



TOWARDS A HEALTHY AND SUSTAINABLE PRACTICE OF LAW IN CANADA



Phase II | 2022-2024

RESEARCH REPORT **MANITOBA**

Under the scientific direction of
Prof. Nathalie Cadieux, Ph.D. CRHA

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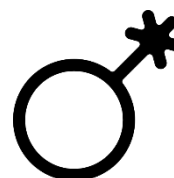
Phase I participants description: Law Society of Manitoba



60.1% women, with an average age of **40.6** years

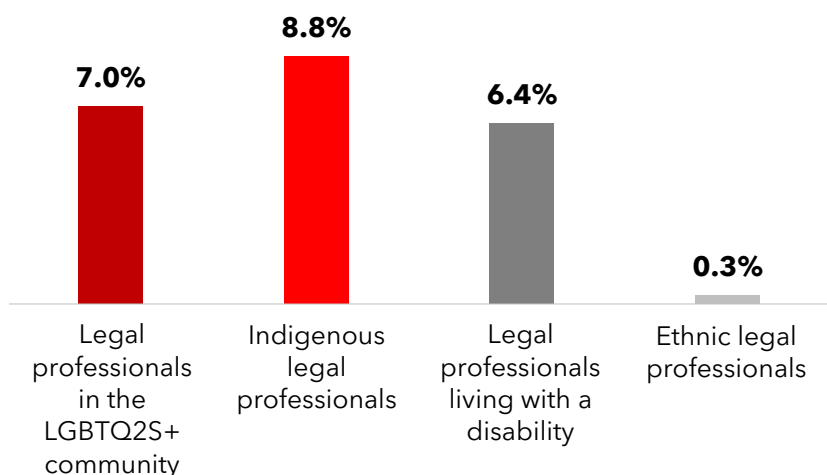


39.1% men with an average age of **45.2** years

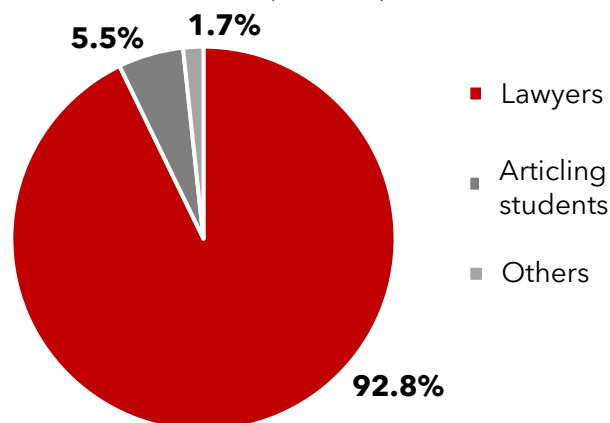


0.3% non-binary people with an average age of **29.0** years

Portrait of **diversity** among participating legal professionals in Manitoba (n = 343)



Proportion of participating legal professionals in Manitoba by **profession** (n = 343)



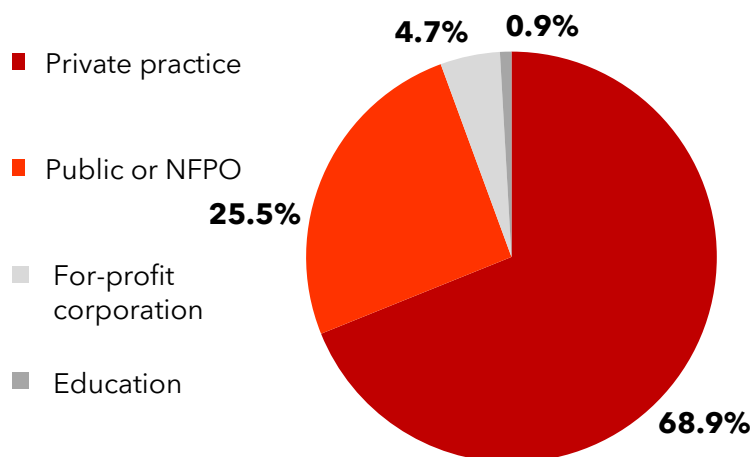
66.8%

Participating legal professionals in Manitoba are members of the Canadian Bar Association CBA (n = 343)

8.3%

Participating legal professionals in Manitoba qualified by the National Committee on Accreditation (NCA) (n = 337)

Proportion of participating legal professionals in Manitoba by **work setting** (n = 318)

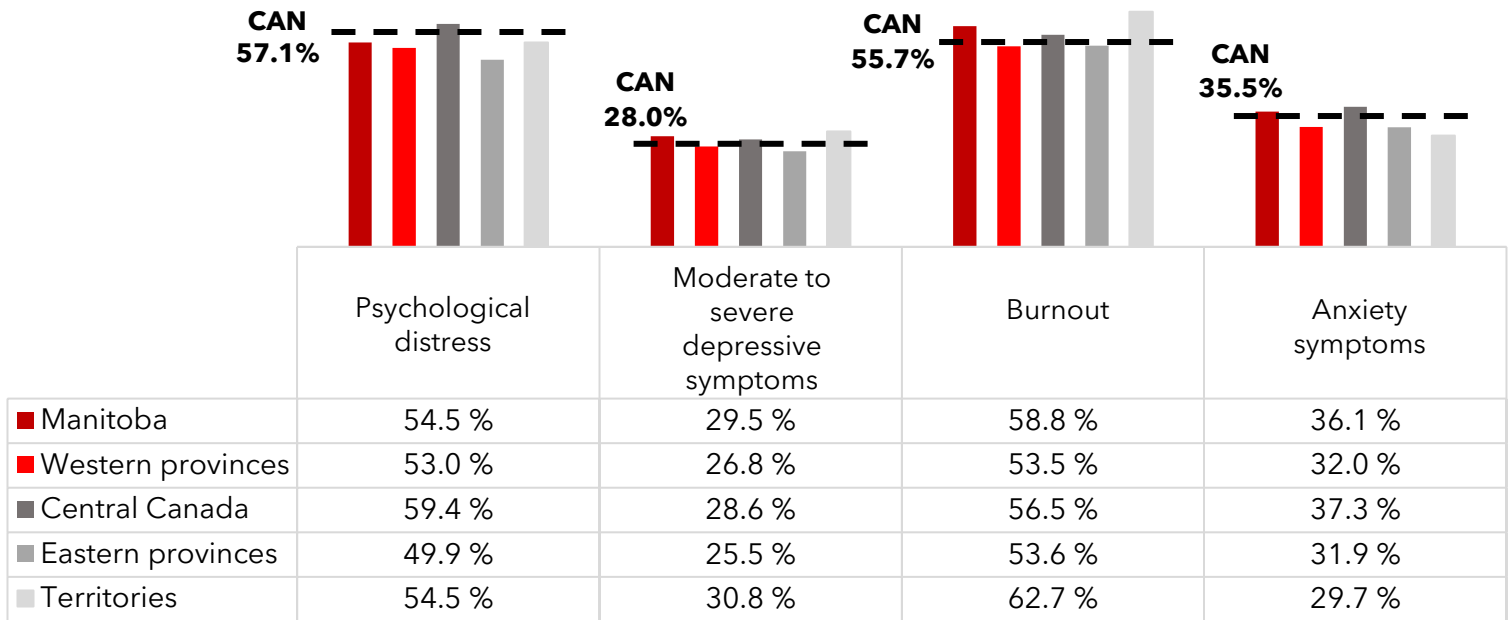


Area of practice:

- Civil Litigation (28.0%)
- Real Property (26.8%)
- Wills, Estates and Trusts (26.8%)
- Business, Corporate and Commercial Law (23.3%)
- Family Law (19.5%)
- Criminal Law (16.6%)
- Labour and Employment Law (14.0%)
- Human Rights, Public and Administrative Law (7.0%)
- Alternative Dispute Resolution (5.0%)
- Other (7.6%)

Mental health indicators (Phase I) : Law Society of Manitoba

Proportion of mental health indicators of participating legal professionals in Manitoba by Canadian geographic region (n = 6,901)



27.9%

Participating legal professionals in Manitoba who have had **suicidal thoughts** since the beginning of their careers (n = 319). The Canadian average is **24.1%**



50.0%

Participating legal professionals in Manitoba **did not seek help for their mental health issues, even though they felt the need to do so** (n = 343). The average in Canada is **46.8%**.

