LawCare, look after yourself: An interview with CEO Elizabeth Rimmer

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**EW:** Hello, and welcome to this recording to mark Mental Health Awareness week 2019. My name is Emma Walker, and I'm an associate in the Regulatory and Disciplinary team at Leigh Day. I'm delighted to be joined by Elizabeth Rimmer, the chief executive of the charity LawCare, which supports and promotes good mental health and well-being throughout the legal community. Elizabeth, welcome to Leigh Day, and thank you for coming to speak to me today.

**ER:** Thank you very much.

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**EW:** Before we get started, I'd like to take a moment to celebrate the fact that you trained and qualified at Leigh Day. And I believe you were one of the firm's first trainee solicitors.

**ER:** I think I was. I was a transferring trainee solicitor, and I worked for Sara Leigh in the Clinical Negligence department. And this must have been 1992, 1993, a long time ago. So, I qualified and stayed here for a few years. So it's very nice to be back.

**EW:** Well welcome back to the firm, and thanks for coming to talk to us about the work you head up at LawCare. The purpose of today's discussion is to highlight how members of the legal community can get support if they need it, and to talk about some recent developments affecting the profession. So to get us started, what does LawCare do? And who is it for?

**ER:** So LawCare is a registered charity that is here to support all members of the legal community throughout the UK, and the Republic of Ireland. So we're here to support solicitors, barristers, the judiciary, trademark attorneys, patent attorneys, chartered legal executives, and their equivalents across the jurisdictions. We actually grew out of an initiative of the law Society of England and Wales and were set up in 1997. But over time, we've expanded to cover all those branches of the profession. Completely independent of the Law Society and all the professional bodies, although they do fund us. And we're here to do two main things. One is support anybody working in the law with any personal professional difficulties that might be compromising their mental health. But we're also here to do some work around prevention and education, to help the legal profession understand why mental health matters for lawyers. So that's really what we're here to do.

**EW:** So you mentioned well-being just now, what do you consider well-being to be, and why is it important? I think well-being-- well, now skipping ahead. Sorry, you're going to have edit this bit! But the reason is at Law Care, we like the World Health Organisation's definition of mental health, because it puts well-being right at the heart of it. So the terms are often used together, and I think mental health, in its broadest sense, is about how we are relating to the people around us, how we are productive members of society, our relationships, how we're functioning. It's not about the absence or presence of a disease, or a disorder that's been diagnosed in a clinical sense. And I think well-being is something that it is subjective. And it means different things to different people. But I think we all know innately when we feel that our well-being is where we want it to be, and that we’re at our best. And what might matter to me in terms of things that I enjoy, and make me feel good, might be very different to the sorts of things that apply to you. But I think it's something that we all innately feel and understand. More importantly, it's really at the heart of mental health.

**EW:** Well that is really interesting because I've heard people suggesting that the term well-being is just a euphemism for talking about mental health. Do you agree with that?

**ER:** I think there's a challenge around the word mental health, and I think it's because there's so much stigma still around mental health in society. Although, I think that's beginning to change. And I think sometimes we're frightened about using the word mental health. It's something we all have, we have physical health, we have mental health. The two are deeply connected as well. And I think there's a tendency to perhaps use the word well-being because it doesn't sound as scary. Or in some way making I'm assumptions about people if we use the word mental health. But I prefer to talk about mental health and link well-being into that because I think we need to be upfront and honest about our mental health in the legal profession. And sometimes well-being maybe, to some people, may just be interpreted as something that's about, I go to a yoga class and my well-being, I feel better for that. Or I've done some mindfulness without necessarily thinking about the broader context of your overall sense of mental health, and how you're functioning.

**EW:** OK, so whose responsibility do you think it is for ensuring the mental health and well-being of individual members of the profession?

**ER:** I think is everybody's responsibility. So I think it's down to individuals working in the law. I also think it's a responsibility of firms. I think it's a responsibility of the regulators, and the responsibility of professional bodies, and also legal educators. I firmly believe that mental health is something that everybody in the legal profession needs to take responsibility for. As individuals, we have a responsibility to look after ourselves. If we want to be good lawyers, and do the best for our clients, we need to make sure we're looking after ourselves, and putting in time for that. Because otherwise, we're not going to be able to do our jobs as well as we could be. Likewise, I think firms have a responsibility to create environments for their staff and their people, where they can be at their best. At the end of the day, we're seeing a lot in legal media about the rise of artificial intelligence to help lawyers in their work. The law is a people business. It's about what happens in lawyers’ minds. And we're never going to get away from that. The rise of technology is there to help us in our task, it's not there to replace what we do. And looking after our minds, as lawyers, is so important. And I think it's everybody's responsibility.

