



THE BAR  
OF IRELAND

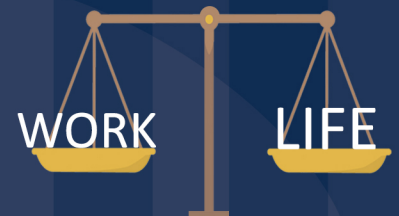
*The Law Library*



RESEARCH  
& INSIGHT

# Balance at the Bar

Members Survey, October 2019





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## I. Foreword

The Council of The Bar of Ireland, through the Resilience and Performance (R&P) Committee, is committed to raising awareness of the value of a positive working environment; to promoting discussion of physical and mental health; and encouraging members of the Law Library to seek help where necessary. It is important that the work of the Council is responding to the needs of the membership in this regard. In order to increase our understanding of the nature and prevalence of issues impacting on the psychological health and performance of barristers, the Council commissioned a survey entitled 'Balance at the Bar' to inquire into the general wellbeing of our members.

General wellbeing is a common concern that is uniting all bar associations across the world at present. The International Bar Association (IBA) conducted the largest ever global survey on bullying and sexual harassment in the legal profession and launched its report in May 2019. Recent studies on similar topics were also carried out by the Bar Council of England and Wales (2017) and the Victorian Bar Association (2018). It was therefore timely that the Council of The Bar of Ireland took the decision to undertake an internal survey of its own.

The survey has revealed interesting insights into members' attitudes and perceptions across a variety of areas including workplace happiness, collaboration and collegiality, physical and mental wellbeing, experience of stress, work-related concerns and negative experiences which members may have encountered including bullying, discrimination and sexual harassment. With a response rate of 26% (567 respondents), participation seems to have been comparatively even across the membership with good representation in terms of gender, age group and seniority making the survey a reliable and statistically significant source of evidence with which to inform Council and Committee decisions to support the positive wellbeing of the membership.

Many positives have emerged from the survey. It is encouraging to learn that most members are ostensibly healthy and happy in life. Barristers are most likely to consider their career as stressful but one that is underpinned by enjoyment and fulfilment. It is heartening to learn that a culture of collegiality and cooperation, which has long been regarded as one of the most valuable aspects of membership of the Law Library, continues to come to the fore with four out of five members considering the Bar to be a collaborative place of work.

However, it is clear that some members are experiencing difficulties and there are certain groups that are feeling more marginalised than others, but who equally may fail to utilise the structures and supports that exist to assist and support them. This group are more likely to be qualified five years or less, are predominantly aged under the age of 35, and are somewhat more likely to be female. It is apparent from the survey that female and younger barristers hold back from requesting support. Many are tentative to open up to colleagues for fear of portraying weakness or insecurity or signalling that they are not cut out for a career at the Bar. By contrast, Senior Counsel, older practitioners and those who have practiced for longer are much more comfortable about the idea of asking a colleague for help. This suggests that confidence to seek help grows with age and experience. Nevertheless, every effort should be made to cultivate a culture whereby reaching out for help is actively promoted and encouraged. The benefit of having a formal mentor is clearly supported by this study and makes a strong case for the continued roll-out and expansion of the Law and Women Mentorship Programme for female members.

Regrettably, more than a quarter of respondents say that they struggle to make a living, and this unsurprisingly bears a significant impact on members' happiness and mental resilience. As



is the case with many other self-employed professions, career progression is very much a factor of experience and it can take many years to build and sustain a successful practice and to achieve financial security and independence. However, the financial worries of members are compounded by the concern experienced by the vast majority of barristers that it can be very difficult to recover fees owing to them. 4 in 5 barristers worry about being paid for work that they have completed, with younger barristers and those practising five years or less harbouring substantial concerns about getting paid. Member surveys carried out over the past number of years have continued to flag this problem, particularly among the Junior Bar, so a proposal to introduce an enhanced fee information and fee recovery service to assist members was agreed by the Council in June 2019 and it is hoped to have it in place for members to access during the 2019/2020 legal year.

Stress goes beyond financial worries however. Anecdotal evidence that negative behaviour might be widespread and that members may under-report or avoid the mechanisms intended to deal with them is of particular concern to the Resilience & Performance Committee and the survey has served to validate some of those concerns. Bullying, discrimination and sexual harassment are indeed perceived to be widespread at the Bar. Bullying is the most widely experienced and indeed more widely witnessed by members, whereas discrimination and sexual harassment is almost exclusively experienced by female barristers. According to the survey, 11% of women have experienced sexual harassment in the past year in contrast with 1% of men.

Non-reporting of incidences whether personally experienced or witnessed is a concern for the Bar. A lack of confidence in reporting procedures and protocols; elevated levels of fear of repercussions; and concerns with respect to the profile or the status of the perpetrator are among the dominant reasons for non-reporting. But what is of particular concern is that incidents largely go unreported because the behaviour is perceived as commonplace and acceptable. Clearly work needs to be done to change this culture in the Law Library. The structure and the organisation of the Bar may have evolved over the years, but it is still evidently felt to be patriarchal and respectful of hierarchy which is not always helpful, particularly where the perpetrators of negative behaviours are invariably more senior colleagues. Procedural changes also need to occur in order to assuage doubts about the effectiveness of mechanisms to identify, police and eliminate these unacceptable aspects of life at the Bar.

As with many other professions, the day to day life of a barrister can be stressful and pressured. One in four feel under relatively constant stress, with going into court cited as a major stressor particularly among younger and female barristers. Such stressors are unavoidable in the legal world but experiences of stress and anxiety may be heightened by the considerable number of barristers (2 out of 3) who are concerned about their personal safety within the courts. 56% of respondents expressed concerns about decision-makers behaving in a hostile manner with just over half (51%) making spontaneous references to judges behaving in a bullying, threatening or intimidating manner. The impending establishment of a Judicial Conduct Committee under the recently enacted Judicial Council Act 2019 to promote and to maintain high standards of conduct among judges is very welcome and we look forward to seeing changes in this regard.

We are at a time of considerable focus on mental health and wellness. Thankfully, there is greater consciousness of such issues and increased preparedness to confront them. That a substantial number of barristers (31%) admit to the possibility of experiencing mental ill-health should be regarded as encouraging and it is important that structures are put in place to help and support those that are in difficulty. In the event of experiencing negative or intimidating





behaviour in the workplace, most indicated that they would likely turn to a colleague for assistance (72%) but for the most part there is a tendency for members to look to personal or medical supports rather than to those put in place by the profession. It is encouraging to learn that 72% of members are aware of internal support services such as Consult a Colleague — the confidential helpline for members, but with only 3 in 10 referring to it as a potential avenue of support for a struggling member, it is perhaps not being utilised to the fullest extent. 1 in 5 have suggested other mechanisms which may be more effective such as the introduction of workshops which could help members deal with issues such as stress and other challenges confronted during the course of their work.

The findings of this survey are of tremendous value to the work of the Council and we would like to express our sincere thanks to all those members who took the time to participate. Many of the issues raised will become a central focus for the Council and the R&P Committee over the coming legal year. Ensuring the well-being of our members is to ensure the long-term vitality of the profession and ultimately the interests of the clients that we serve.

Micheál P. O'Higgins SC  
Chairman  
Council of The Bar of Ireland

Maura McNally SC  
Chair, Resilience & Performance Committee  
Council of The Bar of Ireland



## II. Introduction & Context

Life at the Bar can be challenging. Although challenge can be seen as one of the most interesting and rewarding aspects of the profession, it can also be a major contributing factor to stress. The Council of The Bar of Ireland, through the Resilience and Performance Committee, is committed to raising awareness of the value of a positive working environment; to promoting discussion of physical and mental health; and encouraging members of the Law Library to seek help where necessary.

