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BEYOND THE COURTROOM CLOCK: **RETHINKING LIFE IN THE LEGAL PROFESSION**

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Abstract

Legal professionals are known for a high degree of intellect, long hours and uncompromising professional obligations. However, legal professionals sometimes work beyond their set hours in office and court jeopardising the ability of such professionals to separate their work from their personal lives. Barring certain exceptions, advocates, judges, corporate lawyers, legal consultants and other professionals in the legal field will continue working on research, developing their cases, contacting their clients and strategizing on case matters long after leaving the office for the day. Although this level of commitment to hard work increases professional competence, this commitment can also lead to mental fatigue, emotional burnout, and problems coping with a satisfactory work/life balance. The purpose of this document is to provide some insight regarding the realities of legal professionals after regular business hours. This document advocates that legal professionals must develop sustainable professional practices in order to provide cognitive and emotional support to themselves, as well as to their clients. This document also points out the importance of providing quality time for personal relationships and pursuing personal interests and hobbies outside of work in order to effectively manage time judiciously. This document expresses the importance of creating an environment of professional sustainability to ensure continued success in the legal field. All legal professionals need to create a balanced environment, centred on human beings and well-being, in which long term success for themselves and their profession will be realised through effective performance and the administration of justice.

Keywords: Legal Careers; Mental Exhaustion; Professional Sustainability; Leisure and Wellbeing; Occupational Health; Legal Profession.

Introduction

Individuals working in the legal field (lawyers, judges, legal consultants, corporate counsels) are given enormous responsibility to analyse events with great precision, use sound judgment, and provide ongoing support to their clients. The legal profession has traditionally placed great importance on deadlines, preparation, accountability to clients, and administering justice. As a result, those working in the profession are regularly seen devoting long hours to performing their jobs and achieving success within the legal system. Unlike other industries, there is not a distinct or finite ending to the work completed by a lawyer, judge, legal consultant, or corporate counsel as most of them are engaged with their profession well beyond the traditional courtroom/office hours. A lawyer may spend considerable amounts of time (well into the night) preparing his/her argument and reviewing his/her client's case file; a judicial officer may continue to review case files or research applicable law; and a corporate lawyer may provide ongoing services to clients after regular business hours. In the digital age, technological changes have further eroded the boundaries of traditional working hours (professional time) and social interaction (personal time), making the prevalence of working in the legal environment nearly continuous across all time zones, cultures, and/or geographic areas.

Although the essential characteristics of practising law include being committed to doing a good job, working continuously in your professional career as a lawyer can have a large impact on you personally. Overexposure to demanding workloads, emotionally intense conflict, and constant pressure to perform can all lead to depression and frustration, and make it difficult for lawyers to balance the demands of their jobs with their personal lives. While the conversation surrounding workplace and mental health has become more popular recently, very little attention has been paid to what happens to lawyers after hours through the lens of the legal community. Conversations related to the practice of law usually contain an emphasis on the professional competency of the lawyer, ethics, and career advancements, while comparatively less discussion takes place around the personal experiences of lawyers. In addition, lawyers are not just in the business of practising law; they are also people with goals, family, hobbies, and health-related needs outside the practice of law. Thus, this article will explore the more commonly overlooked situations that exist after a lawyer is finished with the business of practising law, including: cognitive and emotional stressors of practising law; learning how to balance personal and professional lives; and identifying the importance of physical exercise, recreational activities, and mental health in developing and sustaining long-term successful

careers in the legal profession.

Background of the Study

From its inception, there has been a perception that the legal trade is one that requires extraordinary intelligence, dedication to one's profession, and ethical responsibility. Professional expectations regarding time and effort devoted by legal practitioners to their clients, the administration of justice and the resolution of complex legal disputes have historically been high in each jurisdiction worldwide. As opposed to other professions where work is completed within specific hours, legal practitioners have historically engaged in extensive preparation, research, drafting, providing advice and making strategic decisions outside of formal office or courtroom hours. The adversarial judicial system and its rigid procedural timelines combined with high expectations of the profession have further reinforced the belief that long hours at work are a natural trait of being a legal practitioner. Many legal practitioners find that professional commitment to the legal field is often equated with providing their professional services quickly and being available at all times, leaving little room for individual pursuits, or meaningful disengagement from work.

