



Pastoral Care for the Profession

Some of the facts and information shared in this piece may come across as surprising to some of you. But feel free to fact-check or debate with me in an appropriate setting. Not every aspect shared may apply to, or resonate with, every reader. But if a lawyer you know *could be* helped by the perspectives and practical pointers shared here, I would have fulfilled my objective.

During my time serving on Council, I have seen ample anecdotal evidence of lawyers battling depression, facing burnout or experiencing compassion fatigue.

An oft-cited John Hopkins study published in the Journal of Occupational Medicine (1990),¹ revealed that of more than a hundred professions surveyed by researchers, lawyers had the highest incidence for depression. In Australia, John Brogden, former New South Wales Opposition Leader touched on mental health issues in the legal field during the Tristan Nelson Memorial Foundation annual lecture.² He shared that lawyers are approximately three times more likely to report psychological distress than people in other industries.

One of the pastoral care initiatives the Society recently rolled out is MACH (Members Assistance and Care Hotline). MACH for short. This helpline, hotline is a first port of call for lawyers needing help. Interestingly enough, this acronym is similar to the Tamil word, Macha, which means big brother or brother in law(!) and connotes a close friendship. In this case, Big Brother is not watching you but watching out for you!

This is not “MACH” ado about nothing. There are two main areas that our pastoral care line concerns: ethics and member care.

Richard Tur has persuasively described a life in the law as “an adventure in applied ethics”.³ But to prevent misadventures, call our hotline. While the front-end ambit and the back-end structure may evolve over time, for now, some of the ethical queries would be properly channeled to the Advisory

Committee (succeeding the previous Ethics Committee). This committee will provide non-binding guidance on real life ethical conundrums faced by practitioners.

For lawyers facing disciplinary proceedings, the Law Society has a statutory duty to prosecute in accordance with the legislative framework. This is consistent with the important tenet of self-regulation – a fundamental feature of independence of the Bar. As a profession, we need to discharge our duties fairly and impartially to uphold public confidence in the integrity of the legal profession. However, separate and distinct from that, for respondent lawyers, the Society has a separate scheme of volunteer lawyers serving as defence counsel under our Defence Assist Scheme. It is practically difficult to be simultaneously counsel (i.e. defence lawyer) and client (i.e. respondent in disciplinary proceedings). In one example defending a lawyer at the Inquiry Committee (“IC”) level many years back, an IC member threw out a lifeline to my client during the oral hearing. He missed it. Being emotionally engaged, this was entirely explicable. As counsel however, with the IC’s permission, I could pick up the query and help address the tribunal. For lawyers that could benefit from a separate, independent counsel, the Defence Assist Scheme is for you. Avail yourself of the pro bono services of a fellow member of the Bar who kindly offer to help a lawyer in need.

For senior category lawyers needing to speak to a Council Member, senior lawyer or Senior Counsel (on the latter, we are grateful to the SC Forum), we will do the appropriate matching. We will ensure you have a confidant in confidence. You are not alone. I repeat, you are not alone.

I touched on depression at the start of this piece. There is a place and space for professional counselling (not just a fellow professional’s informal counselling). For this, let me share (for the benefit of all members) that the Society has a paid, anonymized counselling service called Law Care. Law Care facilitates members to speak to trained counsellors and psychologists on mental health issues. From last year,

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the Law Society Council extended this service to practice trainees and relevant legal trainees too.

Mental health issues affecting lawyers are the elephant in the room. We only read about the diagnosis when lawyers get into trouble. By then, it is big news. The state's resources are expended to deal with the consequences of the conduct. There must be better ways to deal with this. An old adage tells us that prevention is better than cure. I had a meeting in January with Professor Munidasa Winslow to bounce off some ideas on a preliminary basis. Vice-President Kuah Boon Theng, a medico-legal expert, will help drive some thought leadership on these prevention issues.

Let me dedicate the rest of this message to issues of stress management for junior lawyers and burnout for middle category lawyers.

First, on stress management. Get the notes of Professor Winslow's erudite presentation on "Navigating Professional Burnout: Practical Strategies for Stress Management" on 20 January this year. Paul Seah's ensuing sharing of commonsensical tips and practical pointers for young lawyers really completed the same.

A précis of top ten self-help points shared by Tyger Latham in "The Depressed Lawyer – Why are so many lawyers so unhappy":⁴

1. **Set realistic and obtainable goals** based on what you have accomplished and experienced in the past.
2. **Learn to prioritise your life**, i.e. focus and put your efforts into action items that are truly important. Let go of those items that are either insignificant or not time-sensitive.
3. **Recognise that "mistakes" are a part of life**, essential, and often present the opportunity for important learning opportunities.
4. **Be cognisant of your emotional barometer** and use such information to evaluate whether you are achieving an optimal balance between life, work, and play. If you are stressed out all of the time, pay attention to that information and make changes to enable you to reach equilibrium.
5. **Take your mental health seriously.** Consider your mental health to be as important as any other professional obligation. As with psychologists, impaired attorneys often ignore the early warning signs of mental

illness and risk placing themselves as well as others in serious jeopardy.

