

'A diet of the most awful things humans can do' – a criminal lawyer's life

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It is no secret the **legal profession** has **higher-than-average levels of stress and wellbeing problems**. Reports in New Zealand and overseas consistently document the fact that lawyers are an occupational group at one of the highest risks of poor mental health, stress, and burnout.

Earlier this year, the **Coroners Court of Victoria in Australia** admitted **failing to protect staff from vicarious trauma, bullying, and overwork**. This admission came after the court service was prosecuted following the suicide of a senior in-house lawyer. Despite several warnings from senior staff and a staff survey identifying problems, **little was done to assess wellbeing risks**.

It is widely accepted those in caring professions who are exposed to other people's grief and trauma experience detrimental effects on their own wellbeing. **Lawyers working** in areas such as **criminal and family law** therefore have a 'double whammy' of occupational **stress and exposure to potentially traumatic material, long hours and dealing with others' emotions**.

Add to this that criminal courts are places steeped in emotion, but where the worst of experiences play out in a purposefully objective manner. **Lawyers and judges are criticised for any displays of emotion** and this professional expectation overflows to an occupational **cultural belief that building scar tissue – a 'thick skin' – is both an aspiration and a necessity**.

Despite some changes to policy and practice by law firms and the Law Society, barriers to seeking help remain, and **current assistance with stress and burnout is often viewed by lawyers as inadequate**.

Lawyers care about their job and the people affected by the cases they are involved in, expressing to us **a desire to give back to society and to advocate for those who are vulnerable. They feel responsible for court outcomes**: as one lawyer put it, "it feels like you've got the whole weight of the world on your shoulders sometimes".

As well as legal expertise, the job requires a complex set of interpersonal and communication skills, something that can take an **emotional toll** when dealing with the experiences and emotions of victims, defendants, and witnesses. **Popular tropes of the profession do not encourage empathy with lawyers' struggles**.

Both prosecution and defence lawyers who work on sexual violence cases told us they feel the added pressure of getting the 'right' result and reported **impacts on their ability to be physically intimate with partners, or emotionally open to their families** while working on those cases. One lawyer said, "the darkest of the dark is not dinnertime conversation".

Criminal lawyers also told us their job had made them **cautious about their own safety** and that of their children. They feel **less trusting of others**, becoming hypervigilant, turning on lights, and sometimes fearing being home alone.

Law firms are starting to enhance their wellbeing provision and the profession itself is **encouraging its members to speak out more**. Some positive changes are being made. **We can all help by trying to have more empathy for those working in our criminal courts to address harm**.

1. SUMMARY

1. problem

- the legal profession has higher-than-average levels of stress and wellbeing problems
- the Coroners Court of Victoria in Australia admitted failing to protect staff from vicarious trauma, bullying, and overwork.
- little was done to assess wellbeing risks.
- criminal and family law = particularly affected

2. causes

- stress and exposure to potentially traumatic material, long hours and dealing with others' emotions.
- Lawyers and judges are criticised for any displays of emotion
- a cultural belief that building scar tissue – a 'thick skin' – is both an aspiration and a necessity.
- current assistance with stress and burnout is often viewed by lawyers as inadequate.
- They feel responsible for court outcomes

3. Consequences

- emotional toll
- reported impacts on their ability to be physically intimate with partners, or emotionally open to their families
- cautious about their own safety
- less trusting of others

However: Law firms are starting to enhance their wellbeing provision and the profession itself is encouraging its members to speak out more.

2. COMMENTARY

perception of criminal lawyers: "Popular tropes of the profession do not encourage empathy with lawyers' struggles"

They defend potential criminals, sometimes of the worst kind. People may be uncomfortable with the idea of giving a chance to the accused to prove their innocence in so far as their bias, prejudice are generally strong against (alleged) criminals.

It is generally worse for the prosecutors = they may come across as brutal, unempathetic, bullies, ...

Why should they accept such cases?

-> in England there is the cab rank rule (barristers cannot discriminate between clients, and that they must take on any case provided that it is within their competence, and they are available and appropriately remunerated). Rarely respected though.

-> high profile cases = good publicity for lawyers. Can become very famous => televised trials

-> Such trials raise strong emotions = so are very popular + shot of adrenaline because the stakes are high sometimes (jail time, death penalty)

-> (alleged) criminals have a fundamental right to be represented in court (14th A)

How to cope as a criminal lawyer?

Obviously, the key issue for a criminal or family lawyer is their emotions / dealing with their own emotions/ emotional impact of the cases.

Solution -> distancing oneself from one's emotion = should lawyers have a training in psychology?

Should there be a psychological test before practising in this legal field?

-> rule requiring criminal lawyers to see a counsellor → who pays for it? The firm? The lawyer?

Solution → resorting to AI (non-emotional device)

Line 1 : "It is no secret the legal profession has higher-than-average levels of stress and wellbeing problems"

Billable hour system ≠ Fixed fee and capped fee services

billable hours are used as a measure of how busy the firm and its lawyers are

Harassment + bullying + discrimination