Three main reasons for not seeking help:

1. Thought the issue was temporary **24.8%**
2. Lack of energy to seek help **20.7%**
3. Lack of financial resources **12.8%**



9.0%

Participating legal professionals in Manitoba who have taken **more than three months of medical leave** in the last five years (n = 343)

Proportion of **affective commitment to the profession** among participating legal professionals in Manitoba (n = 258)

47.7%



Low commitment

52.3%



Moderate to very high commitment

Proportion of **mentorship participation** among participating legal professionals in Manitoba (n = 343)

As mentor
44.0%



As mentee
34.4%



Proportion of **intention to leave the profession** among participating legal professionals in Manitoba (n = 276)

75.4%



Low intention to leave

24.6%



Moderate to very high intention to leave

INTRODUCTION | HEALTH AND WELLNESS PRIORITIES IN THE PRACTICE OF LAW IN MANITOBA

This report is part of Phase II of the "Towards a Healthy and Sustainable Practice of Law in Canada" project. Funded by the Social Sciences and Humanities Research Council of Canada, this report has three main objectives:

- 1) Paint an accurate picture of the main psychological health and wellness issues in the workplace among legal professionals working in Manitoba, based on Canadian data collected in Phase I (Cadieux et al., 2022);
- 2) Contextualize the quantitative results obtained in Phase I through interviews with professionals working in Manitoba;
- 3) Make targeted recommendations to address important health and wellness issues of legal professionals working in Manitoba.

The first objective was achieved through the quantitative data collected in Manitoba during the first phase of this national project ($n = 123$). The second objective is based on qualitative data collected through interviews. As part of Phase II, 63 legal professionals working in Manitoba volunteered to take part in a semi-structured interview. Participants were then selected ($n = 6$) and semi-structured interviews were conducted with these legal professionals. In order to identify the priorities of legal professionals working in Manitoba, a list of 10 key themes arising from the first phase of this project (Cadieux et al., 2022) was included in the invitation sent to potential participants through their law society. These themes focus on the determinants of health and wellness in the practice of law. When expressing their interest to participate in an interview, legal professionals were asked to rank each of these priorities in order of importance. The three themes most important to them were then selected for the purposes of this report. Table 1 presents these professionals' priorities in order of importance.

Table 1

Prioritization of mental health and wellness themes according to legal professionals working in Manitoba who expressed an interest in being interviewed

Theme	Contents	# of legal professionals for whom the theme is in the top 3 of important themes to address
1	Work-life balance	45
2	Working conditions and cognitive demands	41
3	Coping strategies and lifestyle	27
4	Diversity and inclusion in the practice of law in Canada	15
5	Training and mentorship	15
6	Billable hours	15
7	Regulation and practice review	9
8	Return to work after a prolonged medical leave/absence	6
9	Technology and legal practice (technostress)	5
10	Telework	5

Based on Table 1, this report addresses the three themes most frequently reported as priorities: (1) work-life balance, (2) working conditions and cognitive demands, and (3) coping strategies and lifestyle. The results presented for each theme are based on quantitative data obtained during Phase I in Manitoba ($n = 123$) and interviews conducted ($n = 6$).

1.1 THEME 1 | WORK-LIFE BALANCE

Authors: Marc-André Bélanger, M.Sc., Prof. Nathalie Cadieux, Ph.D. CRHA

The first priority theme identified by Manitoba participants was work-life balance. This balance enables the effective harmonization of personal life responsibilities with work-related responsibilities. Its importance for workers' health has been demonstrated (Rashmi & Kataria, 2022). Unfortunately, Phase I of this project estimates that approximately one in two Canadian legal professionals (49%) experience work-life conflict (Cadieux et al., 2022). This conflict is associated with higher levels of perceived stress, psychological distress, depressive symptoms and a greater intention to leave the profession (Cadieux et al., 2022).

Table 2

Proportion of participating Manitoba legal professionals with or without work-life conflict, by selected characteristics (in %)

		Absence of work-life conflict	Presence of work-life conflict
Global	All	45.2%	54.8%
Gender¹	Women	44.2%	55.8%
	Men	46.7%	53.3%
Age	34 or under	34.5%	65.5%
	34 to 49 years old	44.6%	55.4%
	50 and over	57.1%	42.9%
Work experience	0 to 9 years	31.9%	68.1%
	10 years and over	52.6%	47.4%
Having dependent children	No	44.2%	55.8%
	Yes	46.8%	53.2%
Work setting	Public sector and NPOs	57.7%	42.3%
	Private practice	42.4%	57.6%
Billable-hours targets	No	50.0%	50.0%
	Yes	31.4%	68.6%
Working with clients	No	55.0%	45.0%
	Yes	43.4%	56.6%
Mentee	No	41.2%	58.8%
	Yes	43.8%	56.2%
Assertiveness	Difficulty setting limits	36.8%	63.2%
	Ability to set limits	72.6%	27.4%
Psychological detachment	Difficulty to detach psychologically	37.6%	62.4%
	Ability to detach psychologically	82.2%	17.8%

Note: in color = statistically significant difference.

¹ Given the small sample of genders other than woman and man, only these two genders are compared.

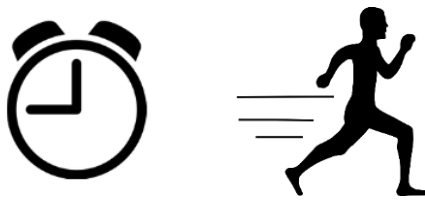
Table 2 shows the proportion of Manitoba professionals who do not experience work-life conflict, and those who do, according to certain characteristics. These proportions are detailed below.

Younger professionals (34 or under) are proportionally more likely to experience work-life conflict, as are professionals with less than 10 years' experience in practice. However, professional demands can also be associated with work-life conflict, as much for professionals with children as for those without. In the following extract, for example, the participant explained his constant feelings of guilt about spending too little time with his family when he's working or spending too little time at work when he's with his family.

”

"And just working too much, not having the balance of the time with the family. And then maybe the guilt that comes from not spending the time you want with family or spending too much time at work." **MB-5**

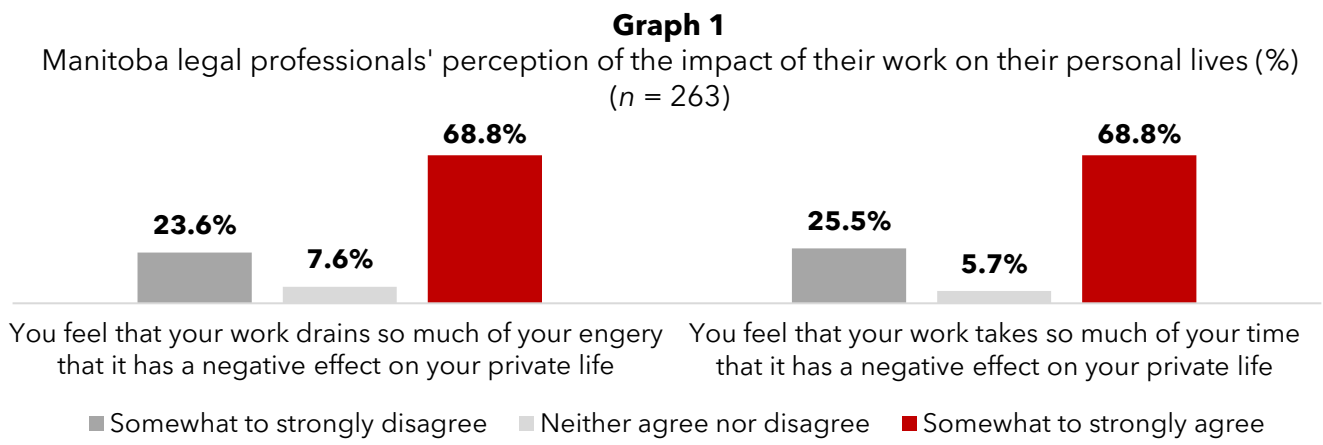
This guilt about not working outside working hours is not an isolated case. Another participant mentioned feeling that his time didn't belong to him, and that time was catching up with him when he wasn't making progress on his files.



”

"[...] that would definitely be one that you feel like your time is not your own. There's always a clock behind you and you're always wasting time unless you're doing something on file." **MB-1**

In this respect, just over two out of three professionals (68.8%) tended to strongly agree that their work takes up so much time that it has a negative effect on their personal life, as can be seen in Graph 1.



At the same time, the same proportion of professionals (68.8%) stated that they somewhat to strongly agreed that their work absorbed so much of their energy that it also had a negative effect on their personal lives. The negative effect of work on professionals' personal lives can be explained by the stress they experience at work, and the emotional energy they invest in their work, which absorbs a large part of their energy, leaving little of it left after working hours. The following participants explain how this investment of energy affects their personal sphere of life, but also why it's important to prioritize time for oneself.

