
TOWARDS A HEALTHY AND SUSTAINABLE PRACTICE OF LAW IN CANADA



Phase II | 2022-2024

RESEARCH REPORT NEW BRUNSWICK

Under the scientific direction of
Prof. Nathalie Cadieux, Ph.D., CRHA

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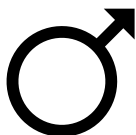
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Phase I participants description: Law Society of New Brunswick



58.3% of **women**
with an average
age of **38.5** years

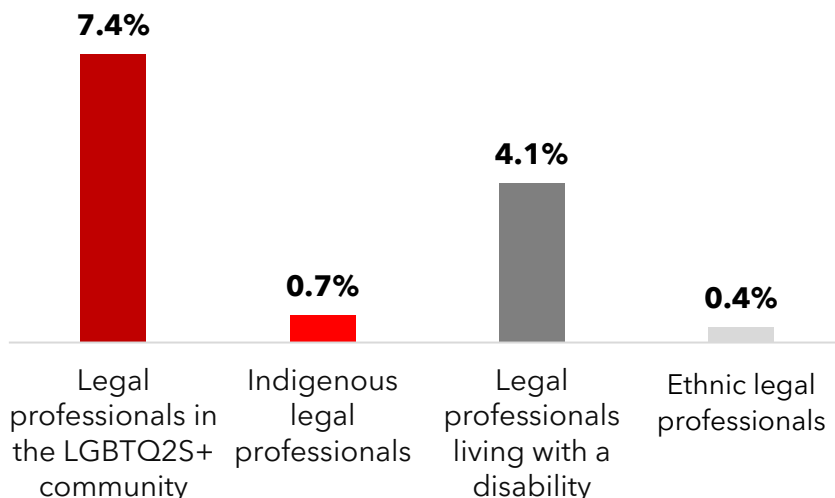


40.2% of **men** with
an average age of
46.8 years

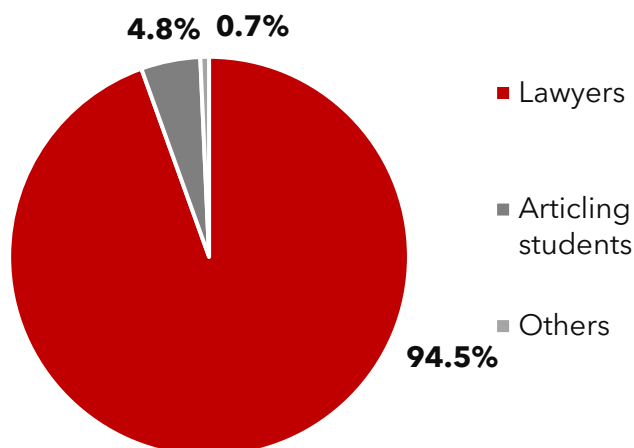


0.7% of **non-binary
people** with an average
age of **35.5** years

Portrait of **diversity** among participating legal
professionals in New Brunswick
(*n* = 271)



Proportion of participating legal
professionals by **profession** in New-
Brunswick (*n* = 271)



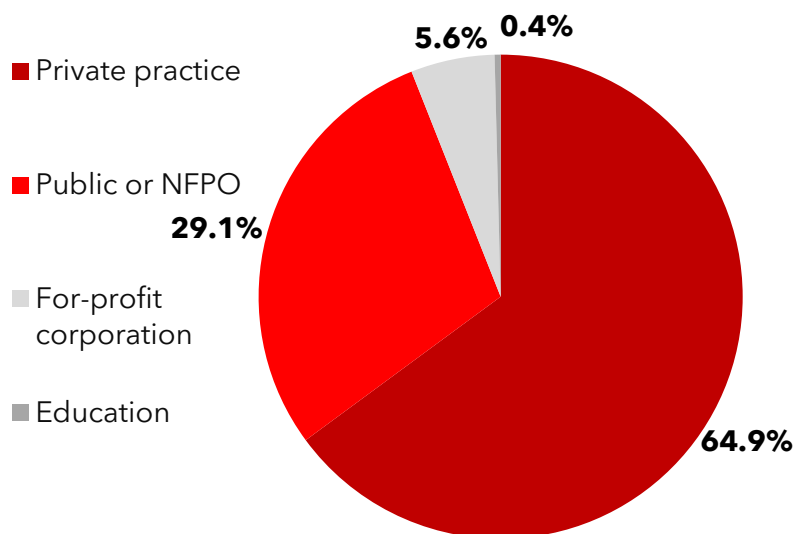
95.1%

Participating legal professionals in New
Brunswick are members of the Canadian
Bar Association CBA (*n* = 271)

1.1%

Participating legal professionals in New
Brunswick are qualified from the National
Committee on Accreditation NCA (*n* = 269)

Proportion of participating legal professionals in
New Brunswick by **work setting** (*n* = 271)

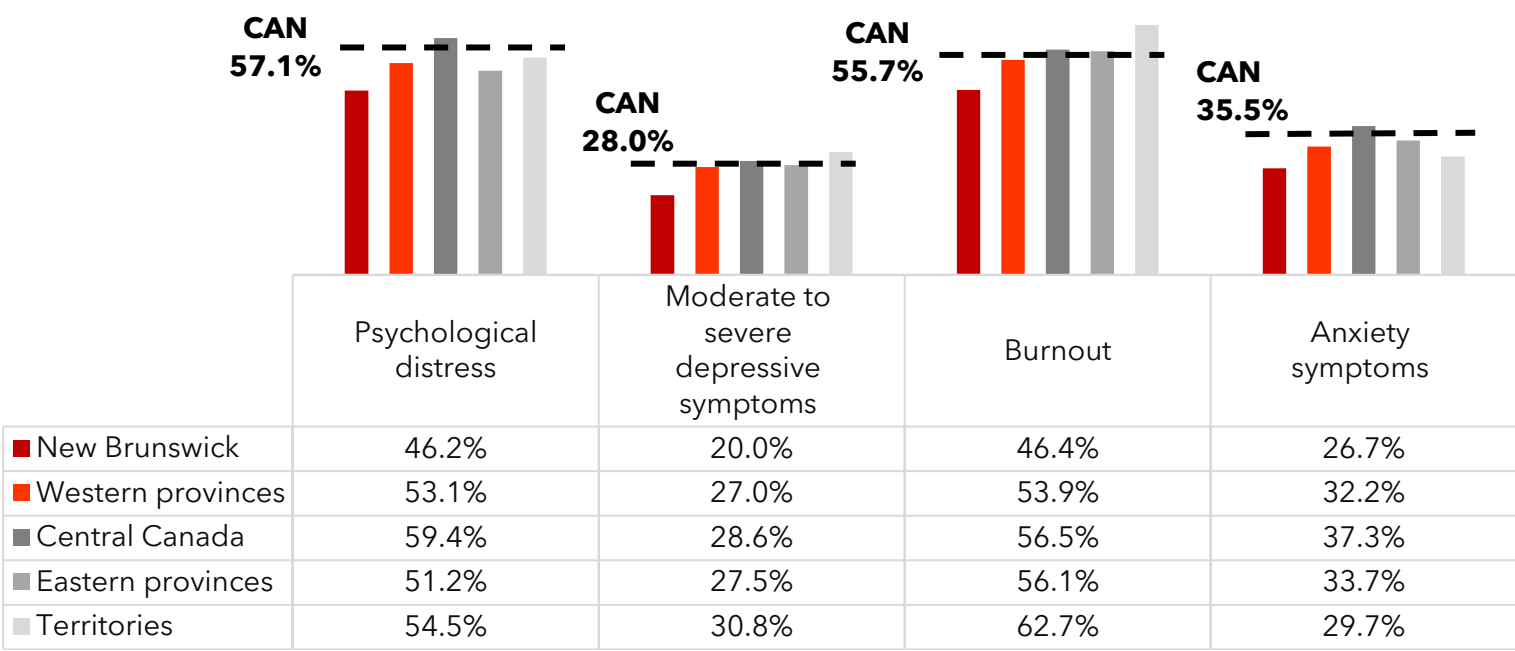


Area of practice :

- Family Law (25.1%)
- Criminal Law (17.7%)
- Civil Litigation (32.8%)
- Business, Corporate and Commercial Law (25.8%)
- Human Rights, Public and Administrative Law (5.5%)
- Labour and Employment Law (16.6%)
- Real Property (33.6%)
- Wills, Estates and Trusts (32.1%)
- Alternative Dispute Resolution (7.0%)
- Other (11.6%)

Mental health indicators (Phase I): Law society of New Brunswick

Proportion of participating legal professionals mental health indicators in New Brunswick by canadian geographical regions (n = 6,901)



16.7%

Participating legal professionals in New Brunswick have had **suicidal thoughts** since the beginning of their career (n = 245). The average in Canada is **24.1%**



43.9%

Participating legal professionals in New Brunswick were **unable to seek help because of psychological health issues despite feeling the need for it** (n = 262). The average in Canada is **46.8%**

Three main reasons for not seeking help:

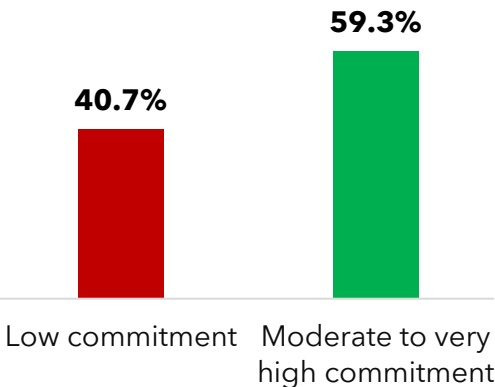
1. Thoughts that the issue is temporary **26.2%**
2. Lack of energy of seeking help **16.2%**
3. Run out of time **11.4%**



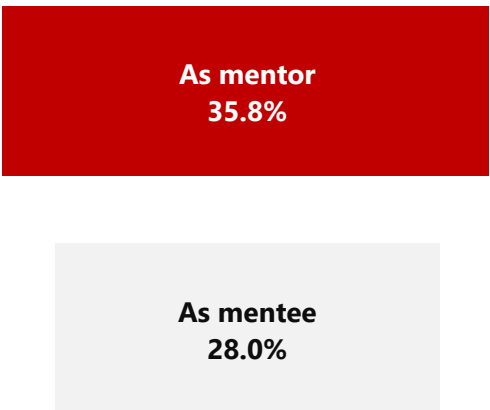
5.2%

Participating legal professionals in New Brunswick who **have taken more than three months of medical leave** in the past five years (n = 271).

