

Are barrister's high levels of stress placing their health at risk?

February 23, 2017 by Dr Lynsey Kelly clinical psychologist barristermagazine.com

Concerns about stress levels within the profession were raised after the Bar's 2015 wellbeing survey, which found that 1 in 3 respondents found it difficult to stop and control worrying, and that 59% were very self-critical most of the time. Criminal barristers, relative to other areas of practice, were particularly likely to report high pressure, low mood, and a poor work life balance. Interviews with barristers, working at the Magistrate's court, suggested that various factors may contribute to their stress and distress.

Barristers talked about the enormous pressure of working in the Magistrate Courts, including the increasing financial pressures caused by cuts to legal aid, the lack of time to prepare, and huge workload; none of which is received sympathetically by the court. Junior barristers, learning on the job, felt particularly pressured.

Many barristers talked about wishing to help others, empathy, and having a social conscience as a motivation for doing their job. Faced with clients who have multiple disadvantages, barristers ended up feeling responsible for their clients, and distressed when trial outcomes were not favourable. "I used to go home thinking that I, I was somehow to blame for my client being convicted, despite the fact that the evidence was overwhelming." one of them said

Barristers felt conflicted about working within the criminal justice system, recognising that they wished to help both their clients and society at large, and feeling the tensions of working for a system that comprehensively failed to do so. Pulled in multiple directions, they described feeling like a "social worker," juggling their client's social and mental health needs without any training in this.

Some barristers also described significant distress in the face of these multiple pressures, and their work with distressed and traumatised individuals, and some were very affected by the emotional impact of their work. Junior barristers had the worst time, sometimes feeling completely overwhelmed and not knowing where to turn.

Junior barristers felt underprepared to work with the complex needs of their clients, yet faced the additional pressure of projecting an illusion of confidence to those around them. Confidence was felt to be necessary for the client relationship, winning the case, and for appearing competent in front of their peers; but prevented them from seeking emotional support. Admitting vulnerability was felt to not be part of the job, and seeking help to possibly be associated with stigma that might damage one's career. This echoes the Bar's wellbeing survey, which revealed that two thirds of respondents felt that showing stress at work was a sign of weakness.

Burnout is a state of psychological stress, where emotional demands have become so high that the person is emotionally exhausted, and no longer able to fully cope. It is associated with many of the factors described here, such as an inability to meet extreme workload demands, feelings of personal responsibility, and role conflict. Many barristers described experiences akin to burnout, such as exhaustion and struggling to let things go. Alongside harm to barristers themselves, it is also important for their clients that burnout is addressed. In an attempt to reduce the emotional burden upon them, individuals who are burnt out may begin treating others as objects rather than people, and also feel less motivated and personally accountable. In the context of immense cuts to legal aid, burnt-out barristers may resort to working unethically; motivated by finances, rather than the best interests of their clients"

Rachel Spearing, barrister and Co-Founder of the Wellbeing at the Bar initiative, said: "Until a couple of years ago, wellbeing and mental health were not talked about by the profession. It was seen as a sign of weakness, though we all knew it was an issue." The good news is that this research comes at a time of change for the profession. The Bar Council vowed to act and provide more support to barristers and chambers. A new wellbeing portal, www.wellbeingatthebar.co.uk, has been set up to provide support and best practice to barristers, clerks and chambers on wellbeing and mental health issues. It encourages barristers to recognise and address the negative effects of a high-pressure environment, and can be used as a first port of call to get help.

Information is now available to barristers so that they can seek advice at an early stage. Whilst the risk will remain in any high-stress environment, it is welcome to see that such risks may now be mitigated by the timely, appropriate support in place for barristers.