



Précis Paper

Mental Health and the Legal Profession

Renowned journalist Geraldine Doogue interviews Head of Department of Psychiatry and Psychological Services at St Vincent's Clinic and St Vincent's Private Hospital Dr Robert Fisher. All members of the profession must watch this production.

Discussion Includes

- Patterns in legal professionals – stress, hard work and long hours
- Preparation for going into law and induction processes
- Traits of lawyers – resilience, pessimism, perfectionism and intelligence
- Assessment, treatment and recovery
- Psychological Wellbeing: Best Practice Guidelines
- Responsibility of legal firms, the Bar, the judiciary and self-responsibility

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Mental Health and the Legal Profession

1. In this edition of BenchTV, Dr Robert Fisher, Head of the Department of Psychiatry and Psychological Services at St Vincent's Clinic and Private Hospital, is interviewed by Geraldine Doogue, journalist and presenter for the ABC, on the topic of mental health in the legal profession.
2. In the course of their discussion, the presenters comment on what it is about the law that predisposes its practitioners to concerns with their mental health; what can be done once lawyers present with sometimes severe symptoms; and finally, what the profession should be doing to prevent these symptoms from ever arising.
3. Dr Fisher uses his experiences of treating a large number lawyers, barristers and judges, and his role as a Director of the Tristan Jepson Memorial Foundation to provide a unique perspective on the mental health issues facing lawyers at all stages of their careers.

Why are Lawyers so Vulnerable to Psychological Illness?

4. Dr Fisher notes that every aspect of the law intrinsically predisposes people to mental health concerns. Factors that stand out as common amongst the complaints of his patients include the degree of mental difficulty required in the work and the build up of stress over the long working day. Moreover, there is a perception particularly amongst junior lawyers, that much of the work they undertake is meaningless with an office culture in larger firms where very limited appreciation is ever shown by more senior practitioners. In such circumstances, it is unsurprising that lawyers are vulnerable to the development of serious mental health conditions. The feeling that your working life is like entering a war zone every day is only compounded by family and financial pressures, with personal pressures left completely unattended.
5. According to the report, "Courting the Blues", produced by the Tristan Jepson Memorial Foundation and written by Professor Ian Hickey, most lawyers are simultaneously perfectionists and pessimists. The report goes further to say that those traits are in fact seen to be a requirement for decent lawyers. The role of a lawyer is often to 'catastrophise' and imagine the worst possible scenario that might emerge for a client. This process of thinking is often linked with high levels of anxiety and stress that can manifest in more severe problems, particularly where they are left untreated and are compounded by other risk factors such as a history of mental illness earlier in life.
6. An unfortunate irony for lawyers is that they probably do not notice (or wish to notice) their own health problems when they spend their careers identifying problems for their clients.

This is compounded by the fact that they are very resilient in the main because they would not have progressed through law school without it. As a consequence, any stress or anxiety is often discredited as an ordinary fact of life for lawyers rather than confronting it head on, and treatment is only sought where things have totally devolved.

7. On the subject of law school, the progression of a student through their law course is a useful microcosm of the problems that may affect them throughout their careers. Research has shown that law students prior to entering their courses are often average to above average in their mental health. However, on reaching the halfway mark in their courses there is a serious decrement in their mental health scores on standardised tests. Dr Fisher proposes that the competitive and adversarial nature of the law is already evident in the law school environment and that is what is driving these results as compared with medicine or engineering students.
8. Of course, it must be remembered that particular pressures impact certain lawyers differentially. Dr Fisher notes that he sees barristers and judges with some of the most acute cases of mental distress. It is possible that these court room warriors are at particular risk of leaving their developing health issues untreated because admitting a chink in their armour is particularly difficult for them. They see themselves as being in a role where they have to present themselves as confident and competent to people. Again, it is only when they have fallen completely over the edge that Dr Fisher will see them finally seek professional advice. In such circumstance, it is common that prior to falling off the edge they will be self-medicating with alcohol, Valium or ice, which is becoming ever popular amongst practicing lawyers and can only exacerbate the problem.

What can be Done when a Lawyer Presents with Symptoms?

9. Where someone admits they have a problem, already a massive step in the current climate, what they are finding all too often is that there are extremely limited resources provided by their employer to help them deal with their symptoms. Most workplaces will often just have a number for struggling lawyers to call which may require you to leave a voicemail, with a trainee calling you back at some later, unspecified time. This is clearly not appropriate for someone in a crisis.
10. One of the first steps towards recovery for a struggling lawyer will be to ascertain what the source of their problems is. This will vary lawyer to lawyer, depending upon their intrinsic resilience, previous job experience, early life experiences of verbal, physical or sexual abuse, and their family history of depression.
11. On the topic of identifying the source of the lawyer's problems it is sometimes difficult to perceive what might be done from a superficial perspective – most lawyers are highly

successful people who seem to have all the material underpinnings of success and a mistaken perception that this alone should be enough for one's mental health. These lawyers work extremely hard to maintain a certain lifestyle, which is often maintained only by the finest of margins, with the prospects of dealing with any other pressures considered secondary until they experience a complete breakdown and it all comes tumbling apart. Dr Fisher recounts seeing people who are highly mortgaged, with leased cars, and struggling to put children through private schools. To add to those pressures, their wife is having an affair, their children are suffering from drug problems and their doctor says they are well on their way to a heart attack.