“

"Well, so if I'm really busy and I've got a lot of stress [...] when I go home, if I can't find a way to turn that off and to find some healthy release for that, then I go home and I'll be angry and I'll be absent and I'll be not wanting to engage and I'll be grumpy, and all this, and all that. [...] they had got to the point where, I was being told that I was never there. I was missing functions; because I was working all the time. So that's how the effectiveness that you just become absent and you're only there once in a while." **MB-1**

"I think there are lawyers that struggle with a lot of guilt and taking time for themselves. We really care about our jobs and our clients. Many of my colleagues, including myself, aren't in this for financial gain. We, like I said, try to make a difference in the lives of other people. So, when you invest that much in your career emotionally, it's hard to separate from it and take time for yourself. But I've found through practicing that that I'm a better lawyer and mother if I take more time for myself."

MB-2

Another characteristic significantly associated with the presence of work-life conflict concerns billable hours. The pressure to meet billable hour targets requires longer working hours, which can lead to work spilling over into other areas of life. Indeed, Cadieux et al (2022) showed that billable hours represent an average of only 67.9% of actual hours worked. In addition to presenting personal challenges, this increase in working hours often comes at the expense of the adoption of healthy lifestyle habits such as physical activity and diet, which are discussed in greater depth in the third theme of this report. As this participant explains, by focusing entirely on billable-hours targets, important aspects of personal life suffer.

“

"Well, so there are challenges with those targets, [...] the challenges are that they can kind of take over because if you're not careful, you can start to neglect your personal life and you can start to neglect things like working out and eating healthy and all of those things, going to see a counselor; whatever you're doing to keep your sanity. If your focus just becomes the targets, then all those other things will suffer." **MB-1**

What's more, working with clients can also pose a challenge to work-life balance, as many expect their lawyer to be available at all times. This challenge is exacerbated by modern technology, as the following participant explains.

"And then like I reiterate just the general expectation from customers to be available because we have technology, which I know is a separate theme, but there's an overlap there. I think work-life balance suffers I think, because of technology." **MB-2**

“

SKILLS TO GUARD AGAINST WORK-LIFE CONFLICT

A few personal skills are significantly associated with better work-life balance, notably assertiveness (the ability to set limits) and psychological detachment, as shown in Table 2. Indeed, among professional respondents with the ability to set limits, 72.6% do not experience work-life conflict. 82.2% of respondents with the ability to detach themselves psychologically from work also indicate a better work-life balance. Among other things, these protective factors strengthen the professional's resilience in the face of stress, and as a result promotes better segmentation between life spheres (Cadieux et al., 2022). There are therefore skills to be favoured to improve this work-life balance.

1.2 THEME 2 | WORKING CONDITIONS AND MENTAL WORKLOAD

Authors: Audrée Bethsa Camille, M.Sc. CRHA, Prof. Nathalie Cadieux, Ph.D. CRHA

The second most important mental health and wellness theme addressed by the legal professionals in Manitoba concerned working conditions and cognitive demands. Working conditions encompass both risk factors and favorable resources likely to influence the health and well-being of professionals. In short, it is the individual's assessment of the risk factors and resources to cope with these risk factors that determines their experience of stress at work (Lazarus and Folkman, 1984).

PORTRAIT OF CONSTRAINTS AT WORK AMONG PARTICIPATING LEGAL PROFESSIONALS IN MANITOBA

The first phase of the study *"Towards a Healthy and Sustainable Practice of Law in Canada"* surveyed Canadian lawyers about their working conditions, including work demands and resources to meet them (Cadieux et al., 2022). Table 3 presents the professional demands or constraints most prevalent in the workplace according to participating legal professionals in Manitoba. The table provides information on respondents' perceptions of the presence of these requirements. Note that the proportions indicate the high frequency or intensity of the demands listed. However, a high percentage does not automatically imply a significant correlation with the mental health of legal professionals.

According to the results presented in Table 3, the most prevalent constraint is qualitative overload (77.8%), which stems from the pressure associated with high mental workload, as well as role ambiguity and conflict (Janssen, 2001).

Graph 2 illustrates the perception of Manitoba respondents to a question concerning qualitative demands. It can be seen that 87.1% of participating professionals in Manitoba consider their work to be mentally demanding, with a frequency ranging from often to always.

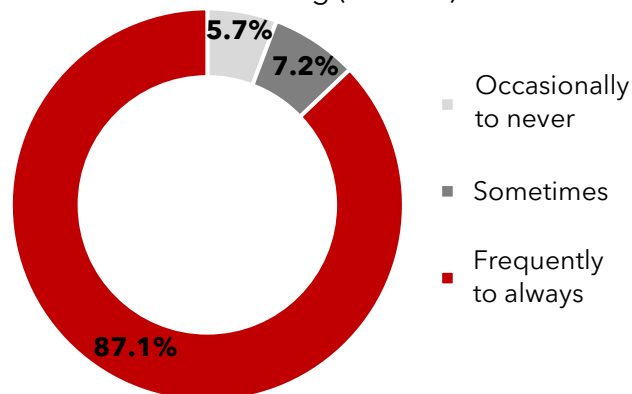
Table 3

Presence significant constraints of participating legal professionals in Manitoba (in %)

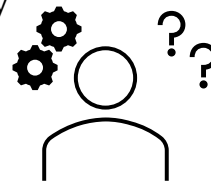
Constraints in the practice	% of factor presence
Qualitative overload	77.8%
Billable hour pressure	62.3%
Emotional demands	62.1%
Long hours worked (≥ 50 h/week)	53.7%
Quantitative overload	42.4%
Lack of resources	24.5%
Workplace incivility	13.5%
Pressure to perform	13.0%
Job insecurity	12.0%
Workplace violence	4.4%

Graph 2

Frequency with which participating Manitoba legal professionals feel their work is mentally demanding ($n = 279$)



When described by legal professionals, the demands of the profession are intricately interwoven. Statements from participants help to illustrate how the demands of the legal profession are interwoven with one another. For example, the business model based on billable hours, case selection and client demands are closely associated, as can be seen in the following extracts.



"[Sometimes,] I can choose which client I'll be taking unless I get work from a senior partner. Some files entail a lot of things to be done: a lot of documents, a lot of rules, and court deadlines." **MB-4**

During the interview, the participant adds: "I think clients demand from us because they feel like they're paying us, and rightly so; they deserve to have their services provided. But there's an expectation that we are somewhat at their beck and call." **MB-4**

"It's just clients; either not having enough clients or having too many clients." **MB-5**

Because of the nature of some professionals' work, they can become emotionally involved in the problems experienced by their clients. As a result, emotional demands were mentioned several times during the interviews, and were raised by 62.1% of the legal professionals participating in Phase I.

For some legal professionals, particularly those practicing family or criminal law, exposure to the traumatic circumstances of their clientele can lead to vicarious trauma, as the following two extracts illustrate.

"People come in, and often, they are dealing with a tragedy or a big life event. So emotionally, it can be quite draining." **MB-3**



"You're dealing with serious issues that people are dealing with. It's a bit vicarious to take some of that on. As you get more experienced, less so, but it's still there. [...] You have a person crying, and you have to be the one to try to console them and try to explain to them why they're not getting their children, you know, that's emotionally difficult." **MB-4**

Exposure to clients' issues does not leave legal professionals indifferent, as one participant put it during an interview.

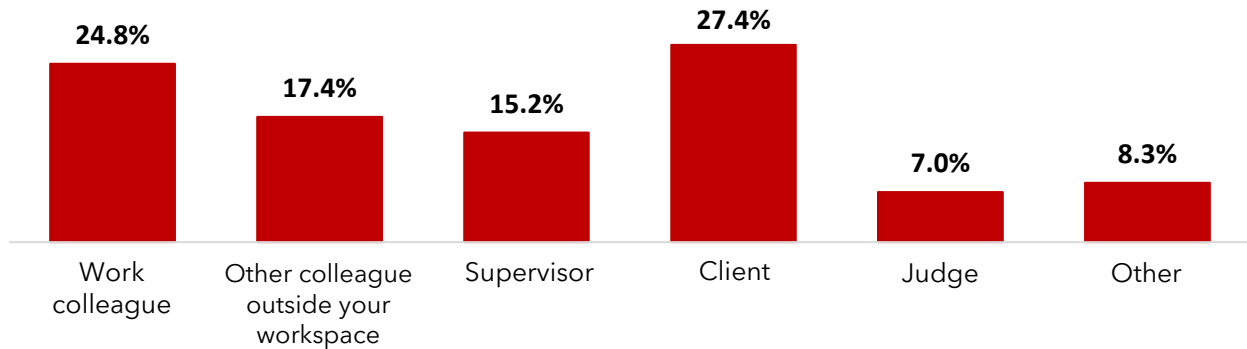
"The stress of the client matters. You sort of take on that vicarious trauma of living through something difficult." **MB-5**

A workplace steeped in stressful demands creates an environment where employees can feel constantly under pressure. Organizational pressure may be among the potential causes of workplace incivility (Pearson et al., 2005).

