

Notes on Guideline 4 for law firms and in house counsel

Personality traits

While of course there is no single personality type that makes up the legal profession, there are a number of personality traits that are common among lawyers. Many of these can be double sided in the sense that they may support the individual in their professional practice, and as such be recruited for and promoted, but, if left unchecked, can create a risk to their mental health. It may be that individuals with these character traits are more likely to be attracted to the law and it may also be that these traits can be formed and/or exacerbated by the training for and practice of the law. The following list is inevitably not exhaustive.

Driven to succeed – lawyers tend to have a strong work ethic and a strong desire to succeed, both in respect of an individual client assignment and more generally in their career. This of course is helpful to them and to their work but can also lead the individual to pursue such success at the expense of their own wellbeing.

Help givers not takers – the role of a lawyer is to provide expert guidance and support to other people or institutions. Such persistent focus on supporting other people, and identifying strongly as someone who does that, who can be asked for help, relied on and so forth, can result in an unwillingness to ask for help or a lack of insight either that help might be needed or that they have the power and permission to ask for it.

Thinkers not feelers – lawyers deal in objective facts, not feelings. While necessary to the conduct of legal practice, this can have the effect of the individual not developing or losing the language to discuss feelings and/or to not regard them as important, or to ignore them completely, becoming unaware of the impact those feelings are, actually, having. This is a risk to themselves but also to those whom they manage and lead.

Responsible, reliable and diligent – lawyers do what is asked of them, they respond to requests for help, they take their work, and their personal responsibility for it, very seriously and they seek excellence in all they do. Again, while helpful to the conduct of law, these traits can lead to a disregard for self and a reluctance to ask for help.

Putting others' needs before their own – lawyers are encouraged from the earliest stages of their careers to put the client's needs before their own. The risk this creates is self-evident.

Perfectionism – lawyers often fear making a mistake more than almost anything and will go the extra mile and beyond in the pursuit of excellence and perfection. This can exacerbate many of the other traits discussed, inevitably requires huge effort, and can also lead to procrastination – on the basis that it may be better not to start/finish something than risk it being other than 100% perfect.

Catastrophising – a key part of the practice of law, particularly in the context of drafting agreements, is to anticipate all eventualities and provide for them – to worry about everything that might go wrong. While important for the practice of law, given the way the



brain works by repeating habits and behaviours, this can easily permeate all aspects of the individual's perspective with high levels of stress as a result.

Sensitivity and vulnerability to criticism – given much of the above, it is not surprising that lawyers are highly attuned to perceive, and be vulnerable to, criticism which can clearly cause excessive amounts of stress. Further there is often a tendency for their self-esteem to be dependent on others' evaluations (judges, clients, the other side and so on) leaving them with reduced personal self-esteem and greater vulnerability to distress.

A tendency towards pessimism – research by Martin Seligman suggests that lawyers, more than other groups, have a tendency to be pessimistic, a view informed no doubt by the work they do, which can result in a greater vulnerability to mental distress compared to those who are optimistic.

As stated, people with these traits may be more attracted to the practice of law and at the same time the practice of law encourages these traits. Various of them are hard wired into the structure of law firms and legal teams and their business models. Over time, thinking patterns that reflect these traits can become automatic and unconscious with the risk that they become the default response to any situations, within and outside of work. It is therefore important for lawyers to be aware of these traits and thinking patterns and to be encouraged to develop ways to notice them and manage them.

The nature of legal practice

Most of the work lawyers do is important, high value (whether in financial or other terms) and time pressured. This inevitably can create risk.

In addition there are many areas of legal practice that create additional risk by virtue of their subject matter. **Dispute resolution** generally, by virtue of its adversarial nature, high stakes and lack of control (decisions rest in the hands of a third-party judge), is an obvious candidate. There will be areas of practice where the stakes are particularly high for the client or where the emotional angst accompanying them create additional stress, such as **crime and family dispute** work. There are areas of practice where the subject matter may be traumatising, such as **domestic abuse, human rights and asylum, medical negligence, personal injury** and, again, **crime**. There is also increasing understanding of the impact of compassion fatigue which can arise where someone is repeatedly exposed to the trauma of others. This has been discussed in the context of many caring professions but is equally an issue in the legal profession.

It is important that firms, teams, and individual lawyers reflect on the nature of the work they do, understand the particular challenges and risks that it involves and put in place meaningful measures to address those challenges and risks. It is not enough to assume that lawyers' professional status or training makes them immune to the potential impact.

Appropriate measures to address these risks



We recommend that lawyers receive training, which is refreshed on a regular basis throughout their career, to understand the personality traits and thinking traps we have highlighted and the risks they create. This will assist them in better self-regulation and also in supporting others. Alongside that we recommend ready access to coaching and/or psychotherapy to help them to manage the demands of their work and those personality traits and thinking patterns. This can be delivered in multiple ways, with practitioners who understand the pressures of the legal system, with peer groups and group supervision to increase self-awareness and reflective practice.

