

Lawyer wellbeing, workplace culture and ethics research survey: Interim summary of results

About the authors

This research is being conducted by academic staff at the Australian National University (ANU) and the University of Melbourne. The research team from the ANU College of Law is Professor Vivien Holmes (principal researcher), Emeritus Professor Tony Foley and Dr Stephen Tang, and from the University of Melbourne, Professor Julian Webb (Melbourne Law School) and Professor Susan Ainsworth (Faculty of Business and Economics).

Survey background

The Lawyer wellbeing, workplace culture and ethics research project seeks to understand whether there is a relationship between appropriate workplace conduct, workplace wellbeing safeguards, employee wellbeing, and the ethical climate of a legal workplace. If this research finds a correlation between these factors, its findings could inform targeted reforms to foster positive ethical culture, support mental health and promote wellbeing in the legal profession.

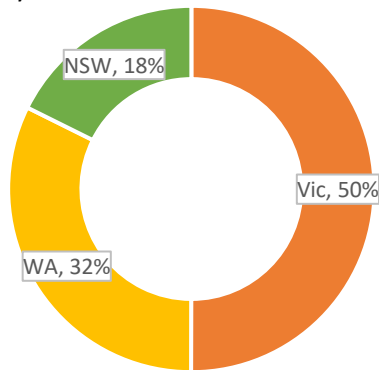
The running of the survey was facilitated by the Victorian Legal Services Board and Commissioner, the Law Society of New South Wales and the Legal Practice Board of Western Australia. These regulators sent an email inviting all lawyers with current practising certificates to complete an online survey. The survey was managed by the ANU researchers; it had been reviewed and approved by the ANU Human Research Ethics Committee.

The survey was divided into five sections beginning with a set of demographic questions including information on future career intentions. It then explored participants' experiences of the psychosocial supports/environment operating in their workplace (based on the Minds Count guidelines for law firms); their perceived workplace ethical climate (measured by the Ethical Climate Index); and their personal experiences of workplace incivility over the past 12 months (based on the Workplace Incivility Scale). Finally, the survey asked a range of questions that focused on both negative and positive aspects of participants' wellbeing as related to the workplace (assessed using the PHQ-4 inventory and PERMA+4 scale, respectively). Two open response questions were included in the survey, regarding experience of beneficial psychosocial support and anticipatory reasons for leaving the profession. Participation in the survey was voluntary and anonymous.

The data obtained is being analysed to test a number of pre-set and registered hypotheses. Some preliminary results are set out below.

1. Survey participants

1891 lawyers completed the survey. Half of responses were from Victorian participants, with approximately one-third and one-fifth from WA and NSW, respectively:



2. Demographics and work characteristics

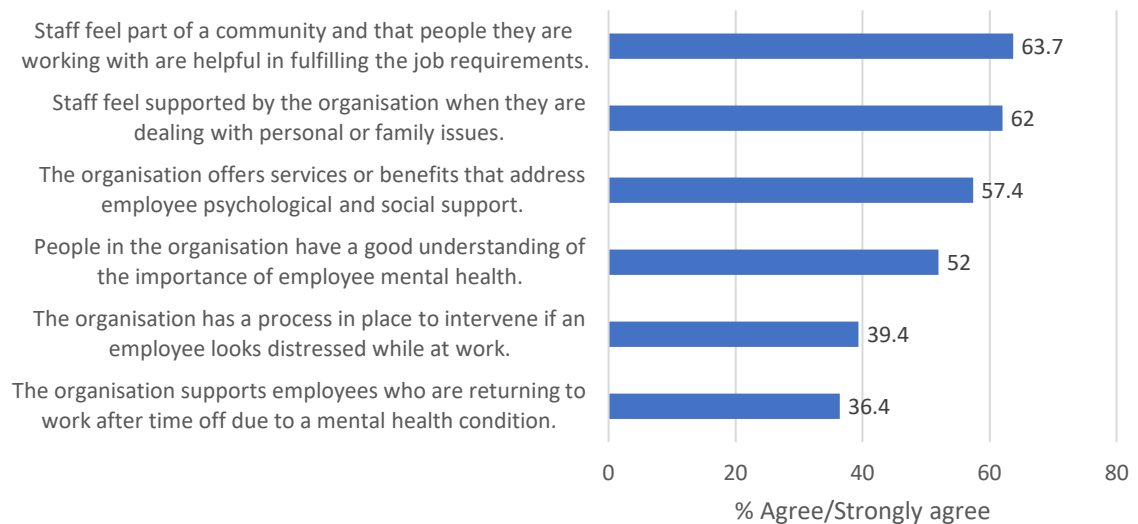
- Just under two-thirds (64%) of survey participants were female, and just over one-third (34%) identified as male. Less than 1% identified as non-binary.
- The majority of participants was in private practice (42% of participants held an employee practising certificate and 25% held a principal practising certificate):

Practising certificate type	% of Total
Principal	25.3%
Government	16.8%
Employee	41.5%
Corporate	11.4%
Barrister	5.0%

- 81% of participants worked full time and 19% working part time. Part-time work was twice as common amongst females (24% of females) compared with males (12%).
- 0.6% of participants identified as Aboriginal or Torres Strait Islander. Approximately one in six participants (16%) spoke a language other than English at home.