Of the Manitoba legal professionals who answered questions about exposure to incivility, 55.3% were frequently exposed to incivility at work, ranging from sometimes to very often. Graph 3 shows those committing acts of incivility according to Manitoba legal professionals.

Graph 3

Sources of incivilities experienced by participating Manitoba legal professionals according to those commenting (in %; n = 230)



PORTRAIT OF RESOURCES AT WORK AMONG PARTICIPATING LEGAL PROFESSIONALS IN MANITOBA

As in other workplaces, the legal office environment also benefits from resources that enable legal professionals to cope with the demands of their professional practice. Table 4 shows the main resources specific to the work environment of participating legal professionals in Manitoba, in terms of protective factors to offset the constraints present in practice.

Table 4

Presence of resources according to participating legal professionals in Manitoba (in %)

Resources in the practice	% of factor presence
Skill utilization	97.5%
Telework	76.3%
Autonomy	69.2%
Consistency of values	68.7%
Recognition	58.2%
Support from supervisor	51.0%
Support from colleague	45.0%
Career opportunities	33.5%

Discussions with participating legal professionals in Manitoba suggest that some recognition may come from parties with who are also sources of the demands. For example, one participant commented on the recognition he received from judges or clients for the quality of his work.

"For me, comments by judges [and clients]. I've had some lovely comments from judges in terms of the case that I've presented, how I've presented the case, or the work that I have done. For me, that's very fulfilling, and I really appreciate that. Also, there are some clients who are very grateful and will show that. Those are the two [sources of recognition] that stand out for me." **MB-4**

What's more, some legal professionals mentioned having a network of colleagues within the profession with whom they can talk, both inside and outside the organization.

"I have good support from friends and colleagues. I have colleagues with whom I share 'whine sessions' where we just whine and complain. And I have a good working support system with the people that I work with." **MB-4**

While these interview excerpts demonstrate that resources are important, the report from the first phase of this study highlights the prevalent weight of constraints on the mental health of legal professionals in Canada (Cadieux et al., 2022). This supports the importance of acting directly on the constraints experienced in the profession.

THE IMPACT OF DEMANDS AND RESOURCES ON THE MENTAL HEALTH OF LEGAL PROFESSIONALS

Having charted the constraints and resources faced by legal professionals in Manitoba, attention turned to the association between constraints and resources and indicators of mental health, affective commitment to the profession and intention to leave. Table 5 presents the results of this analysis.

Table 5
Contribution of constraints and resources to the mental health of participating legal professionals in Manitoba

Indicators (DV)	Psychological distress	Depressive symptoms	Anxiety	Perceived stress	Burnout	Affective commitment to the profession	Intention to leave the profession
OVERALL CONTRIBUTION OF CONSTRAINTS	31.1%	24.9%	26.5%	32.1%	43.5%	8.5%	15.2%
Quanti. overload	ns	ns	ns	ns	ns	ns	ns
Quali. overload	ns	ns	ns	ns	ns	ns	ns
Emot. demands	↑↑	↑	↑↑	↑↑↑	↑↑↑	ns	↑
Hours worked (≥ 50 hours/week)	ns	ns	ns	ns	ns	↑	↓
Lack of resources	ns	↑	ns	ns	ns	ns	ns
Incivility	ns	ns	ns	ns	ns	ns	ns
violence	ns	ns	ns	ns	ns	ns	ns
OVERALL CONTRIBUTION OF RESOURCES	1.6%	1.9%	ns	2.7%	2.6%	8.8%	8.1%
Autonomy at work	ns	ns	ns	ns	↓	ns	ns
Skill utilization	↓	ns	ns	ns	ns	ns	ns
Consistency of values	ns	↓	ns	ns	↓	↑	↓↓↓
Support from colleagues	ns	ns	ns	ns	ns	↑↑	↓
Telework	ns	ns	ns	ns	ns	ns	ns

Note: ns = non-significant contribution considering all factors. (↓) = negative association. (↑) = positive association. The analysis presented in this table take into account the contribution of the following control variables: work-life conflict, gender and number of years' experience of the participants.

Based on the results presented in Table 5, it can be seen that together, workplace constraints account for:

- 24.9% of depressive symptoms;
- 26.5% of anxiety;
- 31.1% of psychological distress;
- 32.1% of perceived stress;
- 43.5% of burnout;
- 8.5% of affective commitment to the profession;
- 15.2% of intention to leave the profession.

Among the constraints examined, emotional demands represent a risk factor associated with a large number of mental health indicators. Emotional demands are significantly associated with perceived stress ($p \leq 0.001$), burnout ($p \leq 0.001$), psychological distress ($p \leq 0.01$), anxiety ($p \leq 0.01$), depressive symptoms ($p \leq 0.05$) and intention to leave the profession ($p \leq 0.05$). Next, working more than 50 hours a week was significantly associated with commitment to the profession and lower intention to leave it ($p \leq 0.05$). Finally, lack of resources contributed significantly to reported depressive symptoms ($p \leq 0.05$).

In terms of resources, value consistency appears to be a resource significantly associated with lower burnout ($p \leq 0.05$), higher affective commitment to the profession ($p \leq 0.05$) and lower intention to leave the profession ($p \leq 0.001$). Support from colleague was among the resources significantly associated with an increase in commitment to the profession ($p \leq 0.001$) and lower intention to leave the profession ($p \leq 0.01$). Finally, skill utilization was significantly associated with lower psychological distress ($p \leq 0.05$), while autonomy was associated with lower burnout ($p \leq 0.05$).

The link between working conditions — the demands as well as the resources at work — and mental health indicators is complex, as a multiplicity of factors can have an impact on the well-being of professionals. What emerges from the evidence presented in this section illustrates the prevalence of risk factors, while also demonstrating that resources can be an asset to legal environments. Consequently, it is crucial for legal environments to recognize and manage sources of stress in order to promote a work environment that is conducive to the well-being of legal professionals.

1.3 THEME 3 | COPING STRATEGIES AND LIFESTYLE

Authors: Marc-André Bélanger, M.Sc., Prof. Nathalie Cadieux, Ph.D. CRHA

As discussed in the previous section, the practice of law encompasses a number of constraints that can have an impact on perceived stress at work: workload, emotional demands, performance-related pressure and so on. To manage, professionals are likely to develop coping strategies to minimize or counteract the stress they experience. What's more, the work-related risk factors discussed above can also have an impact on lifestyle habits, shaped in particular by the hours worked during the day. Indeed, some of the professionals we met said they had difficulty maintaining healthy eating habits, good sleep hygiene or physical activity. Others point to harmful alcohol or tobacco consumption. One participant reflected on how the practice of law can impact one's well-being both personally and professionally.

“

"I think that the practice itself is very susceptible to allowing for people to develop poor practice habits and poor mental health habits if we call them that. And that's unfortunate because, you know, I don't think it promotes wellness as much as it should." **MB-1**

It's easy to forget the importance of physical and psychological well-being when juggling the professional demands of practicing law. To go into more detail, this same participant explains that the legal profession involves dealing with clients' stress.

"I'll add that as lawyers, especially private practice lawyers, we're paid to take on other people's stress. And if we don't find some proper and healthy way to manage that stress, then you can internalize it and start to act out in any number of different ways. And so, I think that a lot of people, myself included, are constantly vigilant. You have to be on guard to make sure that you're not taking too much on or that there is a work-life balance there that you can manage these things." **MB-1**

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This excerpt illustrates the importance of the management of stress arising from the practice of law, and in particular the relationship with clients. Legal professionals must absorb some of their clients' stress, and develop mechanisms to manage and release it. This stress, which can lead to mental health issues for the professional, also increases the risk of resorting to harmful coping strategies, such as heavy alcohol consumption, which is not without consequences for

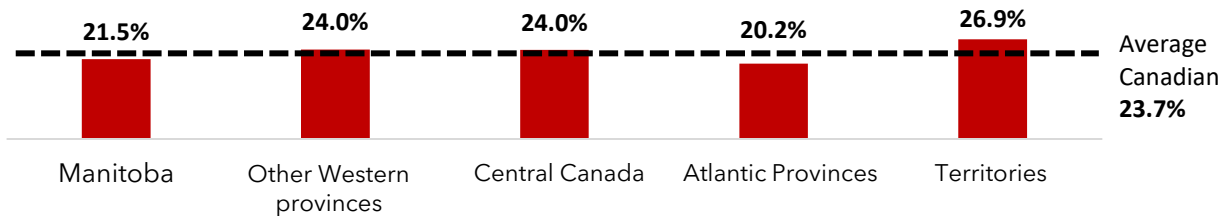
physical and mental health (Babor et al., 2001; Lieber, 1997). It is therefore important to remain vigilant about the strategies adopted to cope with work-related stress.