To ensure that the work of the Committee continues to respond to the needs of the membership, The Bar of Ireland decided to undertake a survey in the summer of 2019 entitled 'Balance at the Bar'. The survey inquired into the general wellbeing of the membership, exploring issues such as workplace happiness, collaboration and collegiality, physical and mental wellbeing, experience of stress, work-related concerns and any negative experiences members may have encountered including bullying, discrimination and sexual harassment.

The Irish Market Research agency, Behaviour & Attitudes was commissioned to undertake the survey and a questionnaire was developed aiming to address the issues of relevance. Approaches pursued in other territories, specifically Australia and Britain, were reviewed.

Questionnaire links were mailed out to 2,141 members of the Law Library and ultimately 567 opted to complete the questionnaire, a response rate of 26%. While the survey links were mailed by the The Bar of Ireland, the questionnaire was hosted on Behaviour & Attitudes server, enabling a greater sense of security and privacy for those choosing to participate.

Fieldwork on the survey was undertaken between 27<sup>th</sup> May and 19<sup>th</sup> June, allowing adequate time for slower responding members to participate. Reminders to participate were sent out by the Bar, again stressing the confidentiality of the study, and that members participation would not be logged or recorded. Likewise, individual members views are only reported in aggregate form, and no attempt is made to connect responses to individuals. Indeed all of the necessary controls to ensure adherence with Market Research Society and ESOMAR Codes of Conduct, as well as relevant data protection guidelines, were observed.

In the opinion of the researchers, a response rate of 26% is encouraging and indeed participation was very even across the sector, with good responses by gender, age group and seniority. The survey data is presented in an unweighted or raw format. The researchers didn't feel a need to apply corrective weighting to it.

### Focus

Workplace happiness

Collaboration & collegiality

Perceptions of the profession

Perspectives of own physical & mental health

Adequacy of current livelihood

Workplace concerns

Experience of stress or anxiety

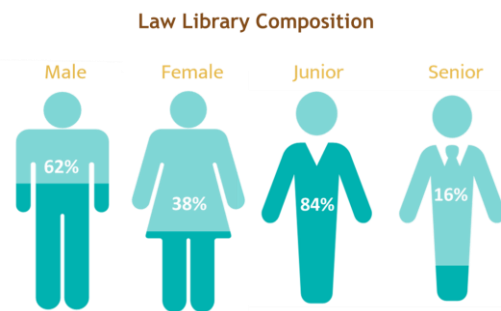
Negative experiences in the workplace

Reporting and dealing with workplace issues

Accuracy and perceptions of existing supports

### III. Overview of Survey Participants

The sample of respondents is representative of the current gender and junior/senior composition of the Law Library. Of the responses received, slightly more than half were from male barristers with 43% from female barristers. The majority of participants are Junior Counsel with 15% indicating that they are Senior Counsel. The size of the Junior Counsel contingent enables the analysis of the data by the perspectives of younger and older Junior Counsel, taking the age of 40 as an appropriate dividing line. These divisions by gender and seniority within the sample almost exactly mirror the structure of the full base of barristers.



Three out of four participants serve on the Dublin Circuit so there are inadequate numbers to study the responses from other individual circuits in isolation. Nonetheless, the perspectives of those who practice outside of Dublin can be studied as a group.

The average survey participant has served as a barrister for 14 years. Although as many as a fifth have practiced for just five years, almost a third (31%) have been in the profession more than 15 years.

Respondents indicated that roughly two out of three practice Civil Law, with a quarter focussed on Criminal Law and a fifth Family Law. There is some overlap between these disciplines.

	Total	Practice		
		Criminal	Civil	Family Law
<i>Base:</i>	567	134	473	121
	%	%	%	%
Male	57	63	59	36
Female	43	37	41	64
Under 35	23	23	24	25
35-49	48	51	50	34
50+	28	26	27	41
Junior Counsel (U40)	41	43	42	36
Junior Counsel (Over 40)	43	43	43	59
Senior Counsel	15	14	15	6
Up to 5 years practising	21	30	21	24
6-15 years	44	42	45	42
15+	35	29	34	35
<i>Mean Years</i>	13.7	11.9	13.3	13.9
Formally Mentored	13	15	13	12
Informally Mentored	42	41	44	39
Not Mentored	51	51	49	55

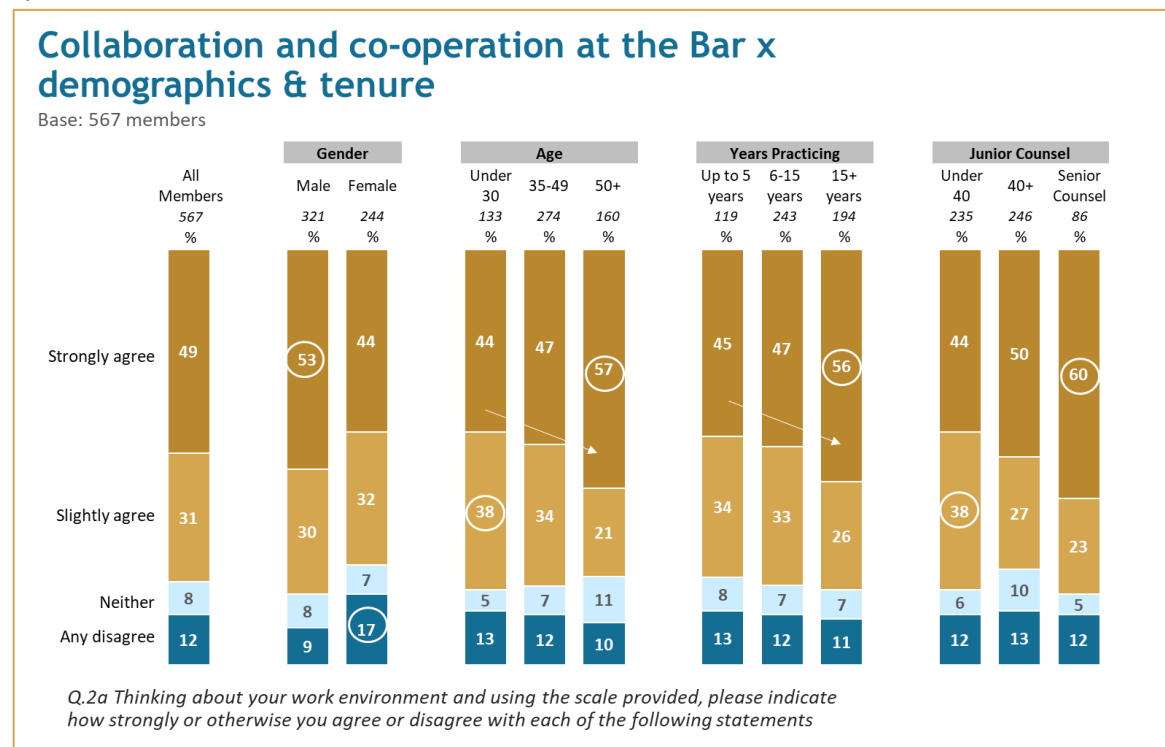
Focussing on the three separate groups, namely those who practice Civil, Criminal or Family Law, we note that the principal difference relates to seniority and age, with Family Law tending to attract more female barristers, and indeed a greater proportion of Junior Counsel over the age of 40, and fewer Senior Counsel. Roughly one in eight indicate that they are formally mentored, with practitioners of Family Law less likely to have a current mentor. Slightly more than two in five indicate that they have an informal mentor and this is common across all three practice areas.