Technology, communication, and the way professionals function have changed in many ways over the past few decades. Legal work has changed with the introduction of digital communication platforms, remote work arrangements, and instant methods of interacting. While these new methods of completing daily tasks provide added efficiency, they have also made it difficult to identify a boundary between professional and personal time. Legal professionals are now also increasingly being asked to be available after standard business hours in addition to standard professional obligations during normal business hours. Interdisciplinary research in areas such as psychology, occupational health, and legal studies continue to reveal that legal professionals experience stress, burnout, mental fatigue, and an inability to maintain a healthy work-life balance. Professional organisations, bar associations, and other legal institutions in various jurisdictions are beginning to recognize that the wellness of lawyers is an important part of creating sustainable professional practices. These changing norms highlight the importance of closely examining the experiences of all legal professionals after standard business hours in an effort to create sustainable methods for enhancing both the professionals' ability to provide excellent service and their ability to enjoy a balanced life.

Statement of the Problem

Legal professionals know that their jobs have a lot of demands, such as long hours, tight deadlines, and a tremendous amount of emotional and intellectual stress. While these types of demands are often perceived as being part-and-parcel of practicing law, they also spill over the boundaries of typical office hours or court hours, creating an environment of ongoing engagement in the legal profession. Legal professionals also regularly spend time away from the typical hours of work preparing for cases, conducting legal research, drafting documents, meeting with clients, and developing litigation strategies. This ongoing engagement is not only important to the professional development and advancement of legal professionals but also has the potential to negatively impact their mental health, their relationships, and their overall quality of life. The increased use and reliance upon technology has further exacerbated these issues by enhancing the expectation of continual access and blurring the lines between personal and professional lives.

While mental health and occupational well-being are now being talked about much more than ever before in many professions, the issues of professional competency, ethical obligation, and professional advancement continue to dominate conversations around legal issues. There has been a relatively small amount of discussion around investigating what life looks like after hours for legal professionals and how many years spent in a career will affect your life after work and wellness long-term. As such, there is still a need to understand the human side of the practice of law and to re-evaluate the importance of work/life balance and leisure time and developing sustainable behaviours through the course of a career in the legal profession. The purpose of this study is to narrow the gap in this area by studying life after formal employment hours and to show that adopting a legal career with a more balanced and human-centred focus will lead to success for both lawyers and their clients.

Objectives of the study

- 1) Investigate how much time lawyers will work outside normal hours doing non-formal activities.
- 2) Evaluate the amount of work that lawyers do every day at their jobs and what effect those demands have on the lawyer's personal quality of life.
- 3) Determine what type of challenges lawyers face when they try to maintain a good balance in their lifework and pay in a professional manner, against family time and

leisure activities.

- 4) Define the importance of using sustainable techniques and leisure time along with improved personal well-being in order to successfully maintain long-lasting professional effectiveness in the practice of law.

Research Questions

- 1) How much do attorneys stay involved at his/her workplace or in court after hours?
- 2) In what ways do the intellectual and emotional aspects of law impact an attorney's personal wellness and ability to maintain a work-life balance?
- 3) What strategies could a lawyer or firm implement to create and sustain an attorney's career in a balanced manner?

The Invisible Working Hours of Legal Professionals

Despite a variety of visible professional activities in the legal profession (appearance in court, meeting with clients, negotiating, providing advice), a significant portion of the work performed by lawyers remains largely hidden from the public and, in some cases, from other lawyers. Many other occupations complete their work at the end of established working hours; however, lawyers frequently have to continue to engage in their work beyond normal hours. Lawyers tend to spend a considerable amount of time researching, analysing, drafting, reviewing, and developing strategy for cases long after they have completed their workday. Judges often find that they, like lawyers, spend many hours after the close of the courts examining documents, conducting legal research, and preparing written judgments. Corp. Attorneys and legal consultants often continue to evaluate contracts, respond to client communications, and take care of urgent matters for clients after the normal hours for their place of employment. For this reason, the majority of intellectual and preparatory activities that are part of legal practice occur outside of the courtrooms and law offices and are, therefore, not seen by the public or other lawyers; nonetheless, such activities are critical to providing quality and professional representation.¹

The development of digital technologies has also contributed to the increasing prevalence of invisible working hours in the legal profession. The advent of technology has made it easier to

¹ Patrick J. Schiltz, "On Being a Happy, Healthy, and Ethical Member of an Unhappy, Unhealthy, and Unethical Profession" 52 Vanderbilt Law Review 871 (1999).

