



TOWARDS A HEALTHY AND SUSTAINABLE PRACTICE OF LAW IN CANADA



Phase II | 2022-2024

RESEARCH REPORT NOVA SCOTIA

Under the scientific direction of
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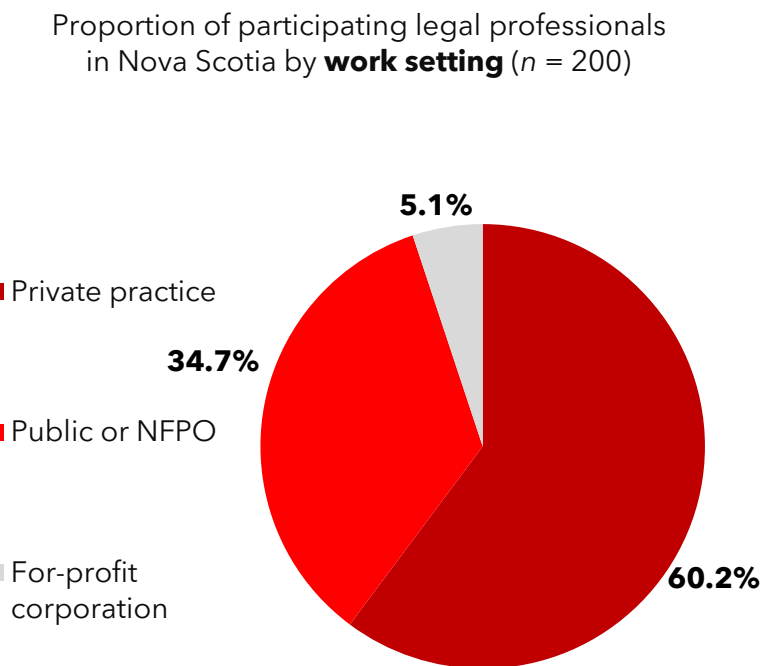
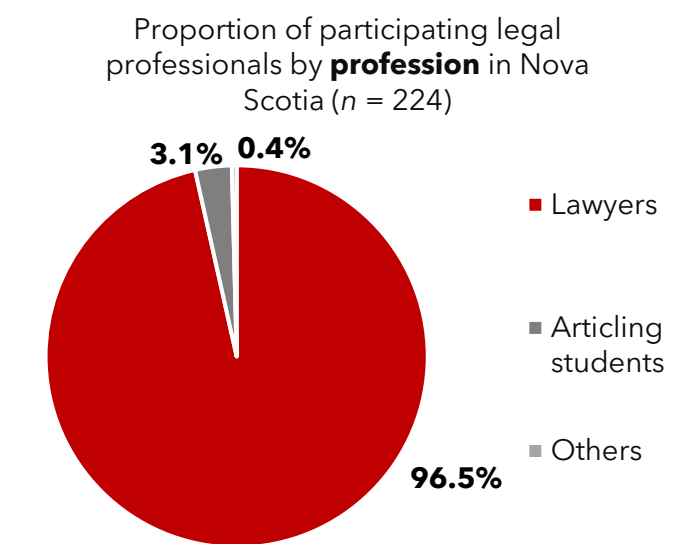
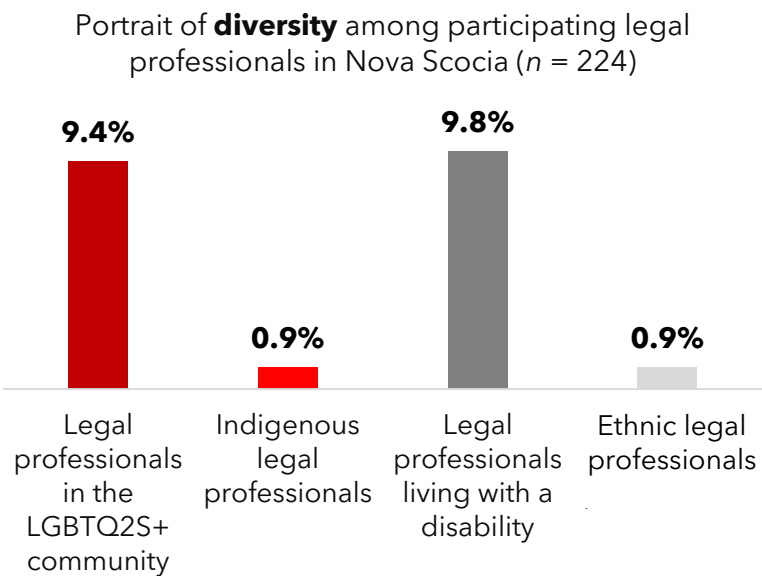
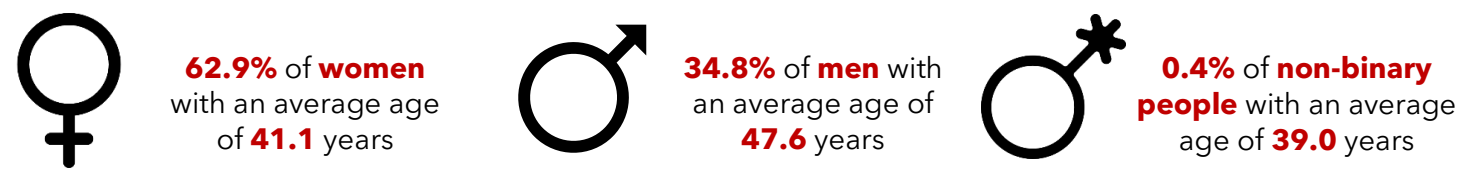
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Phase I participants description: Nova Scotia Barristers' Society

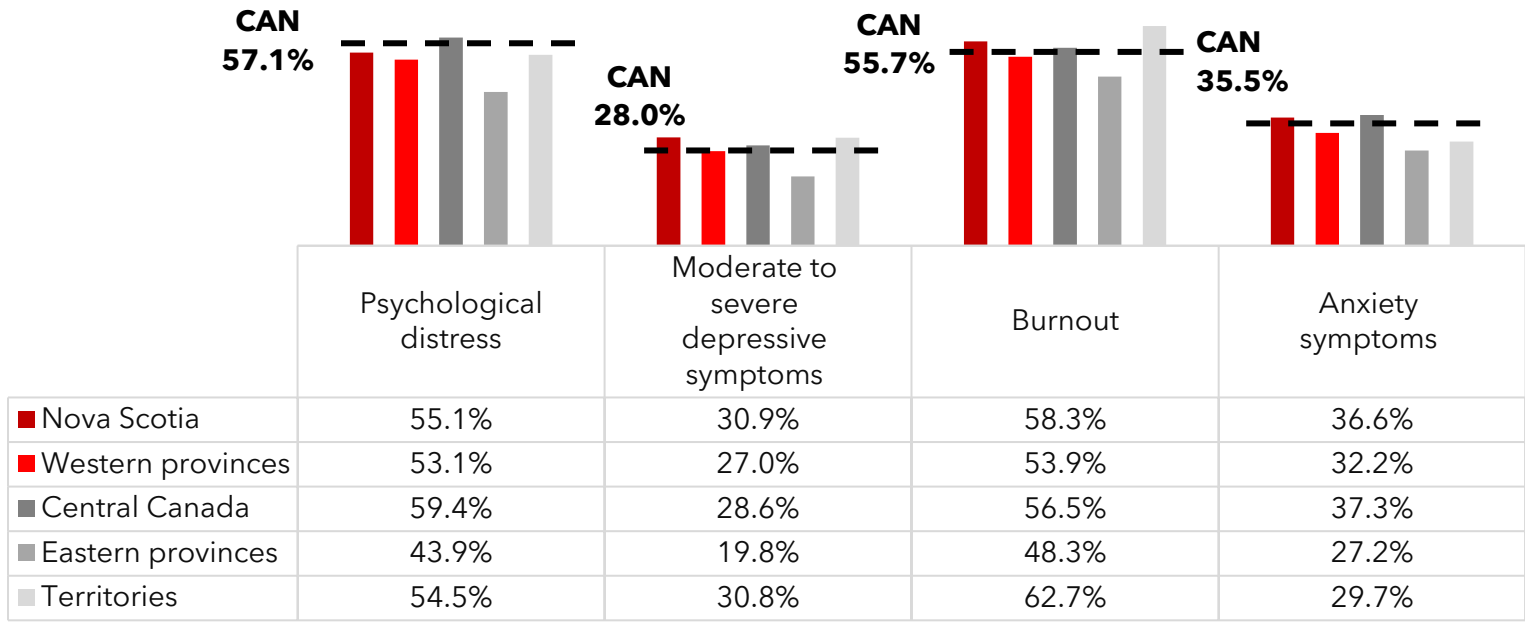


Area of practice :

- Family Law (18.8%)
- Criminal Law (15.2%)
- Civil Litigation (27.2%)
- Business, Corporate and Commercial Law (22.3%)
- Human Rights, Public and Administrative Law (8.5%)
- Labour and Employment Law (11.2%)
- Real Property (20.5%)
- Wills, Estates and Trusts (20.1%)
- Alternative Dispute Resolution (5.8%)
- Other (8.5%)

Mental health indicators (Phase I): Nova Scotia Barristers' Society

Proportion of participating legal professionals mental health indicators in Nova Scotia by canadian geographic regions (n = 6,901)



27.8%

Participating legal professionals in Nova Scotia have had **suicidal thoughts** since the beginning of their career (n = 198). The average in Canada is **24.1 %**



58.2%

Participating legal professionals in Nova Scotia were **unable to seek help because of psychological health issues despite feeling the need for it** (n = 220). The average in Canada is **46.8 %**

Three main reasons for not seeking help:

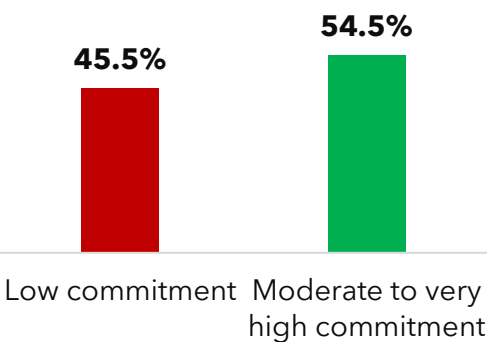
1. Thoughts that the issue is temporary **34.4%**
2. Lack of energy of seeking help **24.1%**
3. Not being sure of help necessity **13.4%**



