio-demographic diversity in the practice of law (e.g., an associate who's also a mother of four children, a LGBTQ2S+ lawyer working in a private practice). These ambassadors are a driver of change for the professional culture. Their mandate is to positively influence (lead) others during the year or during their predetermined mandate. They could be invited to contribute to important law society events during the year, for example. Law students might also be identified to act as **student ambassadors** and peer supporters<sup>7</sup>. These student ambassadors could, for example, be involved in annual conferences, activities organized by the law school, and moot court competitions. In addition to raising awareness of mental health issues, a student ambassador program can help provide front-line support to students experiencing psychological distress, thus minimizing barriers to seeking help.

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<sup>7</sup> See, for example: [Lawyer Wellbeing Mentors](#)

### **7.3 IMPLEMENT DIVERSITY MANAGEMENT POLICIES AND PROACTIVE PRACTICES THAT PROMOTE INCLUSION IN LEGAL WORKPLACES**

In legal workplaces, it is important **to implement a diversity management policy and proactive inclusiveness practices**. Implementing policies and best practices that promote differences and inclusion means going beyond what is required by law. Diversity must be seen in a broad and holistic sense. It not only includes ethnicity, gender, and disability status, but also different career stages, parental status, caregiver roles, etc. This inclusive approach involves making diversity an integral part of all human resource management activities and eliminating discriminatory bias in internal practices and policies.

Legal workplaces may **create an onboarding and integration plan adapted to legal professionals' specific characteristics**. Onboarding and integration plans that respect professionals' specific characteristics (such as parenthood, age or ethnicity) help secure their long-term commitment to the organization. These integration plans should be implemented gradually and involve follow-up at critical moments in the integration process.

Lastly, **legal workplaces should offer an inclusive parental leave policy**. By adopting an inclusive policy that reflects advances in Canadian society, the legal community can demonstrate its commitment to work–life balance and recognition of the variety of different circumstances (e.g., single parent, dual-career couples, caregiver, adoption).



## CONSIDER THE HEALTH OF LEGAL PROFESSIONALS AS INTEGRAL TO LEGAL PRACTICE AND THE JUSTICE SYSTEM

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Legal professionals are one of the essential pillars of the Canadian justice system. Yet the unprecedented challenges our Canadian justice system faces exacerbate the pressures legal professionals face in their practice. Access to justice, a cherished value in Canadian society, must not compromise the health of legal professionals. But how do we reconcile the two? This question must be part of the reflections and decisions made regarding our institutions' evolution.

Promotion of good psychological health is an iterative process. Stress evolves with evolving constraints. This implies that measuring health issues and the stressors that cause them is not the end point, but rather should be seen as a continuous process to monitor issues that compromise the health of professionals.

Four essential elements appear to be key to ensuring that professionals' health is seen as integral to legal practice and the justice system in Canada: 1) include a permanent wellness component in strategic planning; 2) maintain an ongoing discussion and raise awareness about mental health in the legal profession; 3) prevent violence and incivility in the legal profession; and 4) promote positive coping strategies.

### 8.1 INCLUDE A PERMANENT WELLNESS COMPONENT IN STRATEGIC PLANNING

To this end, it is advisable **to include a permanent wellness component in strategic planning**. This should be done at all levels, from large bodies such as the Federation of Law Societies of Canada, the law societies and the Canadian Bar Association to legal workplaces, and will send a clear message about the importance of wellness in the legal profession. This component provides important leverage for implementing a continuous improvement process that addresses the issues raised by this study.

### 8.2 MAINTAIN AN ONGOING DISCUSSION AND RAISE AWARENESS ABOUT MENTAL HEALTH IN THE LEGAL PROFESSION

Considering the health of legal professionals as an integral part of legal practice means **to maintain an ongoing discussion about the role of regulators regarding mental health**. This measure will evaluate what actions need to be addressed to better support professionals who are experiencing mental health issues. Universities and law societies are among the incubators of culture of the legal profession. Regulators must ensure their actions promote better health for professionals and define expectations for those entering the profession (e.g., for performance, client interaction, and case management). It is also crucial for law societies to assess these skills needed by new professionals so as to guide them on healthy practice habits. Academic training more closely aligned with current practice issues will help improve the health of professionals. Law societies, as regulators, must also work to remove the obstacles that professionals face in seeking help.