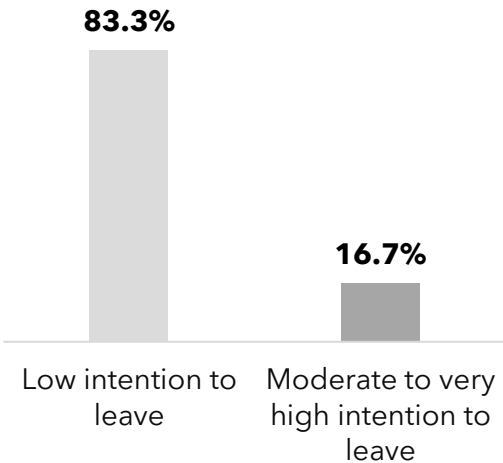
Proportion of **affective commitment to the profession** among participating legal professionals in New Brunswick (n = 194)



Proportion of **mentorship participation** among participating legal professionals in New Brunswick (n = 271)



Proportion of **intention to leave the profession** among participating legal professionals in New Brunswick (n = 204)



INTRODUCTION | HEALTH AND WELLNESS PRIORITIES IN THE PRACTICE OF LAW IN NEW BRUNSWICK

This report is part of Phase II of the “Towards a Healthy and Sustainable Practice of Law in Canada” project. Funded by the Social Sciences and Humanities Research Council of Canada, this report has three main objectives:

- 1) Paint an accurate picture of the main psychological health and wellness issues in the workplace among participating legal professionals working in New Brunswick based on Canadian data collected during Phase I (Cadieux et al., 2022);
- 2) Contextualize the quantitative results obtained in Phase I through interviews with legal professionals working in New Brunswick;
- 3) Make targeted recommendations to address important health and wellness issues among participating legal professionals working in New Brunswick.

The first objective was achieved through quantitative data collected in New Brunswick during the first phase of this national project ($n = 92$). The second objective is based on qualitative data gathered through interviews. As part of Phase II, 39 legal professionals working in New Brunswick, including 1 articling student and 38 lawyers, volunteered to participate in a semi-structured interview. Participants were then selected ($n = 5$) among the volunteers and semi-structured interviews were conducted. In order to identify the priorities of legal professionals working in New Brunswick, a list of 10 key themes arising from Phase I (Cadieux et al., 2022) was included in the invitation sent to potential participants through their law society. These themes focus on the determinants of health and wellness in the practice of law. When expressing their interest to participate in an interview, legal professionals were asked to rank each of these priorities in order of importance. The three themes that were most important to them were then selected for the purposes of this report. Table 1 lists these priorities in order of importance.

Table 1

Prioritization of mental health and wellness themes according to participating legal professionals working in New Brunswick who expressed an interest in being interviewed

Theme	Contents	# of legal professionals for whom the theme is among the three most important themes to address
1	Work-life balance	25
2	Working conditions and cognitive demands	23
3	Billable hours	14
4	Training and mentorship	13
5	Coping strategies and lifestyle	13
6	Regulation and practice review	10
7	Telework	5
8	Technology and legal practice (technostress)	5
9	Return to work after a prolonged medical leave/absence	2
10	Diversity and inclusion in the practice of law in Canada	1

Based on the results presented in Table 1, this report addresses the three themes most frequently reported as priorities: (1) work-life balance; (2) working conditions and cognitive demands; and (3) billable hours. The results presented for each theme are based on weighted quantitative data obtained during Phase I in New Brunswick ($n = 92$) and on interviews conducted ($n = 5$).

1.1 THEME 1 | WORK-LIFE BALANCE

Authors: Marc-André Bélanger, M.Sc., Prof. Nathalie Cadieux, Ph.D., CRHA

The most important theme that participating legal professionals in New Brunswick wished to discuss during their interviews was work-life balance. The presence of work-life balance makes it possible to effectively harmonize the responsibilities of personal life with job-related responsibilities. In fact, its importance to employee health has been demonstrated (Rashmi & Kataria, 2022). However, Phase I of this project estimates that approximately one in two Canadian legal professionals (49%) see themselves as experiencing work-life conflict (Cadieux et al., 2022). This conflict is associated with higher levels of perceived stress, psychological distress, and depressive symptoms and a greater intention to leave the profession (Cadieux et al., 2022). Table 2 presents a comparison between the proportions of participating legal professionals in New Brunswick who do not consider they are experiencing work-life conflict, and those who do, by selected characteristics.

Table 2

Proportions of participating legal professionals in New Brunswick experiencing or not experiencing work-life conflict by selected characteristics (in %)

		Absence of work-life conflict	Presence of work-life conflict
Global	All	59.7%	40.3%
Gender¹	Women	55.4%	44.6%
	Men	66.2%	33.8%
Age	34 or under	50.7%	49.3%
	35-49	53.1%	46.9%
	50 or over	76.6%	23.4%
Work experience	0-9years	49.3%	50.7%
	10 years or more	65.2%	34.8%
Dependent children	No	55.5%	44.5%
	Yes	65.9%	34.1%
Work setting	Public and NFPO	70.4%	29.6%
	Private practice	50.4%	49.6%
Billable-hour targets	No	48.5%	51.5%
	Yes	52.7%	47.3%
Working with clients	No	85.2%	14.8%
	Yes	54.4%	45.6%
Mentee	No	61.8%	38.2%
	Yes	51.4%	48.6%

Note: Each highlighted proportion represents a significant proportion for that variable. Colours have been used to highlight the most important distinctions. Green means work-life conflict is absent and red means that work-life conflict is present.

¹ Given the limited sample of genders other than men and women, only those two were compared.

In light of the data illustrated by Table 2, we can see that, overall, 40.3% of participating legal professionals working in New Brunswick consider themselves to be experiencing work-life conflict ($n = 201$). This proportion becomes significantly higher for certain groups of people, namely: (1) participating legal professionals aged 34 and under (49.3%), (2) participating legal professionals with under 10 years' experience (50.7%), (3) participating legal professionals working in private practice (49.6%) and (4) participating legal professionals working closely with clients (45.6%).

WORK-LIFE CONFLICT: WHEN JOB DEMANDS TAKE UP TOO MUCH SPACE...

In an environment where job demands are very high and job insecurity is widespread, pressure is liable to be exerted on legal professionals who, at times, have to choose between their work and their personal lives. This situation appears to be all the more true among younger participating legal professionals (34 or under) and those with little work experience (under 10 years). This is the case for one recently admitted participating legal professional who felt obliged to make a choice between sacrificing their work or their personal life.

"Personnellement, j'ai trouvé que la charge mentale était très difficile. Parce que j'ai une petite fille [...] je suis [parent], nouveau emploi, exigences très élevées. C'est quand même un peu comme sacrifier certains moments pour le travail parce que je veux avancer dans la vie, mais en même temps je ne veux pas trop me sacrifier parce que justement quelqu'un d'autre m'occupait, je veux passer du temps avec ma fille aussi. Le salaire n'est pas nécessairement bon quand on commence, mais ils veulent que tu travailles plus pour que ce salaire-là augmente, c'est comme si l'on te dit rapporter plus d'argent ensuite, on va te récompenser. Mais si c'est ça, c'est sûr que c'est la famille qui mange la claque. Moi je n'étais pas prêt à sacrifier le temps de ma famille pour ça." **NB-1**

On the one hand, to make sure they advance in their career and earn a reasonable income, they have to cut down on the time they spend with their daughter. And on the other hand, in order to spend quality time with their daughter as she grows up, they have to dedicate less time to work, making it harder to live up to workplace expectations.

When meeting job demands requires having to work long hours, family-related conflicts can emerge. One participating legal professional explained that the members of their family don't seem to understand why they feel obligated to work late.

"I think it can be quite demanding on relationships if you have a significant other, especially if they're not in your same field or don't have that understanding. Understandably [so], they don't have that experience, or they don't... When you tell somebody, 'Oh, I need just to work this evening for a few hours,' they don't understand. Or they could say, 'Oh, you don't need to,' or 'You're choosing to.' When in reality, if you don't—if you choose not to—it could result in you not having a job anymore, or it could result in you not getting a bonus or a raise. So, I just think that it puts a lot of pressure on lawyers, especially in their first few years of practice. [Because] family members or significant others aren't able to understand unless they're also sort of in the same position." **NB-4**

As far as their family is concerned, it seems as if the participant in question is choosing to work rather than spend time together as a family, when in reality, not working those additional hours could have serious consequences on income or job security. In that regard, 9.0% of participating legal professionals in New Brunswick feel they are experiencing job insecurity (see Table 3 in the section on working conditions).

From another perspective, one participating legal professional stated that the reason they are able to maintain an adequate work-life balance is that they do not have that much of a personal life to begin with. For them, maintaining balance is facilitated by their rather introverted personality, which leads them to want to stay home rather than going out, socializing, or travelling. Were it not for that, they believe that it would be more difficult to establish a work-life balance.