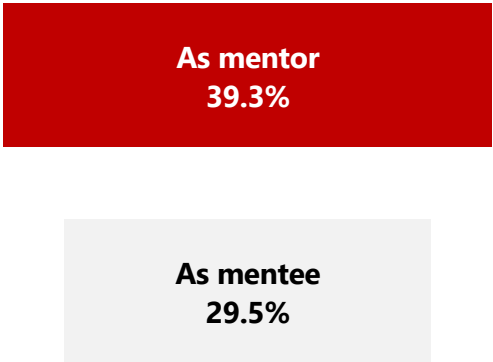
6.7%

Participating legal professionals in Nova Scotia who **have taken more than three months of medical leave** in the past five years (n = 224)

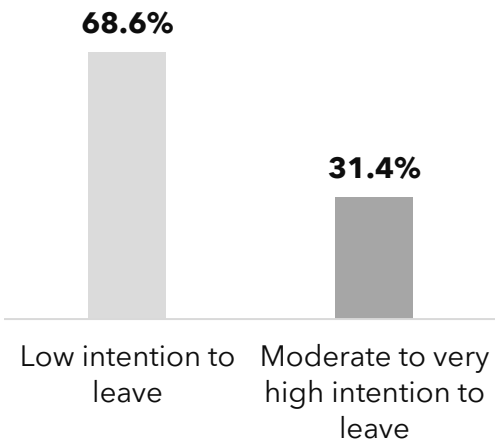
Proportion of **affective commitment to the profession** among participating legal professionals in Nova Scotia (n = 224)



Proportion of **mentorship participation** among participating legal professionals in Nova Scotia (n = 224)



Proportion of **intention to leave the profession** among participating legal professionals in Nova Scotia (n = 175)



INTRODUCTION | HEALTH AND WELLNESS PRIORITIES IN THE PRACTICE OF LAW IN NOVA SCOTIA

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

The first objective was achieved through quantitative data collected in Nova Scotia during the first phase of this national project ($n = 176$). The second objective is based on qualitative data gathered through interviews. As part of Phase II, 26 legal professionals working in Nova Scotia volunteered to participate in a semi-structured interview. Participants were then selected ($n = 6$) among the volunteers and semi-structured interviews were conducted with these legal professionals working in Nova Scotia. In order to identify the priorities of legal professionals working in Nova Scotia, 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 the 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 the order of importance.

Table 1

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

Theme	Contents	# of legal professionals for whom the theme is among the top three important themes to address
1	Working conditions and cognitive demands	19
2	Work-life balance	15
3	Coping strategies and lifestyle	12
4	Training and mentorship	6
5	Diversity and inclusion in the practice of law in Canada	6
6	Billable hours	5
7	Technology and legal practice (technostress)	5
8	Regulation and practice review	5
9	Telework	3
10	Return to work after a prolonged medical leave/absence	2

Based on the results presented in Table 1, this report addresses the three themes most frequently reported as priorities: (1) working conditions and cognitive demands; (2) work-life balance; and (3) coping strategies and lifestyle. The results presented for each theme are based on weighted quantitative data obtained during Phase I in Nova Scotia ($n = 176$) and on interviews conducted ($n = 6$).

1.1 THEME 1 | WORKING CONDITIONS AND COGNITIVE DEMANDS

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

The most important theme identified by participating legal professionals in Nova Scotia was working conditions and cognitive demands in the practice of law. Working conditions encompass both job demands that are likely to constitute risks to wellness (constraints) and resources conducive to the protection of employees' wellness. Ultimately, it is the individual's assessment of the workplace demands and of available resources to help them cope with these demands that dictates their perception of work stress (Lazarus & Folkman, 1984). This section is broken down into (1) analysis of the constraints and (2) analysis of the resources.

ANALYSIS OF CONSTRAINTS

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 percentage of the various constraints that emerged as being the most important to participating legal professionals in Nova Scotia, as shown in Table 2. It should be noted that the low proportions shown do not necessarily reflect a link between any constraint and the mental health indicators measured in this study, but represent only the number of participants practising in Nova Scotia affected by that constraint.

Table 2

Existence of significant constraints in the practice of participating legal professionals in Nova Scotia (in %)

Constraints in the practice	Presence of constraint (in %)
Billable hour pressure	90.5%
Qualitative overload	79.8%
Emotional demands	60.1%
Long work hours (≥ 50 h/week)	50.0%
Quantitative overload	43.7%
Lack of resources	30.2%
Pressure to perform	17.0%
Workplace incivility	12.4%
Job insecurity	11.0%
Workplace violence	5.5%

From these percentages, the pressure to meet billable-hour targets stands out as the most common constraint among participating legal professionals (90.5%). In private firms, pressure to meet billable-hour targets can lead to self-doubt, prompting some legal professionals to question their abilities. Yet, the overwhelming majority of participants working within a billable-hour model in Nova Scotia felt pressured with regard to the billable hours. In fact, over nine out of ten (95.2%) participants consider their organization's expectations with respect to billable-hour targets to be stressful, regardless of how many hours they work overall, as shown in Graph 1.

Graph 1

The frequency at which participating legal professionals in Nova Scotia feel stressed by the billable-hour targets that their organization expects them to meet, regardless of how many hours they work overall



Workload: the challenges of dealing with high demands

While there is a common belief among participating legal professionals that billable hours are linked to workload, quantitative overload (43.7%) is not unique to private practice, as noted by one public sector participant.

“There’s this ongoing notion that public sector lawyers have it easy, that they don’t have billable, so they have a lot more time. But I feel I’ve worked harder than I ever had in private practice without billable. Because there’s a higher expectation, you’re at the beck and call of the departments and to the executive directors and then you must do everything right away.” **NS-2**

From a mental health and wellness perspective, the same participant mentioned the existence of a policy that legal professionals within their organization can take advantage of regarding the right to disconnect. However, the policy in question is impossible to apply when quantitative overload is too high, mainly due to supervisors’ high expectations and the feeling of constantly having to excel.

“I feel like, with the public sector, there’s this talk about lawyers’ mental health and the right to disconnect. It’s still that idea of like, yes, you have the right to disconnect. But if you have a file, you must work on it or you have this expectation that you need to push yourself and work these longer hours. I’ve noticed, it’s like, oh, we have a new policy, you can disconnect at five if you want to, but you really can’t. It’s like private practice too. It’s like yes, you’re off at five, but you’re off at eight because that’s the expectations from partners or from your supervisor. And then on the other end with the services they provide, for example the law societies talk about health, or the public sector has something similar. I’ve used it a couple of times and I don’t think it helps specifically with the legal profession. I’m very open with these counsellors and therapies about my issues but just given the specificity of the profession yes, I’m stressed, but I must push myself. Like there is one time in law school where I talked about these stresses and all they said was oh, you should quit then.” **NS-2**

To carry this a step further, Table 3 shows how quantitative overload intersects with a number of mental health indicators measured among participating legal professionals based on data from Phase I (Cadieux et al., 2022).

Table 3

Intersection between quantitative overload among participating legal professionals in Nova Scotia and correlated mental health indicators (in %; $n = 183$)

	Psychological distress	Perceived stress in the workplace	Worrying anxiety symptoms	Burnout
Absence of quantitative overload	43.7%	77.7%	42.7%	24.3%
Presence of quantitative overload	78.8%	93.8%	62.5%	85.0%

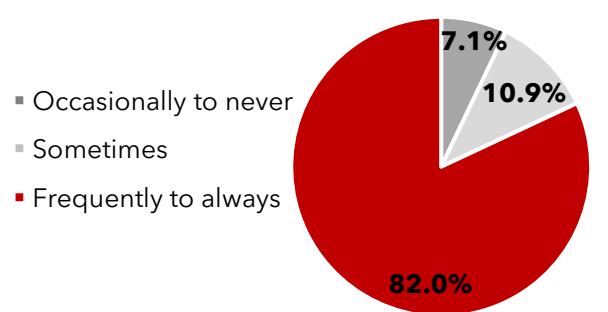
Among the respondents who reported experiencing quantitative overload, a significant number are also experiencing burnout (85.0%) and psychological distress (78.8%), among other indicators. Research in this regard reveals the link between work overload and psychological distress (Gingues, 2020), anxiety (Bergin & Jimmieson, 2013), and burnout (Gingues, 2020; Hopkins & Gardner, 2011; Nickum, & Desrumaux, 2023).

From a different perspective, qualitative overload represents another significant constraint among participating legal professionals (79.8%). In fact, according to more than eight out of ten (82.0%) participants, the practice of law is ‘frequently to always’ very mentally taxing, as further illustrated in Graph 2.

In the following excerpt, one participant highlighted a number of considerations that characterize the elements of cognitive demands within the legal profession.

Graph 2

The frequency at which participating legal professionals in Nova Scotia rate their work as highly mentally taxing ($n = 183$)



“there’s also the rigorous intellectual demands of trying to carry out the job properly, going through huge amounts of information, and trying to discern whether what we read is reliable and can be presented in court. Trying to make sure that we can prove a case. Trying to make sure that we now comply with the Supreme Court of Canada’s guidelines on the right to trial within a reasonable time. Trying to deal with defence counsel who is sometimes difficult. Trying to deal with judges that are sometimes very difficult or don’t really focus on the state of the law, or their own attitudes about certain things. Over a sustained period of time, it gets harder and harder because our files get larger and larger and more complex. Now we’re looking at cellphone data, for example, or others. You know, there are all kinds of technological data that we now see, we have to review. And we have to be concerned about privacy concerns and we have to be concerned about disclosure to defense counsel, making sure that no information goes to them that could get someone killed or reveal their identity. We have to worry about documenting our files properly, presenting all the evidence so that we can have a successful prosecution. Making sure that we’re presenting evidence that is reliable. Dealing with police agencies that sometimes lack experience or sometimes seems to be more concerned about political aspects rather than substantive aspects.” **NS-6**

From this excerpt, we can highlight a number of key requirements (see Box 1) that contribute to the cognitive demands of legal professionals.

