

# Uncivil Behaviours in the Legal Profession: Findings from the 2025 Victorian Lawyer Census

## Research Brief

Victorian Legal Services  
BOARD + COMMISSIONER

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### Overview

The 2025 Victorian Lawyer Census sought to understand key issues impacting the legal profession, including the experience of uncivil behaviours – low-intensity negative behaviour that ‘involves acting with disregard for others in the workplace, in violation of workplace norms for respect’.<sup>1</sup> Workplace incivility has implications for workplace culture, employee wellbeing, retention of staff and productivity.<sup>2</sup> Exposure to frequent uncivil behaviours has been shown to have a negative effect on employee job satisfaction and psychological distress.<sup>3</sup>

The census was a voluntary online survey distributed to all Victorian lawyers holding practising certificates, with 1,887 lawyers responding and 1,545 completing the uncivil behaviours module.<sup>4</sup> Three types of uncivil behaviour were measured: verbal disrespect, professional undermining and unacceptable behaviours or comments relating to personal characteristics.

### Uncivil behaviours are ubiquitous

Uncivil behaviours were routinely experienced and witnessed across the Victorian legal profession. Overall, 83% (n=1,285) of respondents experienced or witnessed uncivil behaviours in the 12 months prior to the survey. There was substantial overlap between experiencing and witnessing uncivil behaviours, with 71% (n=1,092) both experiencing and witnessing uncivil behaviours, with only 8% (n=118) solely witnessing and 5% solely experiencing uncivil behaviours.

Verbal disrespect was the most common uncivil behaviour that respondents experienced or witnessed (63%, n=984 and 69%, n=1,067 respectively). Professional undermining was the next most commonly experienced and witnessed uncivil behaviour, followed by unacceptable behaviours.

1. Lynne M. Andersson and Christine M. Pearson, “Tit for Tat? The Spiralling Effect of Incivility in the Workplace,” *The Academy of Management Review* 24, no. 3 (1999): 455.
2. Workplace culture we define as ‘the shared values, beliefs, assumptions and, norms that affect the way people and groups in an organisation – no matter what level of seniority – interact with each other’, borrowing largely from Ju Li Ng et al., “Workplace Culture Improvements: A Review of the Literature,” in *Workplace Culture Improvements: A Review of the Literature* (NSW Ministry of Health, 2014), 5.
3. Lilia Cortina et al., “Incivility in the Workplace: Incidence and Impact,” *Journal of Occupational Health Psychology* 6, no.1 (2001): 64-80; Daniela Adiyaman and Laurenz Meier, “Short-term effects of experienced and observed mood and self-esteem,” *Work & Stress* 36, no. 2 (2022): 133-146; Nathalie Cadieux et al., *Towards a healthy and sustainable practice of law in Canada* (University of Sherbrooke Business School, 2022).
4. For the full report, see Georgina Rychner et al., *Uncivil Behaviours in the Legal Profession: Findings from the 2025 Victorian Lawyer Census* (Victorian Legal Services Board and Commissioner, 2026).

## Who experienced this?

While uncivil behaviours were experienced and witnessed at high rates across the profession, certain demographics experienced and witnessed behaviours at elevated rates. In particular, female and non-binary respondents (or those using another term), younger respondents and those who identified as LGBTQIA+ experienced and witnessed these behaviours at higher rates. All Aboriginal or Torres Strait Islander respondents who completed the module (n=12) had experienced or witnessed uncivil behaviours.

In terms of professional demographics, respondents with fewer years of experience in the profession and respondents working for community, government or non-legal employers experienced uncivil behaviours at higher rates. Certain practising certificate types, including principals, employees with trust authorisation and barristers, also reported higher rates of uncivil behaviour with 82% of principals, 83% of principals with trust authorisation, 88% of employees with trust authorisation and 85% of barristers experiencing such behaviours.

## Not just employees, and not just in the office

This research confirms what previous literature has shown is just as true in the legal profession: uncivil behaviour is most likely to be experienced and witnessed (and more likely to be identified) in the office, when perpetrated by fellow employees. However, this study shows that such negative behaviours also persist within the courtroom, perpetrated by barristers, judges and magistrates, and outside of office settings, perpetrated by clients. Barristers are just as likely to experience uncivil behaviour in the courtroom as they are elsewhere, and over half of the barristers who experienced uncivil behaviours across all three categories experienced these behaviours from a magistrate or judge. Those working in law firms, government and community sector employers were more likely to experience uncivil behaviours from clients, with those practising in outer metropolitan and regional areas considerably more likely to experience uncivil behaviour from a client.

## ‘Low-intensity’ but indicative of more serious misconduct

While uncivil behaviour might be classified as relatively low-intensity negative behaviour when compared to more serious, punishable misconduct, this research establishes a clear link between the two. For one, in capturing ‘unacceptable behaviours’ as a form of uncivil behaviour, this may include unlawful workplace discrimination, bullying and sexual harassment under the Fair Work and Sex Discrimination Acts. That 34% of respondents experienced unacceptable behaviours, and 45% witnessed them, is cause for concern.

In addition, the 2025 Lawyer Census included a module on sexual harassment. Sixty-six per cent (N=53) of respondents who experienced sexual harassment from an employee at their organisation had also experienced unacceptable behaviours from an employee at their organisation within the same 12-month period.

## Uncivil behaviours contribute to poor workplace culture, at the cost of wellbeing

Uncivil behaviours did not occur in isolation – they clustered with other aspects of negative workplace culture, including inadequate compensation, excessive workload, conflicts with values or professional obligations, and sexual harassment. That did not indicate that uncivil behaviours are the root cause, rather that incivility and harmful workplace conditions appear to be mutually reinforcing elements of toxic workplace culture.

Those who experienced or witnessed uncivil behaviours had higher rates of psychological distress, burnout and dissatisfaction across every life domain, including satisfaction with not only their job but with physical health and personal relationships. Among those who did not experience or witness uncivil behaviours, 20% showed likelihood of anxiety and 10% showed likelihood of depression. In stark contrast, among those who did experience or witness such behaviours, 40% showed likelihood of anxiety and 26% showed likelihood of depression.

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## Those who experience negative behaviours will (and do) leave the profession

While rates of respondents intending to leave the profession did not differ based on whether uncivil behaviours were experienced (14% for both groups), among those who experienced uncivil behaviours and planned to leave the profession, incivility and workplace culture did factor into rationales. Respondents cited uncivil behaviour bullying, harassment, toxic workplaces as well as inadequate organisational responses to problematic behaviour among reasons for exiting the legal profession.

This research confirms that uncivil behaviours – in the office, from fellow employees, but also in the courtroom from judges or magistrates, or from clients – can contribute to negative workplace cultures that make people want to leave the legal profession altogether. The cost of inaction on these behaviours is poor wellbeing, diminished collegiality and lost talent.

## Why it matters

This study demonstrates that uncivil behaviours among Victorian lawyers are ubiquitous and persist at high rates despite existing professional conduct rules and continuing professional development. The cost is tangible - diminished wellbeing, burnout, lost talent and ultimately, eroded trust in the legal system. Though in many cases, uncivil behaviours may appear low-impact, they scaffold more harmful conduct and degrade workplace culture. Understanding and responding to these behaviours matters not only for those within the profession, but for the communities that depend on a healthy, sustainable legal system.