

Wellness in family law

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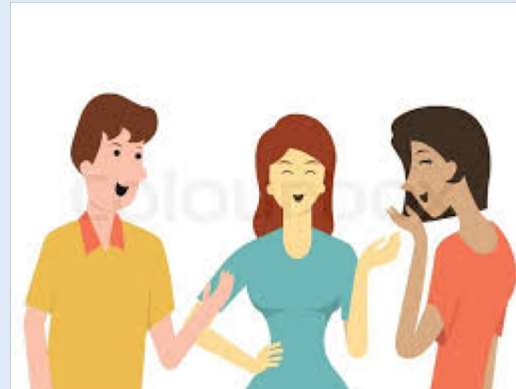
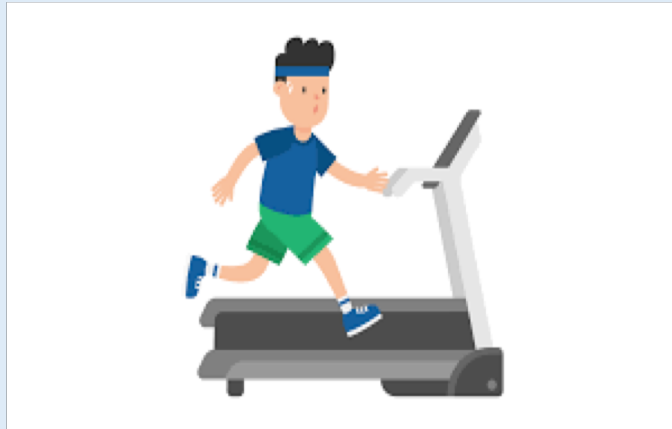
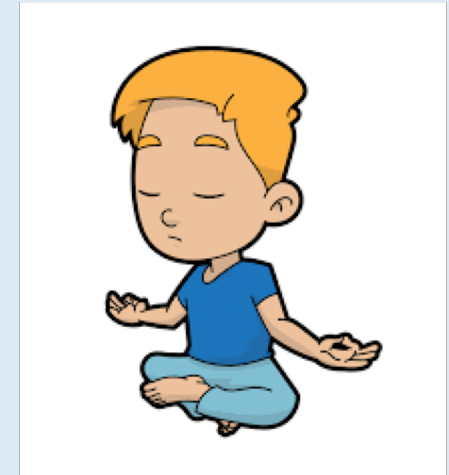


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What do we do to take care of ourselves?



How “well” are we?

- 3 solicitors struck off recently for dishonesty offences linked to intolerable working conditions.
- Working culture in one firm described as “*abominable*” and “*uncaring and toxic*”.
- Tribunal referred to stress as an “*occupational hazard*” for lawyers.

How “well” are we?

- The President of the Family Division has said:

“If you can reduce the causes of stress, that will have an impact on your wellbeing. As a judge, now a senior judge, I take wellbeing of all of you very seriously. I'm not paying lip service to this. We're at a seismic moment. The system will not fall over or collapse, it will just grind on. What will happen is the people will fall over and collapse. Look after yourselves.”

How “well” are we?

- What pressures are lawyers under?
 - Time recording;
 - Financial;
 - Culture of presentee-ism;
 - Regulatory pressures;
 - Perfectionism; and
 - Tendency to try to “rescue” clients.

How 'well' are we?

Resolution members are committed to non-confrontational resolution of disputes **HOWEVER...**

when we're tired, stressed and burnt out, we are vulnerable to getting involved in disputes with other lawyers.



Transference - what do we “pick up” from clients?

- Can be **client to lawyer**, so we take on client's stresses and emotions. We can facilitate unhealthy behaviours in our clients by adopting their stance.
- Can be **lawyer to client**. Our own life experiences can influence our approach to a client's situation.
- Also, what's going on in our **relationships with other lawyers?**
- And **our colleagues?!**

What is reflective practice?

Structured support for family lawyers of various types:-

- Individual therapeutic supervision with a therapist;
- Therapeutic supervision with a therapist in a group, with colleagues/counterparts at other firms;
- Therapeutic support with a therapist;
- Supervision by a fellow family lawyer;
- Peer mentoring schemes.

Why don't lawyers have supervision?

- Mandatory for other “caring” professionals such as social workers, psychotherapists and counsellors.
- Family law was historically a subset of civil litigation – not seen as a “caring” profession.
- “Bravado” of the lawyer – we don’t need help!

Q. Have things changed with advent of mediation, collaborative law and other DR approaches?

Benefits of reflective practice for the individual

- Improving relationships and the understanding of teammates;
- Impact on your relationships with and the understanding of clients;
- Reassuring to know that others have the same traits (e.g. perfectionism, over-responsibility, struggling when outcomes are out of our control);
- Feeling a weight has been lifted and a problem shared. *“A problem shared is a problem halved”?*

Risks and ethical issues

- Must be properly facilitated with boundaries in place – avoid advice giving which can be undermining.
- Need to ensure appropriate standards of practice for supervisors.
- Need to feel safe and that you trust the other participants if in a group setting.

Risks and ethical issues

- Confidentiality issues – supervisor's responsibility to the firm and individual.
- Difficulties in forming groups with counterparts at other firms, same difficulty for Counsel who could have member of chambers on other side.

Benefits of reflective practice for firms

- Increased morale;
- More productive staff; and
- Fulfilling ethical obligations to staff.

Why isn't reflective practice standard for family lawyers?

- Cost!
- Do we feel we have to be seen as “tough” and not needing to take care of ourselves?
- Is it because our practice has changed? Has our relationship with our clients changed? Are we more aware of the emotional aspects of our clients' lives than in the past when litigators would deal with family cases?
- Are employees' expectations of working culture changing?

Lawcare

- Calls to 5 Dec 2018 **solicitors** – 24% stress, depression 21%, anxiety 11%
- Calls to 5 Dec 2018 **barristers** – 26% stress, 22% depression, 18% anxiety
- Helpline – can speak to therapists/counsellors – **0800 279 6888**
- Peer support programme
- Factsheets including one on vicarious trauma -
<https://www.lawcare.org.uk/files/Vicarious-Trauma-UK.pdf>

Resolution Peer Mentoring

- Confidential mentoring scheme for YRes members
- Professional support for day-to-day practice, or for longer-term career, or learning and development goals
- Help with professional relationships, clients, career, using other Resolution sources of support and getting outside help with issues

The Bar and wellness

- Extra pressure as members of chambers may be working on the same case and can't seek support.
- **59%** of barristers demonstrate unhealthy levels of perfectionism
www.wellbeingatthebar.org.uk working group supported by Law Care and the Bar Council, offers support for barristers and other chambers staff.
- Calls for lawyers to draft consent orders on day of hearing (in non-financial remedy cases).

The Bar and wellness

- Employee assistance schemes now available to all barristers – <https://www.wellbeingatthebar.org.uk/eap/>
- Bar Council offers certificates to chambers who promote wellbeing by mentoring and other schemes.
- Some chambers are introducing wellness policies accredited by Mind.

The Judiciary and wellness

- Judges have to make often incredibly difficult decisions.
- Impacted by cuts to legal aid and court service, for example increase in litigants in person and reduction in support staff.
- Judges to receive counselling when dealing with traumatic cases, including 24 hour helpline and e-learning package on building resilience.

Helpful links

Lawcare.org.uk

wellnessforlawuk.org

wellbeingatthebar.org.uk/staying-well

https://www.bacp.co.uk/search/Therapists