## Analysis

### 1. Collaboration and Support

When queried about collaborative working and support structures or mechanisms at the Bar, four out of five practitioners indicate that there is a general sense of collaboration. Men and older barristers however are more likely to be of this view, with the vast majority of Senior Counsel strongly agreeing that the Bar is a collaborative and co-operative workplace.

Those that tend to disagree in relation to the collaborativeness of work practices at the Bar are more likely to be women than men, and interestingly, are somewhat more likely to practice Family Law.



Those practicing outside of Dublin tend to view the Bar as generally more collaborative and, perhaps relatedly, those without mentors are less likely to sense a collaborative or supportive working atmosphere.

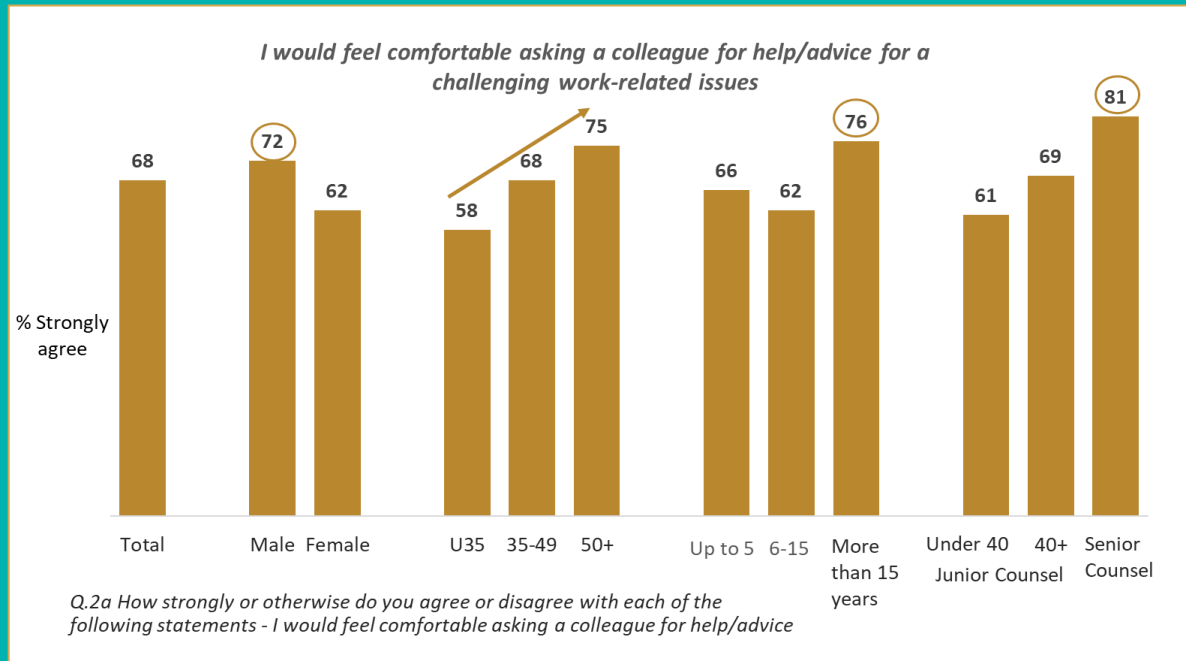
While the characteristics of those who question the collaborativeness of the Bar are interesting, and indeed tie-in with the characteristics of those who are generally less happy in the profession, it should still be emphasised that the majority are broadly positive in respect of workplace collaboration.

**Four out of five Barristers consider the work environment at the Bar to be collaborative.**



The vast majority of barristers indicate that they are comfortable to ask a colleague for advice or help and relatedly, two thirds of respondents disagree that asking for help or advice would be frowned upon by colleagues. Conversely, roughly a tenth of barristers agree that it would be considered poor form to ask for help, while up to one in three tend to be less than equivocal that it is acceptable to ask for help.

Senior Counsel, older practitioners and those who have practiced for longer are much more comfortable about the idea of asking a colleague for help, underlying this there is a notable gender difference, with men much more comfortable to seek help than women.



Barristers outside Dublin are more likely to disagree that asking for help or advice might be frowned upon by their colleagues.

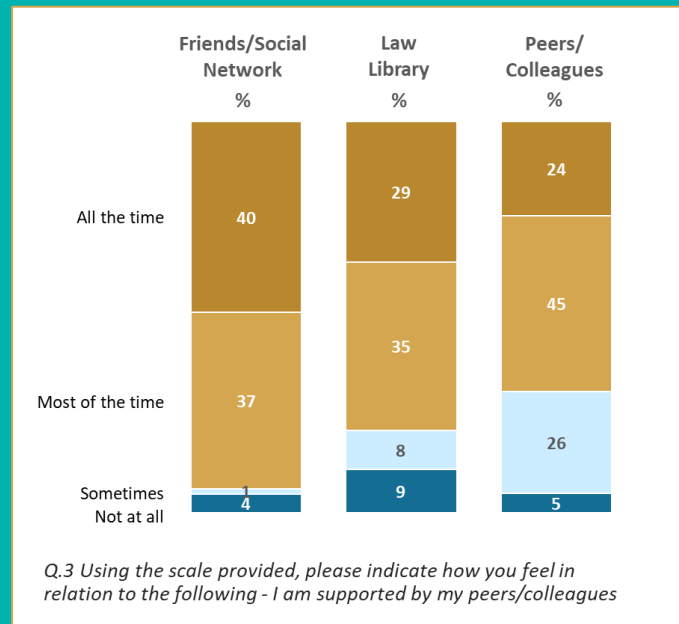
***Confidence to seek help grows with age and experience: female and younger Barristers particularly need reassurance as many evidently hold back from requesting support.***



## Sources of Support

When asked to indicate where they tend to turn to for support, it is noted that a significant majority indicated that their friends or social network are mainly thought of, with a lower proportion nominating the Law Library and the smallest group suggesting that they would necessarily turn to peers or colleagues for support.

Underlying this, there are interesting gender differences, with more than 7 in 10 male barristers comfortable to indicate that they look to their social structures, peers and the Law Library for support, whereas female barristers are substantially more likely to suggest that they would rarely or not do so and particularly in the context of turning to peers or the Law Library.



