

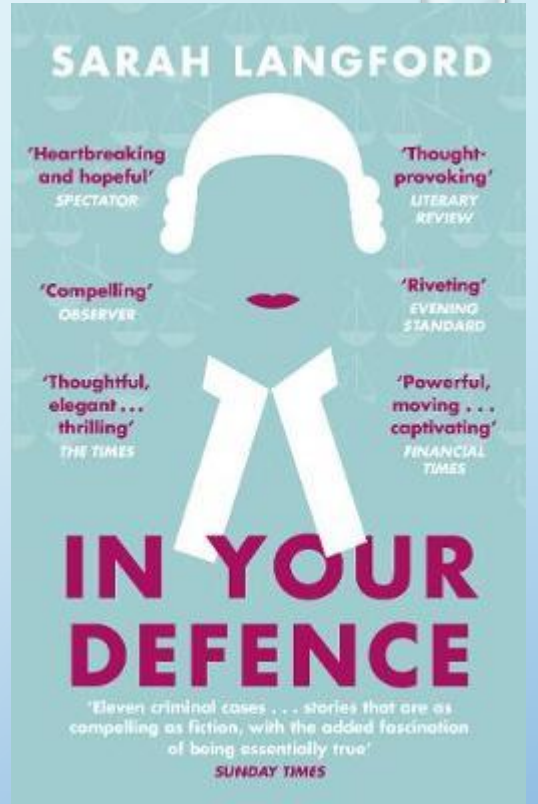
WELL BEING AT THE BAR ?

~

*‘THE FIRST THING WE DO, LET’S KILL ALL THE
LAWYERS’*

DICK THE BUTCHER, *HENRY VI, PART 2 ACT IV, SCENE 2*, SHAKESPEARE

PROFESSOR JO DELAHUNTY QC





Criminal barristers in England and Wales to vote on walkout over pay

Defence and prosecution lawyers voting on action that could bring courts to standstill

Owen Bowcott *Legal affairs correspondent*

LAW
Family law worst hit by legal aid cuts, warns Supreme Court president

April 9 2019, 12:00am, The Times



Baroness Hale of Richmond said that there had been a "near collapse" of family mediation because of the absence of lawyers to tell parties about the process

PA

Family law has been the "worst hit" by the most recent cuts to legal aid eligibility, the country's top judge has said.

Baroness Hale of Richmond, the president of the Supreme Court, said that the "explosion" in family law cases and litigants in person triggered by eight-year-old legislation is "no surprise". She

Legal aid

Sir, How right Sir David Bodey is about the lack of legal aid for those who need it most (letter, May 24). In my time on the High Court bench the poorest and most vulnerable were eligible for and were granted legal aid for their private family disputes, whether in respect of children and/or financial matters. Their disputes were litigated with the invaluable help of skilled lawyers. Cases took a fraction of the time they do today. Justice was done, even if the result for the "losing" litigants was not to their liking. What a supreme irony it is that the richest and poorest in our society have access to free medical care and free education; yet, while the rich can gain access to justice, the poor cannot. Successive governments should be ashamed of themselves.

Sir Hugh Bennett
High Court judge, family division, 1995-2010, Grantham, Lincs

Frequently and understandably they do not know what evidence is needed, nor how to get hold of it. Cases take much longer than they would with legal advice and representation. Although judges strive to create a level playing field and to produce just outcomes, they are often compromised by an absence of adequate preparation and a lack of any meaningful cross-examination. This may be serious in a case where a wrong decision may put a child at risk. Getting by it may be, but "access to justice" it is not.

Sir David Bodey
High Court judge, family division, 1999-2017, London N5



Barristers in England and Wales 'in grip of mental health crisis'

Legal aid cuts, and rise in digital evidence and sexual abuse cases affecting profession, says CBA

Hannah Summers

- **The emotional cost of the content of the work we do**
- The stress of trying to do it in a system that has been underfunded for decades
- **Collateral damage: vicarious or secondary trauma, PTSD, burn-out. What do we risk?**
- What we can do for one another and ourselves to spot a crisis and avert it
- **The ways in which our specialist professions can support us when we reach crisis point**

THE WORK WE DO

**WARNING: THIS SECTION
INCLUDES CASE ANECDOTES
FROM BARRISTERS, INCLUDING
MYSELF, THAT CONTAIN
DISTRESSING INFORMATION
ABOUT CASES WE HAVE BEEN
INVOLVED IN:**



“the death mentally affects all of us lawyers and of course anyone else listening to this tragic case. I had no counselling.....