Box 1

Examples of key responsibilities that illustrate the cognitive demands on lawyers

- Reviewing huge amounts of information and discerning its reliability for presentation in court;
- Ensuring compliance with the Supreme Court of Canada's guidelines on the right to trial within a reasonable time;
- Dealing with sometimes difficult judges or opposing counsel;
- Dealing with police agencies that sometimes lack experience or seem more concerned with political aspects than substantive aspects;
- Working on files that are increasingly large and complex;
- Reviewing technological data while remaining vigilant regarding privacy;
- Properly documenting files, presenting all the evidence, and ensuring its reliability.

More and more, files are becoming larger and more complex not only because of the volume of information to consider, but also because of the technological aspects of evidence being submitted. Legal professionals now have to navigate the complexities of digital data analysis and cybersecurity, particularly with respect to privacy and confidentiality considerations, which calls for heightened vigilance. Thus, practice becomes all the more stressful when these cognitive demands are added to a sense of urgency imposed by the courts, which heightens the perception of quantitative overload, as described in the following excerpt.

“[...] One of the biggest stressors I find now is that the expectations do not match the resources. You know, we get these big files and then we go to court, and the judge wants us to present our evidence in a few days when realistically, we can't. So, there's this totally unrealistic expectation about how we can manage something that is actually complex. It can't be reduced to three days. Much as I'd like it to. No.” **NS-6**

Emotional demands: the face behind the mask

Emotional demands (60.1%) emerged as another important constraint among participating legal professionals in Nova Scotia. As one participant illustrates in the following excerpt, these emotional demands impact professionals in their work.

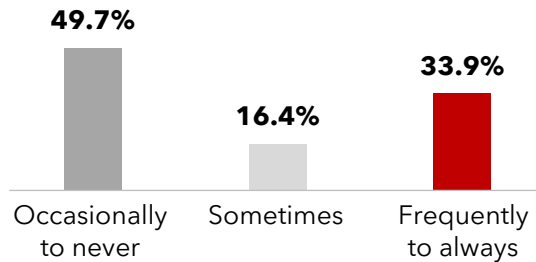
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“I work in family law, which you know objectively is one of the more difficult areas to be working in. You know, our clients have issues that need immediate attention, and they’re going through really big crises, and you have to be available for that. And at the end of the day, it’s not necessarily work that you put down well. So even though I, you know, I have my whole strategies in place for how I manage to balance work life and not letting my work take over, if I’ve been on the phone all day with a client who is in an abusive situation and trying to get out and giving her counselling and advice she needs on that, I’m not going to forget her the minute I close the door. And so that’s going to continue to be on your head. You know, a bad decision by a judge isn’t necessarily just my client’s going to be out money. You know, maybe my client’s not going to ever to see their kids again. Those are heavy, and you’re dealing with people who are they’re the ones living through that, so it’s stressful enough for me being the person counselling and advising and representing, but you’re dealing with the people who are living through that. You know, I recommend people getting professional help when they’re going through a divorce or going through a separation, but they don’t necessarily follow that. And then they want to use you as the counsellor and I’m not a therapist. It doesn’t work that way. But at the same time, they are still my client. And so, I have to be compassionate. I have to listen to what they’re saying, and wear that and carry it with me as you keep moving forward. But to a large extent, you can’t let it affect you. You can’t let it affect your performance. You can’t let it affect how you present to the client, the judge, and the opposing counsel. So, it really is that you’re putting on a mask all the time in this job. And so there are days that I get home, and just with everything we’ve been dealing with, I get home, I sit down and cry. Because you feel useless, or you feel helpless, or you’re just so frustrated with what’s going on, or you’re so worried about your clients. And there’s nothing you can do, really. There are so many limits on what we can do. You want to save the world, but it’s not as easy a task as we’d like it to be.” **NS-1**

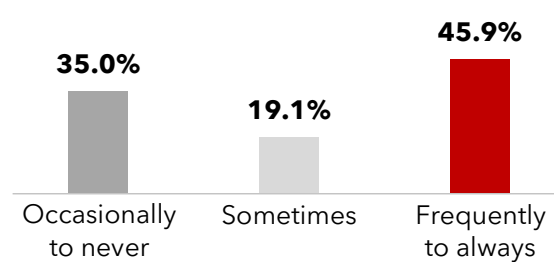
One participant described having to put on a mask when interacting with clients, opposing counsel, or judges in order not to appear to be affected by emotionally difficult situations. Yet, it is not uncommon for the participant in question to collapse at home under the weight of these emotional demands, often feeling useless, powerless and frustrated by what their clients are going through. Outcomes for the participant’s clients can sometimes be potentially disastrous, and at times they expect their lawyer to also act as a counsellor or a therapist. The participant further explained that, despite everything, they still have to show compassion, listen to what their clients have to say, and take it to heart, which is relatively stressful and hard to shrug off once at home after work. When their clients are faced with emotionally difficult situations (such as a divorce or losing custody of their children), the participant in question recommends that they seek professional help. In short, the emotional demands inherent to the practice of law can weigh heavily on legal professionals who have to cope with at times extremely difficult situations that their clients go through. This sentiment is shared by the legal professionals who participated in Phase I of this study, with one third of them (33.9%) considering that their work ‘frequently to always’ places them in emotionally destabilizing situations, as illustrated in Graph 3. Moreover, nearly half of them (45.9%) consider their work to be ‘frequently to always’ emotionally demanding, as illustrated in Graph 4.

Graph 3

Frequency at which participating legal professionals in Nova Scotia consider that their work places them in emotionally destabilizing situations
(*n* = 183)

**Graph 4**

Frequency at which participating legal professionals in Nova Scotia consider their work to be emotionally demanding
(*n* = 183)



These emotional demands can have an impact on the mental health of legal professionals. Table 4 shows how emotional demands intersect with a number of mental health indicators measured among the participating legal professional based on data from Phase I (Cadieux et al., 2022).

Table 4

Intersection between emotional demands among participating legal professionals in Nova Scotia and correlated mental health indicators (in %; *n* = 183)

	Psychological distress	Perceived stress in the workplace	Worrying anxiety symptoms	Burnout
Absence of emotional demands	50.0%	80.5%	30.5%	50.0%
Presence of emotional demands	80.0%	94.5%	60.0%	87.3%

Thus, among participating legal professionals feeling the constraint of emotional demands, a significant percentage experience psychological distress (80.0%), burnout (87.3%), and worrying anxiety symptoms (60.0%). In this regard, recurrent exposure to high emotional demands also strongly correlates with a higher risk of psychological distress (Jimmieson, Tucker & Walsh, 2017), depressive symptoms (Bergin & Jimmieson, 2013), and burnout (Tsai et al., 2009).

Workplace incivility and violence

Finally, workplace incivility (12.3%) and violence in the workplace (5.6%) are among the constraints that form the backdrop to the daily lives of legal professionals. One participant stated that the impact of uncivil behaviour on the mental health and wellness of legal professionals is often underestimated. While awareness around incivility and standing up against that type of behaviour in the workplace can be taught, the fact remains that certain situations leave legal professionals more exposed to it, obliging them at times to remain in basically abusive professional relationships, for example by having to endure abuse from opposing counsel or a judge, as noted by one participant in the following excerpt.

“I think we’re underestimating how impactful uncivil behaviour is to people’s mental health in that it’s certainly been one of the biggest difficulties I’ve had to deal with, whether it’s coming from judges, from opposing counsel, from clients, and we’re not equipping people with the skills to be able to deal with that if it’s something you can’t avoid or the tools to be able to say this is how you get away from these bad relationships. I mean, nobody would expect you to stay in an abusive relationship with a partner. But when I’m on a file, and I’m representing someone, I’m expected to stay in essentially an abusive professional relationship with opposing counsel, or I’m expected to endure abuse from the bench when I would not be expected to endure that abuse from a superior in my office.” **NS-1**

The same is true of violence in the workplace, with some judges seeming to have become more aggressive in recent years. More specifically, participating legal professionals reported that the tone used by judges has become harsher in recent years and that they often display a lack of courtesy towards lawyers or even shout at them. Judges seem to disregard the limits of what legal professionals can control, such as their clients’ behaviour, as explained in the following excerpt. The participant in question further expressed that the level of hostility from judges, opposing counsel, and clients seems to have increased in recent years. This is clearly a significant source of stress for the participant in question, as interaction prompts them to worry about being subjected to workplace violence, which is hard to live with.

“One of the things that has really changed on this, I don’t know if it’s an element of COVID or what have you, but the judges have become so much harsher over the last five years or so that I’ve been practising than when I started, you generally had courteous judges who were polite and they treated you with respect, and they saw you as somebody who was there to assist in this process. And now you’re getting judges who yell at you for things that you really can’t control. I can counsel my clients as much as I want, but at the end of the day, if they’re going to be stupid, they’re going to be stupid. That’s not within my control or just becoming really quite angry that you’re bringing this matter in front of them. What else do you expect me to do? And treating you in a way that’s very discourteous and you can’t respond to that. You can’t. [...] I can’t say, ‘Whoa, whoa, stop. You can’t treat me this way. That’s not appropriate. Can you please fix your tone?’ or what have you. And when you don’t have that control over the conditions you’re facing, and you’re walking into every court appearance—family law is very heavy in terms of the amount of court interaction we have. And you’re walking into every interaction thinking, ‘Am I getting yelled at today?’ That’s hard on the head. [...] So, the level of hostility we experience from everybody, you know, judges are one, but also from opposing counsel and clients, it has easily tripled since COVID.” **NS-1**

ANALYSIS OF RESOURCES

Along the same lines as constraints, 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 percentages of the various resources that exist and are important among participating legal professionals in Nova Scotia, as shown in Table 5. It should be noted that the low percentages shown do not necessarily reflect a weak link or the absence of a link between any resource and the mental health indicators measured in this study.