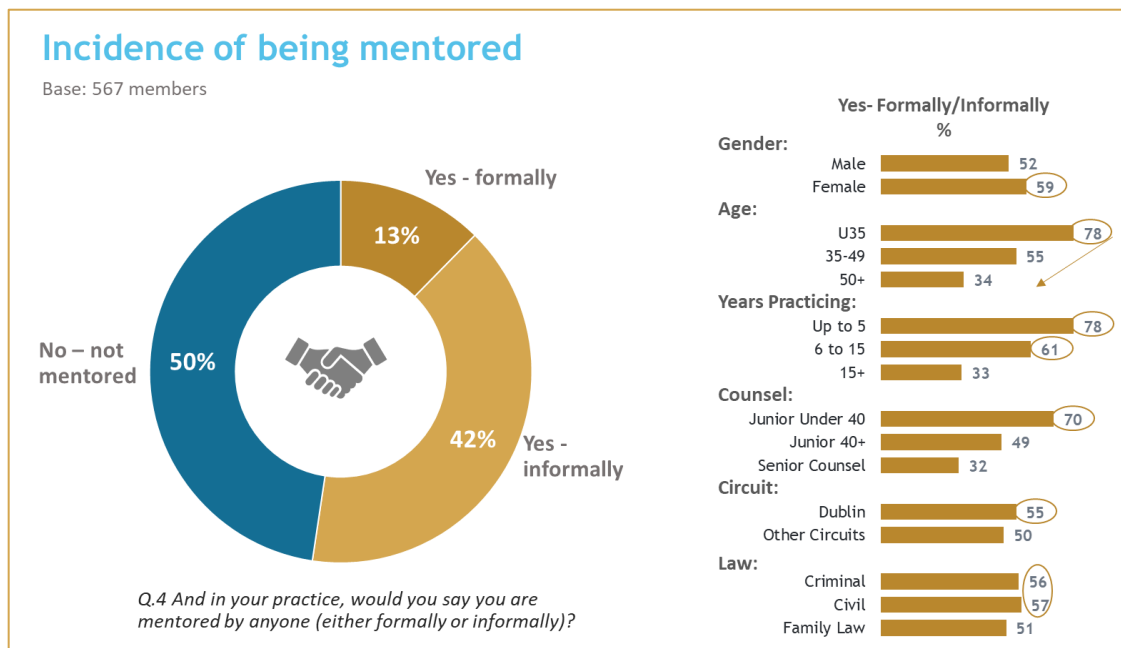
Sources of support: Gender differences	All/Most of the time		Sometimes/Not at all	
	Men	Women	Men	Women
SOCIAL	77	78	23	22
PEERS/COLLEAGUES	73	63	27	37
LAW LIBRARY	71	55	29	45

**Up to half of female Barristers seem reluctant to solicit support from either their peers or from the Law Library.**



## The Role of Mentors

1 in 8 barristers indicate that they have a formal mentor and this is very strongly influenced by age and length of time at the Bar. In addition as many as 42% have cultivated informal mentors while some evidently have both a formal and an informal mentor.



Younger Junior Counsel are considerably more likely to have a mentor, as are those on the Dublin Circuit and working in Civil or Criminal Law.

Family Law practitioners, female barristers and older Junior Counsel over the age of 40 (or indeed Senior Counsel) are much less likely to have a mentor.

Later in the report we will see that there is a notable relationship between having a mentor and being relatively more comfortable or happy at ones present stage of career.

Interestingly, comparing data on perceptions of collaboration for those with and without a mentor illustrates that those who doubt the collaborativeness of the Bar as a workplace are notably less likely to have a mentor.

***The benefit of a barrister having a formal mentor is clearly supported by this study.***

## 2. Attitudes to the Profession

When asked to describe words that they perceive to characterise working as a barrister in Ireland at present, the vast majority (84%) indicate that it is *'Challenging'*, three out of four that it is *'Interesting'*, but with 71% suggesting that it is *'Stressful'*. That it is *'Varied'* (66%) and *'Stimulating'* (59%) is encouraging, but with slightly fewer (56%) suggesting that it is *'Collegial'*. This should perhaps not be surprising, given the adversarial nature of the barrister's role.

Among the more worrying aspects is the sentiment, endorsed by 29%, that it can be *'Lonely'*, with this being notably more commonly remarked by female (35%) than male barristers. 22% describe the profession as *'Masculine'* and just 1% that it is *'Feminine'*.

Very few suggest that it is *'Reserved'* or *'Boring'* so the overall perspective is that of a job with inherent *'Difficulty'* but underpinned by *'Variety'* and *'Challenge'*. An innate aspect of the career is that it can be *'Stressful'*.

Turning to how barristers describe their own career at present, as many as 62% say that it is *'Stressful'*, with the next highest sentiments that it is *'Enjoyable'* (52%) and *'Fulfilling'* (43%).



Younger barristers are notably more than likely to describe the career as *'Worrying'*, but equally younger barristers tend to say that they are ambitious while men are more likely than women to describe their career at present as *'Successful'*.

Reflecting the earlier direct question about whether they perceive themselves as struggling or thriving, 23% indicate that they feel they are *'Struggling'* at present. 1 in 5 claim that they are *'Lacking in Confidence'* and again this sentiment is notably higher female and younger.

It should be stated that a career which involves standing up in open court and representing the interests of a plaintiff or a defendant in a debate about the truthfulness of the position of one or other, must undoubtedly involve an element of stress. It is not surprising therefore that many harbour doubts and concerns and that these are notably more elevated for those in the earlier stages of their careers.

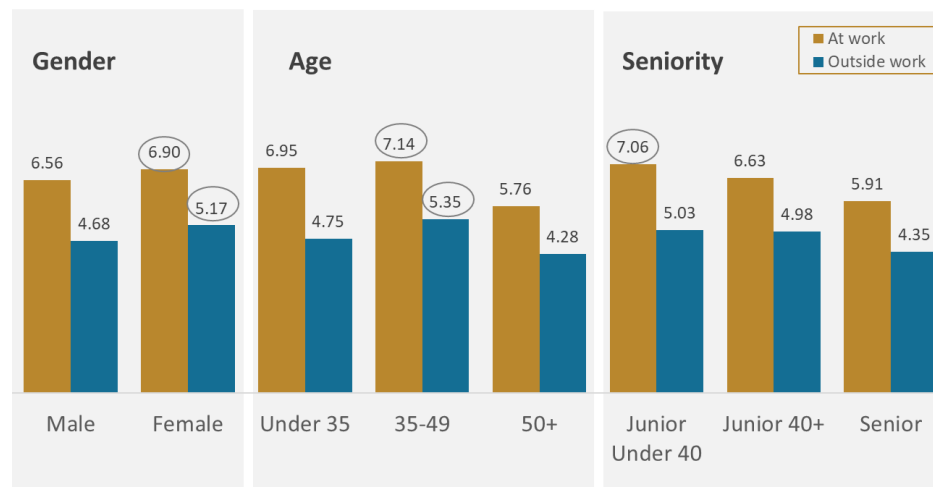
***Barristers are most likely to consider their career as 'Stressful', albeit underpinned by both 'Enjoyment' and 'Fulfillment'.***



Interestingly Junior Counsel under the age of 40 indicate a substantially higher level of stress at work and indeed, a wider gulf between workplace and domestic stress, than other groups. In other words their levels of stress vary to a much greater extent whereas Senior Counsel evidently have evolved to the extent that the contrast between domestic and workplace stress is much less significant, and the absolute level in either environment is more moderately perceived. Again, as a point of context, it is more probable that Senior Counsel’s families are a little older and as such the everyday trials and tribulations of juggling the conflicting demands of the two environments is likely to be less pressurised.