work more efficiently and be more accessible to clients and other professionals, but it has also blurred the separation between work and personal life. The availability of smart phones, electronic mail, virtual meetings and instant message applications has created a culture of constant accessibility for the legal professional by making them available to clients, other professionals and systems regardless of when or where they are. Legal professionals might find that their ability to “switch off” from their role is difficult, and the demands of legal practice (working hours) often begin to take away from rest, leisure time and opportunities to spend quality time with family and friends.² Legal professionals are also likely to be mentally working on legal matters even when they are not actively working on them, by reflecting on cases, anticipating upcoming hearings or re-evaluating strategic decisions during personal time. The continuing cognitive reflection on legal matters, even when not performing a legal function, illustrates that the legal profession’s demands go beyond just the number of hours worked to include the amount of mental effort that they give to issues relating to the profession. Therefore, it is critical for the legal profession to acknowledge these invisible aspects of their work to fully appreciate the broader issues they face as a profession in order to be successful in building a more sustainable, healthier, and balanced work/life environment.

Cognitive and Emotional Demands of Legal Practice

Not only does a legal career entail knowledge of a specialized field; it also involves an intensive intellectual, analytical, and emotional effort. To be successful in this type of work, legal professionals must continuously evaluate and analyse complex real-world experiences; interpret legal standards; develop predictions about how a situation or case may develop; and develop and execute a legally sound strategy for achieving their objectives. In addition, legal professionals work under varying degrees of time constraints, heavy mental demands, and pressures to produce quality products and results for their clients, whether through representation (client), consultation (multi-legal), adjudication (jurisdiction), or research (all other). Like many professions, laws can create high-stakes work environments where mistakes can have consequences that affect the outcomes of cases or the ability of parties to obtain justice. Therefore, the expectation that legal professionals will be required to consistently produce informed decision-making while under high-pressure situations can lead to cognitive fatigue and reduced mental resiliency.³

² International Bar Association, Mental Wellbeing in the Legal Profession: A Global Study (International Bar Association, London, 2021).

³ Daniel Kahneman, Thinking, Fast and Slow 41 (Farrar, Straus and Giroux, New York, 2011)

The legal profession's high levels of cognitive demand are matched with similarly demanding emotional experiences. Legal practitioners regularly encounter clients who have experienced financial difficulties; disputes involving family; criminal charges; or other meaningful challenges that can be traumatic in their effect on an individual's life. Judges and other adjudicators also deal with emotionally sensitive and highly emotional issues that require the adjudicator to take an impartial approach regardless of the human suffering and conflict surrounding the issue. Therefore, the ability to maintain one's professional composure while working in situations that are emotionally demanding is a significant form of emotional labour. Continued exposure to such pressure and an individual's job-related responsibilities (both in the amount of work required and the employer's expectations) leaves legal professionals susceptible to experiencing symptoms of distress, anxiety, burnout, and emotional exhaustion.⁴ Burnout, specifically, has become widely acknowledged as a serious issue within the legal profession; burnout manifests itself through chronic fatigue; lower levels of professional satisfaction; feelings of emotional detachment; and decreased productivity.⁵ It is essential to acknowledge these cognitive/emotional elements for the purpose of creating healthier and more sustainable legal professions.

Comparative Perspectives on Lawyer Wellbeing and Work-Life Balance

In all parts of the world, legal practitioners face issues of stress, burnout and imbalance in their work-life. In the US alone, there have been numerous studies examining lawyer health through research, initiatives and changes at the institutional level, resulting in an increased focus on the impact of stress, depression, substance abuse and mental health on lawyers. Bar associations and law schools have also acknowledged the importance of well-being within the definition of competence for legal professionals.⁶ In the UK, there has also been a growing body of literature discussing the culture of work within law firms, the demand for a higher number of billable hours and the impact of these issues on mental health; as a result, there has been increased encouragement from professional bodies to adopt healthy work behaviours and implement strategies to support lawyer health.⁷

⁴ Anne Brafford, *Positive Professionals: Creating High-Performing Profitable Firms Through the Science of Engagement* 45 (American Bar Association, Chicago, 2017).

⁵ International Bar Association, *supra* note 2.

⁶ Jerome M. Organ, David B. Jaffe and Katherine M. Bender, "Suffering in Silence: The Survey of Law Student Well-Being and the Reluctance of Law Students to Seek Help for Substance Use and Mental Health Concerns" 66 *Journal of Legal Education* 116 (2016).