ALCOHOL AND DRUG USE IN THE PRACTICE OF LAW

Alcohol consumption is very much a part of legal practice. Some participants even mentioned that it is part of the profession's culture. In response to the question "How often do you drink?" in Phase I of the national study (Cadieux et al., 2022), approximately two in ten professionals working in Manitoba (21.5%) claimed to drink at least four times a week, as shown in Graph 4.

Graph 4

Proportion of participating Manitoba legal professionals who drink at least four times a week



The *Alcohol Use Disorders Identification Test* (AUDIT-10) provides a score out of 40. For this test, a threshold of 8 or more represents high-risk consumption (Babor et al., 2001). Nearly two out of ten professionals (18.2%) were high-risk users. More specifically, 13.0% of professionals would have a dangerous or harmful consumption (score $\geq 8/40$ on the AUDIT-10) and 5.2% of participating professionals in Manitoba would have a consumption at risk of dependence (score $\geq 15/40$ on the AUDIT-10), as presented in Table 6.

Table 6

Proportion of risky drinking according to the AUDIT-10 among participating legal professionals in Manitoba and Canada

	Manitoba	Other western provinces	Ontario/ Quebec	Eastern provinces	Territories
Low-risk consumption (AUDIT-10 score < 8/40)	81.9%	80.6%	79.7%	77.3%	73.1%
Dangerous or harmful consumption (AUDIT-10 score $\geq 8/40$)	13.0%	14.2%	15.3%	17.5%	20.4%
Probability of alcohol dependence (moderate to severe disorder) (AUDIT-10 score $\geq 15/40$)	5.2%	5.2%	5.0%	5.2%	6.5%

Table 7 shows the proportions of professionals whose consumption is classified as "at risk", according to socio-demographic characteristics, sector of activity and occupation.

Table 7

Proportion of participating Manitoba legal professionals with high-risk drinking habits, by socio-demographic characteristics (%)

		High-risk consumption (AUDIT-10 score $\geq 8/40$)
Global	All	18.6%
Gender²	Women	12.1%
	Men	28.2%
Age	34 and under	27.5%
	35 to 49 years old	16.7%
	50 and over	12.0%

² Given the small sample of genders other than woman and man, only these two genders are compared.

		High-risk consumption (AUDIT-10 score ≥ 8/40)
Work experience	Less than 10 years	27.0%
	10 years and over	13.2%
Work setting	Public sector and NPOs	13.7%
	Private practice	21.0%
Profession	Articling student	18.1%
	Lawyer	26.7%

Note: Colored values include a statistically significant difference in its category.

Participating Manitoba professionals most at risk of hazardous or harmful use were (1) those aged 34 years or less (27.5%), (2) those with less than 10 years' practice experience (27.0%), and (3) men (28.2%), while the average for all professionals was 18.6%.

Some of the participants deplored the consumption of alcohol as part of the profession's culture. Indeed, they mentioned that alcohol is always present at social events, even though drinking issues are very real in the practice of law, as the following excerpt demonstrates.



"I feel like a lot of the culture of our profession is tied up with alcohol and drinking social events where there is alcohol being consumed. [...] Culturally and then also within the legal profession, right, to realize 'Why do we have alcohol being served at all these events when we know people are struggling with addiction issues and overconsumption things,' right?" **MB-5**

Drug use is no exception, as the following excerpt from a Manitoba interview shows.

"Yes, drugs were always part of the events. Obviously, you know, I was older, I went to very few, but I would hear them talk. And cocaine, unfortunately, was one of those acceptable, you know, white-collar drugs, right?" **MB-3**



In fact, 21.6% of professionals working in Manitoba had used drugs other than medication for medical purposes in the 12 months preceding the Phase I survey.

EFFECTIVE COPING STRATEGIES FOR DEALING WITH STRESS

Nevertheless, the data collected in each of the two phases of this project highlighted a number of effective strategies for coping with stress. These strategies not only have beneficial effects on stress, but also on the adoption of healthy lifestyle habits.

Detaching psychologically from work

Modern technologies now make it easy to stay connected to work, anytime, anywhere. It's easy to stay connected with your work responsibilities, whether you're reading an e-mail or putting off certain tasks until after normal office hours. In this sense, to mentally disengage from work in the evenings, one participant explained that he kept two separate cell phones, one for work and one personal, specifically so he would not receive work notifications on his personal cell phone. He also set himself

a time after which he would no longer check his e-mail, unless he had a particular emergency to deal with.

"I also try to turn off my phone at a certain time every day and not check email after a certain time, every day unless there's something urgent that I'm waiting for. So, I keep two separate cell phones I think that makes a difference. I don't get my work emails on my personal phone so I can turn off or silence my work phone and keep it in my bag. So, that has made a difference. And just trying to set that boundary when I'm at home with my family." **MB-2**

Psychological detachment, an ability demonstrated by this participant, is also one of the abilities that strengthens professionals' resilience in the face of stress (Cadieux et al., 2022).

Another participant mentions that what helps him to detach himself from work was to get out of the office and do something that isn't work-related or talk to people. For him, the important thing is to know how to rest, do outdoor activities and try to find a balance through it all.

"I find for me, I get out of the office and do something not related, helps a lot. I'm getting older now and I can deal better with stuff. [...] I've found over the years that the best thing for me is just to sit quietly, maybe read a book. I'm a person of some faith. I find that helps [...] Or just getting out and talking to people, I'm a real social person. [...] I find for the most part, it's about getting your rest and getting some outdoor activity and trying to balance." **MB-3**

Setting limits at work

Another skill likely to increase the resilience of professionals in a high-stress work environment (Cadieux et al., 2022) concerns setting limits. This is a positive skill for maintaining work balance. Two strategies are proposed by a participant: (1) define availability for clients, notably by maintaining time slots to catch up on work, and (2) take short breaks by prioritizing oneself.

"I think setting policy about your expectation around how available you need to be and, managing when you are in meetings or out of meetings. I've heard outside of law, but in private sector business where they block, a one day a week where you can't book meetings so that everyone at least has one day where they're just at their desk, catching up and doing actual work. So, I occasionally will block like a Friday afternoon and just say, like, I'm not taking meetings that will make it look like I'm in a meeting, but really, I'm just at my desk." **MB-2**

"So, I just take breaks when I need them, and clients have to wait, and no one's complained yet." **MB-2**

Get support and advice from a mental health professional

Some participants also stressed the importance of having support, whether from a therapist, psychiatrist, mental health professional, counselor or acquaintance. It's important to have a good relationship with this professional, so that you have someone to listen to what's going on in your personal or professional life and get the resources you need.

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"What I suggest to young lawyers, if they've got mental health issues, they need to develop a good relationship with a therapist of some sort, whether that's a psychiatrist, psychologist, mental health worker. Find somebody and get the resources that you need, so that you can actually talk to somebody about what's going on in your life or in your personal or your professional life." **MB-1**

Opt for exercise and meditation

Finally, the last strategies discussed concerned exercise, in particular an ability to physically "free" ourselves from certain tensions and stresses we carry, so as not to end up with physical health problems. Meditation, too, can calm the mind and relieve accumulated stress.

"The other thing is to exercise; you must start getting a physical release of some of the tensions and stresses that you carry. Because if you don't, then by the time you're five or six years in, you're going to start to get up and back. You're going to get all sorts of health issues will come up. And so, you really must start exercising. [...] and none of these are more important than others, I think they're all three important, is to meditate and that is to find somebody that can help you train, to meditate and you can do it in five minutes a day. You can do it for an hour a day. But whatever it is to find a quiet spot somewhere in your mind where you can be for 5-10 minutes, whatever it is in the stresses of work or just, you know, finding some way to do that." **MB-1**

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1.4 SOLUTIONS SUGGESTED BY LEGAL PROFESSIONALS

Authors: Marc-André Bélanger, M.Sc., Nathalie Cadieux, Ph.D. CRHA

Interviews with participating legal professionals in Manitoba revealed a number of solutions, which can be broken down into four parts: wellness in the profession (part 1), work organization (part 2), work-life balance (part 3) and entrepreneurial training in the practice of law (part 4).

PART 1: PROTECTING THE WELLNESS OF PROFESSIONALS

Some of the Manitoba participants we interviewed suggested solutions that would address wellness in the practice of law. However, the first aspect encompasses solutions relating to the importance of professionals' health in meeting the duty to protect the public, and in coping with emotional demands, by adopting a systemic perspective on wellness in the profession.

Consider the importance of healthy legal professionals to better protect the public

It is well known that the practice of law has, as one of its primary responsibilities, the protection of the public. In order to fulfill this responsibility, it is important not only that the system be equipped with practices that protect the public, but also that individual professionals be able to serve this mission well. The protection of the public would thus require healthy law professionals to fulfill the requirements of this responsibility, as evoked by the following participant.