3. Psychosocial support

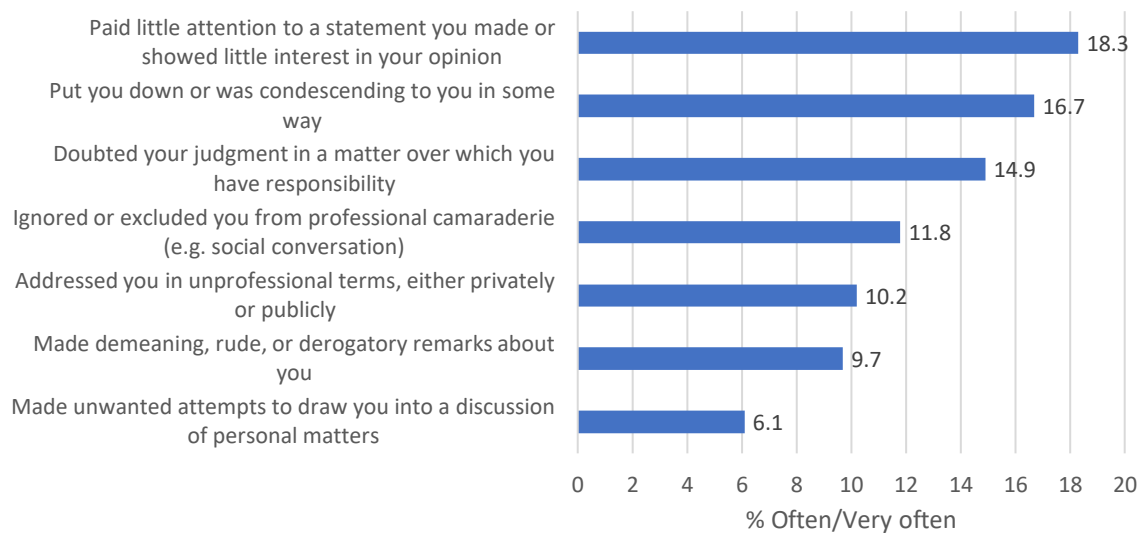
Endorsement of psychosocial support items



- A majority of lawyers in the survey agreed or strongly agreed with most of the psychosocial support items.
- These items were combined to provide an index of overall perceptions of psychosocial support. Analysis of this index showed that:
 - Newer lawyers (<5 years PQE) had the highest ratings of psychosocial support compared with those with more experience.
 - Government and corporate practice certificate holders had lower ratings of total psychosocial support.
 - Perceived psychosocial support did not differ by jurisdiction or by gender.

4. Incivility behaviours

Endorsement of incivility behaviour items



- Individually, *frequent* experiences of incivility behaviour were relatively uncommon, with less than 20% of participants saying that they often (or very often) experienced the most common incivility behaviour (not being shown attention or interest in one's work).
- However, cumulative experiences of lower-level incivility were more common. Only 13% of participants reported no experience of any of the seven incivility behaviours included in the survey.
- These items were combined to provide an index of overall perceptions of incivility behaviours. Analysis of this total score showed that:
 - There were no significant differences in the overall experience of incivility across jurisdictions.
 - Female lawyers reported experiencing higher levels of incivility compared with males.
 - Experienced incivility decreased with increasing PQE.
 - Lawyers with <5 years PQE had the highest experience of incivility. Those with the most (31+ years) experience encountered the lowest level of incivility.
 - Principal practising certificate holders had the lowest level of incivility experience, compared with government and employee practicing certificate holders.

5. Wellbeing and psychological distress

- **Overall positive workplace wellbeing** – we found that:
 - There were no differences by jurisdiction.
 - Wellbeing was higher in males compared with females.
 - Wellbeing was highest in lawyers with >15 years PQE, and lowest in those with ≤15 years PQE.
 - Principal practising certificate holders had substantially higher levels of wellbeing compared with all other practising certificate holders other than barristers. Employee practising certificate holders reported the lowest levels of positive wellbeing.
 - Total psychosocial support was associated with *lower* levels of positive wellbeing.
- **Psychological distress**



Almost 1 in 3 lawyers reported elevated psychological distress

This finding is consistent with previous studies of lawyer wellbeing.

- We found that:
 - There were no differences by jurisdiction.
 - Female lawyers had higher levels of psychological distress than males. Employee practising certificate holders had the highest level of psychological distress compared with all other practising certificate holders.
 - Psychological distress was highest in lawyers with <5 year experience, and levels of distress scores decreased significantly with increasing experience.
 - Almost 43% of <5 year PQE lawyers had an elevated level of psychological distress.