The resources most present among participating legal professionals are skill utilization (96.2%), telework (88.6%), alignment of individual and organizational values (63.5%), and autonomy in the workplace (57.9%).

Among the resources cited by participating legal professionals, autonomy at work (57.9%) is perceived as a key facilitator. In fact, autonomy makes it possible to adjust workload and working hours to meet supervisor and court expectations while establishing a work-life balance.

For example, the following participant explains that when afforded a certain degree of control over the amount of work they take on and their schedule, they are better able to organize their workload before going on vacation.

Table 5
Presence of significant resources in the practice of participating legal professionals in Nova Scotia (in %)

Resources in the practice	Presence of the resource (in %)
Skill utilization	96.2%
Telework	88.6%
Consistency of values	63.5%
Autonomy	57.9%
Recognition	49.5%
Support from superior	45.4%
Support from colleagues	42.1%
Career opportunities	22.9%

"I think we've done better in saying that from a work performance point of view in giving people autonomy over their own practice so as the individual lawyer, I get to control, really, how much work I'm taking on when I'm taking it on what my schedule looks like within the confines of what the court imposes on me, but to a large extent, I get to control that. So right now, I'm pretty close to capacity. I'm also getting ready to go on vacation tomorrow. So, I wasn't taking the client for the last three weeks. I just said, 'I'm not going to,' sent them to other people in the department or sent them on to a different firm. But I'm not taking them, and nobody has any issue with that. It's not going to be a concern." **NS-1**

Another participant points to a new policy in their organization that offers them the option of taking time off at a later date when the job requires them to work long hours. This offers a break from constantly dealing with high workload and having to constantly work long hours.

"And we kind of have this policy that, you know, if we work long hours, we can take time off in lieu. [...] It's nice to have that flexibility, so, you know, if you are working these crazy hours that you can take that time off later." **NS-5**

Recognition (49.5%) is another important resource reported by the participating legal professionals. Various forms of recognition (e.g., from a judge, during an appearing in court) can have a protective effect and serve as a reminder that outcomes are not exclusively a reflection of the skills of a legal professional, but rather of the nature of the case at hand.

“One of the things that we have seen is we have a couple of judges who are really, really, really passionate about mental health in Nova Scotia. They make a point that regardless of what the outcome is going to be in the trial, if you’ve done a good job presenting your client’s case, if you’ve done a good job preparing, they say something. In the courtroom, in front of everybody else, they say, ‘I want to thank counsel for providing me with this brief and because it made everything really helpful,’ or ‘I want to thank Miss [NAME] for being so prepared today.’ That means something, especially if your client is going to be the one getting bad news, because in any outcome like that, it’s always easy to say, ‘Oh, my client lost because I did a bad job.’ No, my client lost because the position was horrible. [LAUGH] But you still feel like you missed something. So that kind of recognition and then the recognition from the more senior lawyers whom I work with and the colleagues I work with in the bar, you know, it was a huge compliment to be one day when I picked up the phone, and they said, ‘Hi, I got your name from this other lawyer who quite senior, very senior family lawyer. They said you were the person I should call with this issue.’ Like that’s the sort of recognition that means something to me.” **NS-1**

Workplace support: one way to mitigate work-related stress

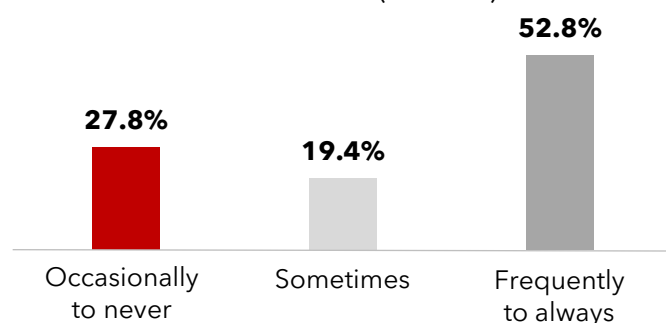
Among the resources, support from a supervisor also appears to be an important resource for the participants (45.3%). This type of support may help to alleviate work-related stress by offering the opportunity to talk about the challenges of the job. And this makes managing stress easier, as one participant stated.

“So, I think I would bottom line it by saying that, in years past, even though the stress was a stress level, and the job was extremely difficult, I felt that it was more manageable because I could speak to people that had a huge amount of experience at the highest level of management, and they appreciated it because they had done the job as well. You know, they had done, they had experienced, they would appreciate what the job truly was and how difficult it was.” **NS-6**

Among the legal professionals who participated in Phase I of this study (Cadieux et al., 2022), over half (52.8%), at a frequency ranging from frequently to always, considered that their supervisor was willing to listen to their work related concerns as shown in Graph 5.

Nevertheless, the fact remains that over a quarter of participating professionals (27.8%) felt that their supervisor was never or only occasionally willing to listen to their work related concerns.

Graph 5
The frequency at which participating legal professionals in Nova Scotia perceive their supervisor to be willing to listen to their concerns about work-related issues ($n = 108$)



Similarly, another participant stated that in their opinion, the message was clear: supervisors did not want to hear about it, thus indicating a lack of support. Going further, they noted their colleagues' apprehension about wanting to talk about professional problems.

Interviewer: *"You said if I recall well, earlier, you said that you are sometimes vocal about things that aren't satisfactory. Even if you mention a situation within, such as sexism or bullying, is there anything that they provide, any support or any intervention process?"*

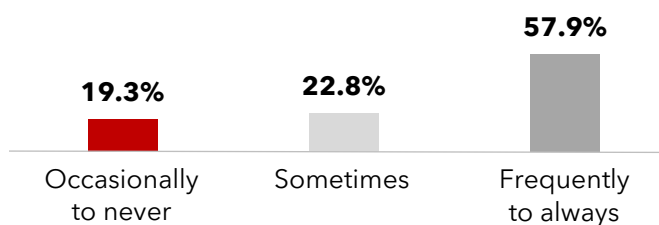
Participant: *"What is offered to me is a clear message that they don't want to hear it. What is offered to me are solutions that I've already tried that do not work. So, no, I would say zero support. On the contrary. Yeah. On the surface, they'll write about all these things that are offered, but when they're confronted with something that's going on, they don't want to hear it. And I'm one of the only ones that speak up because everyone else is too afraid."* **NS-6**

Support from supervisors is not the only type of aid that participants consider to be an important resource, they also value support from their colleagues (42.1%), which promotes mutual assistance and listening among peers. One participant commented that they receive the most help by talking with other young lawyers, as their experiences are often shared experiences and they are going through the same thing together.

"With colleagues, it's always good. I feel like when I'm able to talk to young lawyers I think that's where most of the help comes. It's kind of like this shared experience or like, we're going through this together. [...] And I feel like that's where it's the strongest [...]" **NS-2**

Graph 6

The frequency at which participating legal professionals in Nova Scotia perceive themselves to receive help and support from their colleagues ($n = 171$)



Once again, this sentiment was shared among participating legal professionals from Phase I of this study (Cadieux et al., 2022), with over half of them (57.9%) reporting that they 'frequently to always' receive help and support from their colleagues, as shown in Graph 6. In contrast, approximately two out of ten (19.3%) participating legal professionals never or only occasionally receive help and support from their colleagues.

It has been shown that a lack of social support from colleagues at work is associated with professional burnout among lawyers (Maslach, Schaufeli & Leiter, 2001), hence the importance of such support. In addition, support from colleagues is reported to have a positive effect on lawyers' wellbeing at work (Li & Bryant, 1994; Stansfeld et al., 2013), especially in contexts where stress levels are relatively high (Cohen & Wills, 1985), while also reducing the level of stress experienced at work (moderating effect) (Viswesvaran, Sanchez & Fisher, 1999).

Undoubtedly, the relatively limited sampling of Nova Scotia 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 Nova Scotia. These constraints and resources therefore serve as means whereby organizations can reduce the pressure on professionals' mental health, and thus sustain their professional practice.

1.2 THEME 2 | WORK-LIFE BALANCE

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

Work-life balance was the second most important theme for the participating legal professionals in Nova Scotia. Its importance to employee health has been proved (Rashmi & Kataria, 2022). We can then understand why many legal professionals report having to sacrifice their personal lives for their work, as stated in the following excerpt.

“I think earlier in my practice, I definitely sacrificed my personal life for my job.” **NS-1**



In the present-day context, where the boundaries between work and personal life can become increasingly blurred, many legal professionals face challenges in maintaining a healthy balance between their careers and their personal lives.

While work-life conflict can be bidirectional (i.e., family constraints can spill over into work life and vice versa) (Jansen et al., 2006), it is essentially the spillover of work life into personal life that is experienced by legal professionals (Cadieux et al., 2019; Cadieux et al., 2022).

Work-related pressures, such as long working hours, tight deadlines and heightened expectations, can come into conflict with personal needs. The resulting imbalance can have harmful consequences for mental and physical health, as well as for family relationships. Approximately one in two Canadian legal professionals (49%) see themselves as experiencing work-life conflict.

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). The following participant explains that work takes up so much space that not enough remains for self-care.

“The barrier that your work has is that your work takes up so much of your day so that you only have such a small amount of time to dedicate to other things. [...] then you don’t have enough time to take care of yourself.” **NS-4**

Table 6 shows the absence or presence of work-life conflict experienced by participating legal professionals in Nova Scotia by selected characteristics.

Table 6

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

		Absence of work-life conflict	Presence of work-life conflict
Global	All	46.9%	53.1%
Gender¹	Women	42.1%	57.9%
	Men	53.1%	46.9%
Age	34 or under	40.4%	59.6%
	35 to 49	46.0%	54.0%
	50 or over	54.5%	45.5%
Work experience	0 to 9 years	36.9%	63.1%
	10 years and over	51.5%	48.5%
Dependent children	No	47.2%	52.8%
	Yes	46.4%	53.6%
Work setting	Public and NFPO	59.6%	40.4%
	Private practice	33.0%	67.0%
Billable-hour targets	No	43.6%	56.4%
	Yes	19.0%	81.0%
Working with clients	No	55.0%	45.0%
	Yes	44.7%	55.3%
Mentee	No	41.5%	58.5%
	Yes	42.9%	57.1%
Assertiveness	Poor ability to set limits	37.6%	62.4%
	Strong ability to set limits	70.0%	30.0%
Psychological detachment	Poor ability to psychologically detach from work	43.9%	56.1%
	Strong ability to psychologically detach from work	70.0%	30.0%
Profession	Lawyer	45.6%	54.4%
	Articling student	83.3%	16.7%

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.