**EW:** Well, I agree entirely. And so there have been some disciplinary decisions involving solicitors recently where their working environments have been described as horrendous or toxic. In one of the cases, the junior solicitor involved was said to have felt terrified. Crying at work on a daily basis, and suffering stress related hair loss. In another case, a solicitor blew the whistle on her previous firm once she had qualified and moved to a new firm, by reporting things she was asked to do by the firm's partners while she was a paralegal and a trainee. Both solicitors I've highlighted here, were found to have acted dishonestly, and were struck off from the roll of solicitors. Whether you agree with the decisions, or not, what kinds of messages do you think these cases send to the profession, as well as to the public?

**ER:** I think these cases were really-- have been a watershed moment. In that, we've seen a much greater awareness about mental health across the legal profession. Practically not a week goes by now where there isn't a headline in the Law Society Gazette, or Legal Futures, or somewhere with another industry survey about how stressed lawyers are. So here we have some really difficult cases where lawyers’ decision making was compromised by the circumstances that they found themselves in. And I think that, for all of us, this should be a wake-up call that nobody wants to land up at a place like these two cases. This is the worst-case scenario. We shouldn't have a legal profession or environment where people who are struggling because they feel overwhelmed with work, or they've got anxiety, or they are depressed, or they're struggling, or they've made a mistake, and they’re frightened to admit it. We need a culture that doesn't tolerate that. We need a culture that is open, so that people who find themselves in that place are able to put their hands up and ask for help. And I think it raises some really important decisions about ethical decision making. Solicitors are held to a very high standard in terms of their honesty and their integrity.

The regulator has a role in protecting the public. And we know from research that's been done in the United States, and I think there's also been some in Australia, that shows that lawyers with poor mental health will make poor ethical decisions. So these sorts of environments are actually compromising the ability of solicitors to uphold the standards that they're held to. How can you make ethical decisions, and be at your best if you're under a huge amount of strain and pressure, and you've made a mistake, and you've covered it up? So I think these cases present an opportunity for everybody in the legal community to really think about what we need to do to make sure that people don't find themselves in this place. And I think for the public, we're seeing now, I think in the time I've been at LawCare, and just in the last six months, the Financial Times, The Guardian, The Telegraph, The Times, Radio 4 have all run stories, and features on lawyer mental health. This is getting out into the public domain. And I think that's something we need to address. Because we don't want the legal profession to have a reputation of a profession that can compromise people's mental health. Or that lawyers are under so much strain, they're not able to do their jobs properly. Because that's not good for anybody.

**EW:** So do you think that the cases that put health and working conditions squarely on the agenda for firms to consider, as well as individuals? Or do you think there is still more to do?

**ER:** I think, I'd like to think they've put it squarely on the agenda. I think there's still plenty more to do. I think what they’ve done is they've provided an opportunity to start talking about it. If we just think about England and Wales, there are 10,500 law firms. That's a lot of law firms. It would be interesting to know how many of them are engaging with mental health and well-being. Sure it's going much higher up the agenda. But I think the discussion's got to be much wider than that. I think we've got some fundamental challenges in the working practices in the law, and the sorts of people that become lawyers. We know from data from the US, that lawyers have higher rates of stress, anxiety, and depression when compared to the general public.

So the question is, why is that? Is it that lawyers are genetically predisposed to poor well-being than anyone else? Probably not. There's actually something about the culture and practice of law that's having an impact, and the sorts of people that become lawyers. So I think we're very familiar, as lawyers, with the sorts of personality and thinking styles, perfectionism, very difficult to admit that you've made a mistake, overthinking and catastrophizing. So you come out of a meeting, or you come out of court, and you will replay in your mind what's happened, and link it to the worst-case scenario. Lawyers have to be very prudent, you have to read documents critically. You're looking for the worst-case scenario the whole time, so pessimism is something that's often there in lawyers, as well as negative emotions. Lawyers are trained that you leave your emotions at the door. And that if you bring your emotions into your decision making, and the work that you do, that somehow that's going to cloud your rational, legal mind, and you're not going to be able to do the right thing for your clients, and your organisation. And actually, that isn't true. As human beings, we can't divorce ourselves from our emotions. And there's a lot of emotion in law, and a lot of that emotion is quite negative because it's about winning and losing. So you've got all of that sort of negative thinking style, and some of those personality traits, coupled with an environment that's highly pressured, is competitive.