I did think to myself you’re just going to have to get over this yourself.

The case ended at the end of November 1993 and I immediately was traumatised by the thought of that poor child cut to death by a passing train.

I started having the recurring nightmare of being on a ghost train, it stopping, me getting out, pushing it, and falling onto the rail on the front of the train and being run over by it and waking up in a cold sweat.

I had that dream many many times.”

Laurence Lee in conversation with lawyer Afua Hirsch on Radio 4 *“Barristers on the Brink”*

Victims of torture

Slavery

A child dies

Buggery

Rape

**Burns &
Bites**

Grooming

**Physical
abuse**

Trafficking



WHY WE DO IT ??????

BUT: £££££££££

SELF EMPLOYED

NO SICK PAY

NO PENISON

CLERKS FEES



Laura Ritchie
@LouMarshall79

@TheCriminalBar listed 3rd on at 10.30 in a committal for sentence. Judge decides at 3.20 he doesn't have time to hear the case. Adjourned. Fee £46.50. Train fare £30. Left home at 7.30am. Will get in about 7.30pm.

#TheLawIsBroken

15:52 · 03/06/2019 · Twitter for iPhone



Rachel Faux
@rachelfaux18

Reading through 300 pages of medical notes, (for which I am neither qualified nor paid), to travel for 2 hours (unpaid) to apply to adjourn a complex sentence (£46.50). If you haven't - Vote please.

#TheLawIsBroken

21:54 · 03/06/2019 · Twitter for iPhone



Ashleigh Metcalfe @ash... - 09/05/2019

As the case has now been adjourned my fee is no longer £117. It is now £46.50. I worked 14 hours on this case yesterday and today. Without any deductions for expenses, tax or rent, my hourly rate is £3.32.

6 22 87



Ashleigh Metcalfe
@ash_metcalfe

Now let's turn to my deductions from that fee of £46.50: Parking £9. Fuel £30. Chambers rent £9. Tax £18.60. That totals £66.60. I'm now paying to go to work. I left Court on the verge of crying today. This surely has to stop sometime soon @TheCriminalBar ??

