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Wellbeing for legal professionals when dealing with vulnerable clients

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Introduction

Working with vulnerable clients can be extremely rewarding and valuable. However, it can also impact upon your own wellbeing. The short document is designed to provide legal professionals with guidance on how to look after their wellbeing in this situation.

Wellbeing is relevant to everyone, including all legal professionals and all clients. Everyone experiences different levels of wellbeing throughout their professional and personal lives, and it is normal for these to fluctuate. In the 'Vulnerable Clients Guide for Legal Professionals' it was explained that relationship breakdown is an all-encompassing, life-altering process likely to have profound, lasting effects on the mental wellbeing of clients. However, there is also international evidence that legal professionals can experience lower levels of wellbeing and higher levels of mental ill-health than the general population (see, for example, the International Bar Association's 2021 report, *Mental Wellbeing in the Legal Profession: A Global Study*).

Such wellbeing issues are likely to be exacerbated when legal professionals are dealing with vulnerable clients because of the levels of support such clients often require, the challenging subject-matter involved and the demands of navigating emotionally heightened situations. It is therefore vital that legal professionals undertaking such work prioritise their own wellbeing. You may have heard the saying 'Lawyers fit your own oxygen mask first'. This is a simple way of communicating an important fact: If you do not put your own wellbeing first, you cannot represent your clients in the best possible way. You will not have the motivation, efficacy and resilience needed. You are also putting yourself at greater risk of making questionable ethical judgements and decisions. The results of this can be harmful to you as an individual mentally, emotionally and even physically. The consequences could also impact upon your professional standing and reputation.

Prioritising your wellbeing

Acknowledging that prioritising your wellbeing is important, both personally and professionally, is an important first step for legal professionals working with vulnerable clients. This section sets out five further steps you can also take.

Make time for self-care.

How many times do you skip lunch, or grab a quick sandwich while answering emails? How frequently do you get a good night's sleep? How regularly do you get to go out into nature and take in some fresh air? How often do you finish work too late to take part in a hobby or (non-work-related) social event? These things may sound basic, even clichéd, but looking after yourself (self-care) is vital to wellbeing. Taking care of basic nutrition and sleep hygiene, getting regular exercise and spending time in nature, and making time for family, friends and hobbies are all key. However, they tend to be the first things to be discarded when work becomes more intense or pressurised.

One way to avoid this happening is to ensure that you have put in place good habits during less challenging periods. Making self-care part of your regular routine will build habits that are easier to sustain during difficult times. Another way is to build in regular reminders – put a note in your diary or calendar to remind yourself to go for a walk twice a week, have a bowl of fruit on your desk to nudge you into eating more healthily. It can also be useful to utilise peer support – find a work buddy who will take lunchtime walks with you or ask a friend or family member to call round once a week for coffee or a hobby.

Identify and maintain your professional boundaries.

Vulnerable clients in difficult and emotionally heightened situations are likely to respond in a variety of ways, from anger and frustration to anxiety and constant demands for reassurance to despair and depression. As a legal professional, it is therefore important to put in place clear boundaries with your clients to avoid client demands becoming unmanageable. Ways to do this may include:

- Being explicit with your boundaries during your first meeting, for example, explaining usual time periods for answering emails and returning telephone calls and how regularly the client is likely to be updated.
- Using out-of-office email replies and voicemail messages to manage client expectations.
- Emphasising the cost consequences of frequent unnecessary contact.
- Arranging set times for updates (for example, once per fortnight).

Depending on your position you may also have to set and reinforce your boundaries with your colleagues. For example, as an Associate Solicitor in a law firm you may frequently be delegated tasks from one or more Partners. You may feel obliged to simply accept whatever is passed on to you. However, being clear about your workload, your limitations and what is reasonable in terms of timescales is important to ensure you can assist these partners effectively. Introducing an on-going dialogue about these issues as early-on in your working relationship as possible can assist in doing this.