6. **Seek balance in your life.** Make sure you are taking time to care for yourself so that you can care for your clients. As with other high-pressure and demanding professions, attorneys who neglect their physical, psychological, spiritual, and interpersonal lives run the risk of making mistakes on the job.
7. **Learn to manage your stress** by finding healthy outlets for it. Whether you manage your stress through exercise, socialising, or channeling your energies into other, non-legal pursuits, be sure to make time for these things. In fact, schedule them into your calendar and view them as every bit as important as your weekly meeting with the partners.
8. **Accept that the practice of law is inherently stressful.** While it is important to accept this reality, it is not okay to succumb to it.
9. **Know and take advantage of your personal strengths**, while acknowledging, accepting, and minimizing your weaknesses. No one is perfect and those who assume they are, are not only insufferable to be around but also run the risk of over-extending themselves, failing at their jobs, and potentially disappointing those who count on them.
10. **Remember that true professionals know when to ask for help and delegate responsibility.** Be familiar with the resources available to you – be they personal or professional – and utilise them. If you feel you are constantly "stressed out," depressed, or struggling with substance abuse/dependence issues, get professional help immediately. Just as any psychologist would consult an attorney when addressing legal issues outside of their area of expertise, so too, an attorney should be prepared to consult a mental health worker if s/he feels ill-equipped to address the psychological stressors in her/his life.

In addition, a book shared with me recently contains some valuable nuggets of advice. Australian Lawyer Jerome Doraisamy "The Wellness Doctrines for Law Students and Young Lawyers"⁵ (2015) chronicles the journey of a young lawyer who suffered from severe clinical depression over an 18-month period starting from late 2011.

In his chapter on "How can I manage an often onerous workload in law?", here are some valuable nuggets of advice from a lawyer who bounced back with resilience:

1. Prioritise other things in your life.
2. Practise efficiency and discipline.
3. Exercise transparency and open communication with your superiors and colleagues.
4. Set achievable goals.
5. Choose the right cultural fit for you. It is important to take time to glean what you can about a workplace's culture so that you can determine if it fits with your personality/lifestyle and if it is really what you want from a legal career.
6. Set time limits – be strategic and avoid perfectionism.

As an aspiration, the Law Society will ensure that every junior lawyer who requests a one-on-one mentorship will be paired up with a senior lawyer. More on the details of this mentorship at an appropriate juncture this year. In addition, we have plans to convene a forum for young lawyers with a “no holds barred” discussion under Chatham House Rules.

For Middle Category members, the Communications and Membership Interests Department will conduct a survey to poll that demographic to discern and incise into push factors. We will apply data analytics on the results to accurately survey top push factors so that the study could lead to formulation of an appropriate action plan. While

each one's journey is unique, we aim to discern common themes among the Mid Cats.

In the journey of legal practice, I pray that none of us will lose the hope of our calling. It will be a tragedy for the legal fraternity if lawyers feel dead inside and quit this noble profession. We must reach out in compassion as a profession before it reaches a soliloquy in the endgame. As a profession and with its different pockets, we can be a safety net of care and counsel to a cry for help. This is what true and authentic relationships in the Bar is all about.

The Law Society cares.

► **Gregory Vijayendran**
President
The Law Society of Singapore

Notes

- 1 Eaton, WW et al “Occupations and the prevalence of major depressive disorder”, *Journal of Occupational Medicine*, 1990 Nov. 32(11) 1079–87.
- 2 John Brogden “Leading Change in the Legal Profession” (Speech delivered at the Tristan Jepsen Memorial Foundation Annual Lecture 2013, Federal Court of Australia, 17 October 2013) <<http://www.tjmf.org.au/2013/12/video-2013-tristan-jepsen-memorial-foundation-annual-lecture/>>.
- 3 Richard ELS Tur “An Introduction to Lawyers’ Ethics” in *The Journal of Professional Legal Education* (Volume 10, No 2 (1992) 217).
- 4 Tyger Latham “The Depressed Lawyer – Why are so many lawyers so unhappy”, in *Psychology Today* (posted on 2 May 2011) <<https://www.psychologytoday.com>>.
- 5 Jerome Doraisamy “The Wellness Doctrines for Law Students & Young Lawyers” (Xoum Publishing, reprinted in 2015).



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Notice of Change of Particulars

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The Notice of Change of Particulars can only be submitted through the eLitigation account of the individual lawyer. If you do not have an eLitigation account, you may approach the Service Bureau for assistance, subject to payment of applicable fees and charges.

Please refer to the Supreme Court's step-by-step guide on submitting a Notice of Change of Particulars at <http://www.supremecourt.gov.sg> > eLitigation > Practising Certificate > e-Filing Service.