⁷ The Law Society of England and Wales, "Life in the Law 2021: A Study of the Impact of Covid-19 on Lawyers" (2021).

Like many other places around the world, the Australian and Canadian legal professions have been increasingly interested in the well-being of lawyers. Many academic studies in Australia have identified high levels of psychological distress amongst legal practitioners. The importance of integrating well-being initiatives into legal education and training has been emphasised as an important aspect of the overall health of legal practitioners. Similarly, legal institutions in Canada have begun establishing forums for discussing issues related to mental health, resilience, and systems of professional support to promote sustainable careers in law.⁸ Despite differences in the types of challenges faced by the various legal jurisdictions and the ways that each jurisdiction has responded institutionally, the common thread that connects the various jurisdictions is that the long-term viability of lawyers to perform effectively in their profession is contingent upon their overall health. Thus, the experiences in these other jurisdictions demonstrate that there are real issues that extend beyond the workplace, and that these are not solely personal issues, but rather broader professional issues that will require a combination of personal and institutional responses.

Work-Life Balance and the Personal Cost of Legal Careers

The legal profession presents significant challenges regarding balancing work and home. Long hours, rigid deadlines, erratic schedules, and constant availability can result in reduced time for family, friends and other areas of life outside the law. In many cases professional obligations extend beyond the workplace and courthouse and invade home and personal spaces making it challenging to decipher where the line is drawn between work and home. Excessive involvement with work is not only detrimental to the attainment of interpersonal relationships it also diminishes opportunities for quality free time and overall satisfaction with life. Failure to disconnect from work-related issues may additionally contribute to feelings of loneliness and emotional fatigue, especially when the job continues to dominate every other aspect of a person's life.⁸

The ramifications of an unhealthy work-life balance include more than just immediate stress and fatigue; poor sleep, lack of social connection, and ongoing professional pressure can negatively impact the long-term physical and mental health of a lawyer. When lawyers consistently put their professional duties ahead of their own physical and mental health, they will experience lowered productivity, less job satisfaction, and greater vulnerability to burnout.

⁸ Anne Brafford, *supra* note 4 at 78.

An even greater risk is that by concentrating all of their efforts on becoming successful in the profession, lawyers may either not participate in their own personal development, as they do not have enough time for developing their own personal interests and hobbies, or that they will lose opportunities for building personal relationships that significantly contribute to their long-term happiness and well-being. Therefore, sustainable legal careers come from both professional competency as well as actively participating in preserving one's personal well-being outside of work. To promote a more healthy, humane and productive legal profession, the personal dimensions of a lawyer are an important aspect of that goal.

The Importance of Life Beyond Law

Although attaining professional excellence continues to be an important goal in the legal field, focusing exclusively on work may negatively impact both personal well-being and long-term success professionally. Lawyers spend a great amount of their time and energy on meeting their professional commitments, giving them little opportunity to take part in activities away from work. However, spending meaningful time and having satisfying experiences outside of law are critical to maintaining psychological health, stimulating creativity and achieving personal fulfilment. Examples of activities that provide individuals the chance to step away from work-related stress and regain emotional stability include: spending time with loved ones, engaging in hobbies, participating in leisure activities, exercising and/or contributing to community projects. These types of activities will contribute to resiliency and improved focus, and thereby enhance an individual's ability to perform well professionally.⁹

Furthermore, having interests and identities outside of your professional role allows you to develop a more comprehensive sense of who you are. Your identity should not only be defined by what you've accomplished professionally, including your job title, how far up the career ladder you have climbed, etc. Possessing too much identification with your profession can put you at greater risk for experiencing stress, feeling disappointed, and becoming emotionally drained, especially during times when you experience setbacks in your profession or are unsure about the future of your job. On the other hand, having a variety of hobbies/interests, along with having significant relationships in your personal life, can provide you with protective factors against burnout and psychological problems. As such, it is essential to recognize that life after the profession is not a luxury or an inconvenience; it is a key factor in building a

⁹ Daniel Kahneman, *supra* note 3 at 52.

successful and sustainable legal career.