It has become apparent that women are slightly more likely to experience work-life conflict (57.9%) compared to their male colleagues (46.9%). The results also reveal that younger legal professionals (aged 34 and under) are more exposed to work-life conflict than other age groups.

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

It may be that, early on, younger legal professionals are engaged in building their careers, compared to their more experienced colleagues. As a result, they have fewer tools to manage the competing demands between the different areas of their lives and are probably more likely to work longer hours to counterbalance their heavier workloads.

Moreover, participating legal professionals working in the private sector (67.0%), in particular those having billable-hour targets (81.0%), are proportionally more likely to experience work-life conflict. The tensions felt following the spillover of work into personal and family life fuel this conflict, leading some participants to reconsider their chosen profession.

In the following excerpt, the participant explains how time-intensive professional demands can spill over into other areas of life, inevitably involving sacrifices.

“I want a work-life balance and have more family time that maybe the law profession would not allow me to have.” **NS-2**

A significant difference was observed in the proportions of work-life conflict among participating legal professionals with low assertiveness (poor ability to set limits), with 62.4% of them reporting the presence of work-life conflict. Equally, the absence of work-life conflict among participating legal professionals was reported by 70.0% of those with a strong ability to psychologically detach from work.

Furthermore, 69.1% of participants in Nova Scotia ‘somewhat to strongly’ agree that their work takes up so much of their energy that it has a negative effect on their personal lives, as shown in Graph 7. On a similar note, 65.1% stated that they ‘somewhat to strongly agree’ that their work takes up so much of their time that it also has a negative effect on their personal lives.

Graph 7

Percentage of participating legal professionals in Nova Scotia whose work impacts their personal life (in %) ($n = 175$)



Establishing a healthy work-life balance can sometimes be difficult for legal professionals, as the following participant states.

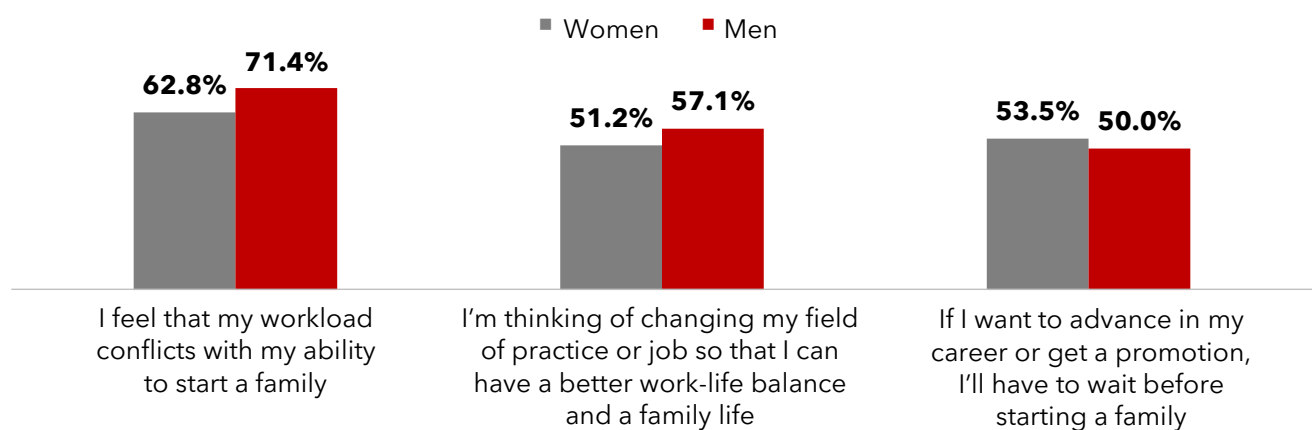
“Work comes first, and everything comes after that. And my wife has said that she is in third place and that I myself am in second place [...] there would be no denying, not even by me, that my work is coming first.” **NS-3**

Legal professionals may be afraid to start a family due to the difficulty of finding a balance between their professional commitments and personal responsibilities, as shown in Graph 8. When asked to what

extent they agreed or disagreed with a series of statements, 62.8% of women and 71.4% of men responded that they agree to strongly agree with the statement: "I feel that my workload conflicts with my ability to start a family." In addition, 51.2% of women and 57.1% of men also responded that they 'agreed to strongly agreed' with the statement: "I'm thinking of changing my field of practice or job so that I can have a better work-life balance and a family life." Finally, 53.5% of women and 50.0% of men responded that they agreed or strongly agreed with the statement: "If I want to progress in my career or get a promotion, I will have to wait before starting a family." Overall, men experience just as much apprehension as women about starting a family.

Graph 8

Percentage of participating legal professionals in Nova Scotia who agreed or strongly agreed with statements on the fear of starting a family (in %)



In summary, work-life balance is a challenge for many participating legal professionals in Nova Scotia. 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). This opens the discussion on the influence of lifestyle and coping strategies on stress, which is the third most important theme according to participants, as detailed in the next page.

1.3 THEME 3 | COPING STRATEGIES AND LIFESTYLE

*Authors: Audrée B. Camille, M.Sc., CRHA, DBA Candidate, Research Assistant;
Prof. Nathalie Cadieux, Ph.D., CRHA*

The transactional theory of stress (Lazarus and Folkman, 1984) proposes that stress is the result of an individual's assessment of the constraints and resources available to cope with them. When the constraints to which a person is exposed exceed their ability to overcome them, they tend to develop coping strategies to restore balance. Coping strategies are complex and unique to each individual. The transactional theory of stress posits that the coping strategies people adopt vary depending on the source of stress and the characteristics of the individuals themselves. These can be broken down into problem-focused strategies, such as adopting problem-solving behaviours (e.g., conflict resolution), and emotion-focused strategies, such as managing emotions that are felt to be unpleasant (e.g., expressing emotions in therapy) (Folkman and Lazarus, 1985; 1988).

SOURCES OF WORKPLACE STRESS REPORTED BY PARTICIPATING LEGAL PROFESSIONALS IN NOVA SCOTIA

Certain professional settings are prone to stress. When it comes to legal professions, several participating legal professionals working in Nova Scotia with whom we spoke reported that sources of stress were omnipresent in their field.

Furthermore, the sources of stress that trigger the need to adopt coping strategies are varied. The sources listed in Box 2 below are among those reported by the participants of this study.

Box 2

Sources of stress reported by the legal professionals during interviews

- Uncivil behaviour [either] from judges, opposing counsel or clients. **NS-1**
- Constant disgruntlement. **NS-1**
- Not having the ability to balance work and life responsibilities and goals. **NS-2**
- Inability to inconsequentially report firms with hour-pushing supervisors. **NS-2**
- Having the feeling to always have to work "harder." **NS-4**
- Lacking sleep or insomnia due to work expectation. **NS-5**

These sources of stress echo the work constraints included in the questionnaire for this study, which dealt in particular with quantitative demands, emotional demands, performance pressure, incivilities, work-life conflict, etc. A number of participating legal professionals in Nova Scotia expressed their concerns to us about the impact of those constraints on their wellness.

”

“We are all high-achieving people who went to law school because we were high-achieving people. And we’re in a profession where somebody is *always* mad at you. That’s going to play hard on anybody’s head.” **NS-1**

“At the end of the day, these issues are unfortunately ingrained into the profession. The mental health and push of the high expectations, the high demand is so ingrained into being a lawyer.” **NS-2**

“The mental health of legal professionals is just notoriously bad. It has been for such a long time that it’s just been generally accepted that it’s the cost of the job rather than people thinking about whether it can be fixed.” **NS-4**

OVERVIEW OF THE COPING STRATEGIES ADOPTED BY PARTICIPATING LEGAL PROFESSIONALS IN NOVA SCOTIA TO MANAGE STRESS

In work environments, exposure to sources of stress or stressful situations is unavoidable (Demerouti et al., 2001). As such, the need to adopt coping strategies or coping mechanisms (Lazarus & Folkman, 1984) is equally unavoidable. Measures can be put in place at several levels to equip legal professionals with coping mechanisms, for example at the level of a professional association or at the organizational level.

Lifestyle and coping strategies within the legal profession

During interviews, several participating legal professionals working in Nova Scotia shared their strategies for coping with stress and stressful situations. These mainly include the Nova Scotia Lawyer Assistance Program, the Trauma Awareness Program, seeking advice from sympathetic colleagues, maintaining a balanced diet, taking up physical exercise and using video games to help them de-stress. The coping strategies specifically referenced in Box 3 below are taken from excerpts of interviews conducted with participating legal professionals in Nova Scotia.



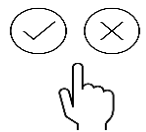
Box 3

Coping strategies reported by participating legal professionals in Nova Scotia

- “We received training on trauma-informed approaches and trauma-informed lawyering and resources available for making sure that you’re not being traumatized by your client’s trauma.” **NS-1**
- “I go to trusted colleagues with experience for feedback on certain topics. I try to keep a broad perspective and to be mindful about stress management. Before it gets too ramped up, I talk to professionals with whom I can be honest about what I’m going through. Sometimes, we go through these experiences year after year; they become normalized.” **NS-6**
- “I am pretty consistent in my diet. There’s not much takeout or order-in where I live, so I mostly make it myself. The time and the mental energy that goes into planning meals, it’s kind of nice for me.” **NS-5**
- “Escapism with video games because I’m able to zone out. It helps in keeping my focus away from work-related issues. Walking my dog keeps me busy. Doing chores or something physical, where my brain doesn’t have time to think.” **NS-2**

At times, the stressful situations that legal professionals face in the context of their practice or during their professional activities can prevent them from adopting or maintaining healthy lifestyles or engaging in their interests or hobbies when—paradoxically—doing so could actually help them in coping with stress.