“

“I think they [significant other or children] would say that the only reason that I’m able to manage or have like a decent work-life balance is because I don’t have much of a personal life. Like, I don’t go on vacation [more] like I’ll take staycations, at home. I don’t go out and socialize a lot. And I think if you’re more introverted or a stay-at-home type of person, then it’s a lot easier to live your personal life. Whereas somebody who’s more outgoing or likes to travel and they have that side of their personal life, which could be more difficult for somebody like that.” **NB-4**

WORK-LIFE CONFLICT: THE IMPACT OF BILLABLE HOURS AND WORKING WITH CLIENTS IN A PRIVATE PRACTICE CONTEXT...

Billable-hour targets also represent an important expectation and are liable to have a negative impact with respect to work-life balance. To provide an understanding of how the presence of billable-hour targets (in private practice) can lead to work-life conflict, one participating legal professional explained in their interview how the working hours required can take on significant proportions.

“I can’t remember the number of billable hours that the associates at my firm are required to bill each year, but I think my firm has one of the lower numbers of billable hours as compared regionally to other firms. But even with that, I find it’s still unreasonable if you want to have sort of a healthy work-life balance because when you just do the simple math, it requires you to bill. So, it’s like [between 6 and 7] hours every business day of the year. So, if you take a vacation, that’s just adding those hours that you’re not working, and you’ve got to make up for it at some other time. If you’re sick, that doesn’t reduce the number of billable hours that you’re expected to work for the year. And then you pair that with my firm—and other firms—expect you to do so many pro bono or non-billable hours to contribute to the community and mentoring whatever; that’s usually a few hundred hours. So, you expect to do that, but still maintain your level of billable hours. And I just don’t think it’s realistic at all. It’s not healthy if you want to live a life where you’ve got a life outside of work and time for personal things that don’t involve billable hours or work-related volunteer activities. I just think it’s unrealistic, and if... I mean, you could do it, but if you do it, you have no time for anything else. And I just don’t think it’s sustainable for an individual to do long-term without burning out or having some sort of mental health issues. I just don’t see it as being sustainable.” **NB-4**

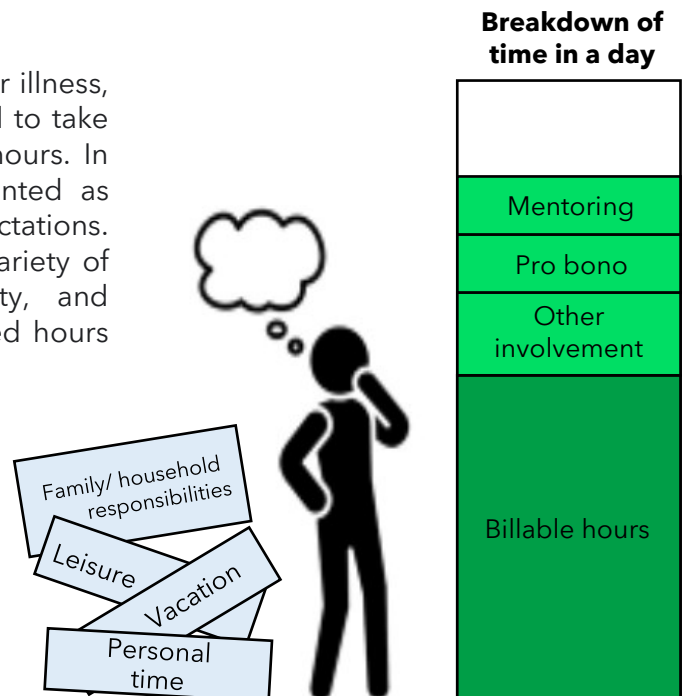
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The billable-hour targets set by their firm represent an average of almost one full day’s work per business day. Additionally, they note that their target is one of the lowest compared to other firms in the region.

That being said, taking holidays off or going on vacation during the year effectively adds to the daily average required to reach the target. Furthermore, being sick does not reduce a legal professional's billable-hours target, but rather acts to increase the average number of hours that need to be worked each day to meet their target. As a reminder, billable hours account for 67% of hours worked by lawyers (Cadieux et al., 2022).

Notwithstanding absence from work for vacation or illness, participating legal professionals are also expected to take on other responsibilities that add to their work hours. In point of fact, those responsibilities are not counted as billable hours and do not reduce the target expectations. Such responsibilities include pro bono cases, a variety of contributions to the firm and the community, and mentoring, which can all add up to a few hundred hours worked in a year.

In short, trying to meet billable hour targets, in addition to taking on other job-related responsibilities, makes it difficult to have a life outside of work. That being said, according to that participating legal professional, organizing work this way is neither healthy nor viable for legal professionals.



In the same vein, another participating legal professional also commented on the difficulties that billable-hour targets pose for work-life balance, but went on to include the challenges involved in working with clients. As discussed earlier, participating legal professionals who work with clients are proportionally more likely to experience work-life conflict (45.6%). This participating legal professional shared that most clients have urgent situations unfolding that require immediate attention. While they try to take time for themselves to recharge their batteries, it puts them behind in their work. In that sense, the situation is like a double-edged sword: while dealing with client emergencies is detrimental to work-life balance, taking time for self gives rise to delays and requires more work later on, thereby further compromising the very balance sought after.

“

“So, obstacles-wise, with the billable hour, it's kind of hard to deal with work-life balance and also with client demands. It's hard to have a work-life balance. Like I said, most people have really urgent things going on, and they always need your attention, so that can kind of be tempting to work longer hours and just get it done, I guess. I think it's more efficient in the long run if you're getting time yourself and able to recharge. [...] I used to work really long hours, and I just was finding that was not sustainable. So, I've been really working on trying to manage my time and take more time to myself, as much as I can. But it's a struggle because then it puts you behind on what you're working on.” **NB-5**

Working with clients who feel a need for immediacy can lead to an expectation of constant availability and responsiveness, according to some participating legal professionals. Additionally, in private practice, there is often an expectation that legal professionals should be constantly connected to work, even during times set aside for various spheres of personal life. These expectations regarding

availability and connectivity blur the lines between work time and personal time, thus hindering work-life balance (Marcum, Cameron & Versweyveld, 2018). On the other hand, staying connected outside of work hours is seen to be associated with increased burnout, intention to leave, and diminished performance and wellness (Golding, 2023).

That being said, even when a legal professional is on vacation, the expectation is still there that they will answer their emails and be available to take a call, which effectively prevents a genuine disconnect from work during vacations, as the participating legal professional reported. However, taking a real vacation has been found to be an effective way of reducing depression among legal professionals (Joudrey & Wallace, 2009), while enhancing their wellness and intrinsic motivation (Krieger & Sheldon, 2015).

"I think it's the sort of expectation that you're always to be available or you're always expected to be sort of responsive. And so, if you have other activities outside of work or goals that are outside of anything family-related, maybe it's travel, maybe it's other fun projects or side businesses or what have you. I think there's always that expectation where we all have cell phones now that have your work email on it. And in private practice, I think there's that expectation where you're always supposed to be available, and it doesn't matter what interests or whatever you may be pursuing outside of work; being connected to work is expected to be a priority." **NB-4**

"I use out-of-office if I'm on vacation or something. But that doesn't stop expectations from others, from other lawyers or from clients. Sometimes there's still that, 'Oh, I know you're on vacation, but do you have time just for a quick call' or 'I know you're out of the office this week, but could you just take a quick look at this?'" **NB-4**

”

TO HAVE OR NOT TO HAVE CHILDREN, THAT IS THE QUESTION

The demands of their work make many legal professionals apprehensive about having children. In that regard, according to the survey conducted in Phase I of this study, 15.1% of legal professionals in Canada surveyed do not wish to have children because of their professional obligations (Cadieux et al., 2022). There are several reasons behind this high level of apprehension: (1) apprehensions about work-life conflict, (2) apprehensions about career consequences and (3) apprehensions about workplace reactions (Cadieux et al., 2022).

Two participating legal professionals expressed their apprehension with regard to the first two reasons cited above. They are concerned about work-life conflict in the sense that work would not allow them to spend enough time with their children. They are also worried about the consequences for their careers, more specifically the consequences of taking parental leave which would result in the loss of career advancement, along with reducing their workload which would impact their career and, indirectly, their income, when they return from parental leave. The following excerpts clearly illustrate this reality for participating legal professionals.