We're in a hyper-connected, 24/7 culture now. Meeting the expectations of clients is a big strain for lawyers. And a big issue is the work life balance, and the billing targets. And I think until we start looking at some of those working practices, we've got some fundamental issues in the law. It's also still a very hierarchical traditional profession. If you think, the way lawyers work, probably hasn't changed much for 100 years. That model, the partnership model, I mean, that's beginning to change. We're seeing new types of law firms. And there is more flexibility. But I think there's some ingrained practices that we've got to look at.

And I think we've also, a big chunk of this, I think, needs to be looking at what we do in legal education. How do we educate and train lawyers? There's been some interesting work done at Birmingham University comparing law undergraduates to history undergraduates, I think it was. And showing that the lawyers were less likely to want to work in groups, less likely to want to share, they were more competitive. And really interesting, so it's almost like at the beginning of the pathway. I mean, not everybody that does a law degree becomes a lawyer. I did Zoology and became a lawyer! But that pathway, and your identity of what you think a lawyer is, you start thinking and behaving like that very early on. And I think there's a big opportunity in legal education to think about how we prepare and educate people coming into the profession round their mental health, and the sorts of pressures they may face. But also framing this in a positive way about your professionalism. And we need to do a much better job on teaching ethics, and ethical decision making. So that lawyers like these two cases of Emily Scott, and Sovani James, that when they found themselves in that place, had they had, perhaps, some more education and raining around that, they may have been in a, who knows, it might have given them an opportunity to maybe have acted differently. Or have taken action in a different way that may have led to a better outcome for them. So I think we've got plenty of work to do. I don't think any of us are going to be stepping away from this issue anytime soon.

**EW:** It's a long road ahead.

**ER:** I think so, yeah.

**EW:** Off the back of one of these cases, the SRA has said that it will review its whistleblower's charter. To make it clear what is expected of regulated professionals, and what protections they can expect if they come forward with a report. Is there anything that you would particularly like to see in the charter, or what would you say to the SRA when considering its whistleblowers charter?

**ER:** I think his is a really interesting question. I haven't got a huge amount of inside personal knowledge about the whistleblowing charter and processes at the SRA. I think the case of Emily Scott is challenging, because I think that does send a message to people. If you do come forward and say something, well then you could land up being struck off. I know that there was a delay in her reporting, but she was a trainee solicitor. She clearly felt she needed to get qualified. She may not have been aware of her obligations or felt confident enough to have those conversations because she was very new into this profession, and still learning her way. And I think what we really do, is I think in an ideal world? you want a culture where you don't need whistle blowing. We should be having working environments in the law where people feel able to speak up about things that have gone wrong. I guess there will always be occasions where you may be aware of colleagues whose conduct has fallen below the required standard. And it may actually be very difficult to do anything about that internally. So perhaps there does need to be a mechanism. But I think it needs to be communicated is how anyone who does whistle blow, how the SRA is going to handle that case, what assurances they would be given around their confidentiality, around what the implications are for them. I guess whether they would be, that would be taken into account when considering their own conduct. So I think the Emily Scott case was difficult. She was also unrepresented. So she was having to manage all of this on her own. And I think when you look at that in the whole, I think we have to have some empathy for the position she found herself in.

**EW:** Definitely. So towards the beginning of April, the Solicitors Disciplinary Tribunal published a consultation response encouraging the SRA to consider whether to create a fitness practice regime. The Tribunal pointed to the fitness to practice regulations created by the BAR Standards Board, which aren’t disciplinary in nature, but establish a procedure that is run separately from disciplinary proceedings. The SDT is clear in its response that it doesn't consider itself to have jurisdiction over fitness to practice. And so it has encouraged the SRA to exercise powers available to it to create fitness to practice procedures. Do you think a fitness to practice regime is a good or a bad idea for solicitors, and why?

**ER:** Another interesting question. There's been a lot of debate around the fitness to practice. Particularly, in light of the Sovani James case. And I think after that, there were a number of articles in the legal media about it. I think, really, again, it comes back to what I was saying before. I think we need what-- we have certainly seen from the Sovani James case is that the current system, disciplinary system, does not serve lawyers with mental health problems, or who are struggling with work well. And if anything, the judgment in the high court cases where that landed up, have actually narrowed that right down

 So what we-- I think this is an opportunity for regulators, professional bodies, legal practices, perhaps, to sit down and think 'What do we need to create? What system do we need that recognises that some lawyers will have mental health problems that are compromising their ability to do their job and hold those standards that are expected of them in a way that enables them to get past that, and come back into the profession?' I think it feels profoundly unfair that Sovani James was struck off, as a young lawyer who was inexperienced, clearly struggling. She got no support, yet the firm she worked for, admittedly, their reputation was severely damaged by this. But there were no formal sanctions against them. What of their responsibilities, in terms of hers, as an employee?