6. Ethical climate

- Three dimensions of ethical climate were identified from the Ethical Climate Index measure.
 - Positive ethical behaviours and relationships (including being aware of and acting on one’s ethical responsibilities as a lawyer, and showing an ‘ethic of care’ towards others)
 - Self-interest and self-protection (valuing actions that protect one’s own interests over the interests of others, ethical principles or the administration of justice)
 - Power-based and instrumental outcomes (an ‘ethical flexibility’ to prioritise outcomes over ethical principles).
- These dimensions, each of which are a separate continuum, reflect different ways in which lawyers perceive the ethical environment of their own workplace (and other people in the workplace).
- Perceptions of a positive ethical climate were associated with higher levels of wellbeing and lower levels of psychological distress, while perceptions of a negative ethical climate (both self-interest and ethical flexibility dimensions) were associated with lower wellbeing and higher psychological distress.
- There were no differences in ethical climate perceptions by jurisdiction or by gender.
- Significant differences were observed by practising certificate type:
 - Principal practising certificate holders had the highest perceptions of positive ethical climate. Employees and corporate practising certificate holders had the lowest perceptions.
 - Principals had the lowest perceptions of a self-interest/self-protection culture, while employees and corporate practising certificate holders had the highest perceptions.
 - Corporate practising certificate holders had the highest level of perceived ‘ethical flexibility’ and power-based ethics while principals had the lowest perceptions.

Practising certificate type	Ethical Climate Dimension		
	Positive ethical behaviours and relationships	Self-interest and self-protection	Power and instrumental outcomes
Employees	–		
Principals	+	–	–
Government			
Corporate	–	+	+
Barrister	–	+	

+ above average across all participants, – below average across all participants. Adjusting for jurisdiction, gender, PQE years, PERMA+4 and PHQ-4

- Approximately two-thirds of lawyers who took part in the survey were in more positive ethical climate environments (high on the positive ethical dimension, low on the two negative ethical dimensions) while one-third were in more negative ethical climate workplaces (low positive, high negatives).

7. Intentions to leave

Intending to leave employer:

- 28.6% of participants intended to leave their current employer within the next year.

Intending to leave the profession:

- 8.4% of participants intended to leave the profession within the next year

Survey respondents were able to give reasons for their intentions to leave. In order of frequency, these included:

1. The 'reward/effort' bargain and working conditions

The most frequently mentioned reason for intending to leave was workload and working hours, relative to the rewards people received. This included comments about unreasonable demands and expectations, a lack of work–life balance and flexibility in work arrangements.

2. Stress, pressure and/or 'burnout'

The second most prevalent reason given was stress, unsustainable and unreasonable pressure from work and/or 'burnout'. Some respondents indicated they were already experiencing 'burnout' while others anticipated they would reach that state in the future, given current work pressures, workload and hours worked.

3. Role or career change

A significant number of respondents stated they intended to leave to undertake a change in role or career. This included those seeking a law-adjacent role as well as those who intended to leave the profession altogether. The relative effort and educational level needed to practise law (and rewards received) were compared unfavourably with other professions with similar educational requirements.

4. Poor leadership, management and work culture

The fourth most frequently mentioned category of reason related to the approach to leadership and management respondents had experienced. This included a lack of support (by management or colleagues), a 'toxic' work culture, a lack of appreciation or respect for the work they undertook (and a lack of respect for the profession by those outside of it) as well as bullying, discrimination or marked incivility within their workplace and also by clients and judges.

5. Physical and/or mental health (negative wellbeing)

Reasons relating to the impact of work on respondents' physical and/or mental health and wellbeing were frequently mentioned. Some respondents indicated they were already experiencing negative health effects, while others were anticipating negative health outcomes would result from their current working patterns. A sub-group of respondents stated they experienced 'vicarious trauma' arising from the type of law they practised, with this being higher among those in government, community legal centres and family law.

8. Beneficial supports at work

When asked what beneficial supports for wellbeing they had experienced at work, respondents mentioned the following in order of frequency:

1. paid counselling, support from a psychologist or Employee Assistance Program
2. management approach, which included supervisors actively monitoring workloads and working hours, monitoring staff at risk, showing an interest in staff and allowing time for debriefing
3. flexibility in workload and use of leave (or additional leave) to cope with personal circumstances (e.g. illness, mental health, bereavement)
4. flexible work arrangements including working from home.

The next most frequently mentioned beneficial supports were:

5. additional leave, billing relief to support staff health and wellbeing, and/or flex time or time in lieu for excess hours
6. informal peer support.

Some respondents also made critical comments about the effectiveness or adequacy of supports available at work, the inconsistencies between policy and practice, and the futility of providing individually focused supports without addressing the fundamental problems of inadequate resourcing, unreasonable or excessive workload and working hours, and the quality of management.

Further reporting

This is a brief interim report outlining our analysis so far. We will report again when further analysis is completed. In the meantime, we thank you for your interest and welcome any questions concerning the project. Emails should be directed to the Principal Researcher, Professor Vivien Holmes, at the ANU College of Law, vivien.holmes@anu.edu.au