”

"It's difficult to think about having a young child and then not being able to spend time with them because you have to work or something like that. Because you have to be available to work outside of working hours sometimes, and just thinking about trying to plan for that. I also get a little bit worried about having to leave for [parental] leave and then losing traction with my trajectory. I know that my firm is quite supportive of that, I've heard from a few people that they're good for that, but it just makes me nervous, especially where it's the work provider system; I won't be top-of-the-line anymore for them to give work to. And then that'll affect my work, in general." **NB-5**

“

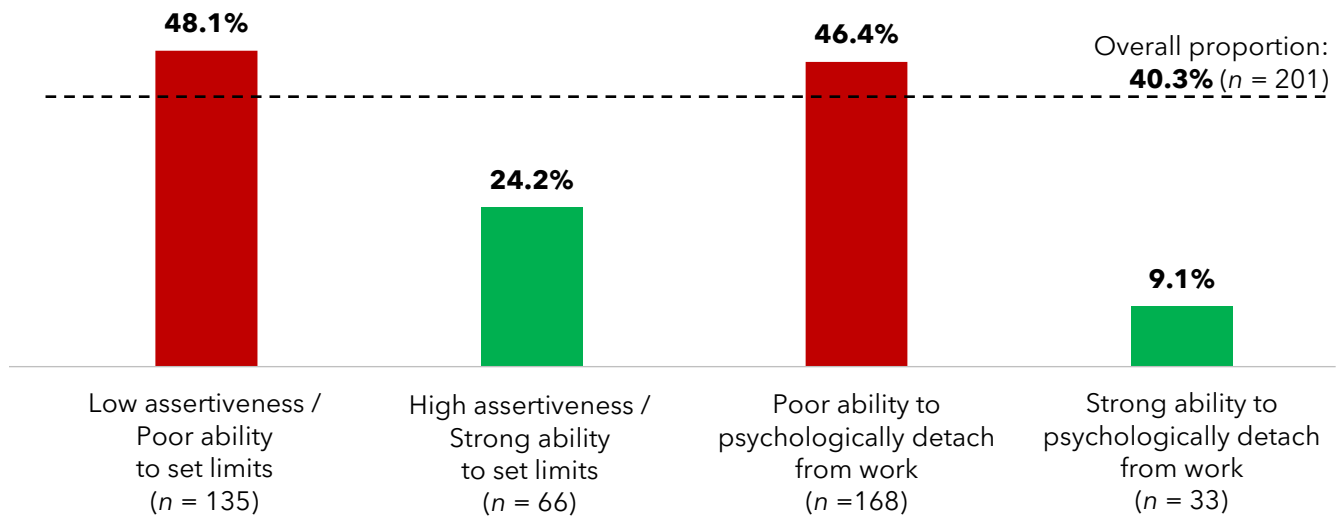
“I think there are so many more considerations like, my male counterparts I don’t know, their wife will have a kid. They’ll take like a month leave if they ever do that, and then back to work. Versus the woman it’s like a full year off, like rebuilding your client base, [...]. And again, when you come back, it’s obvious, I could not see how you could have a kid and then work like the hours that I work, which is more like 50 to 60 hours a week, [...]. To me, you cannot have a child and work all night and all the weekends it can’t work either.” **NB-2**

ABILITIES THAT HAVE A POSITIVE IMPACT ON WORK-LIFE BALANCE

Two abilities investigated in Phase I of this study, assertiveness and psychological detachment, appear to be positively associated with lower work-life conflict (Cadieux et al., 2022). Graph 1 shows the proportions of work-life conflict by the presence of the above-mentioned abilities for participating legal professionals working in New Brunswick.

Graph 1

Proportion of participating legal professionals in New Brunswick experiencing work-life conflict by difficulty or ability to set limits and psychologically detach from work (in %)



For reference, the overall proportion of work-life conflict for participating legal professionals working in New Brunswick is 40.3% (see Table 2). However, this proportion drops significantly to 24.2% for legal professionals with the ability to set limits, and to 9.1% for those with the ability to psychologically detach. Without the ability to set limits (assertiveness), saying no and not taking on more of a workload is difficult. This results in shouldering a workload that requires working longer hours and has a negative impact on work-life balance, as this participating legal professional describes.

”

“[...] the workload like we’ve had people leave who picks up the slack or the people that are still around. I’m not blaming at all on my firm. I think some of it is me not being able to set clear boundaries like, no, I won’t do that or no, I can’t get that to you tomorrow because I have to work all night unless, if it needs to be done I will be done but you know, if there’s an actual without a hard deadline, why would I have to do that? Like maybe push back and be a little more assertive in that sense. And I think as women, that doesn’t come easy either. [...]. It’s I think all those different things that affect work life balance. And again, I’m like young and single [...], so none of that applies. But I still want to have a life outside of work. And I don’t think just because I’m young and single, it should be expected that I should be the one to pick up all slack for everyone else, you know?” **NB-2**

The same is true of the difficulty to psychologically detach from work, especially when the cases are mentally taxing, and the consequences can be devastating for clients.

That being said, the presence of these abilities appears to reinforce a legal professional’s resilience to stress, among other things, and thus promote greater segmentation between life spheres (Cadieux et al., 2022). These, then, are the abilities to focus on to improve that balance.

1.2 THEME 2 | WORKING CONDITIONS AND COGNITIVE DEMANDS

Authors: Prof. Chloé St-Jacques, Ph.D. Candidate, CRHA; Prof. Nathalie Cadieux, Ph.D., CRHA

The second priority issue for participating legal professionals in New Brunswick is working conditions and cognitive demand. This issue can be looked at through the prism of two focus areas, firstly by considering constraints, which are risk factors that can put pressure on legal professionals and potentially pose an obstacle to their wellness. Secondly, working conditions can also be measured in terms of resources, which are protective factors that can alleviate the burden of those constraints. Ultimately, it is the individual's appraisal of present constraints and available resources that may generate stress (Lazarus & Folkman, 1984). As the participating legal professionals note in the following excerpts, the pressure to perform is everywhere for them, and contributes to high cognitive demand.

“Je pense qu’entre pairs, entre collègues, on s’attend que chaque avocat va performer, va exceller; il va être au-dessus de la moyenne, et ce même entre avocats. Donc c’est le but à atteindre aussi. Mais on ne peut pas tous exceller, on ne peut pas tous être numéro un.” **NB-3**



“Even when we were [still] in law school, they always told us, ‘it’s a small bar; your reputation means everything.’ So that’s a lot of pressure. If you have one bad interaction with someone, then you worry that that will make people think you’re a bad lawyer or something like that. So, I guess it’s just kind of a smaller sphere that you’re working with where everybody talks, everybody knows everybody kind of.” **NB-5**

PORTRAIT OF WORKPLACE CONSTRAINTS AMONG PARTICIPATING LEGAL PROFESSIONALS

The first phase of the Towards a Healthy and Sustainable Practice of Law in Canada national survey (Cadieux et al., 2022) made it possible to measure the proportions of the various constraints that emerged as being the most important to participating legal professionals in New Brunswick, as shown in Table 3. This table reflects participating legal professionals' perception of the presence of these constraints.

Table 3

Presence of constraints in the practice of participating legal professionals
in New Brunswick (in %)

Constraints in the practice	Constraint present (in %)
Qualitative overload	77.4%
Emotional demands	58.0%
Billable hour pressure	48.2%
Long work hours (≥ 50 h/week)	43.9%
Quantitative overload	41.2%
Lack of resources	25.1%
Pressure to perform	21.1%
Workplace incivility	9.8%
Job insecurity	9.0%
Workplace violence	5.7%

Table 3 shows that work overload, particularly at the qualitative level (77.4%) and to a lesser extent at the quantitative level (41.2%), is very present among participating legal professionals. One participating legal professional illustrates these two aspects of work overload in the following excerpt.

“

“C’est très demandant parce qu’on a la sensation qu’on a la vie de la personne en main, on a une certaine responsabilité [...] On est sur le gros nerf pour que tout soit bien fait. Mais encore là, ça, c’est juste un dossier. Mais quand on est rendu avec dix, quinze, vingt dossiers qui ont la même charge de travail, qui ont les mêmes conséquences et souvent ce sont différentes situations dans chaque cas, ça fait qu’il faut connaître chacun de ces dossiers et il faut être sûr que les clients ne manquent de rien [...] Je pense que c’est moi qui tape dur sur mon mental dans le sens que quand je m’en vais à la maison et je pense toujours à ça parce que je ne veux pas me faire poursuivre ou manquer quelque chose qui pourrait nuire à la cause de mon client et qu’en fin de compte c’est lui qui paye pour ça. Donc je pense que ça, c’est un gros fardeau sur les épaules de quelqu’un parce que justement, les conséquences sont très grandes.” **NB-1**

The psychological demands to which legal professionals are subjected require managing a number of factors simultaneously and dealing with high cognitive demands on a daily basis, as further explained by one participant in the two extracts below.

“

“Les exigences sont très hautes, voire même peut-être trop, surtout quand on commence la pratique. [...] Personnellement, j’ai trouvé que la charge mentale était très difficile.” **NB-1**

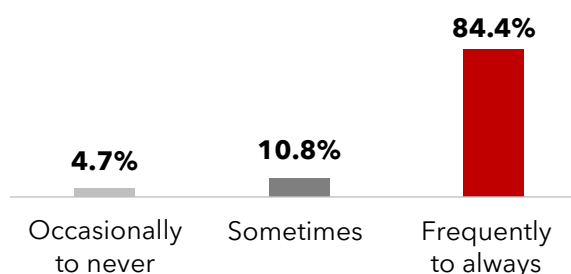
“Je pense encore à la charge de travail qu’on a en plus qu’il faut respecter des obligations et ça, je comprends qu’il faut les respecter, mais il y a certaines obligations qui sont peut-être justes trop et ça fait que c’est très difficile de trouver une balance là-dedans avec la santé mentale. On est sujet à tout, on devrait savoir tout, mais c’est impossible de tout savoir, c’est impossible de tout faire à la perfection.” **NB-1**

”

Furthermore, 53.6% of participating legal professionals indicated that their work was frequently to always very cognitively demanding, as shown in Graph 2.

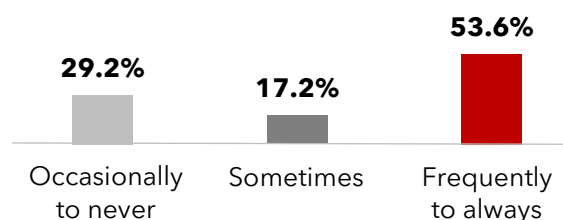
Graph 2

Proportion of participating legal professionals in New Brunswick who consider their work to be mentally taxing ($n = 212$)



Graph 3

Frequency with which participating legal professionals in New Brunswick feel they have so many urgent matters to deal with at work that they don't have enough time in a day to do all their tasks ($n = 209$)



Concretely, more than four out of five (84.4%) participating legal professionals in New Brunswick feel they have so many emergencies to deal with at work that they don't have enough time in a day to get everything done, as illustrated in Graph 3.