And I think the fitness to practice-- I don't know a huge amount about it, only about what I've seen in the health care professions. I think it may be worth having an examination of it to maybe, even to say, well, actually, this isn't what we need. We need something different. And I think there's some danger that it focuses again on the individual. It's not looking at the wider circumstances that somebody has found themselves in. It may be a costly and expensive process. Would somebody be paid while they were off being investigated for fitness to practice? Who would report them? Would you self-report? Would your organisation report? But I think an examination-- I think what it really says is it's time to sit down and think about, what kind of program do we need? Do we need to divert people with genuine mental health issues out of the disciplinary process, and into something else? And what should that look like? So I think it prompts that question, that it is time to look at some alternatives to what we have. Because clearly, what we have now, I think, as evidenced by these cases, doesn't really serve the interests of some of the-- particularly, Sovani James. The outcome for her, the system doesn't seem to really address the situation that she found herself in.

**EW:** Yeah. So in my team's work, as well as the day to day pressures that legal professionals face, we see how stressful engagement with the regulator disciplinary proceedings can be for the people involved. And it's one of the reasons we've listed LawCare under useful links in the Regulatory and Disciplinary section on our website. And why we're doing this interview today. To highlight to members of the legal community, that there are people they can turn to if they need help. And I wanted to mention the disciplinary proceedings fact sheet that's available on the LawCare website, under the Support and Information section. Which I think, is a really useful resource for anyone who is, or may be about to go through a regulatory investigation, or disciplinary proceedings. And there are some other topics specific fact sheets, on the LawCare website, which anyone can access. And I thought I'd highlight a few of those. There's one on bullying in the workplace, others on substance abuse, stress, anxiety, depression, bereavement, suicide, and what to do if you're worried about someone else. If a member of the legal community hears or reads this interview, and they are in need of support, or they know someone who needs support with something either at or outside of work, what would you recommend they do?

**ER:** I'd recommend that they talk to someone. I think the huge challenge we have in the law is the stigma that surrounds mental health in the workplace. The difficulty for the reasons we've been discussing, that lawyers have been admitting that something's up. And that just talking to somebody can make you feel so much better. You can call LawCare and talk to us in confidence. Everyone who answers our help line has worked in the law, so we understand what the legal profession is about. We're there to listen without judgment, to help you work. We're not going to tell you what to do, we're going to try and help you work out what steps you feel you need to take to resolve your situation, and signpost you to other agencies that could help.

But I think the most important thing is really talking to someone. It's not always easy to talk to your partner, or your family, or your friends. Sometimes it's easier to talk to a colleague. But just starting a conversation about something that's concerning you is the first step to getting some help. And what people always say is they feel so much better after they've told somebody something, to often discover you're not the only person that feels that way. And thousands of lawyers have called LawCare over the last 20 years worried about mistakes they've made, difficulties with relationships at work, people facing disciplinary proceedings, either internally within their firm, or externally with their regulator.

The SRA signpost, people that they're in contact to LawCare because it is recognised as one of the most difficult places you can find yourself. And because there is plenty of help and support out there. But you've got to make that step by putting your hand up and talking to someone if you're going to be able to access that. And then you're in a much better place to try and take some steps, that mean you don't land up being a headline in the legal media. Or you don't land up leaving the law, or you don't land up with things at home spiralling out of control. That you take a step to try and prevent some of the more severe outcomes from actually happening.

**EW:** And what developments would you like to see in the sphere of mental health and well-being in the legal community?

**ER:** Many! I would like to see, I'd certainly-- I'd really like to see a much stronger focus on mental health professionalism ethics within legal education. I think that's absolutely critical. I think back to my own legal training, and I think none of that was ever touched on. It's beginning to happen. Personally, I think there should be a mandatory requirement. I think when people are in training, I think junior lawyers need particular support and nurturing.

We know from the largest study done on lawyers was done by the American Bar Association in 2016. 12 and half thousand lawyers, it's a piece of peer reviewed research that was published. The most vulnerable time in a lawyer's career is making that transition into practice. So being very cognisant when we are employing and supporting junior lawyers, that they need that that support to make that transition. So that they can be-- carry on with their careers and be at their best. So I think that's really important, is much more around education and training.