### Average rating of pressure experienced x demographics & seniority

Base: 567 members



Q.13 Please indicate the amount of pressure you currently feel (where 10 is a lot and 1 is very little)

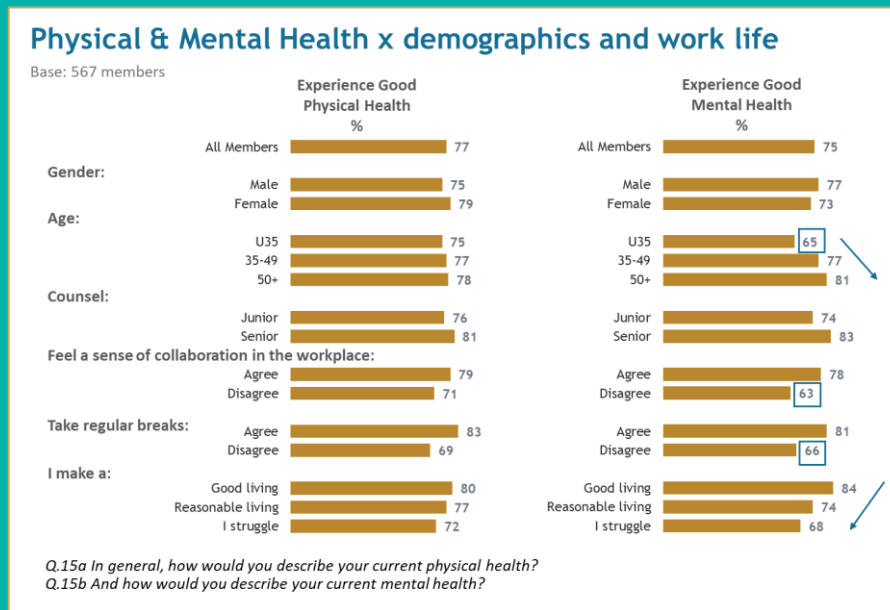
The study also illustrated that those barristers with a **formal** mentor are somewhat happier in life overall and indicates that they experience lower pressure *outside of work* too, albeit no greater or lesser pressure in the work environment. Those who have cultivated **informal** mentors experience greater pressure both inside work and outside, although this is probably a factor of their age and relative seniority (they are more often older Junior Counsel). Those who are unmentored are somewhat less happy in life overall but also seem to experience somewhat less pronounced pressure at work as well.

***Middle aged Barristers feel under greater pressure in all facets of work and life.***



### 3. Health & Wellbeing

More than 3 in 4 barristers (77%) believe that they are in good physical health with just slightly less (75%) suggesting that they are in broadly good mental health. Poorer health in either regard, whether physical or mental, is indicated by about 1 in 12, with roughly twice this number neither agreeing or disagreeing that they are in good or poor physical or mental health. As a worst case, about 1 in 4 are at least slightly circumspect about either aspect of their health. This might be worrying in its own regard, but in the opinions of the researchers, is probably not vastly dissimilar from comparable data for the working public.



Interestingly, the groups indicating more uncertainty in regard to their mental strength tend to be younger barristers, are slightly more likely to be female, and tend to disagree that they find the workplace collaborative, or that they have an ability to take frequent breaks throughout the day.

There is a reasonably direct relationship between poorer self-proclaimed mental health and lower quality of livelihood: those who are struggling are much more likely to indicate poorer mental health, whereas those who are thriving or making a good living are much less likely to indicate poorer mental health.

***There is evidence of a direct relationship between the mental health of Barristers and whether they feel they are making a good living or alternatively, struggling financially.***

#### Experience of Pressure

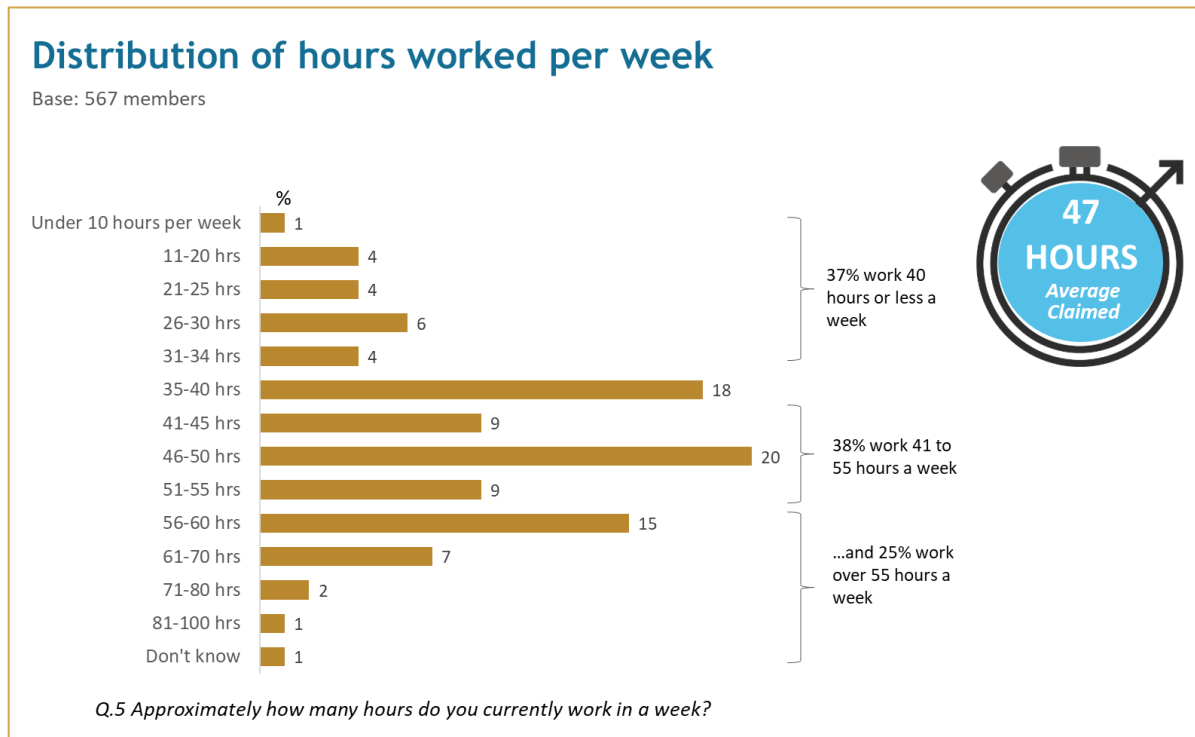
Barristers were asked to separately indicate the extent to which they experience pressure in their workplace and alternatively outside of work, in their home lives. The average claimed level of pressure at work emerges at 6.7 on a ten point scale. Conversely the average extent of claimed pressure at home emerges at roughly 4.9 on a scale out of ten.

Interestingly, those aged between 35 and 50 – what is typically referred to as the central family lifecycle – are much more likely to indicate elevated levels of pressure, both at home and at work. This stage tends to be where the greatest financial stresses occur, with growing families, creche and school fees and other substantial outgoings (and often at a time when income is under pressure).

## 4. Workload and Stress

The 'average barrister' indicates that they work 47 hours in a week, an amount quite notably in excess of the average working week in Ireland, but perhaps not that dissimilar from that which might be claimed by a typical working professional adult. The number of hours worked rises with seniority and there are very slight differences by division: those involved in Criminal Law work slightly more and those in Family Law slightly less.

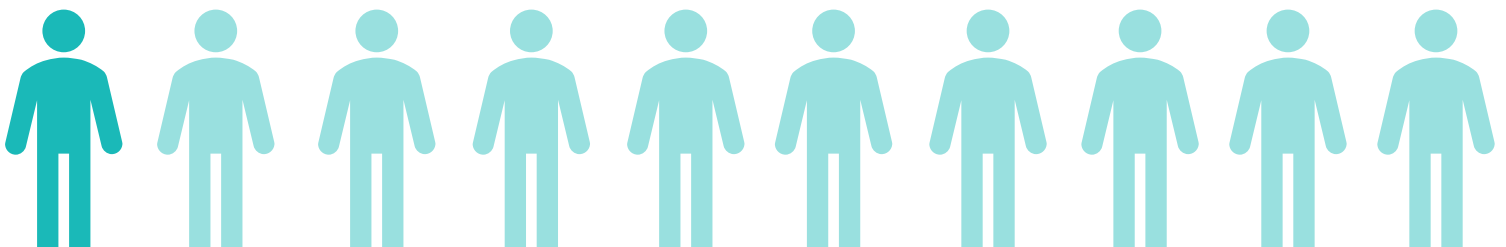
The average evidently conceals a considerable range of difference; we see that more than a third work 40 hours a week or less while a quarter work in excess of 50 hours in a typical week.