Several participating legal professionals working in Nova Scotia stated that they were increasingly aware of this fact and expressed their intention to resume or acquire coping strategies that would help promote wellness. One participant reported that the fatigue they feel at the end of the day is what causes them to make certain choices.



“Before, I had a lot more hobbies or time for hobbies. I used to go to the gym and weight train every day. I played video games more; I liked going out and being social. But I find that the profession changed my habits to the point where I’m exhausted at night after six or seven and want to do anything. I just want to lie on the couch and watch TV just because I’m too tired to do anything else.” **NS-2**

Moreover, one participant expressed a wish to spend more time exercising as a healthy coping strategy.

“There’s always room to improve. I’d like to exercise more than I do, which is an hour of walking every day. [...] More exercise would be a healthy coping mechanism moving forward.” **NS-5**

COPING STRATEGIES THAT COMPROMISE LEGAL PROFESSIONALS’ HEALTH

Face-to-face with sources of stress, many legal professionals resort to harmful strategies—the use of alcohol, drugs or gambling—which may help reduce the stress they feel in the short term, but are likely to lead them to develop dependencies (e.g., alcoholism, drug addiction) or more serious illnesses

(e.g., cirrhosis of the liver) (Cadieux et al., 2022). In the first phase of this study, alcohol consumption and drug use were surveyed by questionnaire. The following paragraphs present the results around alcohol and drug use among participating legal professionals in Nova Scotia who participated in the first phase of the study.

Alcohol consumption

Among participating legal professionals working in Nova Scotia, 22.8% ($n = 189$) reported high-risk alcohol consumption. Table 7 shows the proportions of alcohol consumption among participating legal professionals working in Nova Scotia and other Canadian provinces and territories. Alcohol consumption as a coping strategy is shown in Table 7.

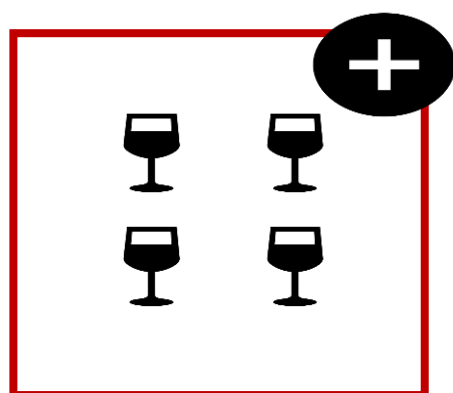


Table 7

Percentage of participating legal professionals who consume alcohol 4 or more times per week, by primary place of practice

Canadian region	Alcohol consumption 4 or more times per week (in %)
Nova Scotia	21.9%
Other Atlantic Provinces	19.3%
Western Canada	23.7%
Central Canada	24.0%
Territories	26.9%

During the interviews, several participating legal professionals spoke of the prevalence of alcohol consumption within the profession. One participant mentioned a personal experience involving a family member who had also practised law and whose alcohol consumption they found worrying.

“My father was a lawyer; he had alcohol problems due to the profession, but he is much better now.” **NS-2**

Another participant mentioned that their colleagues frequently go out “for a drink” with friends and co-workers to unwind or to network, which likely increases alcohol consumption among them.

“Some of my friends go out for drinks after work to blow off steam together, which isn’t necessarily bad. That could be if you know it happens a lot, and you drink a lot when you do.” **NS-5**

Behaviours with respect to alcohol consumption are likely to vary according to certain demographic characteristics. Table 8 illustrates the proportion of participating professionals who report high-risk alcohol consumption by their characteristics, i.e., gender, age and years of experience.

Table 8

Percentage of dangerous or harmful alcohol consumption (high risk) (AUDIT-10 score $\geq 8/40$) (Babor et al., 2001) (in %) by demographic profile among participating legal professionals in Nova Scotia

Demographic characteristics		High-Risk Alcohol Consumption (AUDIT-10 score $\geq 8/40$)
Gender ²	Women	21.7%
	Men	24.3%
Age	34 or under	26.2%
	35 to 49	27.3%
	50 or over	14.5%
Years of work experience	0 to 9	29.2%
	10 to 19	29.5%
	20 or more	12.7%

Table 8 shows the prevalence of high-risk alcohol consumption among participating legal professionals in Nova Scotia by selected characteristics, notably age and years of practice experience. With age and experience, individuals can develop more effective coping strategies in the face of stress (Seery et al., 2010). Experience also offers opportunities for learning and coping, which can have a positive impact on mental health by instilling a sense of empowerment and control.

In the first phase of the study (Cadieux et al., 2022), emotional demands, quantitative overload, billable hours and working with clients were measured as potential sources of stress. In this context, analyses were carried out on data collected in Nova Scotia to better understand the characteristics associated with alcohol consumption among participating legal professionals working in the province. Table 9 shows the proportion of participating legal professionals who reported high-risk alcohol consumption by selected demands associated with the practice of the profession.

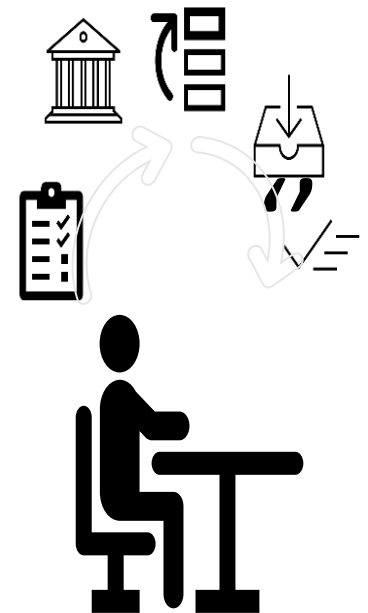
Among participating legal professionals presenting high-risk alcohol consumption, 40.5% of them have billable-hour targets, 30.2% face high emotional demands, and 28.0% experience high quantitative demands. These constraints are among those that have the greatest impact on mental health indicators (Cadieux et al., 2022). Moreover, a significant percentage of these professionals' work with clients (26.0%) or in private practice (24.3%).

² Given the limited sample of genders other than men and women, only those two were compared.

Table 9

Percentage of high-risk alcohol consumption by selected practice-related characteristics among participating legal professionals in Nova Scotia.

Practice-related characteristics		High-risk alcohol consumption profile
Work setting	Public and NFPO	21.7%
	Private practice	24.3%
Billable-hour targets	Yes	40.5%
Working with clients	Yes	26.0%
Presence of high quantitative overload		28.0%
Presence of high emotional demands		30.2%



In keeping with the findings above, it appears that certain individual skills are an incredible asset in coping with stress in the legal profession and are consequently associated with lower alcohol and drug consumption. More specifically, during Phase I of the research project (Cadieux et al., 2022), the ability to set limits and psychological detachment were measured. Table 10 shows the proportion of high-risk alcohol consumption among participating legal professionals in Nova Scotia who possess these key skills for mental health compared to those who are less proficient in these areas. The results show lower percentages of high-risk alcohol consumption among participating legal professionals who possess these skills compared to those who are less proficient in these areas.

Table 10

Percentage of high-risk alcohol consumption by selected personal abilities among participating legal professionals in Nova Scotia

Personal skill		High-risk alcohol consumption
Assertiveness (strong ability to set limits)	No	26.1%
	Yes	14.5%
Psychological detachment (strong ability to psychologically detach from work)	No	25.8%
	Yes	5.0%

Drug use

With respect to the drug usage, 29.0% of participating legal professionals in Nova Scotia reported using drugs other than medications administered for medical purposes in the 12 months preceding Phase I of this study.

In the interview, some legal professionals reported having observed drug use in the profession.

“Drug addiction issues are pretty prevalent in the profession. And they were prevalent even in law school addiction issues among law students might even carry into the profession.” **NS-1**

“I know people smoke weed at the end of the day to blow off steam because they’re so wound up (and) so tight from the craziness of the day.” **NS-5**

In light of these findings, we understand that from law school to professional practice, the teaching and application of coping strategies – focused on problem-solving or on regulating emotions – that promote holistic wellness would make it possible to support legal professionals in dealing with the stress they experience.

1.4 POTENTIAL SOLUTIONS PUT FORWARD BY PARTICIPATING LEGAL PROFESSIONALS

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

The participants' observations on the work environment in the legal profession are the same: there seems to be a contradiction between the message conveyed regarding the importance of wellness in the profession and the high expectations that do not take wellness into account.

“I think the only way there's going to be serious change is that I don't think it will come from the senior lawyers. I think it will come from the 25- to 35-year-old lawyers that are suffering from mental health issues and we are talking about. Because at the end of the day, these issues are unfortunately ingrained into the profession. The mental health and push of the high expectations, the high demand is so ingrained into being a lawyer, that I think it will take a new generation that is suffering this to have these changes made. And I wish it would be faster, but it seems that younger lawyers are now the senior ones, there doesn't seem like much can be done unless law societies are a lot more proactive and maybe even more disciplinary on longer hours and on these high expectations.”

NS-2

The professional culture in the practice of law is characterized by high professional expectations and demands, which are associated with a number of mental health challenges. The participant quoted in the above excerpt believes that a new generation, suffering from and opening up about mental health issues, will be needed to bring about any noticeable change in the profession's culture. In order to accelerate this change, law societies, law firms and other legal organizations should, in this participant's view, be more proactive and disciplined regarding expectations and long working hours.

In this respect, the desired change is in line with one of the key recommendations presented in Phase I of this research, namely to consider the health of legal professionals as integral to the legal practice and the justice system (Cadieux et al., 2022).

The interviews conducted with participating legal professionals working in Nova Scotia allowed for different solutions to emerge; these are broken down into five focus areas: (1) mental health and wellness, (2) organization of work in the context of billable hours, (3) work-life balance, (4) training, and (5) support.

FOCUS AREA 1: MENTAL HEALTH AND WELLNESS

To improve mental health and wellness in the profession, it is important to acknowledge the issues associated with them and to talk openly about them. To achieve this, two participants suggested avenues that would facilitate discussion around mental health issues.