This recommendation also includes the need **to raise awareness of the need for changes in the court system**. The significant constraints associated with practising law (e.g., emotional demands, workload, mental workload) are a strong argument for identifying mechanisms to reduce the pressure felt by the legal community. Institutional rigidities put considerable pressure on legal professionals. This reflection can address subjects such as: court hours and constraints associated with legal procedures or timelines following the Jordan decision.

It is advisable **to launch a violence and incivility awareness campaign in all courts and tribunals**. This type of campaign will communicate and repeat a clear message, namely that acts of violence and incivility are unacceptable and that the person behind the robe is human. Humanizing people and relationships between colleagues is essential to changing attitudes. One measure to transmit this message might be posters put up in various rooms of the courts (e.g., courtrooms, rooms where lawyers meet with clients, complainants, or other parties).

It is also important that **judges receive training on wellness**. Judges interact closely with legal professionals, and it is recommended that they be better trained in mental health issues. This training helps raise judges' awareness of the warning signs of mental health issues while promoting a better atmosphere in court and in their interactions with professionals. Exchanges between lawyers in a court of law are characterized by intense arguments that can lead to confrontation. This can also lead to outbursts and even to some forms of incivility or violence. Considering that judges are on the front line of these exchanges, training them on good practices can foster a better atmosphere in the courts. This training will also raise judges' awareness about the consequences of uncivil and violent behaviours and about the different forms they can take.

Legal workplaces have **to adopt management practices aligned with a holistic health approach**. Implementing respectful management practices that value health contributes to the quality of life of legal professionals. Best practices include flexible working hours, work-life balance, recognition, pairing the individual with a mentor or "buddy" when integrating professionals at the start of their career, and so on.

### **8.3 PREVENT VIOLENCE AND INCIVILITY IN THE LEGAL PROFESSION**

Beyond these practices, legal workplaces at all levels should implement actions to reduce the prevalence of violence and incivility in legal environments by **establishing a "zero-tolerance" policy on violence and incivility**. The purpose of such a policy is to make it clear that violent and uncivil behaviours are not tolerated. In addition to implementing a policy against violence and incivility, legal workplaces can identify a contact person (investigator) to receive and analyze complaints. This person should be external to the organization. In addition, the process for filing complaints should be clear. If there is no process in place, professionals will find it very difficult to denounce any violence or incivilities they may suffer. Legal workplaces may also **establish a code of conduct for people in positions of authority or influence in the workplace**. A code of conduct for managers and partners is critical to proper governance. Not only does adopting a code of conduct raise awareness among members of the senior management and better equip them to lead, it also sends a clear message of "zero

tolerance" of violent and uncivil behaviours. Manager and partners have a fundamental role to play: to set an example for their employees.

#### **8.4 PROMOTE POSITIVE COPING STRATEGIES**

Lastly, considering legal professionals' health as an integral part of the justice system means **to encourage moderation in alcohol consumption at corporate/formal or social events, or even exclude alcohol from some events**. All legal workplaces benefit from encouraging moderation in alcohol consumption at events. Given their regularity, these events can contribute to frequent drinking and the integration of alcohol consumption into the professional's lifestyle. By promoting moderate drinking, workplaces and other institutions provide a model for sensible and healthy drinking habits. Similarly, meal reimbursement policies should also exclude alcohol-related costs.

In the same way, it is important **to identify and use positive coping strategies to deal with stress**. Being healthy is first and foremost the responsibility of the individual. Following this logic, legal professionals can work to identify and implement healthy, positive strategies for managing stress. This can help limit the use of harmful behaviours (e.g., avoidance, alcohol consumption, drug use). Some ideas for positive strategies include mindfulness, physical activity, social activities, processing emotions with a health care professional or support person, etc. It is essential to remind professionals of the importance of implementing these strategies preventively to avoid developing a mental health issue, and thus preserve their commitment to the profession and their clients.



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# 9

## DEVELOP A CULTURE OF MEASUREMENT

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The findings of this research have revealed highly worrisome proportions on the mental health indicators for Canadian legal professionals. When indicators for legal professionals are compared to indicators for the general Canadian population, a significant gap exists.

To develop a culture of measurement, two strategies seem essential: 1) collect data; and 2) examine the factors/sources of professional misconduct.