It is not surprising therefore that a considerable proportion of barristers are uncomfortable that they have insufficient resources and time available to deal with their workload at present.

There is a marked distinction between the perceptions of Junior and Senior Counsel, with three out of five Junior Counsel broadly unhappy with the adequacy of resources and time to address their workload, whereas less than half of all Senior Counsel express similar concerns. It is clear that Senior Counsel are better able to manage their work, or alternatively that Junior Counsel feel less in control of their own time and, as a result, struggle much more to manage their workload.

**About one in ten Barristers work less than 25 hours a week while a similar proportion claim to work more than sixty hours.**



## Management of Workload

A majority of barristers indicate that they find their workload manageable (29% disagree) and similarly, the majority indicate that they are able to take breaks throughout the day (30% disagree.)

Encouragingly, slightly more than half feel that they are able to integrate the things that are most important to them into their life and work.

However, female barristers and notably barristers in Dublin and qualified a shorter period of time tend to be much less likely to positively endorse such statements.

**Attitudes towards workload x demographics**

Base: 567 members

% AGREE	Total	Gender		Age			Years Practiced			Seniority			Circuit		Practice		
		Male	Female	U35	35-49	50+	Up to 5	6 to 15	15+	Junior Under 40	Junior 40+	Senior	Dublin	Other	Crim-inal	Civil	Family Law
<i>Base:</i>	567	321	244	133	274	160	119	243	194	235	246	86	427	140	134	473	121
	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%
Overall, I find my workload manageable	60	64	55	56	55	69	66	51	64	55	62	65	59	63	58	60	57
I am able to take regular breaks throughout the day	56	60	50	56	55	56	56	55	57	55	58	52	56	56	52	58	48
I am able to integrate the things that are most important to my life and work	55	58	51	53	51	63	55	53	58	53	58	52	52	63	52	55	59
I have significant control over the size of my workload	35	35	34	24	32	48	34	30	41	24	42	44	37	46	37	33	40
I have significant control over the pace of my workload	31	33	29	29	25	45	33	26	37	27	34	35	29	39	31	32	32

*Q.6 How strongly you agree or disagree to the following statements...*

The majority of barristers indicate that they don't have much control over the size of their workload nor indeed of its pace. In essence, they don't feel in control of their own destiny and this is again much more the case among younger barristers than older.

Ultimately just under half of all barristers believe that they have good work-life balance while a third disagree and 1 in 5 are undecided. A majority of those agreeing do so to a slight, rather than a strong, extent. Poorer work-life balance is more a function of age than it is of gender and unsurprisingly, is much more prevalent in Dublin than it is in other parts of the country. Many studies across different sectors would support a broad finding that work-life balance is more negatively impacted in Dublin than it is in other regions. This often relates to cost of housing, stresses of commuting and to the generally greater cost of living in the capital.

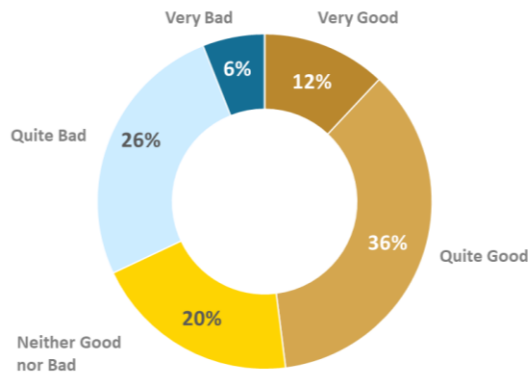
## Younger and female Barristers feel much less in control and also experience a poorer work-life balance.



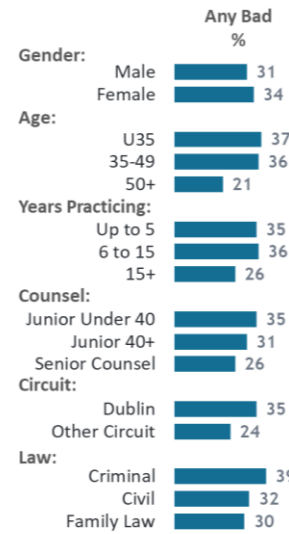


## Work life balance

Base: 567 members



Q.8 Thinking about your current work-life balance, how good or bad would you say it is?



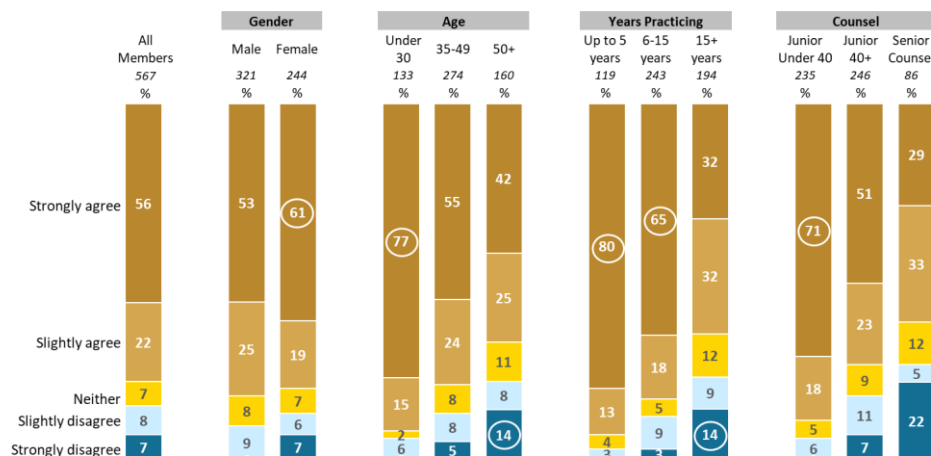
## Management of Livelihood

Almost 4 in 5 barristers (78%) worry about being paid for work that they have completed. Such concerns diminish only slightly among older barristers and Senior Counsel. Slightly more than one in four Senior Counsel (27%) aren't worried about being paid.

Younger barristers and those practicing five years or less harbour substantial concerns about getting paid.

## Worry about getting paid for work completed

Base: 567 members



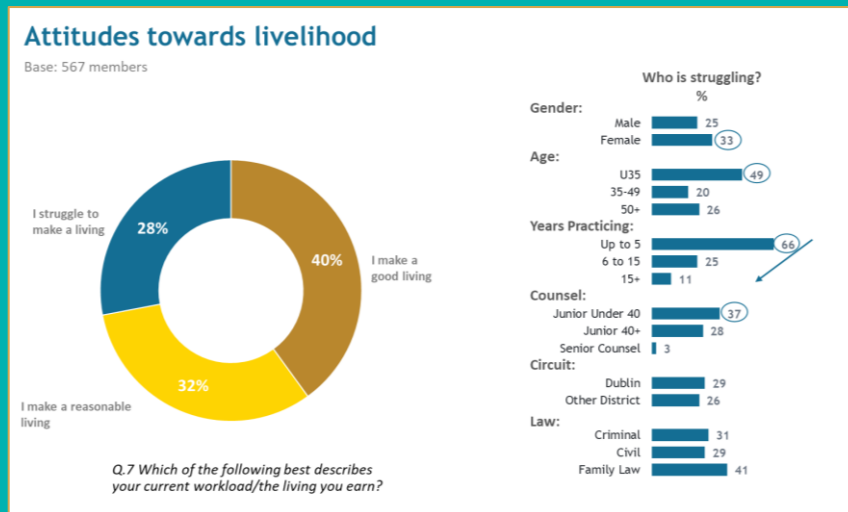
Q.6 How strongly you agree or disagree to the following statements...