According to the following participating legal professional, working conditions give rise to stress, as does the workplace culture.

"C'est sûr que le niveau de stress est là, pas juste au niveau du travail, au niveau de la culture aussi."

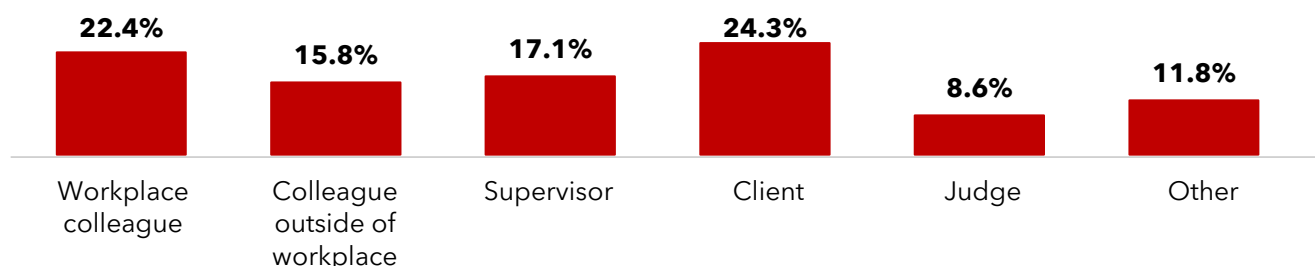
NB-3

”

Finally, this high-pressure environment is unfortunately conducive to incivility and violence in the workplace. As shown in Figure 4, the majority of these incivilities are perpetrated by members of the legal community.

Graph 4

Proportion of incivility experienced by participating legal professionals in New Brunswick by source (person committing the incivility in %) ($n = 152$)



PORTRAIT OF WORKPLACE RESOURCES AMONG PARTICIPATING LEGAL PROFESSIONALS

The following participating legal professional says that the pressure on them is enormous, because if they show any sign of weakness, they can be quickly set aside.

”

"And if you show weakness, then you can be cut out of the picture pretty quickly." **NB-4**

Thus, it is important that resources be available for legal professionals due to the high cognitive demands they live with. In that regard, Table 4 below shows the proportions observed for the various resources likely to protect the mental health of participating legal professionals in New Brunswick.

In terms of resources likely to alleviate the burden associated with the constraints listed above, those that appeared to be most important to participating legal professionals were skill utilization (95.3%), telework (68.9%), and consistency of organizational and personal values (67.6%).

Table 4
Presence of significant resources in the practice of participating legal professionals
in New Brunswick (in %)

Resources in the practice	Resource present (in %)	Resources in the practice	Resource present (in %)
Skill utilization	95.3%	Recognition	50.1%
Telework	68.9%	Support from colleagues	42.6%
Consistency of values	67.6%	Support from supervisor	42.3%
Autonomy	64.2%	Career opportunities	27.9%

In addition to the resources listed, one participating legal professional stressed the importance of support.

“

“I think I’m well supported, which is probably why I’m still here, mostly from my colleagues. [...] And I think that’s where I’ve noticed why some of my colleagues from law school left jobs. They don’t have the mentorship, they don’t have the support, they don’t have a good workplace culture and that’s all the difference.” **NB-2**

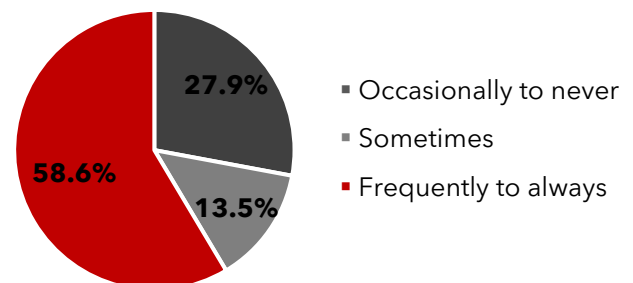


Figure 5 shows that almost one in four participating legal professionals (27.9%) receives little help and support from their supervisor, with a frequency ranging from occasionally to never.

The same holds true as to whether their peers or supervisors recognize their work, while 27.0% tend to strongly disagree, as can be seen in Graph 6.

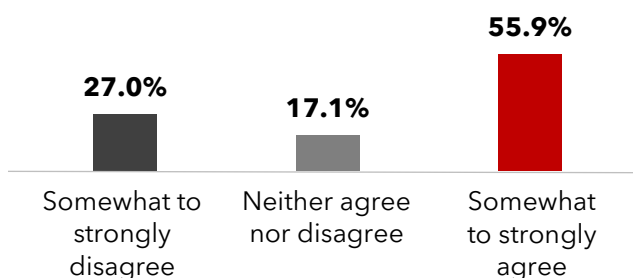
Graph 5

Proportions of participating legal professionals in New Brunswick who consider that they receive help or support from their immediate supervisor ($n = 111$)



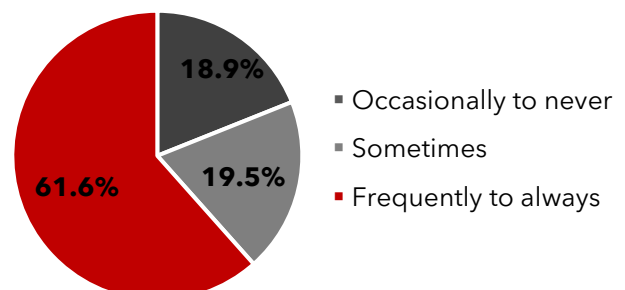
Graph 6

Proportions of participating legal professionals in New Brunswick who state that their peers and/or supervisors do not hesitate to recognize their work ($n = 111$)



Graph 7

Proportions of participating legal professionals in New Brunswick who consider that they receive help or support from their colleagues ($n = 190$)



However, Graph 7 also shows that 61.6% of participating legal professionals in New Brunswick claimed to receive support from their colleagues with a frequency ranging from often to always. This type of support is an important resource for coping with stress and the challenges associated with their line of work. For example, lack of social support from co-workers has been shown to be linked to professional burnout among lawyers (Maslach, Schaufeli & Leiter, 2001)—particularly in conditions where subjects are under relatively high stress (Cohen & Wills, 1985)—hence the importance of support in moderating the level of work stress (Viswesvaran, Sanchez & Fisher, 1999).

Lastly, one participating legal professional expresses the view that their working conditions and cognitive demands are a weight on their shoulders that they cannot ignore, as the following excerpt shows.

“C’est toujours la même chose et je pense que les sondages en parlent beaucoup, comment les avocats gradués de l’école de droit lâchent durant les cinq premières années de pratique. Je pense évidemment à cause du stress de la pratique, mais il ne faut jamais oublier qu’on est tout le temps sujet à des poursuites, sujet à perdre notre licence, sujet au fait qu’on a un gros fardeau à porter sur nos épaules en tant que professionnel.” **NB-1**

”

In summary, working conditions and cognitive demands present a challenge for many participating legal professionals in New Brunswick. This leads into the discussion around the solutions put forward by the community, as detailed on the next page.

Admittedly, the relatively limited sampling of New Brunswick legal professionals did not allow us to conduct robust association analyses between the constraints and resources presented above and the various mental health indicators measured in the province. However, the nationwide analyses conducted as part of this project, in keeping with the current literature, allow us to hypothesize a direct link between several of these factors and the mental health of participating legal professionals in New Brunswick. These constraints and resources therefore serve as means whereby organizations can reduce the pressure on professionals’ mental health, and thus sustain their professional practice.

1.3 THEME 3 | BILLABLE HOURS

Author: Prof. Nathalie Cadieux, Ph.D., CRHA

"I recall that level of stress and year after year of it being the same thing, like, 'Oh! Here we go again. It's January 1st. Let's start over again.' And, at the start of each year, it would be this feeling of dread or... Yeah." **NB-4**

The third theme participating legal professionals in New Brunswick wanted to discuss was billable hours. As the opening excerpt shows, billable hours are the pivot point of an endlessly repeating cycle, with the stopwatch started over again at zero, year after year. For many participating legal professionals in the private sector, billable hours are an important source of stress. Billable hours represent the number of hours of work that a legal professional actually invoices as fees to a client in exchange for professional services.

For law firms, billable hours are a direct way of assessing the productivity of legal professionals, while at the same time delivering a degree of predictability around revenues. By having billable-hour targets to meet, professionals are incentivized to be more profit driven, which at the same time promotes alignment between the organization's financial interests and their own interests in terms of career advancement.

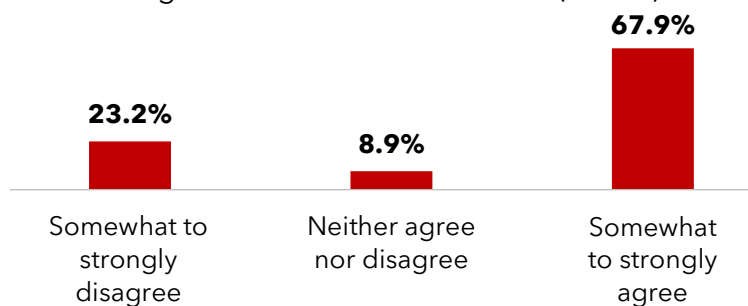
Prevalent in many of the country's private law firms, this system is an important source of stress for many legal professionals, not merely due to the pressure they may feel with regard to meeting their required targets, but moreover because those same targets themselves exert pressure on other stressors that are present in legal environments.

BILLABLE HOURS PRESSURE

Graph 8 below shows that a majority of participating legal professionals in New Brunswick feel pressure around having to meet their billable-hour targets.