#TheLawIsBroken

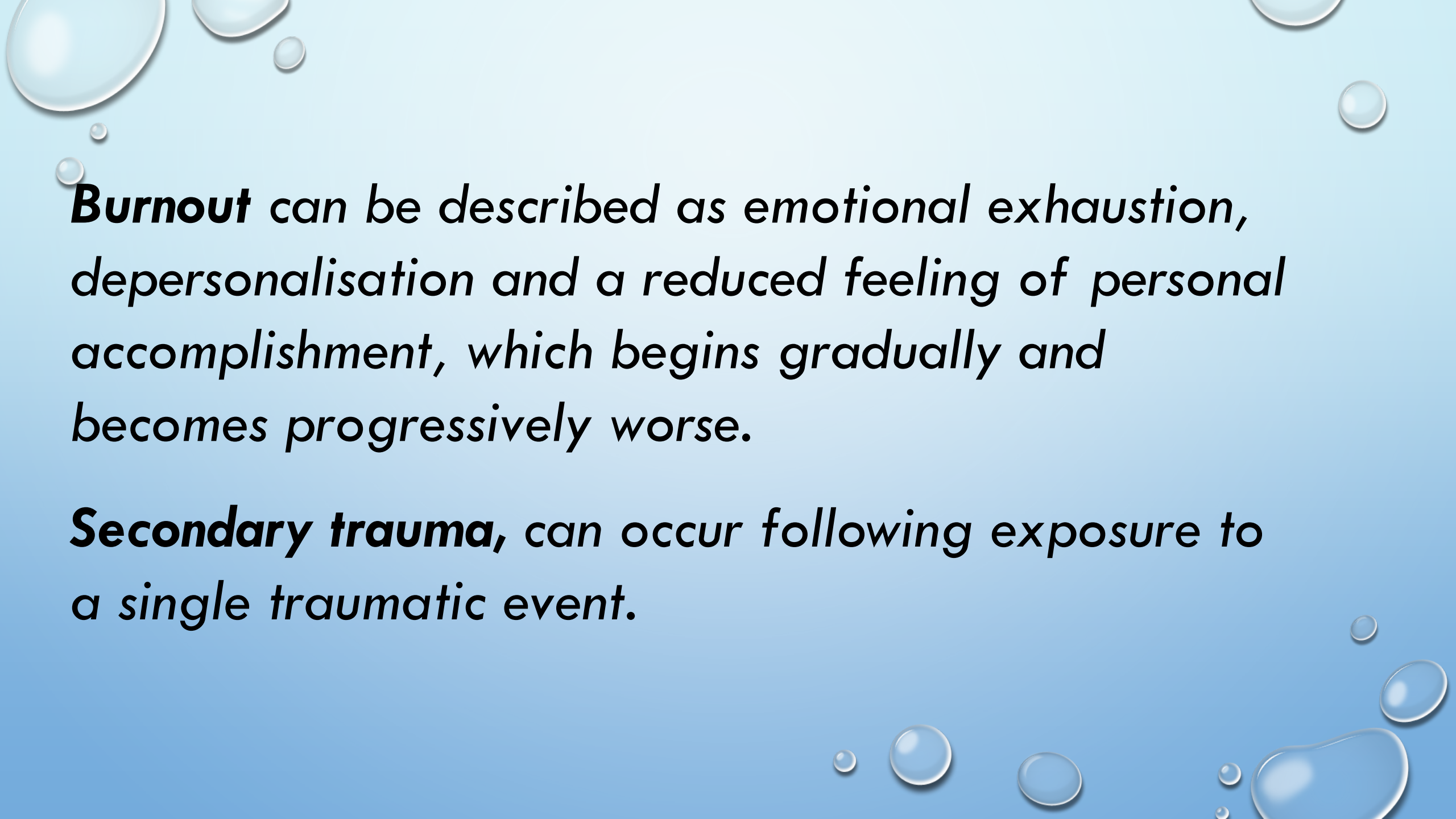


Summary of Findings

Worry and Perfectionism	1 in 3 find it difficult to control and stop worrying 59% are very self-critical most or all of the time
Stress Levels	1 in 6 tend to feel down or in low spirits most or all of the time 1 in 4 tend to feel nervous, anxious or "on edge" 1 in 6 worry about their health most or all of the time
Cognitive Renewal	54% enjoy refreshing good quality sleep only some of the time 64% are not able to take breaks most or all of the time
Work Environment	2 in 3 feel that showing signs of stress at work indicates weakness 47% report work pressure as 8 or above 62% are unable to integrate work and outside of work most or all of the time
Engagement and Advocacy	39% of the employed Bar would recommend the Bar as a place to work "not at all" or only "some of the time" 57% of the self-employed Bar would recommend the Bar as a place to work "not at all" or only "some of the time"
Trust	64% see role models at leadership levels "not at all" or only "some of the time" For 3 in 4 within the environment in which they work, genuine mistakes are seen as opportunities for learning only "some of the time" or "not at all"

Wellbeing at the Bar Survey, 2015

People who work with or help traumatised people are indirectly or secondarily at risk of developing the same symptoms as persons directly affected by the trauma. Clinicians and advocates who listen to their clients describing the trauma are known to be at risk.



Burnout can be described as emotional exhaustion, depersonalisation and a reduced feeling of personal accomplishment, which begins gradually and becomes progressively worse.

Secondary trauma, can occur following exposure to a single traumatic event.

We may experience:

- Somatic complaints such as sleep difficulties, headaches, gastro-intestinal problems, impaired immune system
- Self-harm or lack of care and exposure to abuse by others
- Isolation from family and colleagues
- Cynicism and irritability



Sarah Vine, when Wellbeing Director at the Criminal Bar Association (CBA) was interviewed by the Guardian in 2018 pointed out what the profession had to look forward to 2019:

“There is a mental health crisis in the profession and it is so insidious.”

“I spoke to someone the other day who said in the last fortnight she’d done two all-nighters. That is two nights without any sleep at all and nobody bats an eyelid [...] that’s incredibly dangerous for your mental health. It’s absurd and mistakes are bound to happen as a result.”

“At the bar there is this fetishisation of overwork and the government exploits that. They must think: ‘Brilliant, here are a bunch of people who get their self-worth not from how much money they earn, but from how busy and close to a nervous breakdown they are.’”

https://amp.theguardian.com/law/2018/may/06/british-barristers-mental-health-crisis-survey-criminal-bar-association?CMP=Share_AndroidApp_Tweet&twitter_impression=true

'FIRST VIEW FROM THE PRESIDENTS CHAMBERS' JANUARY 2019

For the time being, some corners may have to be cut and some time-limits exceeded; to attempt to do otherwise in a situation where the pressure is sustained, remorseless and relentless, is to risk the burn-out of key and valued individuals in a system which is already sparsely manned in terms of lawyers, court staff and judges'



The earliest time of day when the court can reasonably be expected to sit;

The latest time of day when the court can reasonably be expected to sit;

The latest time in the evening, and the earliest time in the morning, when it is acceptable to send an email to another lawyer in a case or to the court.