Building Sustainable Professional Habits

A lawyer's career will last only as long as he or she has skills to develop. A lawyer's career will continue by creating sustainable patterns of behaviour to nurture themselves emotionally and physically. As the job of a lawyer is typically hard work, it is important that a lawyer identifies and creates boundaries between job responsibilities and personal activities. Work responsibilities may require lawyers to work longer hours than they would like, but if working longer than normal, it may reduce both their ability to do well in their job and their physical well-being. Utilising good time management strategies, good task prioritisation skills, and sharing responsibility where appropriate, can help lawyers complete their job more efficiently and effectively. Equally important is ensuring adequate rest, recreation, and personal connections. Without sufficient recovery, lawyers may not be able to recover from their efforts and be able to think clearly or emotionally cope with challenges.¹⁰

Sustainable professional practices not only require individuals to make personal changes, but also need a significant cultural shift within the profession. For example, workplaces could create an atmosphere of realistic expectations with respect to availability and productivity and that continual engagement does not guarantee great performance.¹¹ Legal institutions, law firms, and professional organisations should strive to create an environment that appreciates health and wellness in addition to being a great professional. Creating more opportunities for flexible work schedules, mentoring, wellness workshops and identifying access to mental health resources are substantial contributions to developing healthier working cultures in the profession. In the long term, sustainable legal practices must be approached with balance between professional success, personal health and wellness, and long-term satisfaction with one's career.

Suggestions and Recommendations

Individual-Level Recommendations

- 1) Setting firm limits on professional duties versus personal life is important to legal professionals to avoid overburdening their free time or quality of family time.

¹⁰ International Bar Association, *supra* note 2.

¹¹ Patrick J. Schiltz, *supra* note 1 at 901.

- 2) Time should be set aside for family, socialising, sustenance activities and leisure time to ensure well-being.
 - 3) Incorporating regular physical activity, practising mindfulness skills, and resting sufficiently into a daily routine will decrease stress and build resilience.
 - 4) Legal professionals need to realise when it is necessary to seek professional help, even when they are under relatively mild stress or feeling anxious, burnt out or emotionally drained.
 - 5) Having interests and identities outside of work will also help people create balance and fulfilment in their lives.
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Institutional-Level Recommendations

- 1) All legal institutions (law firms, corporate legal departments, judicial systems) need to create work environments that promote employee health, while also providing them the opportunity to perform at their best in an efficient manner.
- 2) Where possible, all legal institutions should offer flexible working hours and set realistic workloads for their employees.
- 3) All legal professionals should have easy access to counselling services, mental health assistance, and wellbeing programs.¹²
- 4) Legal educational institutions and organisations must teach about the relationship between mental health, work-life balance, and sustainability when educating their future attorneys and providing them with continuing education courses.
- 5) All attorneys should mentor their fellow attorneys at all levels of experience and in addition to developing legal expertise, help young attorneys develop sustainable career habits and maintain their own wellbeing.
- 6) All attorneys and attorneys' organisations should periodically conduct awareness programs, training programs, and workshops about the importance of legal professional's wellbeing and professional sustainability.

Conclusion

For centuries, we have held the opinion that the legal profession is one of the professions requiring the most intellect and social importance. Recent evidence about how lawyers practice

¹² American Bar Association, The Path to Lawyer Well-Being: Practical Recommendations for Positive Change (American Bar Association, Chicago, 2017).

law today has also shown that lawyers work many hours outside of their formal office or court times. The invisibility of work performed outside regular hours, coupled with continuous cognitive engagement, emotional labour, and expectations of constant responsiveness, creates significant pressure on legal professionals. Although being dedicated to their profession is critical to the fair application of justice and the provision of legal services, over dedication to work can negatively impact a lawyer's mental health, personal relationships and overall lifestyle.

This study indicates that stress, burnout, and work-life imbalance are widespread issues for lawyers across the globe, and this research demonstrates that lawyers are increasingly being seen as people outside of their professional role too. In order for lawyers to have sustainable legal careers, both lawyers must commit themselves to the well-being of their colleagues and law firms must demonstrate a commitment to support the mental well-being of its lawyers.

Legal professionals must begin to view themselves not only as practitioners of the law but also as human beings with passions, personal connections, and identity beyond work. A balanced approach to professional success includes a focus on getting adequate rest, exercise, personal fulfilment, and emotional and mental wellness. The path forward for the legal profession does not lie solely in the celebration of long hours spent working but in developing a culture of law that promotes both professional excellence as well as the health of individuals within the profession.¹³

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¹³ Tristan Jepson Memorial Foundation, *supra* note 8.

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