"I think our law society makes it clear, their mandate is [the] protection of the public. And I understand that's a huge part of what they have to do. But also, you know, protecting the public is also by having healthy people in the system that can provide services to the public. And I think, as I say, they give much more lip service to it than what they actually do. I don't think they realize the pressure that they put on us in terms of requirements, in terms of everything that they do."

MB-4

The practice of law is characterized by a large number of regulations and rules governing the legal profession, particularly in the public interest. Coupled with significant work overload and the ever-present pressure to perform, this can lead to stress, burnout and substance abuse disorder in professionals (Scott, 2018). That said, professionals face risk factors that compromise their wellness and ability to adequately represent their clients (Iannarone, 2016). With a view to improving wellness, it is important that professionals adopt strategies that would reduce the weight of the risks that characterize the profession and, if necessary, to seek help or simply talk about it. However, the obligation to report any behaviour that compromises professional conduct or competence to his or her regulatory body causes significant concern, and may deter professionals from breaking the silence. That's why the solution presented here proposes to make the health of professionals an important part of the public protection mandate.

Recognize the need for rest from emotional demands

As previously mentioned, legal professionals are faced with emotionally heightened demands that sometimes involve exposure to vicarious trauma (Otey, 2014). Consequently, these can have significant impacts on professionals when they must continually deal with emotionally draining situations (Bergin & Jimmieson, 2013). In this sense, one participant explained that it would be

beneficial to have days dedicated to mental health aimed at taking time out, in particular to create distance from these emotional demands when they have significantly accumulated.

"maybe a bit more of a recognition that sometimes you might need a mental health day and you just need to take some time off, I think those are some practical things that may be a bit more helpful." **MB-4**

Adopt a systemic perspective on wellness in the profession

Mental health and wellness days would seem to be an appropriate response to emotionally demanding occupations. However, it is a short-term and limited solution, since it addresses the consequences of a situation (like a band-aid on a wound) and therefore does not address the causes per se. In so doing, it is important that wellness be systemic at the cultural level in the practice of law, as the next participant mentioned.

"When I was reading the first part of the study, someone had made the comment of, you know, "I personally think that, telling me to go for more massages, taking more time and self-care, and having another massage isn't going to help the problem. The problem is I have too much work that I can cope with". And I thought, Boy! That is telling because so many of the solutions that seem to me to be offered are Band-Aids. To try to deal with the symptoms of the disease rather than the disease. [...] I think an approach has to be not just telling us it's ok to take a day [...] Those aren't going to be the solutions in the long term. [...] Wellness has to be systemic, it has to be systemic from the systems that we operate in and have to operate in the courts and the law society and systemic in terms of changes of attitudes." **MB-4**

In the same vein, systemic wellbeing requires an openness to sharing difficulties at work and being able to discuss them. For example, one participant explained (in the excerpt on the following page) that a colleague had volunteered to carry out a task of some kind for a committee, but while working on a very demanding and exhausting file at the same time. He was unable to complete the committee task he had assured others he could do. In a climate of acceptance and openness, he was comfortable enough to explain the situation and apologize, to which his colleagues responded positively, thanking him for sharing the situation.

In this way, the openness conveyed by colleagues fosters discussion of the issues they face, encouraging professionals to share their difficulties and seek the help they need. In this way, wellness is systemic in the practice of law.

“I think that's the next thing where we're going to go to say, "yeah, hopefully people will continue to be comfortable talking about these things and share their struggles." I know, I was just in a meeting only a few months ago where [...] somebody had volunteered to do something. And they just said to the entire meeting, like, "you know what, I've been really burnt out at work, and this file I've been working on has been a real struggle, and so I have not been able to get to this thing that I promised you guys I would do, and I'm sorry." And, you know, and that was just an acceptance like, "yes, thank you for sharing that," for having the willingness to not just say, "Oh yeah, I'm getting to it" or, you know, lie about the progress you're making just to be, "Hey, I need help." Right? And that was so encouraging to me, and I keep thinking of it as this reminder of like, I hope that's where things are going with the profession, where people will be honest and open about struggles, they might be having. And yeah, they feel that they can get the help that they need." **MB-5**

PART 2: WORK ORGANIZATION

Review availability policies

Legal professionals face significant and varying responsibilities in the practice of law, from research and drafting, to client management, to appearing in court (if an advocate), among others. Like other professionals, they also have obligations to their workplaces, such as team meetings and professional development and perhaps even mentoring to junior associates. Without time management, it can be complex to manage these different responsibilities within a working schedule, resulting in a significant source of stress (Sandu et al., 2021). With this in mind, one participant proposed the introduction of

“I think setting policy about your expectation around how available you need to be and managing when you are in meetings or out of meetings. I've heard outside of law, but in private sector business where they block a one day a week where you can't book meetings so that everyone at least has one day where they're just at their desk, catching up and doing actual work. So, I occasionally will block like a Friday afternoon and just say, like, I'm not taking meetings that will make it look like I'm in a meeting, but really, I'm just at my desk. So, if employers, I think, were more keen to communicate that as a policy that they're supportive of, that would help alleviate people's stress that you don't have to come up with that on your own and then feel guilty that you're doing it. But the person next door isn't. I think that would be helpful." **MB-2**

availability policies designed to help professionals set aside periods of time to devote to their tasks without disturbing their progress, while still being able to concentrate.

Essentially, according to this participant, better organization of work, including periods during the week without meetings or other disturbances to devote to research and drafting tasks, would help reduce stress at work.

Integrate a diversified selection of assignments

Looking back at work characterized by high emotional demands, it may prove beneficial to limit exposure to high emotional demands. Indeed, the risk of developing vicarious traumas as a result of these emotional demands is very real (Otey, 2014). Continued exposure to these demands and other

risk factors are associated with a risk of burnout (Tsai et al., 2009). For example, one of the Manitoba participants we interviewed thought it would be useful to have a better or, at least, more diversified selection of cases in his firm, in particular to limit the degree of exposure to emotional demands and the weight of these stressors in their daily work lives. Thus, reduced exposure to emotional demands is associated with reduced burnout (Brotheridge & Grandey, 2002).

"I think maybe have better triage of the work that we get right at the onset, or the kind of work we're not going to take. I think be more selective in the type of work that comes into the firm. I think that would have been helpful if it was even brought into that process."

MB-4

PART 3: WORK-LIFE BALANCE

Improve the promotion of work-life balance

Work-life balance is an important value for many workers. In particular, this balance is associated with better job satisfaction (Drew et al., 2015), and with the health and well-being of professionals (Zheng et al., 2015). In this regard, one participant we met mentioned that the importance of this balance is conveyed in his organization, but they didn't mention anything about how. Thus, he proposed promoting work-life balance by focusing on a more concrete meaning and tangible elements that would show what this balance should look like. It's all the more important to have strategies in place to aim for a decent work-life balance since it takes a long time, even years, to appreciate it. Otherwise, it can cause a lot of stress if work-life balance is not managed, as this same participant mentioned.

"Again, my problem with that is: that it's one thing to just use cliches like, "Well, you got to make sure you have a work-life balance and always know that." [...] I think some more tangible elements of what that looks like needs to be promoted by our law societies and by our firms, especially the larger firms. And so, what does it mean to have a work-life balance as opposed to, you know, just saying it? So that's something and I think it is getting better. But like I said earlier, I think it is manageable if you put the right things in place. It's unfortunate, however, that it sometimes takes many, many years to get there to appreciate that if you don't put these things in place, you may be doing a lot of damage along the way. And you don't know exactly how much stress you're going to take on before you manage it. So, I feel a lot better about the practice of law than I did say, even five years ago." **MB-2**

Career advancement: changing the rules of the game

While work-life balance is important to professionals, the fact remains that many professional environments value unlimited availability and long working hours, with associated rewards such as career advancement (e.g., getting promoted or becoming a partner) (Thornton, 2016). Thus, two participants mentioned that there could be an improvement in the message conveyed about work-life balance. This involves reviewing the success criteria that lead to career advancement, including qualitative rather than quantitative criteria. It also means giving promotions to professionals who value family and take time for themselves. In this sense, it would show that it is not necessary to be constantly available and work long hours to succeed as a lawyer.

