

# WALKING THE TALK

Improving mental health outcomes in the legal profession is an important goal.

Sound physical, emotional and mental wellbeing is the cornerstone for living your best life. But there are times when both your physical and mental wellbeing can fluctuate, and the consequences can be devastating – for the individual, their family, friends and colleagues.

One of my absolute passions in life is advocacy around improving mental health outcomes in the legal profession. The profession is notorious for sweeping self-care, genuine human connection, mental health issues and vulnerability under the rug – often leaving people feeling isolated and without a safety net.

I have often reflected on why the legal profession is so tough – especially on mental health vulnerability. It could be attributed in part to the fact that the profession is steeped in traditions/protocols, has historically been adversarial, focused on the win/lose and of course, is fast-paced and outcome driven. It has taken a tidal wave of effort and advocacy to even put a chink in that armour. There is such high expectations around getting into law school, getting articles/traineeships and then having a thriving and successful career that very often we do not pause to take stock and ask the important questions:

- Is this for me? Am I enjoying my career?
- Is my career meeting the objectives I held so close when I was younger?
- If I stood in the shoes of my younger self and looked at myself now, would I like what I see?
- Am I brave enough to seek change?

This sense of expectation can come from family, community and schools, but is mostly internally driven. It can be motivating and exciting, but it can also be overwhelming.

As I reached the senior levels of the profession, I saw (and had instilled in me) a need to give back. To do that, I asked myself the question: “What can I do to help people pause long enough to seek help, to assist people who feel weighed down, or who feel they can’t hear anything beyond the black dog barking in their heads?”

I started my journey by holding a mirror up to myself. I started investing time in self-care – way before it was fashionable. I did this by making time for physical exercise, surrounding myself with good people who were good for me and who grounded me when I needed it. I got regular professional help to assist me be the best person, mother, wife, and boss I could be. I listened to their advice. I thought – I am here seeking a different outcome and I need to respect these experts in their space – much like our own clients expect of us. I learned to be vulnerable in safe environments. Now, some years down the track, I am not professing to have this system perfect by any stretch – but on the whole, it works. Like anything in life, it has its ups and downs but I feel that I have better mental and physical infrastructure to cope with the blows that life can deal. There are also some amazing NGOs (see Resources) that offer access to free/low-cost professional support, and GPs are getting better at supporting those who need it.

It’s like being on a plane – when the oxygen mask falls you have to put it on yourself first and help others second, even if that is counter-intuitive.

The next step in my journey was to look at my team and clients and put formal and informal structures in place to support our people. I wanted Nicholes Family Lawyers to be an environment that was high performance but also safe – safe for people to be able to say: “I am not sure. I need guidance. I am feeling overwhelmed. I feel sad”, and to be able to get support in a non-judgmental, empathetic and supportive way. I wanted to position the firm to be able to put its arms around our teams and people.

To that end, the Nicholes Family Lawyers family has surrounded its staff with mentor programs, professional support – psychologists, psychiatrists, chefs (home delivered meals), life coaches, beauty and wellbeing treatments (like spa days) and more. During COVID-19 lockdowns, we set up a small gym in the office for our skeleton staff. Our partners, lawyers and staff have access to an independent accredited business and performance coach who is there to really listen and hear, link that person with other support options, provide counsel and perspective and act as an advisory function to the firm’s leadership – to make sure we have our finger on the pulse of office and individual sentiment – not just think we do.

We have, like many other firms, changed our approach to billing time to allow everyone (partners, lawyers, support staff) to focus on the output – not time in the office. So, if you have met your billable targets at 3.30pm, you can (and should) go home, to the gym, to the café – anywhere that supports time for the individual that is not office-based. It warms my heart to see our high-performing lawyers respond so positively to this change. I love seeing them all walk out the door when their work is done for the day – not leaving coats on chairs like we did in my day as a junior lawyer so that people thought we were still in the office, hard at work. They are living their lives and that is what I want. The goal is to create the freedom to allow our teams to meaningfully enact work-life balance.