The pressure linked to meeting these targets notably stems from the constant race against time that they create, as described in the following excerpts.

Graph 8
Responses obtained from participating legal professionals in New Brunswick to the statement "I feel pressured to reach my target number of billable hours" ($n = 56$)



As the first excerpt shows, the race to meet billable hours starts at the very beginning of one's career, whilst this first year should instead be focused on learning and consolidating a variety of skills.

Interviewer: “if you had to illustrate or picture how you feel about your billable-hour targets at the start of your career, what would that image be?”

Participant: “I feel like nervous and stress. I don’t know what image comes to mind. Yeah, I just feel like a burden especially for the first few years where you’re already confused and are learning so much it’s an exhausting time to have this target imposed. I know they must make money, of course, but especially for the first few years, I think the emphasis should be on learning and not focus on the feeling of being rushed because you know that your time will be written off. That’s not going to make a high-quality lawyer, it just feels a bit like a heavy weight, I guess.” **NB-2**

Participant: “I guess, stress... A stressed-out person because it’s just... Or a clock, I guess. It’s a lot of having to pay attention to time instead of using the brain power to just do the task, and get it done. Hav[ing] to worry about exactly how much time I’m spending on something, it’s a lot of pressure to try to meet the targets.” **NB-4**

”

THE INDIRECT EFFECTS OF BILLABLE HOURS ON HEALTH

Beyond the above-mentioned feeling that they create, billable-hour targets are also likely to have multiple ripple effects on other stressors associated with health in legal workplaces in Canada.

Firstly, billable hours lead to an increase in the number of hours worked. In fact, on average, billable hours only represent 67% of actual hours worked by Canadian legal professionals (Cadieux et al., 2022). As such, to meet an annual target of 2,000 hours, a legal professional must bill an average of 40 hours a week, 52 weeks a year. Adding a further 33% implies some 53 hours of work per week. And yet, studies tend to highlight that long working hours (over 50 hours a week) are associated with increased symptoms of psychological distress, depressive and anxiety symptoms (Cadieux, 2012; Suwazono et al., 2003; Virtanen et al., 2011). At the same time, long working hours are likely to generate work-life conflict (Albertsen et al., 2008; Caruso, 2006; Crouter et al., 2001; Jansen et al., 2004), undermining professionals’ ability to recover between workdays. The following excerpt from an interview with a participating legal professional in New Brunswick clearly illustrates this reality.

”I just think you can meet the number of hours the billable-hours target if you don’t have a life outside of work. If you never want to take vacations, if you don’t get sick. If you actually take weekends off, if you enjoy holidays, if you want to do all of that, then you’re likely not going to meet your target; not unless you’re one of those lawyers that inflates their hours. For me, each year of my practice, I have never met my billable-hours target, ever; not even in years that I’m completely healthy and able to work each and every day. But that’s also because I take my weekends off. I try to take a vacation; a week or two of vacation every year. And when I do that, I don’t try to work more during the other times. I’m not going to try to work from 7 a.m. to 7 p.m., just because I took a vacation. Personally, I don’t think it’s worth it to burn yourself out just to make a profit for somebody else.” **NB-4**

”

Secondly, billable hours drove participating legal professionals to take on heavier workloads in order to meet their targets. For participating legal professionals, a higher workload often means more cases to handle at any one time, which in turn results in higher cognitive demands. For the areas of practice

that involve being exposed to intense emotional demands, this further implies even greater exposure to such demands.

Thus, we can appreciate the domino effect of billable hours, over and above the pressure they generate in and of themselves.

THE COLLATERAL DAMAGE OF BILLABLE HOURS IN THE WORKPLACE

Beyond the pressure caused by billable hours and their indirect effects on other stressors that legal professionals face, the billable-hour business model is also likely to lead to perceived inequities between junior legal professionals and those who are more experienced, as one participating legal professional expressed in the excerpt contained in the following box.

“

“I think senior lawyers or partners specifically could be fairer to junior lawyers and associates when billing clients. So instead of a senior lawyer writing off a junior lawyer’s time and keeping the partners’ time intact when billing a client; they could discount their own time instead of discounting only an associate time that way, the junior or the junior lawyer wouldn’t have to work *more and more* because their time wouldn’t be getting discounted as much.” **NB-4.**

This same participant went on to point out that the most experienced and the highest-paid lawyers are comfortable with the status quo, whereas a change in the operating process could affect their income.

“

“I think it’s deeply ingrained in the profession. There’s a lot... The more senior lawyers at my firm, it’s simply what they know, it’s what they expect. To them, moving away from that is... I’m not sure if it’s a fear of change among the older lawyers or if it’s a fear of how the change might impact their income. I’m not certain what it is. In my experience, the lawyers who make a lot of money are those who are comfortable with the status quo.” **NB-4**

In addition to the intergenerational tensions that might be liable to arise in an environment such as this, it is also possible that billable hours could give rise to retention issues within an organization. That being said, staff turnover is not without its own consequences, and it also generates costs, as one of the participating legal professionals in New Brunswick notes in the excerpt that follows.

“

“I think at the end of the day the bottom-line matters but what affects the bottom line is your people. And if they’re not happy and they’re leaving, it cost you way more money to retrain, to have them out if burnt out for medical leave for years, to lose associates just before they become partner and none of that makes sense. So, to invest in your people a little more, maybe loosen the reins around. I guess the targets maybe allow more flexibility in certain places like to work from home and whatever. But yeah, this is my opinion if you take care of your people and your business you know you should reflect that.” **NB-2**

In short, billable-hour targets not only have a direct impact on the health of participating legal professionals, but also entail a number of indirect effects that compromise the work-life balance and wellness of participating legal professionals. Accordingly, it is important that the legal profession give thought to alternative billing and work organization mechanisms so as to ensure the sustainability of its resources and encourage legal professionals to thrive.

1.4 POTENTIAL SOLUTIONS PUT FORWARD BY PARTICIPATING LEGAL PROFESSIONALS

Authors: Marc-André Bélanger, M.Sc., Prof. Nathalie Cadieux, Ph.D., CRHA

The interviews conducted with participating legal professionals working in New Brunswick allowed different solutions to emerge; these are broken down into three focus areas: (1) development, (2) wellness and (3) billable hours. The solutions brought forward by participants are presented below.

FOCUS AREA 1: DEVELOPMENT FOR NEW PROFESSIONALS

Better prepare future professionals for on-the-ground experience

One participating legal professional raised the disconnect between their training and the professional experience they gained from the practice of law in the private sector. For example, they explained that they did not feel well prepared for the concept of billable hours and the practice of law itself.

“I think students should learn about this, especially in law school. Because when you get out of law school and into practice, for the most part, people have no idea [about] billable hours and the practice of law itself. You can learn as many laws as you want and read about cases, it doesn't help you deal with or understand things like this. I think, managing students' expectations would maybe be helpful. [...] When you're in law school, a lot of my friends were looking forward to being done with law school because they thought it was a lot of work and they thought it was so stressful. And then they get into private practice. And I've heard people say, 'Oh, I just wish I could be a student again. I just didn't expect to be working so much and to just not know what the hell is going on' Because they don't teach you anything about on-the-ground experiences or what to expect when you're actually practising.” **NB-4**

That being said, it would be advisable to improve the preparation of future legal professionals, in particular by preparing them for the realities specific to the various areas of practice (e.g. billable hours in private practice). Legal professionals entering the job market would thus have a better idea of what to expect when they enter the profession.

Provide adequate supervision for new professionals

Like many legal professionals who took part in the national study across Canada who consider training to be theory-driven, one participating legal professional in New Brunswick pointed out that the theoretical knowledge acquired during university training does not always match the know-how that is essential when starting out in the practice of law. As a result, that legal professional suggested a system of supervision for new legal professionals in their first years of practice to address gaps in their training, in particular to avoid the loss of their licence due to errors they might make, and to limit staff turnover.

“

“Pour revenir à l'école de droit, [...] on n'étudie quasiment pas de lois à la faculté de droit. On en étudie, mais pas beaucoup. Puis la majeure partie de notre temps s'est passée à travers des décisions d'un cours qui ne fait aucun sens. Quand tu commences à pratiquer... parce que tu te rends compte que c'est peut-être 20 % de ta pratique si tu fais les litiges. Puis à part ça, c'est juste par rapport à la loi. Je pense que la réglementation est bonne, mais si l'on continue à enseigner aux avocats comme ça, il va falloir qu'ils changent la réglementation et qu'ils mettent peut-être durant les cinq premières années de pratique un avocat qui supervise ce que tu fais, quelque chose comme ça. Parce que sinon, on va perdre des gens chaque année juste parce qu'ils perdent leur licence et quittent le barreau.” **NB-1**

In the same vein, another participating legal professional noted the importance of better follow-up by supervisors, by being more proactive in the development of new legal professionals. As they explained, most of their learning was gained through negative feedback on their work, whereas a more proactive supervisor would have helped them broaden their learning.

“I think a lot of my learning comes from when I do something wrong, I guess. So maybe just a more active teaching. I know I said, everybody is so busy that there's not really time to take to show someone the ropes and teach them how to do things. But it can be hard when the way to learn is through mostly negative feedback. I guess they say it nicely, but it would just be nice if it were more active, I guess. [...] Proactive. Yes, exactly.” **NB-5**

”

Formalize mentoring with a focus on career

Another participating legal professional described the need for better mentoring, or even a formal mentoring program, including support for new legal professionals for their transition into the practice of law. That legal professional also referred to other careers where employees have access to a career coach, either in-house or external to the company they work for. Coaching such as this provides career development and business development support for those employees. That being said, the participating legal professional found coaching interesting, as it aimed to develop their brand image.