I think law firms and legal practices, many of whom, are getting much more on board with all of this, really need to be looking at what their working practices are. What is the culture within their organisation? What can they be doing to create environments where people can be at their best? I think the professional bodies, and the regulator have a role in, perhaps, identifying and help to promote and champion what best practice looks like. What does that look like? That would be a great role for them to be promoting that. So I think there's a huge amount that can be done.

And I think number one is raising awareness. I think we know at LawCare, despite the fact that we've been going for over 20 years, that only about a quarter of the profession know that we exist. When I applied for this job, my husband is a lawyer, I have many friends who are lawyers. Not one person had heard of LawCare. I hadn't heard of it, but then I left the law around the time, not long after LawCare had been set up. So that, I think, raising awareness and getting people talking is how we're really going to challenge that stigma. So I think there's plenty to be done.

**EW:** And so what role do you see members of the legal profession having to support and develop LawCare's work?

**ER:** So something we are about to start looking at is creating some LawCare champions. It's not out there yet. But we would like to have-- we get contacted by many firms and individuals who are interested in this whole area of work. We do have helpline volunteers, we're currently not recruiting for anymore because we have sufficient. And we have peer supporters. But we were trying to think how could we harness the energy and enthusiasm that a lot of people have for mental health at work. And so one thought is to create some sort of network of champions, where people who are interested within firms and organisations, who've been in touch with us could be part of a network, that we could help to disseminate information to. I think if you're interested in this within your own firm, if your firm isn't doing anything around mental health, or doesn't have a well-being committee, or whatever it is, think about trying to set that network up.

But really, importantly, and something I haven't said, actually, which I'm surprised I haven't said. Is I really think that mental health is a leadership duty. That we have got to get senior leaders in organisations on board with this. It can't just be something that sits in HR, or sits in administrative stuff. This is something that managing partners, it needs to be in the board room, around the table for every law firm's board meetings, partners meetings, whatever they're called, it needs to be in there. So I think that's a really important thing. So if you're in a firm that isn't doing anything, is go knock on the door of your senior partner and say, I really think we need to be looking at this and get them involved.

The other thing is we are always looking for any firms, or organisations that want to support us with fundraising. If they want to join our legal walk team, which is on June the 17th, sign up to our newsletter. It's on our website. It's quarterly, so we don't bombard you every week with updates, or monthly. You can follow us on social media Facebook, Twitter, and LinkedIn. And just get involved, start talking about mental health. Because I think that's how we're going to challenge the stigma that surrounds it.

**EW:** Great! And finally, what are your top tips for looking after yourself?

**ER:** Top tips? OK. So well, at LawCare, we have a we have 10 top tips for looking after yourself, which you can download from our website. And actually another thing to mention is, for Mental Health Awareness Week, we have a whole Dropbox of new materials for Mental Health Awareness Week. Our new booklet is called Creating Mentally Healthy Workplaces, which will be on our website.

I think my top tip for looking after yourself, is number one talking about something if it's concerning you. I think looking after what you eat, and sleeping, and making time for your friends, and your hobbies. I know these are really simple things, but what tends to happen is when we're feeling the pressure of work, or we're struggling with something, we tend to chuck out of our lives all of the simple things that actually keep us on track. So rather than cook dinner, we order in a Domino's, or rather than going to choir practice, we think I'll just log on to the intranet, the server, and I'll do a couple more emails. Sleep is a really important one.

I think a simple tip is not to use your phone as an alarm clock in the morning, because the first thing you do in the morning is you swipe your phone, and before you know it you're checking your work email, and you haven't even put a foot on the floor. You're still in bed, and I think some hygiene around our digital world is a really important one. And it's actually easier to do than you think.

But I'd have a look at our website, we've got lots of top tips for looking after yourself. And they're all very straightforward, and they're all things we know how to do, but we just don't always do them.

**EW:** Yeah, sometimes, we just need a bit of a reminder.

**ER:** Exactly.

**EW:** Well, and as well as the top tips, there are lots of other great resources on LawCare's website, including stories and videos of members of the legal community, talking about their experiences with mental health and well-being. So do go and have a look at the LawCare website.

Elizabeth, thank you so much for coming to speak to me today. I hope we've inspired people and the conditions they're working in. And that they'll take any action they need to, to ensure that they're looking after themselves, so they can be the best versions of themselves.

**ER:** Great! Thanks very much, pleasure to be here.

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