For me, maintaining wellbeing at Nicholes Family Lawyers turns very much on what the staff want/need. We develop packages to accommodate the human and very individual needs of our team members when they need support. Whether that’s meals, childcare support to allow a working parent to have a day off, time off to see specialists, billing relief, changes to working patterns etc – it’s all up for discussion with the individual concerned.

Particularly in family law, the impact of what we do is felt acutely by clients and my goal has always been to care for the person and not just the account. Clients who need family lawyers are often highly distressed. I have always put the mental health of my clients at the forefront of my legal advice to them and truly believe that a multi-disciplinary approach can be productive – especially in avoiding costly and often traumatic litigation. For example, I have often held client conferences with the client’s trusted psychologist present – this helps create a safe environment and ensures the client’s mental health is paramount.

While I fully accept that mental illness and vulnerability are experienced across the profession – all levels, genders, employers – the heartbreaking anecdotes around women and young people in the

## PRACTICE

### Nicholes Family Lawyers

profession who are feeling isolated, alone, lost and anxious – again, often with devastating consequences, made me determined to act. I had to give back, step up and reach out. I connected with some of the most amazing people inside and outside the industry and we sought to share ideas,<sup>1</sup> learn and critically evaluate the profession and turn that insight into positive action and a force for good. Slowly, we are making a difference. We are fostering a healthier world for our profession and giving our female and young lawyers – in fact everyone – the skills to thrive, not merely survive, in this profession. This is our action plan:

- Removing the cloak of secrecy and the weight of shame – it is ok to talk. It is ok to feel overwhelmed. The thing to do is tell someone.
- Leading by example – we are sharing our own experiences for everyone to learn from. We are changing the face of the profession to make that face a human one.
- Taking steps to help people feel comfortable being the best version of themselves and bring their diversity of ideas, backgrounds and experience for the benefit of the profession and indeed to the administration of justice. Without this diversity of humanity, we (the profession) cannot earn and retain the trust of the public.

I accept that there is not a one-size-fits-all solution, but we have to start somewhere and I am hopeful that each step we take, each bridge we build, each weight we lift from someone's shoulders will make a difference, one person at a time.

Our goal is that everyone in the profession feels supported to shine at work, to be themselves and to speak with confidence that their voice will be listened to. When this happens, all members of the legal profession benefit, as do clients and the wider community. ■

**Sally Nicholes** is managing partner of Nicholes Family Lawyers.

1. <https://nicholeslaw.com.au/podcasts/a-message-to-young-lawyers-you-are-not-alone/?msclkid=8e0a4683b54a11ec914062d0542015d2>,

#### WELLBEING RESOURCES

- ACON <https://www.acon.org.au/>
- Beyond Blue <https://www.beyondblue.org.au/>
- Black Dog Institute <https://www.blackdoginstitute.org.au/>
- Head to Health <https://www.headtohealth.gov.au/>
- Kids Helpline (up to 25 years) <https://kidshelpline.com.au/>
- Law Council of Australia <https://www.lawcouncil.asn.au/policy-agenda/advancing-the-profession/mental-health-and-wellbeing-in-the-legal-profession>
- LIV [https://www.liv.asn.au/Web/Content/Resource\\_Knowledge\\_Centre/Health-and-Wellbeing/Health-and-Wellbeing.aspx](https://www.liv.asn.au/Web/Content/Resource_Knowledge_Centre/Health-and-Wellbeing/Health-and-Wellbeing.aspx)
- Lifeline <https://www.lifeline.org.au/>
- Smiling Mind <https://www.smilingmind.com.au/>
- Switchboard <https://www.switchboard.org.au/our-mission>
- Thorne Harbour Health <https://thorneharbour.org/>
- Victorian Bar <https://www.vicbar.com.au/public/community/health-and-wellbeing>
- Victorian Legal Services Board + Commissioner <https://lsbc.vic.gov.au/lawyers/practising-law/lawyer-wellbeing>
- LIV member counselling service AccessEAP, ph 1800 818 728.



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