### 9.1 COLLECT DATA

Not only do mental health issues restrict the capacity of professionals, they also pose a real threat to their level of commitment and the profession's sustainability. Given that these issues can impact professionals' ability to practise, **a culture of measurement is the starting point for a national strategy**. Making a shift towards a healthy professional practice requires more than just a leap of faith, a single action or even multiple actions. A healthy professional practice is the result of committed, continuous and iterative work that must be carried out daily by everyone in the Canadian legal community. It is strongly recommended that a culture of measurement be developed in all areas of the legal community. This is to root decisions in evidence-based data, which allows us to assess the full impact of the actions taken.

Led by the Federation of Law Societies of Canada, a longitudinal study with measurements every three/five years would make it possible to measure improvements over time. These measures could also include objective indicators such as departures from—and entries into—the profession. Health is an ongoing process and this study was only a starting point.

Through the Federation of Law Societies of Canada, law societies could collaborate on **developing a "health index"** including a few key indicators that could be monitored over time to track legal professionals' health.

In short, the "health index" would assess several issues related to the health of professionals, including their health indicators, lifestyle habits and acquisition of skills or practices that protect health.

This recommendation is part of an overarching approach, i.e., its scope is not limited to this particular area of concern. Implementing the ongoing measurement of health and wellness among legal professionals makes it possible to assess the positive impact of the actions taken by the law societies and the Federation of Law Societies of Canada to protect professionals' wellness and, by extension, the public.

It is important for law societies **to collect data from members who do not renew their professional licence**. Data collection is essential for understanding and collating information about professional licences that are not renewed (apart from voluntary departures due to normal causes such as retirement). The responses serve as a valuable source of information for making changes to the

professional environment, improving the quality of professional practice, better equipping legal professionals, and securing the profession's future. To this end, it is suggested that an external data collection firm be contracted to ensure respondent confidentiality and anonymity, thus reducing the risk of self-censorship and increasing the chances of learning the real reasons for licence non-renewals. Law societies should also provide a checklist of reasons in the electronic form soliciting the information (e.g., retirement, financial reasons, harassment, discrimination, work–life conflict, other; specify). Additional questions asking for comments could also be included (e.g., "How could this have been avoided?").

In legal workplaces, **collecting data and setting up exit interviews** appear essential. Exit interviews provide management with a better understanding of the reasons for a legal professional's departure. By formally collecting the information, legal workplaces can improve internal practices and prevent departures.

## **9.2 EXAMINE THE FACTORS/SOURCES OF PROFESSIONAL MISCONDUCT**

It is suggested that **a global analysis of factors/sources related to legal professional misconduct be conducted**. By examining the sources or contributing factors of professional misconduct, regulators will be able to better understand the dynamics that lead to misconduct. This will allow regulators to take preventive actions through the development of targeted training content.

A deterioration in the psychological health of professionals or the use of negative coping strategies (e.g., excessive alcohol consumption) can lead to misconduct. However, it is more often one of a number of interrelated factors, and frequently only indirectly related. The same is true for the link between the health and the competence of professionals and their ability to practice their profession. A professional experiencing difficulties may still be perfectly able to meet his or her professional and ethical obligations. Even if that is the case, legal professionals should not feel the need to do so without supports. Professionals must be able to seek appropriate professional assistance without fear that their competence or ability to practice will be questioned. It is important for regulators to make professionals aware of this so that professionals can proactively seek assistance, which can help prevent the deterioration of their psychological health.

This measure will also provide regulators with an overview of the links between mental health issues and professional misconduct.

By clarifying the link between the factors that have led to sanctioned misconduct in the past, regulators will be able to ground their discussions and actions in data to better educate professionals and deconstruct stigma that perpetuates misunderstanding with respect to psychological health and wellness in the legal profession. This will help to break down some invisible but real barriers that limit the ability of professionals to reach out for help. This data will also likely support a separate process when mental health issues are experienced during professional practice, thus avoiding the use of disciplinary processes

The findings demonstrated that work-life conflict is not only tied to parenthood, as many legal professionals with or without children are affected. However, the importance of work-life balance for health is no longer in question. Several studies have already highlighted this relationship in the past<sup>8</sup>. Several measures are likely to improve the work-life balance of professionals.

In order to foster a better work-life balance in the legal profession, four elements are important: 1) implement work-life balance programs; 2) support the right to disconnect; 3) make work organization and teleworking arrangements more flexible; and 4) taking care of ourselves.