Encouraging discussion around wellness

One participant proposed funding an independent mental health support organization, or at least having a psychologist, also available outside working hours to optimize availability of the resource. This suggestion stems from the fact that seeking help from the Nova Scotia Barristers' Society, which plays the dual role of protecting the public and regulating the profession, puts legal professionals in an

uncomfortable position. More specifically, apprehension remains as to whether confiding in them will backfire for those who seek help.

“[...] some people wouldn't feel comfortable going to the [Barrister] Society to get support for those services because, you know, they sort of have a dual role of like, you know, they regulate us, but they also protect the public. So sometimes you're like, Can I talk to them about these issues I'm having, or is it going to come back on me? So, I think maybe having independent like funding or some sort of resource independent of them where you could seek those services yourself but be reimbursed or be covered or, you know. Yeah, I guess. And ideally sometimes outside of work hours because most of the time you can only access those things during work hours, right? And if you're already feeling stressed and already feeling like you're in a position where you can't leave work to do this. Maybe they create a system where they have a psychologist available outside of work hours for us.” **NS-5**

Another participant mentioned setting up committees or groups dedicated exclusively to the mental health of young legal professionals, or even for all legal professionals, focused on discussing the mental health issues they experience. This participant also suggested that these committees or groups be tasked with addressing issues faced by legal professionals from Aboriginal communities and the LGBTQS+ community.

“One thing I wish there is that should be mental health committees. I think there should be committees for young lawyers or older or new it doesn't matter. [...] And I wish each bar, though, they tackle very serious issues with Indigenous committees and LGBTQ+, I feel like if there were committees or groups made to help young lawyers with their mental health, or at least to be able to discuss it and see what they can do for the province, it would go a long way, but it hasn't happened yet, at least in Nova Scotia.” **NS-2**

Promoting prevention

Lastly, one participant expanded on prevention, which could be further emphasized for legal professionals entering the profession. Encouraging people to take action when they see that a legal professional seems to be going off course would be beneficial, as would intervening earlier to prevent problems before they reach a point of no return. That said, from the perspective of promoting well-being in the practice of law, this participant stressed the importance of having good mentorship, but also good role models in law firms and organizations in all fields of practice.

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“I guess what I would like to see is—one thing that I think would be good, because if there were more people encouraged to take things in hand when they started seeing a lawyer go off course—earlier intervention and more mentoring. I think could go a long way towards preventing problems because we all have our vulnerabilities. [...] I think the most important thing to promote wellness in the practice of law is good mentoring and good model. You have good mentors and good models in any office, no matter where or what area of law you’re in, then that is... [hesitations] I think, one of the challenges we have right now, you can have all kinds of rules, you can have all kinds of processes, but you need really good people that care to make a difference. That’s, I guess, what my opinion is on all of that.” **NS-6**

FOCUS AREA 2: WORK ORGANIZATION IN THE PRESENCE OF BILLABLE HOURS

Integrating collegiality into the organization of work

One of the participants suggested revisiting the organization of work by incorporating collegiality and teamwork. This is also in alignment with one of the key recommendations of Phase I, namely to evaluate the implementation of alternative organization for work models (Cadieux et al., 2022). As it stands, many legal professionals are unwilling to attend meetings or answer questions from co-workers because it eats into their billable time.

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“[I] don’t know if this is the case, but I would hope it would start to encapsulate more collaborative work and having a method of attributing a value to collaborative work. Because if you don’t, then you end up in situations where people don’t want to take meetings or answer questions for others because it’s eating into their billable time. And so, the way hours are perceived [is] that [it is] saved by an individual.” **NS-4**

In the same vein, this participant also suggested reconsidering billable-hour targets, opting for a model based on team targets rather than individual targets. This would allow a team to come together around a common target, thereby enhancing team productivity. In addition, they explained that while at another firm, they had individual billable-hour targets while working for another legal professional, which did not contribute to their own billable hours.

“I think I’d prefer to see like team targets versus individual targets. So, like. The whole property team should have a goal. Or like that sort of thing. Having team targets versus just individual targets, I think is more productive because. Yeah. What I like, I work. [In] my last office, when I had a target, I still worked under another lawyer, and I would help her out all the time. And that would not always contribute to my billable hours. And so that just always felt a little annoying. [...] I always think more collaboration leads to better outcomes for the client. Like having that freedom of being able to chat with your team members. A problem or a potential solution will have better outcomes for clients. I think it can also prevent like liability down the road like it’s more likely to prevent someone from making a mistake as a lawyer and then therefore down the line getting in trouble for it if there’s more eyes on things. I mean, I think it could be more lucrative, too, for those reasons. And then also, I think it could make people feel better supported to, you know, go on vacation or whatever and pass off a file. And so, they have [a] feel[ing that] like they have better work life balance.” **NS-4**

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Implementing a team approach to billable-hour targets would promote greater collaboration, which would be advantageous for clients. Collaboration of this type would offer greater freedom to discuss issues with colleagues, and help them come up with new solutions. Moreover, it would likely reduce the risk of errors – which can be costly for clients – by having more than one pair of eyes on each file. In addition, according to the same participant, legal professionals would feel better supported, in particular by having the option to hand off files to colleagues when planning an upcoming vacation, thus contributing to the feeling of having a better work-life balance.

FOCUS AREA 3: WORK-LIFE BALANCE

Promoting work-life balance and disconnection from work

Some participants offered potential solutions regarding work-life balance. One participant suggested that partners and supervisors should show greater respect for their subordinates' work-life balance by concretely applying measures that promote balance, for example, by prompting them to leave at a reasonable time and encouraging them to take breaks.

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“I wish supervisors for all professions respected work life balance. Like I'm saying, I explored systemic five [o'clock], but let's say six [o'clock]. I'd like people, senior lawyers, and supervisors to actively say it's six [o'clock] get off. [...] I feel like if there are more proactive encouragement that you don't have to be a star. Like and you know what? Take a break. I feel like a lot of younger lawyers would have a much better not even work life balance, but just better mental health. It'd be like, okay, I don't have to push myself as much as I am. I don't think the profession will ever get to a point where we can work 9 to 5 while it's just a 9 to 5 job. But I'd like there to be a time where, you know, you work an hour or two, with the expectation of having worked enough. Because I don't think whatever the lawyer work is enough.” **NS-2**

According to this participant, these measures would promote a better work-life balance, or at least better mental health. This would help to diminish the perception in the profession that you can never work enough, no matter how many hours you work. That being said, partners and supervisors have a role to play in promoting work-life balance, particularly by walking the talk themselves and setting the tone at the top.

Likewise, another participant suggested that partners and supervisors should promote disconnecting from work, especially for legal professionals who work up to seven days a week on a constant basis. Thus, it is important that supervisors monitor subordinates who seem not to be taking time for themselves, statutory holidays or vacations, and review their situation and workload, and why they are unable to disconnect. To achieve this, they could reassign files to promote better balance in file allocation between employees, to ensure a suitable workload for everyone.

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“But there are other people who, quite frankly, are working seven days a week for many, many, many weeks at a time. And that’s not particularly helpful either. Management has a role to play in these circumstances because management knows what everybody’s doing virtually every minute of every day. And management should be attuned to the fact that people do not appear to be recreating do not appear to be taking time off, do not appear to be going away on vacation, and just seem to be working all the time. And management should be going and saying, ‘Well, what’s going on anyway? You have so much work that you have to work seven days a week. Can we assign somebody to help you out? Do you want somebody assigned to you to help you out,’ etc., etc.” **NS-3**

Finally, a third participant hoped to see changes in the courts’ expectations around deadlines. Indeed, the participant in question reported that their greatest stress stems from the courts’ often unrealistic expectations, such as requiring the submission of an order in an extremely short timeframe despite an upcoming scheduled vacation. This required reorganizing all their tasks in order to address the matter in question. The solution to such conflicts would therefore revolve around setting deadlines that take the work-life balance of legal professionals into consideration.

“But that’s what I’d like to see changes in the relationship between the lawyers and the court so that, in my experience, in my practice right now, my biggest stress comes from the court, from the judiciary, from being unrealistic and what the expectations are so that, you know... I had a settlement conference yesterday. The Judge wants the order by Tuesday. They were all aware that I was leaving on vacation. So, I had to get it done and turned around today, essentially. So, we have to reshuffle everything you’re doing to address that.” **NS-1**

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FOCUS AREA 4: TRAINING

Improving training from a wellness perspective

In taking another look at professional culture, it is clear that it takes root right from the very first year of training. One participant explained that overwork, long hours and tight deadlines are already inherent in the training.

That being said, stress is experienced by the legal professionals even before they enter the profession, which is why this participant believes that a shift in culture is called for at this stage. This same participant also mentioned the need for stress management courses.

“How do you how do you make a culture shift? I don’t know. I think. And I don’t know if this is something that [the Nova Scotia Barristers’] Society could be involved with at this stage, but I do think a lot of it starts in law school. You know, you’re given these huge amounts of work to do and very little time to do it. So, you’re working late to try and get your readings done, get your assignments done with the stress of everything else, you know, giving presentations and [going] to class and [on] time... And so, I think maybe there needs to be a culture shift starting at the law school level. And I don’t know how the Society would intervene in that cause I don’t know that that’s necessarily [in] their role. But so, I think, yeah, maybe like addressing it at an early stage in our careers, in our development. Maybe doing courses on like stress management, that sort of thing.”

NS-5

Better training for the next generation on issues related to client trauma and emotional management

Also in respect to training, another participant indicated that they appreciated the time devoted in their practice group to trauma-informed approaches and practices for legal professionals, and some of the resources available. This was aimed at limiting the impact that clients' trauma could have on the legal professionals who represent them. This participant suggested encouraging these approaches and legal practices for legal professionals as part of their training, so that the incoming legal professionals are prepared to deal with their clients' traumas and their own emotions as a result of them.