Be aware of the costs of emotional labour.

The concept of emotional labour was introduced by sociologist Arlie Hochschild. As a legal professional you need to regulate your own emotions and seek to understand and manage those of your clients. This can require a high-level of emotional demands or labour, particularly when those clients are vulnerable. For example, you may have to move from empathising with a distressed client, to negotiating with other professionals, to calming an agitated client, all within the space of a couple of hours. Whilst doing so you will need to ensure you present a professional and detached persona. You will also need to try to 'read' the responses and reactions of the clients and professionals you are dealing with, to ensure you respond in the most appropriate manner. Doing this can be rewarding and fulfilling, but it can be tiring, draining and hard to sustain.

Some techniques to manage levels of emotional labour include:

- Learning some quick and simple mindfulness and relaxation techniques, such as Box Breathing, which you can apply to calm down in or after stressful situations.
- Building in regular breaks between contact with clients to give yourself time to decompress and adjust.
- Finding ways to 'debrief' such as talking regularly with colleagues.
- Managing your time on digital devices so you have 'off-line' periods when you are not reading or responding to client communications.

It is important to spend time reflecting upon the levels of emotional labour you are expending, and monitoring the impacts this is having upon you. Keeping a reflective journal or making notes daily or even weekly on your phone or laptop can help with this. Getting used to 'checking in' with your emotions will give you valuable early warning signs when things are starting to become overwhelming.

Build your support networks up.

The charity LawCare's 2021 *Life in the Law* report found that regular check-ins with colleagues were a valuable tool for promoting positive wellbeing amongst legal professionals generally. When dealing with vulnerable clients having a range of people or organisations you can receive on-going support from is particularly important. This can include:

- Having regular supervisions.
- Building an informal network of colleagues within your organisation, or within your sector more generally.
- Finding a mentor. There are a number of mentoring schemes for legal professions, including ones run by various bodies who specialise in specific areas of law or types of legal practice
- Contacting your regulatory or representative body for support.
- If applicable, using your organisation's Employee Assistance Plan to access counselling services.

To have a sustainable long-term career working with vulnerable clients it is vital that you pace yourself and monitor your wellbeing carefully. You should aim to develop your own 'toolbox' of habits, strategies and techniques to assist you in approaching your work in a healthy manner.

Think carefully about your career choices

Whilst there are techniques and approaches you can adopt to look after yourself well, it is important to be aware that your workplace environment can also significantly impact on your wellbeing. For instance, regardless of your levels of self-care, if you are in a toxic workplace, you are likely to still experience wellbeing issues due to the wider cultural and structural challenges you are experiencing. This means that on occasion you may need to make difficult career choices to prioritise your wellbeing, such as looking for another role in another organisation or choosing to move to a different team.

Conclusion

It is important to treat your career working with vulnerable clients as a marathon, not a sprint. To have a sustainable long-term career in this field, it is vital that you pace yourself and monitor your wellbeing carefully. You should aim to develop your own 'toolbox' of habits, strategies and techniques to assist you in approaching your work in a healthy manner. This in turn will assist your clients, as you are able to offer them the best possible representation.

DISCLAIMER: The content of this document is the author's own work and should not be taken to reflect the views of the University of Sheffield as a whole.

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Additional resources

LawCare – www.lawcare.org.uk

The charity LawCare is dedicated to supporting the mental health and wellbeing of the UK legal community. Its website contains a range of useful resources, as well as a blog and podcast. It also offers a webchat and telephone support line.

Fit for Law – www.fitforlaw.org.uk

Produced by the charity LawCare, in association of academics from University of Sheffield and The Open University. This is a set of free online training for legal professionals, designed to enhance emotional competence and professional resilience.

The Mental Health Foundation – How to support mental health at work - <https://www.mentalhealth.org.uk/explore-mental-health/publications/how-support-mental-health-work>

A guide on looking after your mental health within the workplace.