**Four out of five Barristers worry about being paid for work they have completed.**

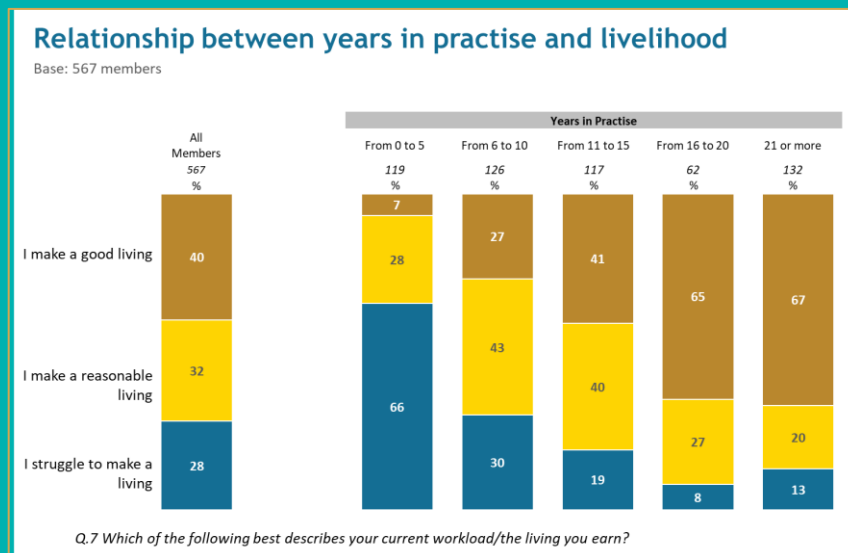
## Quality of Livelihood

Almost 2 in 5 barristers indicate that they make a good living whereas more than a quarter say that they struggle to make a living. The balance, one in three indicate that they make a reasonable living overall.

Ultimately, the struggling group are notably more likely to be qualified five years or less, are predominantly aged under the age of 35, and are somewhat more likely to be female than male barristers.



It is not surprising therefore that there is a very strong relationship between perceived adequacy of one's livelihood and the number of years in practice. Two thirds of those in practice for five years or less say that they are struggling and this declines to 30% practising between 6 in 10 years and just 19% in practice between 11 and 15 years.



A majority of barristers in practice for 16 years or longer say that they are making a good living overall.

***There is a very strong relationship between length of time practising and feeling that one is making a good living.***

## Causes of Stress

Although 7 in 10 barristers indicate that they feel reasonably happy in the profession, a slightly greater number, more than 8 in 10 (82%) say that they often find themselves worrying about work related matters in their free time. While this seems high, it may not be unrepresentative of perspectives in other professions perhaps; undoubtedly few professionals are able to switch off at 5pm in the modern era.

While this may be inevitable, a significant number – indeed a majority – believe that showing signs of stress at work indicates weakness, with a similar number saying that they often feel excessive levels of stress at work.



2 out of 3 barristers say that they tend to dwell on their mistakes and up to half claim difficulty sleeping due to work related worries or pressures.

A minority, but a substantial number nonetheless (38%) suggest that making mistakes can be seen within their environment as a learning experience.

## Four out of five Barristers worry about work in their downtime.

**Causes of stress in the workplace x demographics**  
Base: 567 members

	All Members	Gender		Age			Years Practiced			Counsel		
		Male	Female	U35	35-49	50+	Up to 5	6 to 15	15+	Junior Under 40	Junior 40+	Senior
<b>Base:</b>	567	321	244	133	274	160	119	243	194	235	246	86
	%	%	%	%	%	%	%	%	%	%	%	%
I often find myself worrying about work related matters in my free time	82	80	84	87	87	68	80	90	74	90	78	71
I am currently feeling reasonably happy in my profession	70	74	65	74	67	70	71	67	72	72	65	77
I tend to dwell on my mistakes	67	61	74	77	70	53	66	75	57	77	59	60
Losing a client/case tends to impact on my confidence	63	60	68	67	69	49	53	73	56	70	57	58
I often feel excessive levels of stress at work	63	60	67	68	66	53	58	71	55	69	61	53
I feel that showing signs of stress at work indicates weakness	62	57	69	65	67	52	55	68	60	64	61	60
I find it difficult to sleep due to work related worries	49	45	55	57	51	40	40	60	43	56	46	41
Within the environment I work in, genuine mistakes are seen as a learning experience	38	40	36	41	36	39	47	34	39	37	40	37

Female barristers are significantly more likely to endorse negative sentiments around stress in the workplace than their male counterparts. Likewise elevated stress is more apparent of those qualified between 6 and 15 years (i.e. mid career) than it is apparent of those at the earlier and later stages in the profession.

Reviewing spontaneous feedback provided by respondents within the survey about causes of stress, it is apparent that many ultimately relate these to worries around financial security and the inability to pay bills.

### Challenging Issues

When asked to describe elements that make their life challenging or difficult, we see that almost 2 out of 3 barristers are concerned about their personal safety within the courts while slightly more than half (56%) are concerned about decision makers behaving in a hostile manner. Indeed the same number – 56% - indicate that they have personally experienced this whereas just 3 in 10 have direct or immediate personal experience of feeling threatened or insecure while working in the courts.

#### Issues Experienced

*(Base: All Barristers)*

Decision makers behaving in a hostile manner	56%
Decision makers abusing power	38%
Threats to personal safety and security in Courts	31%

Q.26a In recent years, evidence of the following issues have been reported in other jurisdictions. In your opinion, which of them, if any, would you regard as being a challenge for Barristers in Ireland at present? And which of them, if any, have you ever experienced?

Abuses of power by decision makers are felt to be a significant issue for just under half of all barristers with 4 in 10 saying that they have experienced abusive power by decision makers.

When asked to express in their own words the factors that contribute to the workplace being a challenge, slightly more than half (51%) made spontaneous reference to the behaviour of members of the Judiciary. Judges making humiliating or bullying comments was mentioned by 1 in 5 whereas 1 in 8 talked about aggressive actions or threats by a client or a member of the client's family.

In conclusion it is evident therefore that stresses manifest in the workplace, and are experienced more by younger and notably female barristers. For many in the profession they often relate to difficulties making ends meet or concerns about being paid. Stress goes beyond financial worries however, with up to half making spontaneous references to judges behaving in a bullying, threatening or intimidating manner.