'As family lawyers and judges it is, for me, a total 'given' that you will go the extra mile for the sake of the child, the parties and the system when this is needed.

You will, I am sure, continue to do so.

My present purpose is to acknowledge publicly that we are currently in a situation that cannot be accommodated simply by working beyond what can reasonably be expected every now and again.'

'4 day public children's case. At 4 pm on Day 3, Judge gives everyone a 5 minute break before expecting a parent and his partner to be cross-examined until 6.30 pm on the hottest day of the year, switches off the aircon, refuses to open any windows. Not acceptable on anyone'



What we can do to spot the potential for anxiety?

What can I do for a colleague?

**THINK ABOUT HOW YOUR WAY
OF WORKING MAY IMPACT ON
SOMEONE ELSE : ESPECIALLY IF
THEY ARE JUNIOR TO YOU**

*masking concerns and
worries.*

Approaching conversations from a position of kind enquiry is a great place to start.

you do not have to be an expert on mental ill-health to offer support and signposting.'

you are not there to act as a counsellor, merely as a support and guide.

Avoid the temptation to 'solve' issues and be open to hearing things that may be surprising or concerning.'



The Bar Council



Wellbeing
at the Bar

<https://www.wellbeingatthebar.org.uk/>

“Common Problems” ??????

242,440 hits since its launch,

75,626 in last 12 months-

Message?

There's nothing to be ashamed of

Use the **Assistance Programme** which offers access to **counselling 24/7** for all self-employed barristers, members of the Institute of Barristers' Clerks

Ring 0800 169 2040





Contact **LawCare**

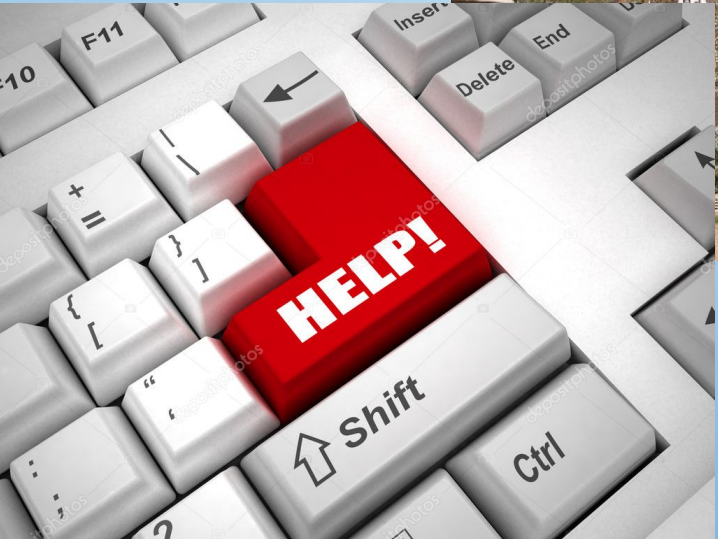
~ a mental health charity with various online resources is there to help all branches of the legal profession. Their support spans legal life from student to training to practice and retirement.



If you are in financial dire straits the Barristers Benevolent Association may be able to help.

The BC website has a support page with names and numbers to contact including: Lawcare, Mind, Mental Health Foundation, ReThink, Sane, Samaritans.

<https://www.wellbeingatthebar.org.uk/barristers-support>



Young Bar Association





FINAL WORDS ?

DON'T DO AS I DO

DO AS I SAY



We have a duty to nurture and protect our junior colleagues. Those of us who have the position and confidence to speak out about the things that need correcting in our profession should do so. I and others are increasingly doing that.


We do so, not because we want to discourage the young from entering our profession, but because we should start to change our 24/7 culture so as to be able to actively encourage them to join us here.

Being a barrister, and making a difference to people's lives, is one of the most rewarding, dynamic, fulfilling careers one can ever have.

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*We are never irreplaceable at work
only irreplaceable to our families*

Counselling 24/7

0800 169 2040

*Well-being matters. Please join in the
conversation. We are stronger together*

