

# Wellbeing

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Law firms are undoubtedly challenging places to work no matter how good the culture within the firm. They have traditionally been fairly “macho” environments and although this is changing with so many more women entering the profession there is no doubt but that being a lawyer is often stressful.

As employers we are under a duty to look after our colleagues. In addition our Regulator, the SRA, requires us to do so and this is a matter that has been emphasised in the Standards and Regulations that came into force in November 2019. A number of lawyers who have been found guilty of serious errors of judgment have cited the culture of the firm and work related stress as the underlying cause of their problems. This has prompted the SRA to suggest that they will be looking at law firms and examining the measures that they have in place to safeguard the well-being of their colleagues. The implication is that if they fall short of what the SRA expects then regulatory action could follow.

Post lock down the well-being of our colleagues has become harder to monitor. Nevertheless it is vital that we try to do so remotely by all means available to us as we know that the isolation that has followed the outbreak of Covid 19 has adversely affected many professionals who are already performing stressful roles.

From a human perspective we should want to look after our colleagues but there are sound business reasons why firms should be doing so now. None of us wants the scrutiny of the SRA nor indeed to be the subject of a prosecution for an alleged lack of supervision. The attendant publicity could adversely affect our ability to retain and win clients and to recruit.

In addition, stressed legal professionals cause claims which inevitably means that the service to our clients has been adversely affected and this is something that PI insurers will be interested in with renewal for many firms on the horizon at the end of next month. It is already a hard market for solicitors with rising premiums and so why make it harder for ourselves by neglecting to take care of the very people to whom our businesses largely owe their success.

Following a few successful client events on Mindfulness we thought that we would share with you the benefits of mindfulness as a means of combatting work place stress.

Mindfulness means different things to different people but a very general description is to be aware of where we are and what we are doing, and not overwhelmed by our thoughts or surroundings.

Some of the reported benefits of mindfulness include improved sleep quality, focus and reduced instances of anxiety and depression.

While mindfulness is commonly practiced by way of meditation, it is not meditation. Much of the more current, Westernised, interest in mindfulness can be traced back to the work of Jon Kabat-Zinn, starting in the 1970s. He defined mindfulness as “The awareness that arises from paying attention, on purpose, in the present moment and non-judgmentally”.

The skill of mindfulness is the developed awareness in the present moment, detaching us, briefly, from our human capacity to dwell on the past or to project ourselves or the scenario into the future.

It is this challenge which has significant impact on our mental health<sup>[1]</sup>. Whether we are engaged in negotiations, undertaking investigations, or interacting with the world in more casual settings, there is much to be gained from an improved perception of choices arising from mental awareness and flexibility.

One of the biggest challenges is trying to build a new habit, to make some time to practice mindfulness. There are a number of steps that can help that.

1. Keep it short and do it often. Setting out for every session to be a marathon delivers loads of material for excuses. The impact appears to be derived more from frequency than duration.
2. Set out to do it early in your day. This has the benefit of getting it out of the way before the world gets a chance to throw obstacles in your path and it can also get you off to a good start.
3. Build a routine. If you are going for the morning, try using the alarm clock or perhaps, in different times, it's arrival at a bus stop/station, is your trigger to do your awareness exercise while waiting.
4. Comfortable setting. It does not have to be candles and incense, think about what is right for you. The more comfortable you are the more likely you are to start.
5. Reward. This might just be the deferred gratification of your first cup of coffee/tea or perhaps briefly journaling any particular “win” or highlight from the practice.

This loop of <trigger - routine - reward> is the way all of our habits are built.

Ultimately, the joy of mindfulness can also be the frustration. There is no right or wrong way. There are things that work for you and things that do not. Indeed, for many of us, having a question and not having to have the answer is simultaneously liberating and terrifying, it being so far removed from our perception of daily life.

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<sup>1</sup> It is not recommended for people experiencing current bouts of depression or anxiety to engage with their thoughts via mindfulness, particularly without clinical support.

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