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"People are rewarded for working hard and working as much as possible. When you're rewarded for being available all the time, it makes you feel guilty if you're not available all the time. You know, I can speak for my office specifically, but I know in the private sector, getting promotions or making partner and those sorts of things happen to the people that work 24-7. So, there isn't a support. They can say practice, work-life balance, all you want, but if you want to succeed, you need to work as much as possible and always be available. So there can be improvements in actually supporting the message with action and promotes someone who does value family and take time off to show that you don't need to work 24 hours a day to be a successful lawyer." **MB-2**

PART 4: IMPROVING ENTREPRENEURIAL TRAINING IN THE PROFESSION

The practice of law also involves an entrepreneurial aspect, with many professionals becoming entrepreneurs (Herrera, 2012). Data from Phase I of this research (Cadieux et al., 2022) support this finding, with 11.3% of responding professionals identifying as practitioners or self-employed, and 28.6% as partners or managers in a law firm.

Although business law is offered in law schools, it seems to focus more on theory. Consequently, it does not sufficiently develop certain practical skills related to setting up a law firm, how to run a practice, networking, how to find clients, etc. In short, current training does not sufficiently foster the development of business skills. That's why this participant explained the importance of emphasizing business administration training for professionals, many of whom will be starting their own businesses in the future.

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"There were six of them describing various solo practices or owning their own small to medium-sized firms. And yeah, just to realize what they have gone through to set that up, right? And that there's no support, there's no manual you can go to be like, "This is how you do this right, and all the steps," I'm hopeful we're going to make some headway there. [...] And "how do you set up a corporation?" you always studied corporate law and we know the theory. But like practically, is it important to incorporate how does that work? Like, you know, all the little minor stats and then stuff like that. Even if you're going to work in a set-up firm, an existing firm, how do you get clients, right? [...] But then you see it gets to be at this point where you're supposed to bring in your own business and you're like, "Hang on, I don't know anybody, and I have no business skills or interest in networking and building a network." So, yeah, I feel like there's a lot of things that could be done. It would be really great for students to come out [of law school] with a better sense of, you know, "This is a business" [...] But if a large part of the profession is being an entrepreneur. And yeah, there's no, at least from my experience here in Manitoba, there was no preparation for that."

MB-5

1.5 INITIATIVES IN PLACE FOR A HEALTHY AND SUSTAINABLE PRACTICE OF LAW IN MANITOBA

Authors: Marc-André Bélanger, M.Sc., Nathalie Cadieux, Ph.D., CRHA

In the first phase of this study, completed in 2022 (Cadieux et al., 2022), 10 targeted recommendations and 35 secondary recommendations were proposed to the various stakeholders in the Canadian legal community (bar associations, academic institutions, assistance programs, organizations, etc.). These recommendations, anchored in the data collected, were aimed at reducing the prevalence of the health problems measured (e.g., the prevalence of depressive symptoms), acting on the determinants at the source of these problems (risk and protective factors, including stigmatization) and maximizing the mental health support and resources available to professionals.

A number of initiatives that align with the recommendations presented in Cadieux et al. (2022) previously existed or were implemented following the publication of the Phase I report. More specifically, our team identified 13 different major initiatives stemming from eight recommendations. Table 8 presents each of these initiatives and compares them to the recommendations made by Cadieux et al. (2022). The table shows that certain proposed initiatives are in line with the needs expressed by participating legal professionals in Manitoba concerning the significance of improving the support available to legal professionals in their practice.

The initiatives listed below are just a few examples of the most important ones being implemented by the Law Society of Manitoba and may not represent all the actions currently being taken to improve the health and wellness of legal professionals within their practice. They reflect the initiatives in place at the time this report was drafted. It should also be noted that Table 8 does not include initiatives that may have been implemented by private or public organizations within the province or by various associations or interest groups, which were not accessible to the research team. As such, the initiatives examined are limited to those brought to the attention of our research team by the partner organizations involved, i.e., the Federation of Law Societies of Canada, the Canadian Bar Association, and the Law Society of Manitoba.

Table 8

Health and wellness initiatives by the Law Society of Manitoba for legal professionals and related recommendations from the Phase I report by Cadieux et al. (2022)

Initiative	Initiative-related recommendation(s) from Phase I
(i) The Law Society of Manitoba works in partnership with the University of Manitoba Faculty of Law, the Manitoba Bar Association, Law(yer) Strong and CPLED to share resources and programs for lawyers, students and articling students.	6) Improve access to health and wellness support resources and break down barriers that limit access to these resources.
(ii) Wherever possible, continuing professional development events, regardless of the topic or format, include a wellness component and a link to looping resources that participants can consult while waiting for the program to begin.	3) Improve the continuing professional development (CPD); 6) Improve access to health and wellness support resources and break down barriers that limit access to these resources.

Initiative	Initiative-related recommendation(s) from Phase I
(iii) The Law Society of Manitoba offers on-demand Continuing Professional Development (CPD) that include a variety of mental health and wellness programs.	3) Improve the continuing professional development (CPD).
(iv) Stigmatizing language has been removed from the admissions application.	5) Implement actions aimed at destigmatizing mental health issues in the legal profession.
(v) The Health Recovery Program ("diversion program") and Law(yer) Strong (the "peer support program") were established, and the website was expanded to include a wide variety of resources.	5) Implement actions aimed at destigmatizing mental health issues in the legal profession; 6) Improve access to health and wellness support resources and break down barriers that limit access to these resources.
(vi) Starting in October 2021, the Law Society of Manitoba has dedicated the October issue of its newsletter to wellness and health to coincide with World Mental Health Day.	5) Implement actions aimed at destigmatizing mental health issues in the legal profession.
(vii) The Law Society of Manitoba is launching a wellness challenge in summer 2024 including leadership at firms and legal workplaces across the province. The challenge will be to shift the focus away from individual resilience and toward cultivating healthier workplaces in part by addressing sources of unnecessary stressors.	8) Consider the health of legal professionals as integral to legal practice and the justice system.
(viii) The Law Society of Manitoba has incorporated into its Practice Management Assessment Tool (linked to entity regulation) best practices for ensuring healthy work practices and supporting staff wellness.	4) Where relevant, evaluate the implementation of alternative work organization models that limit the impact of certain risk factors on the health; 10) Foster a better work-life balance in the legal profession.
(ix) The Law Society of Manitoba has extended the two-year pilot program on part-time fees for an additional three years. This program offers part-time retainers to lawyers in private practice who work fewer hours to care for children or other regular responsibilities, and who meet the program's criteria. The program helps promote equity, diversity and inclusion in Manitoba's legal profession. The Law Society continues to gather feedback from the profession, which will be taken into account when the judges review the pilot project.	4) Where relevant, evaluate the implementation of alternative work organization models that limit the impact of certain risk factors on the health; 7) Promote diversity in the profession and revise practices, policies and procedures that may include or create discriminatory biases.

Initiative	Initiative-related recommendation(s) from Phase I
<p>(x) The Law Society's Indigenous Advisory Committee worked to develop Manitoba-specific content to complement <i>The Path</i>, an Aboriginal cross-cultural awareness and competency course developed by the Canadian Bar Association. <i>The Path</i> became mandatory for all practicing Manitoba lawyers in October 2023. It is free of charge for practicing lawyers in Manitoba, and can be counted towards the mandatory continuing professional development requirement. The interactive online course aims to fill gaps in lawyer training and will ensure that all lawyers have a fundamental knowledge base, so that they can competently serve Indigenous clients, or other clients in matters involving Indigenous parties or organizations.</p>	<p>7) Promote diversity in the profession and revise practices, policies and procedures that may include or create discriminatory biases.</p>
<p>(xi) Presentations were given to lawyers on issues of equity, diversity and inclusion in the workplace, providing information and resources to PREP students on the services offered by the Equity Officer and on mental health and well-being, and organizing two half-day training sessions on anti-racism for staff and judges.</p>	<p>6) Improve access to health and wellness support resources and break down barriers that limit access to these resources;</p> <p>7) Promote diversity in the profession and revise practices, policies and procedures that may include or create discriminatory biases.</p>
<p>(xii) In June 2022, the Law Society of Manitoba staff contacted its members in the northern part of the province directly to survey their personal experiences and provide more information on available mentoring resources and supports.</p>	<p>2) Improve supports and guidance available at entry to the profession.</p>
<p>(xiii) In the fall of 2022, the Health and Wellness section of the Law Society of Manitoba's website was redesigned to highlight the more comprehensive menu of supports available, including the new Health and Wellness Resource Library, which showcases resources available through the Law Society as well as its partner organizations in the legal community. This initiative also builds on one of the key recommendations of the National Study on the Well-Being of Legal Professionals (Phase I), namely improving access to these health and wellness support resources.</p>	<p>6) Improve access to health and wellness support resources and break down barriers that limit access to these resources.</p>

1.6 TARGETED RECOMMENDATIONS | PHASE II

Author: Nathalie Cadieux, Ph.D. CRHA

As presented in section 1.5 of this report, numerous initiatives have been implemented in recent years by the Law Society of Manitoba. First and foremost, these measures have improved access to mental health resources for professionals. These initiatives have also helped to reduce the stigma associated with mental health, thereby encouraging professionals to seek help. The development of training content and active participation in a best-practice-oriented dialogue with the business community are also worthy of note.