### **10.1 IMPLEMENT WORK-LIFE BALANCE PROGRAMS**

First, it appears important for legal workplaces **to implement work-life balance programs**. As dual-career couples become more common, work-life balance is a societal issue and a non-gendered one. Parenting is not the only responsibility families have to deal with. Given the aging population, many people act as caregivers to a parent. Implementing work-life balance programs, in combination with the possibility of a flexible schedule and the ability to work from home, could reduce pressure in both spheres of life—work and family—for all legal professionals. In fact, being able to work from home during the COVID-19 pandemic was found to be a protective factor against burnout.

### **10.2 SUPPORT THE RIGHT TO DISCONNECT**

It is important for organizations **to implement a policy that supports the right to disconnect**. Setting boundaries and having clear rules about using technology outside of work hours are ways for professionals to give themselves the right to disconnect. Mobile technologies offer flexibility, but sometimes at the expense of time offline between work periods for much-needed recovery. Protecting this time of psychological rest is essential to wellness, which is why it is good for professionals to communicate their offline hours to those they work with (clients, colleagues, superiors) so that everyone is made aware. The objective is to limit the expectations and pressure felt when feeling a sense of duty to respond immediately. Implementing a policy on the right to disconnect while adhering to client obligations aims to improve work-life balance. The right to disconnect helps prevent some of the risks associated with work-life conflict, such as anxiety, depression, and burnout.

Beyond a clear policy, **management practices and work environment have to support the right to disconnect**. Organizations must clarify expectations and priority management with professionals. Technology and constant accessibility can create a sense of urgency that interferes with the ability to disconnect during essential recovery time. The difficulties inherent in disconnecting particularly affect professionals with less experience. Thus, it is crucial to clarify what is expected of professionals to

<sup>8</sup> Read: Rashmi, K. & Kataria, A. (2022). Work-life balance: a systematic literature review and bibliometric analysis. *International Journal of Sociology and Social Policy*, 42(11-12), 1028-1065. <https://doi.org/10.1108/IJSSP-06-2021-0145>

reduce the sense of urgency, which technology exacerbates, potentially becoming invasive, interfering with psychological detachment, and leading to work–home conflict. Now more than ever, it is time for organizations to implement policies that provide a framework for the right to disconnect.

### **10.3 MAKE WORK ORGANIZATION AND TELEWORKING ARRANGEMENTS MORE FLEXIBLE**

Work-life balance requires with flexibility. Therefore, organizations should **make work organization and teleworking arrangements more flexible**. Making work arrangements more flexible and adopting a clear policy on hybrid telework would benefit both professionals and organizations. Teleworking often improves productivity and also promotes a better work–life balance. For organizations, it reduces operating costs by minimizing capital costs.

Law societies may wish to collaborate (including through the Federation of Law Societies of Canada) **to identify national concerns about telework in the practice of law and take stock of the best practices among law societies**. The COVID-19 pandemic has required great resilience within the Canadian legal community. Although teleworking was a "must," many professionals and organizations have come to appreciate its advantages and will continue to work remotely. However, teleworking comes with its own issues regarding technology, work organization, protection of confidential data, and interaction with clients. This could involve the creation of a list of key resources and tools to help professionals uphold their obligations under the Model Code while working remotely. These efforts could eventually lead to creating a telework toolkit.

### **10.4 TAKING CARE OF OURSELVES**

For their part, professionals should **take time for themselves and enjoy life outside of the practice of law**. Enjoyment is key to a person's wellness. No one should be deprived of the ability to enjoy life. Work should not be an obstacle to that enjoyment and, in fact, work itself can be a source of enjoyment. It can be risky to delay the things that bring us enjoyment and pleasure. It is much healthier to make time and space for enjoyment in life, so that work is not all-consuming. Here are some hobbies that are intrinsically healthy and can inspire professionals to live better: playing sports, playing a musical instrument, reading, painting, meeting friends, going to a show, and so on. Cultivating wellness regularly is one of the keys to good health!

Professionals should also **take a REAL vacation**. Professionals must adopt practices that allow them to truly disconnect from work and take proper vacation time (e.g., delegating files, organizing time differently). Vacations are critical to protecting mental health. It is important that professionals take real vacations every year and as needed so they can disconnect completely.

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