“Again, not just my workplace, but I think there just needs to be better mentorships or formal mentoring programs and then better support in terms of becoming a new lawyer, the transition training support. I know some places have career coach either in-house or hired externally. Like this is your career, what you want to do with it, how do you want to develop your business? What do you see yourself doing? And it's not necessarily just stay with the firm, but it's really to build your brand and stuff, I think that's interesting.” **NB-2**

“

FOCUS AREA 2: WELLNESS - AN INTEGRAL PART OF THE PRACTICE OF LAW

Several participating legal professionals proposed solutions to improve wellness in the profession. One of the recommendations made in Phase I of this project was to consider wellness as an integral part of the practice of law (Cadieux et al., 2022). Firstly, one participating legal professional addressed the fact that healthy legal professionals would be better able to provide their clients better service.

”

“Je pense que ce sera bénéfique pour la pratique du droit, pour les futurs avocats, mais aussi pour les clients. Même si le bien-être était mieux pour les avocats, je pense qu’un avocat qui est sain d’esprit et qui est bien dans sa peau, qui s’ajuste dans sa pratique, va donner un meilleur service aux clients que quelqu’un entre les matins, qui n’aime pas son job, qui part trop le soir pour justement gérer avec le montant de stress. Je pense que cette personne-là ne, pas qu’il n’est pas dans un bon domaine, mais c’est juste un concours de circonstances qui fait en sorte dans son état ne peut pas donner un bon service à son client ou du moins le client n’a pas les services qu’il mérite d’avoir. Je pense que [...] le bien-être est bon pour le praticien, mais aussi pour le client. [...] Oui, c’est ça, on s’aide en aidant notre client.” **NB-1**

As mentioned previously, the practice of law is often characterized by work overload and high exposure to stress. These factors may be associated with psychological distress and job burnout, which in turn have an impact on the wellness of legal professionals. Unfortunately, this can be reflected in the service provided to clients. Thus, improved wellness for legal professionals is beneficial both for the professionals themselves, and for their clients.

Another participating legal professional commented that there is a limit to how much stress legal professionals can tolerate. In addition, they pointed out that some senior legal professionals who often worked long hours were able to do so because their spouses were not employed outside the home and took care of the family and household responsibilities. However, today’s reality is that both parents work full time, and take equal or virtually equal responsibility for the family. That being said, working long hours makes it even more difficult to strike a balance between work and personal life. It is for that reason that the practice of law needs to adjust to the new reality, according to this participating legal professional, with an eye to improving legal professionals’ wellness.

”

“I just think that, in general, we’re going to need to improve the mental health of lawyers because it’s just I don’t think people can handle operating at such a stress level forever. And I know people that are senior lawyers have, but in a lot of circumstances, that was in situations where they can work till midnight and there’s someone at home that doesn’t work and is taking care of kids, or something like that. And that’s just not the reality we face anymore. We basically need to have two incomes, if we have two people living there and a family and everything like that, just with the state of the world. So, I think the practice of law in general is going to need to adjust to that as well.” **NB-5**

Lastly, a final participating legal professional stressed the importance of providing wellness resources for legal professionals, and in particular for articling students. However, there seems to be little information or communication about available resources, as many articling students felt they had no one they could talk to about their challenges. That being said, the participating legal professional suggested offering more wellness initiatives, or at least more general support, so there would be someone for legal professionals to confide in and talk about their issues, and even more so for articling students.

“

“I know we have a phone line thing and that’s great, I’ve used it, but are there mental health seminars? I know people during the articling have struggled and they felt like they had no one to go speak to. Is there a designated council? Like New Brunswick bar is very small right. So, I don’t know in terms of actual support, what they can do as much as maybe bigger ones. But I think, just more general mental support, maybe more initiatives on the mental health side, to have someone that we feel we can confidently go to and speak to you about issues, especially the articling students. Again, I didn’t have a bad experience, but I know a lot of people who did.” **NB-2**

FOCUS AREA 3: BILLABLE HOURS

Eliminate billable-hour targets for new professionals and focus on alternative strategies

One participating legal professional expressed how exhausting it can be to be faced with these billable-hour targets in the first few years of practice, when new professionals can feel disoriented and overwhelmed by everything they have to learn. Such targets add to the complexity on entry into the profession. In that regard, 60.9% of professionals with under five years’ experience perceive pressure with regard to meet billable-hour targets, compared with 39.3% of those with more experience ($n = 51$). Thus, it would be appropriate to focus on acquiring practical know-how in the early years of practice.

“

“I just feel like a burden especially for the first few years where you’re already confused and are learning so much it’s an exhausting time to have this target imposed. I know they must make money, of course, but especially for the first few years, I think the emphasis should be on learning and not focus on the feeling of being rushed because you know that your time will be written off. That’s not going to make a high-quality lawyer, it just feels a bit like a heavy weight, I guess.” **NB-2**

From a different perspective, another participating legal professional stated their view that billable-hour targets can create a sense of panic and anxiety among legal professionals.

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“I think I would eliminate this arbitrary number of billable hours. I think it just creates an unnecessary sense of panic and anxiety with lawyers. If you just tell lawyers to be expected to bring in this much revenue each year, it’s more straightforward. It’s really, it’s all that matters. So, I would just get rid of this number of the hourly requirements. [...] So, in my understanding, all firms, all private practice firms for the most part, have both targets; they have the number of billable-hour target, and then they have the revenue target. You couldn’t get rid of the revenue target because then there’s no guidance on the economic part of it; knowing what you have to bring in to sort of cover your salary, rental space, overhead and things like that. So, I think that there does need to be some sort of revenue base sort of target. But if you got rid of the billable-hour target. I don’t think anything changes other than it reduces that unnecessary level of stress or [otherwise] it’s just this arbitrary target, and it doesn’t matter if you do or do not hit it, because, at the end of the day, all that matters is how much money you’re bringing in.” **NB-4**

That same legal professional also shared that in their firm, as well as in many others, there are two types of targets: revenue and billable hours. The revenue target provides a focus on the financial side of the business and aims to cover salary and operating expenses (e.g., rent and overheads), which that legal professional feels it makes sense to maintain. However, billable-hour targets do not seem to offer any guidance in and of themselves, since what counts is the money you bring in for the business. In that regard, eliminating billable-hour targets would be likely to reduce perceived stress at work, as well as clarifying performance expectations (sales).

A number of other participating legal professionals agreed, pointing to the challenges associated with billable-hour targets, which are a major source of stress. Thus, reviewing the strategies linked to these targets would help improve work-life balance, as the following excerpt illustrates.

"I know from speaking with a lot of more junior lawyers that the billable hour is kind of it's a big cause for stress, and it's a big cause for people wanting to go to public practice—government or something like that—instead of being in private [practice] because it's kind of motivating you to spend all your time in front of your desk and not really have that work-life balance that we'll talk about. So, I think it could help firms if they have a different strategy or approach to that, especially firms that are trying to project that they value work-life balance more to retain people, especially younger lawyers, which I know is something that a lot of firms, especially in New Brunswick, have been struggling with right now. So, I think just for retention, it could be helpful." **NB-5**

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Account for other assigned tasks as billable hours

Many of the hours worked by legal professionals in environments where billable hours are present, on pro bono cases for instance, are not included in the billable-hour targets set for them. Therefore, with a view to encouraging legal professionals to become involved in pro bono cases, firm events, and activities or mentorships, this solution proposes that the time spent on these tasks be accounted for within their billable-hour targets. This would mean that legal professionals would not have to work long hours to make up for time “lost” on incidental tasks that are not accounted for and suffer additional stress as a result.

"Another thing actually are, my firm does this, but I think more should do is that we get credit for pro bono files, we do two pro bono files a year and they match hour for hour dollar for dollars as if we were billing. So, I think that is great for the community and it's an incentive for us to do those files while you're literally not billing. Another thing I think that can help would be certain events or certain things. Again, I think there should just be more like credits that would match the billable amount. Like if you expect me to go to this retreat or if you expect me to be a mentor for a student or if I'm on those things that the firm expects of me, I don't think I should have to stress. Oh, my God, Like, I'm gone a full day at this thing for the firm, but you know, I'm not doing anything and then that means I'll have to work later, or I'll have to work a night or weekend to make up for this. Versus if you could credit, certain things that the firm wants us to do like CELs or mental health even if they like. I know that's maybe crazy, but mental health initiatives or like certain things that they want us to do in a time that could be good for us, give us a credit and then you're not as worried." **NB-2**

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1.5 CURRENT INITIATIVES TO SUPPORT A HEALTHY AND SUSTAINABLE PRACTICE OF LAW IN NEW BRUNSWICK

Authors: Marc-André Bélanger, M.Sc., Nathalie Cadieux, Ph.D., CRHA

In the report issued following Phase I of this study, which concluded in 2022 (Cadieux et al., 2022), 10 targeted recommendations and 35 secondary recommendations were presented to the various stakeholders in the Canadian legal community (law societies and bar associations, academic institutions, assistance programs, organizations, etc.). Rooted in the data collected, these recommendations aim to reduce the prevalence of measured health issues (e.g., the prevalence of depressive symptoms), to tackle the source determinants of these issues (risk factors and protective factors, including stigma) and to maximize the mental health support and resources available to legal professionals.

A number of initiatives that align with the recommendations presented in Cadieux et al. (2022) previously existed or were implemented following the publication of the Phase I report. More specifically, our team identified six different major initiatives stemming from five recommendations. Table 5 presents each of these initiatives and compares them to the recommendations made by Cadieux et al. (2022). This table shows that certain proposed initiatives are in line with the needs expressed by participating legal professionals in New Brunswick and reported in this report concerning the importance of improving the support available to legal professionals in their practice.