"The other side is certainly within our group, our practice group we've spent a lot of time working on trauma-informed approaches and trauma-informed lawyering and some of the resources that are available there for making sure that you're not being traumatized by your client's trauma. And that is one thing that I don't know that we're doing enough to promote. I mean, I'd love to see it even within law school, really promoting this trauma-informed approach. Like I remember reading terrible criminal law cases, my first year of law school and having to do mock trials where I was like representing pedophiles and I don't think that was OK because no one was telling me how to take on—even though it was pretend—to take on the emotion of doing that." **NS-1**

FOCUS AREA 5: SUPPORT

Incorporating more follow-up support for supervisors

Concerning this last focus area, two participants suggested that partners and supervisors should offer greater support in the form of more or less regular follow-up. Achieving this would involve meeting with subordinates and making sure that everything is going well for them, that they're doing well, and that they have enough support and resources to successfully do their work. One participant stated that, currently in their firm, this type of follow-up is very rare, sometimes it is conducted less than once a year. More regular monitoring, especially for legal professionals earlier in their careers, would provide a safe space for them to talk about what they see is going well for them at work as well as anything they might not be positive about.

Interviewer: "What support have you had from your workplace or colleagues to cope with these stressors?"

Participant: "Pretty well none."

Interviewer: "None. Okay. And how could the workplace support you?"

Participant: "Well, the workplace could plug into the partners or the employees on a formal basis, more or less regularly, to say, 'What is going on. How are you doing? Are you getting the right support? Are there other things that we can be doing for you?,' etc., etc. But the reality is that the firm only plugs in maybe once a year and sometimes not even once a year. Now, there may be reasons for that. I'm the first one to acknowledge that I'm pretty senior. I'm known to be pretty independent. [...] I think everybody should have a mandatory check-in more often than once a year. But especially lawyers who are newer in their careers, so they have a safe space and open space to be able to say, 'Well, you know, this is working out, this is not working out,' etc., etc. And I don't think my firm does that as well as it could. It's very sensitive to mental health issues. They're on the topic a lot. We received a lot of presentations and a lot of e-learning about mental health issues. But I do not think that they are top of mind to the extent that they could be." **NS-3**

1.5 CURRENT INITIATIVES TO SUPPORT A HEALTHY AND SUSTAINABLE PRACTICE OF LAW IN NOVA SCOTIA

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

In Phase I of this study 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.). These recommendations, anchored in the collected data, aim to reduce the prevalence of measured health issues (e.g., the prevalence of depressive symptoms), to tackle the determinants at the source of these issues (risk and protective factors, including stigma) and to maximize the mental health support and resources available to 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 eight different major initiatives stemming from five recommendations. Table 11 presents each of these initiatives and compares them with the recommendations made by Cadieux et al. (2022). The table shows that certain proposed initiatives are in line with the needs expressed by participating legal professionals in Nova Scotia concerning the significance 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 Nova Scotia Barristers' Society 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 11 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 partner organizations involved, i.e., the Federation of Law Societies of Canada, the Canadian Bar Association, and the Nova Scotia Barristers' Society.

Table 11

Health and wellness initiatives for legal professionals implemented by the Nova Scotia Barristers' Society and related recommendations from the Phase I report by Cadieux et al. (2022).

Initiative	Initiative-related recommendations from Phase I
(i) Promotion and delivery of continuing professional development (CPD) in wellness.	3) Improve the continuing professional development (CPD) for legal professionals.
(ii) The Nova Scotia Barristers' Society has initiated a new strategic planning process, taking into account the report of the National Study on the Health and Wellness Determinants of Legal Professionals in Canada (Phase I), in order to define the pillars of this plan.	8) Consider the health of legal professionals as integral to legal practice and the justice system.

Initiative	Initiative-related recommendation(s) from Phase I
(iii) Lawyers may be referred to the Fitness to Practise program by the Executive Director or the Complaints Investigation Committee in circumstances where there is some evidence indicating that the lawyer's capacity to practice law is impaired. That evidence can come from a complaint, a lawyer's self-report or any other person. The Fitness to Practise program is voluntary and offers an alternative to the disciplinary process.	5) Implement actions aimed at destigmatizing mental health issues in the legal profession.
(iv) The Lawyer Assistance Program Committee is currently reaching out to law firms to gather information on the wellness of their legal professionals, in order to develop strategies to assist lawyers.	9) Develop a culture of measurement.
(v) In 2021, the equity office focused on promoting the Equity Lens Toolkit to provide members with the framework and resources to create a diverse, inclusive and equitable workplace. The equity and access office delivered training on the toolbox to staff, Board, committees and the general membership. The office responded to requests for training on the toolbox and unconscious bias from committees, firms, government departments, the public and law schools.	7) Promote diversity in the profession and revise practices, policies and procedures that may include or create discriminatory biases.

1.6 TARGETED RECOMMENDATIONS OF THE RESEARCH TEAM

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

As previously mentioned, the Nova Scotia Barristers' Society has implemented a number of initiatives in recent years to support the wellness of legal professionals working in the province in order to better protect the public.

These initiatives pave the way for a promising future for the profession in Nova Scotia. The recommendations arising from Phase II of this national project are based on the following considerations: (1) the results stemming from the priority themes analyzed; (2) the solutions put forward by Phase II participants in Nova Scotia; (3) the identified initiatives that are currently being implemented by the Nova Scotia Barristers' Society; 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 IMPROVE THE PREPARATION, SUPPORT, AND GUIDANCE AVAILABLE TO FUTURE PROFESSIONALS TO ADDRESS PSYCHOLOGICAL HEALTH ISSUES UPON ENTRY INTO THE PROFESSION

The results presented under the various themes tend to highlight the underlying challenges for the profession with regard to working conditions, work-life conflict and strategies for coping with stress. Young legal professionals appear to be particularly vulnerable when they first enter the profession. Firstly, because they are less equipped than more seasoned legal professionals to cope with the day-to-day stresses around the practice of law. Secondly, because they are generally more likely to be simultaneously exposed to pressures in their professional and personal lives (e.g., buying a first home, job insecurity, bringing children into the family unit). In light of the results presented and the measures already implemented in Nova Scotia, it is recommended that initiatives be encouraged and aimed at improving preparation, support, and guidance available to young legal professionals entering the profession. In particular, preparation aims to include transversal skills critical to professional life in college curricula (i.e., time management, self-awareness, emotional intelligence, etc.). Support implies greater presence among young legal professionals in the early years of their practice. Young legal professionals need to be able to access quality support when they enter the profession, be it through their workplace (i.e., mentoring), their law society (i.e., through activities designed for young people) or various professional associations (i.e., through peer support committees). This is an important ingredient not only for protecting their mental health, but also for acquisition of good working 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 all of their working lives.

RECOMMENDATION 2

PREVENT ALL FORMS OF VIOLENCE AND INCIVILITY IN THE RELATIONSHIPS BETWEEN PROFESSIONALS IN THE LEGAL COMMUNITY

Violence and incivility are major determinants of health in the legal community. The results of Phase I of this project (Cadieux et al., 2022) revealed that a significant majority of the acts of violence and incivility to which legal professionals are exposed originate from their peers and members of the judiciary. During Phase II, some participants mentioned that the tones have become harsher since the pandemic. Whether they originate from colleagues or judges, violent words and actions are liable to have a long-term impact on the health of legal professionals and can even affect their confidence. Consequently, it is recommended that actions be taken to prevent all forms of violence and incivility in the Canadian legal community. This would involve the introduction of awareness raising campaigns, but also the implementation of training content in order to promote collegiality and raise awareness among legal professionals of the risks arising from uncivil or violent behaviours. With a greater understanding of the various forms of incivility (e.g., gendered or directed incivilities), legal professionals will be better equipped to prevent such behaviours. They will also be more prepared to react if they are confronted with similar acts towards themselves or others.

RECOMMENDATION 3

EVALUATE THE IMPLEMENTATION OF ALTERNATIVE MODELS OF ORGANIZING WORK THAT LIMIT THE IMPACT OF CERTAIN RISK FACTORS ON HEALTH AND PROMOTE A BETTER WORK-LIFE BALANCE

The results obtained for themes 1 and 2, as well as the suggestions provided by the participants interviewed in Nova Scotia, leave no doubt to the relevance of reviewing how work is organized in the legal profession. Currently, many legal professionals and, and by the same token, many organizations unfortunately work in silos. Teamwork not only fosters close peer support – an essential resource for health – but also allows for sharing of health risks in settings (e.g., by promoting better workload sharing, better distribution of files associated with high emotional demands, etc.). At the same time, certain work organization models, including billable hours based models, are proving particularly harmful to health. Billable hours generate considerable pressure on legal professionals, which in turn leads to longer working hours, making it harder to achieve work-life balance. When the heavy workloads and high emotional demands that the legal professionals have to meet come together, it becomes clear why thinking about models of work organization that are more sustainable for legal professionals' health is important, as well as looking into models that provide them with greater support in their work area. In addition to having an impact on the determinants of health among legal professionals themselves, a change of this nature is certain to have a major ripple effect on the profession's culture, fostering mutual support and collegiality among legal professionals.

1.7 SUPPORT RESOURCES AVAILABLE FOR LEGAL PROFESSIONALS IN NOVA SCOTIA

Emergency Resources

Provincial hotline

Operated by: Nova Scotia Mental Health and Addictions, Nova Scotia Health

Toll-free (24/7): **1-888-429-8167**

General inquiries: **902-429-8167**

Programs offered by the Nova Scotia Barristers' Society

- Nova Scotia Lawyers Assistance Program ([NSLAP](#))
Hotline (24/7): **1-866-299-1299**

Programs or websites on the themes of wellness and mental health

- Wellness Together Canada: Mental health and substance use Canada.
Phone: **1-866-585-0445** | Text (SMS): WELLNESS to **741741**
[Online peer support for Addiction](#)
- Canadian Mental Health Association - [Nova Scotia](#)
Phone (Toll-free): **1-877-466-6606**
- [Mental Health and Addictions Services](#)
- [Access Wellness Nova Scotia](#)

See other information and advice resources on the topics of well-being and mental health

- [eMentalHealth.ca](#)
- [The Centre for Addictions and Mental Health](#)

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