12. Even when the underlying problems are identified, lawyers often do not respond well to being told they are not perfect. They are highly successful people who have been conditioned to not allow themselves to be considered otherwise. Dr Fisher has found that lawyers are undoubtedly intelligent but that in this way they have not quite transitioned from children to adults in terms of the way they treat themselves and others. In response to these concerns, Dr Fisher finds it useful to provide clients with a written document that contains the common symptoms or scenarios that lawyers experiencing mental health conditions have confronted such that they can identify the problems they face for themselves.
13. Additionally, Dr Fisher will present them with another document which contains the 13 characteristics of a mature, civilised person. Essentially, it advocates a balanced life. This is often a foreign concept for lawyers because they simply have not had enough time to maintain any modicum of balance. They have had to push themselves to get into law, then compete with a large number of people for a limited number of places at a large firm, and the lucky few who get there work an extraordinary number of hours for limited compensation. In order to combat this lack of balance, it is often useful to simply encourage patients to think about what they really want out of life at a broad level and also encourage them to consider what the purpose of their life is. This step of sitting and thinking at a more macro level is often all that is required to begin moving in the right direction.
14. Linked with this strategy is the step of making it very clear to any struggling lawyer that they are very much not alone. Even with the efforts of organisations such as the Tristan Jepson Foundation, lawyers are still surprised at the degree to which many of their close colleagues suffer from very similar issues as them. In fact, 1 in 5 lawyers have been shown to suffer from a diagnosable condition requiring of treatment in a 12 month period. The problem is that not all of that 1 in 5 ever seek treatment.
15. For those that do seek treatment, Dr Fisher is ever surprised at the degree to which people can improve once they receive a little help. That said, when it comes to the exact period of time it might take for someone to feel stable again, it is a difficult question to answer. It really comes down to the specifics of the person, how long they have left their condition untreated

and exactly what they are suffering from. These days, even bipolar disorder, which is a lifelong illness with episodes of mania and depression, can be treated with medication leaving the sufferer able to continue being highly functional in their job.

What Steps Should the Profession be Taking to Avert the Mounting Crisis with Mental Health?

16. Today we know that at least 10-15% of lawyers will leave the profession entirely after 1 year at a large law firm. This leaves another 85% of lawyers who stay but we are not sure whether all of them should be.
17. In the circumstances highlighted previously in this paper, Dr Fisher suggests that there should be two immediate, primary changes that should be made to how mental health is dealt with in the industry.
18. Firstly, Dr Fisher suggests that the profession can vastly improve its induction services for lawyers at every stage of their careers. Whether it is entering University, starting their first job or even on being appointed to the judiciary, lawyers should be made aware of the common mental health problems faced by their new colleagues, the prevalence of these problems and where they can seek help as part of their induction.
19. Secondly, Dr Fisher argues that leaders throughout the profession need to take personal responsibility for providing more extensive avenues for struggling lawyers to seek help. Whilst the Law Society and the Bar Association have some courses (see below), it is easy to see why people have said that the culture of comity that was once a hallmark of the profession has fallen by the wayside.

Reference Material and Help

20. Although much work is left to be done in fostering a legal profession that ensures its practitioner's psychological wellbeing, there are a number of sources listed below that have begun this process.

21. For immediate advice please see:

- BarCare - www.barcare.org

"BarCare is an independent professional counselling service designed to assist members of the NSW Bar to manage emotional and stress-related problems, such as marital breakdowns, drug or alcohol dependency and practice pressures".

- LawCare - Call 0416 200 788 to speak to a counsellor at LawCare.

LawCare is the Law Society of NSW confidential counselling service for solicitors in NSW and their immediate family members

- Lifeline for Lawyers - www.lifeline.org.au/crisischat Telephone: 1800 085 062

22. For best practice guidelines on ensuring the psychological wellbeing of your workplace please see:

- TJMF Psychological Wellbeing: Best Practice Guidelines for the Legal Profession - www.tjmf.org.au/raise-the-standard/the-guidelines-at-a-glance/

"The Guidelines assist the profession in raising awareness of mental health issues and understanding the initiatives and methods of management that assist in the creation and maintenance of psychologically healthy and supportive workplaces".

Download the Guidelines at:

www.tjmf.org.au/wp-content/uploads/2013/02/TJMFmentalHealthGuidelines_A4_140426.pdf

- The Mental Health First Aid Action Plan – www.mhfa.com.au
- The Mental Health First Aid Action Plan for Lawyers - www.tjmf.org.au/getting-help/mental-health-first-aid/

23. For more information on mental health research focusing on the legal profession please see:

- The Tristan Jepson Memorial Foundation - www.tjmf.org.au

The foundation's objective is to *"decrease work related psychological ill-health in the legal community and to promote workplace psychological health and safety"*.

BIOGRAPHY

Dr Robert Fisher

Dr Fisher is Head of Department of Psychiatry and Psychological Services at St Vincent's Clinic and St Vincent's Private Hospital, Sydney and a director of the Tristan Jepson Foundation. Dr Fisher consults for the Medical Council of NSW's Impaired Registrant's Program and has an extensive private practice which includes treatment of members of the legal profession. His special interests include mood disorder, chronic pain management, drug and alcohol problems, especially affecting doctors and lawyers.

Geraldine Dooque

Geraldine hosts the ABC's long-running program "Compass" and Saturday Extra on Radio National. She was the host of Radio National's Life Matters program for 11 years.

Geraldine received a United Nations Media Peace Prize and two Penguin Awards. The Penguin Award is given annually by the Television Society of Australia for excellence in broadcasting.

She is an Officer of the Order of Australia.

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