The initiatives listed below are just a few examples of the most important ones being implemented by the Law Society of New Brunswick and may not represent all the actions currently being taken to improve the health and wellness of legal professionals within their practice. They reflect the initiatives in place at the time this report was drafted. It should also be noted that Table 5 does not include initiatives that may have been implemented by private or public organizations within the province or by various associations or interest groups, which were not accessible to the research team. As such, the initiatives examined are limited to those brought to the attention of our research team by the partners organizations involved, i.e., the Federation of Law Societies of Canada, the Canadian Bar Association, and the Law Society of New Brunswick.

Table 5

Health and wellness initiatives for legal professionals implemented by the Law Society of New Brunswick and related recommendations from the Phase I report by Cadieux et al. (2022).

Initiative	Initiative-related recommendation(s) from Phase I
(i) Development of a sustainable practice course offered through the Bar Admission Program and incorporating mental health and wellness components.	1) Improve preparation of future professionals to support them to deal with psychological health issues.
(ii) Delivery of continuing professional education on wellness (the clientele must be primarily legal professionals, and wellness issues must be addressed from the perspective of legal practice environments).	3) Improve the continuing professional development (CPD) [of legal professionals];

Initiative	Initiative-related recommendation(s) from Phase I
(iii) Development of a Mental Health and Wellness in the Legal Profession course (CBA online course).	3) Improve the continuing professional development (CPD) [of legal professionals]; 5) Implement actions aimed at destigmatizing mental health issues in the legal profession.
(iv) Proposal for a vocational aptitude program that would offer an alternative to the disciplinary process. Amendments to our Act are introduced in the New Brunswick Legislature this spring and came into force in July 1 st , 2024.	5) Implement actions aimed at destigmatizing mental health issues in the legal profession.
(v) Adoption by the board of the action plan put forth by the Committee on Truth and Reconciliation identifying the areas and points that the Committee will be working on over the next few years. Truth and reconciliation is an ongoing process and, therefore, the steps the Law Society of New Brunswick may take to advance truth and reconciliation will also be an ongoing process. The action plan aims to reduce systemic barriers in order to recruit and retain more Indigenous lawyers in the legal profession.	7) Promote diversity within the profession and review practices, policies and procedures that may include or create discriminatory biases.
(vi) Establishment of a mentorship program whereby each candidate was matched with a mentor approved by the task force following a formal selection process. Mentors are available to provide additional support and guidance for candidates if required.	2) Improve supports and guidance available at entry to the profession.

1.6 TARGETED RECOMMENDATIONS OF THE RESEARCH TEAM

Author: Prof. Nathalie Cadieux, Ph.D., CRHA

The Law Society of New Brunswick has implemented major initiatives in recent years to better protect the health of legal professionals and thereby ensure its mission of protecting the public. Among these initiatives, we would like to highlight the new mentorship program and the introduction of an alternative to the disciplinary process for legal professionals experiencing mental health issues. This type of mechanism will certainly be helpful over the next few years in reducing the stigma for people struggling with mental health problems, and will also support the ability of professionals to reach out for help when they feel the need.

These initiatives are a source of inspiration and are paving the way towards the future of the profession in New Brunswick. The recommendations arising from Phase II of this national project have been developed with the following considerations in mind: (1) the results stemming from the priority themes analyzed; (2) the solutions put forward by Phase II participants in New Brunswick; (3) the identified initiatives that are currently being implemented by the Law Society of New Brunswick; and (4) the coverage rate of the various Phase I recommendations in relation to these initiatives. Three recommendations were made and are presented below.

RECOMMENDATION 1

EVALUATE THE IMPLEMENTATION OF ALTERNATIVE WORK ORGANIZATION MODELS THAT LIMIT THE IMPACT OF CERTAIN RISK FACTORS ON HEALTH

Expectations regarding billable hours exert considerable pressure on legal professionals, driving them to work more hours to meet their targets. In addition to the overload and job insecurity likely to be caused by this kind of billing system, there are also a number of indirect effects. In that respect, billable hours tend to accentuate the feeling of work-life conflict, while exposing legal professionals to increased workloads, on both the qualitative and quantitative levels.

It is important to consider the direct and indirect detrimental effects of billable hours not only on the health of legal professionals, but also on the sustainability of their practice. As such, it is recommended that alternative business models be examined—business models that are likely to support and positively stimulate the performance of legal professionals while protecting their health and, ultimately, their affective commitment to the profession.

Despite the negative effects of billable hours on the health of legal professionals, which would justify a change in the business model, there are some middle ground options that should be considered for organizations wishing to keep such systems in place. First of all, organizations should plan for a tiered phase-in approach, in line with a legal professional's experience, and no billable hour target should be imposed during the first two years of practice. Secondly, organizations should avoid applying that type of system for legal professionals working in areas of practice that are highly exposed to emotional demands. Lastly, over and above billable hours, organizations should also earmark a portion of non-billable hours for professional development or mentoring activities, which would facilitate legal

professionals becoming involved in those activities, which are also a source of wellness in professional life.

RECOMMENDATION 2
STRENGTHEN THE PRACTICAL ASPECT OF TRAINING TO BETTER PREPARE LEGAL PROFESSIONALS FOR THE CHALLENGES THEY WILL FACE IN THEIR PROFESSIONAL LIVES

As soon as they enter the profession, young legal professionals are exposed to numerous stressors. It is therefore essential for them to be sufficiently prepared to face the daily challenges of professional life. In this context, it is recommended that the practical aspect of training be strengthened to better prepare legal professionals for the challenges they will face in their professional lives.

In particular, preparation aims to include transversal skills critical to professional life in college curricula (e.g., time management, self-awareness, emotional intelligence, teamwork, etc.). Beyond knowledge, the development of such transversal skills will contribute to the development of important know-how in day-to-day practice. Moreover, practice-oriented training is likely to boost the confidence and autonomy of recent graduates, as well as their ability to adapt once they enter the job market. These skills should therefore be integrated throughout academic curricula.

In addition, the participating legal professionals in New Brunswick in Phase II of the national study stressed the importance, starting right with academic training, of raising awareness around the different professional realities in the practice of law (e.g., practising as a crown prosecutor vs. practising in a private firm with billable-hour targets). In addition to helping to better prepare future legal professionals for the challenges they will face, addressing these realities will also help to value different types of practices among young people.

RECOMMENDATION 3
IMPLEMENT A PROFESSIONAL INTEGRATION PROGRAM

The data gathered as part of Phase II of the project also highlight the major challenges faced by legal professionals at the start of their careers, underlining the importance of providing a better framework for entry into professional practice, thus ensuring its sustainability. Insofar as legal professionals represent the future of the profession, it seems essential to protect their health to ensure their future emotional commitment to the profession. For this reason, it is recommended that a professional integration plan be created to facilitate the progressive, supervised acquisition of knowledge and skills that are essential to the legal profession.

This recommendation would involve ensuring a greater presence among young legal professionals in the early years of their practice. This is an important ingredient not only for protecting their mental health, but also for acquiring effective work methods that will benefit them throughout their working lives. Moreover, this type of support is likely to foster young legal professionals' emotional commitment to their profession, and ultimately influence their intention to remain in it throughout their working lives.

This plan would provide guidance and support for young legal professionals as they adapt to the practice of law early in their careers. It would include specific objectives linked to the acquisition of know-how, and could be rolled out over the first two years of a career. It would also allow for progress to be gradual and include follow-ups at key points in a legal professional's trajectory early on in their career. By ensuring that young legal professionals develop practice-related knowledge and skills gradually over time, this kind of structured integration plan would enable workplaces to better support these young professionals and limit the pressures they may feel at the outset of their careers.

1.7 SUPPORT RESOURCES AVAILABLE FOR LEGAL PROFESSIONALS IN NEW BRUNSWICK

EMERGENCY RESOURCES

Chimo helpline. Provincial toll-free hotline (24/7): **1-800-667-5005**
Fredericton area (24/7): **450-HELP (4357)**

Mobile crisis units

Bathurst – Crisis line (8 a.m.–8 p.m.): **506-547-2110**

Fredericton – Crisis line (4 p.m.–midnight; 3 p.m.–11 p.m. on weekends): **506-453-2132**

Moncton – Toll free (2 p.m.–10 p.m.): **1-866-771-7760**

St. John – Toll-free (8 a.m. to midnight): **1-888-811-3664**

St Stephen, St George et Grand Manan – Crisis line (24/7): **506-466-7380**

Woodstock et Perth-Andover – Toll free (2 p.m.–10 p.m.): **1-888-667-0444**

PROGRAMS OR WEBSITES ABOUT WELLNESS AND MENTAL HEALTH TOPICS

- New Brunswick Lawyers Assistance Program ([NBLAP](#)) (24/7): **1-888-315-2244**
- Wellness Together: Mental health and substance use Canada.
Phone: **1-866-585-0445**. Text message (SMS): WELLNESS to **741741**
Website: [Online peer support for Addiction](#)
- Canadian Mental Health Association – [New Brunswick division](#)
Phone (Monday-Friday, 8:30 a.m.–4:30 p.m.): **506-455-5231**
- [Health Upwardly Mobile](#) (mental health, occupational health, substance abuse)
- [Horizon Health Network](#) (mental health and addiction services)
- [College of Psychologists of New Brunswick](#)
- [Capital Region Mental Health & Addictions Association](#)
- [Vitalité Health Network](#)
- [Elsipogtog Health & Wellness Centre](#)

SEE OTHER INFORMATIONAL AND ADVISORY RESOURCES ON WELLNESS AND MENTAL HEALTH TOPICS

- Government of New Brunswick – [Addictions and Mental Health](#)
- [The Wellness Movement](#) (workplace wellness)
- [U.N.B. Law Students' Society](#) (for students)

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