These initiatives pave the way for the future of the profession and are a source of inspiration. The recommendations arising from Phase II of this national project are based on: (1) the results of the priority themes analyzed; (2) the solutions put forward by Phase II participants in Manitoba; (3) the initiatives identified as currently being implemented by the Law Society of Manitoba; and (4) the level of coverage of the various Phase I recommendations in relation to these initiatives in the province. As a result, three recommendations are formulated and presented below.

RECOMMENDATION 1

FOCUS ON RISK FACTORS THAT COMPROMISE THE MENTAL AND PHYSICAL HEALTH OF LEGAL PROFESSIONALS, INCLUDING BILLABLE-HOUR TARGETS

The analyses carried out as part of Phase I of the national project (Cadieux et al., 2022) are unequivocal: priority must be given to acting on the risk factors that compromise the health of professionals. Although resources can be important in day-to-day work, their contribution remains largely marginal, if not insignificant, when compared with the risk factors for understanding the mental health of legal professionals, as demonstrated in section 1.2 of this report. Among the most important risk factors are a pressing workload, long working hours (exacerbated in billable hour contexts), high emotional demands (likely to lead to vicarious trauma) and work-life conflict itself arising from several of these stressors. It is therefore recommended that actions be taken to reduce these stressors in particular.

In this respect, several avenues should be explored, including actions aimed at limiting the number of billable hours required of professionals. Several factors point in this direction. First, the results obtained in Phase I of this project demonstrated that an increase in the number of billable hours demanded of professionals is also associated with a consequent increase in the number of professionals affected by various mental health problems. Considering that billable hours represent just over 65% of hours actually worked, the results indicate that a threshold of 1,800 billable hours should never be exceeded, as this would compromise the mental and physical health of professionals, while significantly reducing their chances of balancing work and personal life (Cadieux et al., 2022).

This recommendation and the results based on it are, moreover, consistent with a publication by the New York Bar Association (NYBA) in the United States in 2021 according to which "*cap billable hours and bonus availability at no more than 1800 hours; consider alternative billing arrangements and client expectation of value*" (NYBA, 2021, p.105).

The same report also points out that:

"the billable hour model is one that is antithetical to productivity and efficiency; clients are now demanding firms move away from this model, and will instead award their business to firms that demonstrate they can perform the work productively, efficiently, predictably and cost-effectively. Accordingly, firms that prioritize lawyers' well-being will be better equipped to meet client demands for exceptional yet efficient service " (NYBA, 2021, p.48-49).

Finally, billable hours exacerbate other significant stressors on the mental health of legal professionals, including hours worked, quantitative workload and work-life conflict. In this regard, the report published in the U.S. speaks eloquently of the fact that billable hours, combined with unrealistic deadlines and client demands, significantly impair professionals' ability to take time off or other vacations:

"Survey respondents cited the tyranny of the billable hour, client demands, "unrealistic deadlines" and the inability to take vacation or other time off. One respondent spoke about the tension between making the billable hour quota versus taking needed time off: "If I take a week off for vacation, that's 40 hours I have to cram into the year somewhere else." Another noted that despite meeting the billable hour requirement, the lawyer was told in their review that they had "left money on the table," meaning the lawyer should have "billed more." (NYBA, 2021, p.78-79).

In short, billable hours not only constitute a stressor in their own right, but also indirectly compromise the health of professionals by exacerbating other stress factors. Combined with a professional practice where emotional demands are high, we quickly understand the explosive cocktail that results. In practice settings, it is therefore urgent to turn to better practices (Reich, 2020; Wu et al., 2021) to support the health of professionals in a sustainable way.

RECOMMENDATION 2

SET UP ACTIONS TO BETTER SUPPORT LEGAL PROFESSIONALS IN DEALING WITH THE EMOTIONAL DEMANDS THEY ARE EXPOSED TO

Many legal professionals are highly exposed to the emotional demands of their practice. While the intensity of these demands may vary from one field of practice to another, the fact remains that many professionals are repeatedly exposed to difficult content that can lead to vicarious trauma. When these demands are added to a highly pressurized work context, the health of professionals is compromised. This is particularly true in a context where a high percentage of professionals hesitate to seek help when they feel the need, either for fear of being stigmatized, or for lack of time or resources. It is therefore recommended that action be taken to better support professionals in the face of the emotional demands to which they are exposed. This can take various forms. First, it can take the form of a diversification of cases in practice, to limit professionals' overexposure to this type of demand, as suggested by one of the Manitoba participants earlier in this report. This could also take the form of flexible leave that could be used by professionals to ventilate and reduce their stress following prolonged periods of exposure (e.g., following a trial). Among the actions to be prioritized, it is also recommended to set up mandatory consultation mechanisms (e.g., with a psychologist, social

worker or other professional) following a certain number of practice hours per year, particularly in fields of practice most exposed to these demands (e.g., family law).

RECOMMENDATION 3 DEVELOP A MEASUREMENT CULTURE

Section 1.5 of this report reveals several initiatives in line with the recommendations made in Phase I of this national project (Cadieux et al., 2022). However, none of these measures addresses the recommendation to develop a measurement culture. Certainly, the present study is a first step in this direction, as several qualitative and quantitative data collected in Manitoba, as elsewhere in Canada, will have lifted the veil on the mental health issues experienced in the profession in Canada and the root causes underlying these problems. Given that a number of initiatives have been put in place in Manitoba, it would be important not only to measure health indicators once again, but also to assess the impact of the programs put in place. Without such measurement, it remains impossible to confirm that the initiatives put in place have achieved their intended targets. Such measures would make it possible not only to assess the relevance of these actions in relation to local needs, but also to realign the focus if necessary, or even simply to improve these initiatives in a perspective of continuous improvement. Moreover, a report published by the International Bar Association in 2021 is unequivocal when the 4^e principle for mental health and wellness in the profession implies:

"A commitment to change, and regular continuing assessment, is needed: Having acknowledged the importance of protecting and promoting mental wellbeing for the profession, the next step is to make changes to tackle the current crisis" (IBA, 2021, p. 10).

1.7 HELP-SEEKING RESOURCES FOR PRACTITIONERS IN MANITOBA

EMERGENCY RESOURCES

Wellness Together: Mental health and substance use Canada.
Phone: **1-866-585-0445** | Text (SMS). **WELLNESS** to **741741**

Manitoba Blue Cross Employee Assistance Centre
(24 hours a day, 7 days a week)
Phone. Winnipeg: **(204) 786-8880** | Toll-free: **1-800-590-5553**.
Line for the hearing impaired: **(204) 775-0586**.

Suicide Crisis Helpline (24/7): 9-8-8
Manitoba Suicide Prevention and Assistance Line (24/7): 1-877-435-7170
Klinik Crisis Line (24/7): 1-888-322-3019. Website: klinik.mb.ca
MB Farm, Rural and Northern Assistance Services (24/7)
Telephone: **1-866-367-3276** | Online crisis chat: supportline.ca

Other provincial crisis line services in Manitoba are available at:
<https://www.gov.mb.ca/health/mh/crisis.html>

LAW SOCIETY OF MANITOBA PROGRAMS

- [Manitoba's Peer Support Program For Lawyers](#) (Law(yer) Strong)
- [Health Recovery](#) Program
- [Equity officer](#)

SEE OTHER INFORMATION AND ADVICE RESOURCES FROM THE LAW SOCIETY OF MANITOBA

- Manitoba Branch of the Canadian Bar Association - [Assistance for Lawyers](#)
- Law Society of Manitoba - [Health & Wellness resource library](#) :
- [CBA-MBA Wellness Forum](#)
- Forums: [King's Bench Informal Concerns](#) and [Provincial Court Informal Concerns](#)

PROGRAMS OR WEBSITES ON THE THEMES OF WELL-BEING AND MENTAL HEALTH

- [Manitoba Blue Cross Employee Assistance & Wellness Solutions](#)
Winnipeg : **204-786-8880** | Toll-Free : **1-800-590-5553**
Hearing Impaired Line: **204-775-0586**
- Wellness Together: Mental health and substance use Canada
[Online peer support for](#) Addiction
- Canadian Mental Health Association - [Manitoba and Winnipeg](#)
- [Shared Health](#) Manitoba
- [Winnipeg Regional Health Authority](#)
- [Mood Disorders Association of Manitoba \(MDAM\)](#)

SEE OTHER INFORMATION AND ADVICE RESOURCES ON THE THEMES OF WELL-BEING AND MENTAL HEALTH

- [Canadian Lawyer Magazine](#)

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