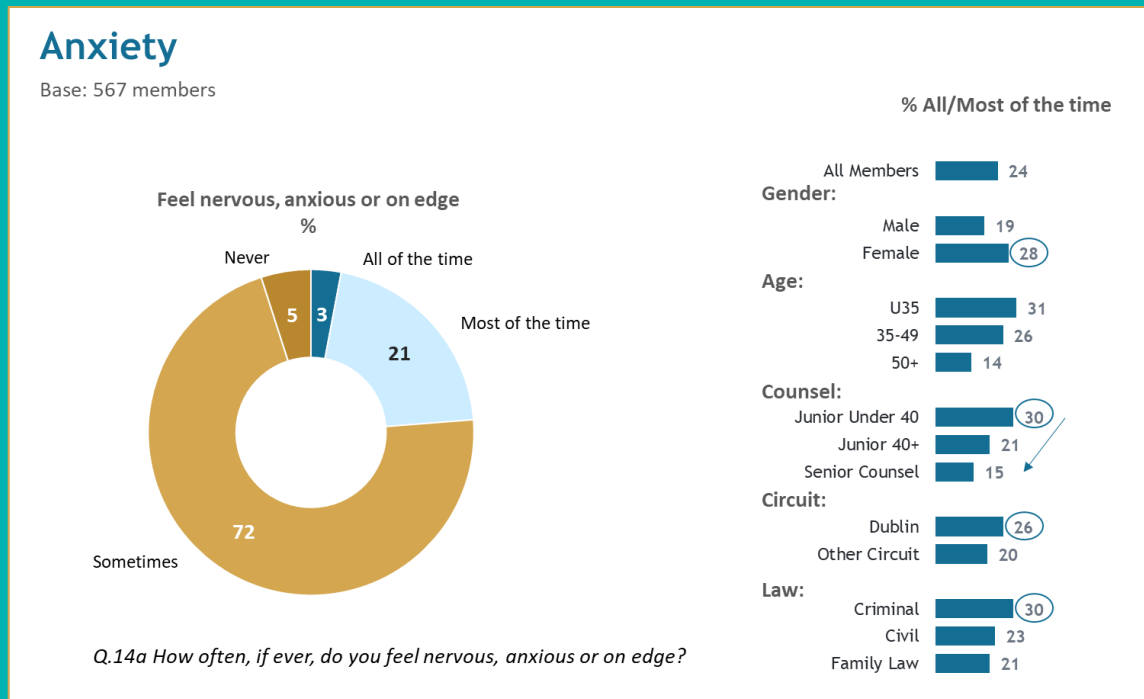
***More than half of all Barristers spontaneously reference judges behaviour as a challenging factor within the workplace.***



## The Experience of Stress & Anxiety

A quarter of all barristers (24%) indicate that they experience stress (or anxiety or being on edge) 'most' or 'all of the time'.

Slightly more than 7 in 10 experience stress at least some of the time whereas just 5% indicate that they never feel nerves, anxiety or stress. The experience of stress is much greater among younger barristers and notably those who work as Junior Counsel and indeed in Dublin. Barristers working in the Criminal area are more likely to be stressed than those who practice Civil or Family Law.



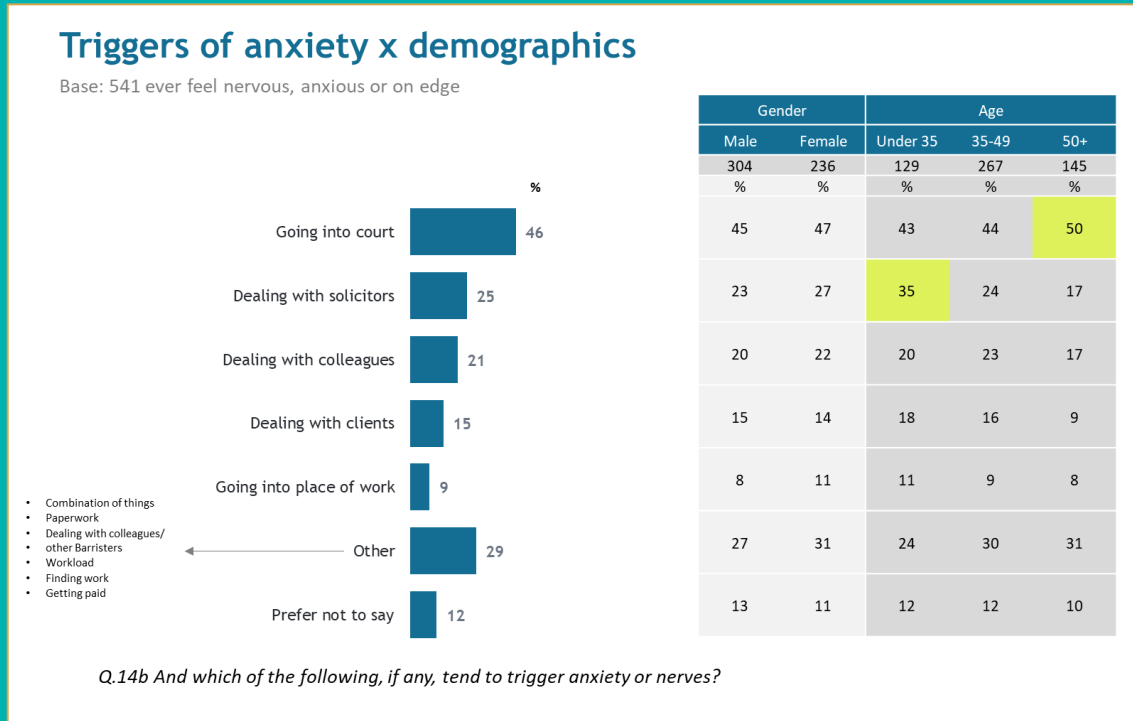
Of those who ever experienced stress or anxiety, the greatest number (46%) indicate that this is often triggered by going into court, with a quarter sometimes unnerved in dealing with solicitors, a fifth concerned about dealing with colleagues and about one in seven feeling that it can be triggered by interacting with clients. It is evident that there are multiple stressors in the legal world and quite evidently many of these are unavoidable.

***One in four feel under relatively constant stress.***





Younger barristers are notably more likely to worry about dealing with solicitors whereas older barristers have greater concerns about going into court but worry less about other things.



Interestingly those involved in the Criminal area are notably more likely to express concerns about dealing with clients and are somewhat less perturbed about going into court.

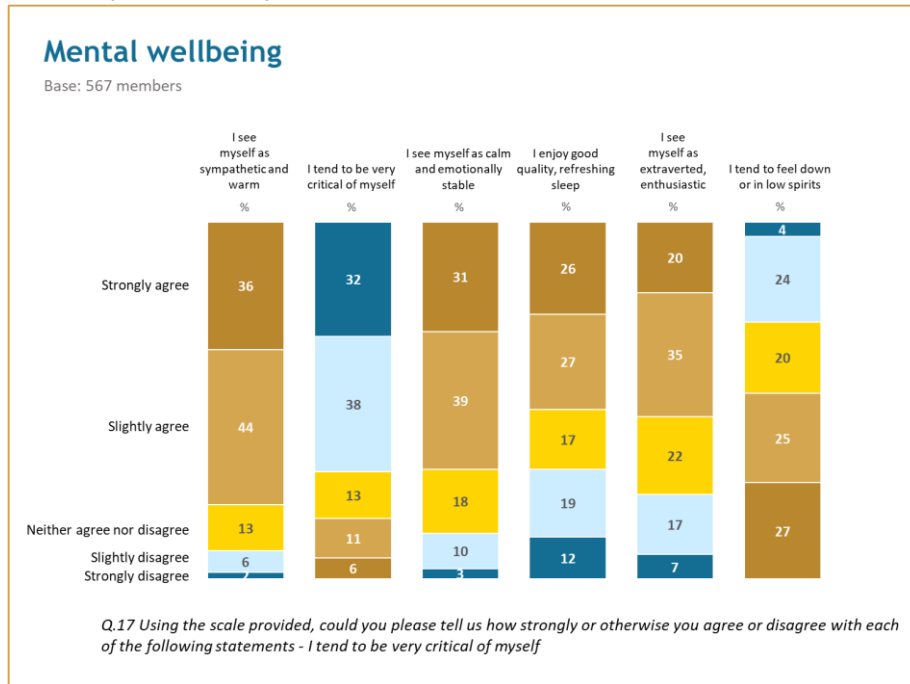
## Having to stand up in court is the major stressor for Barristers



## Resilience & Strength

Many barristers feel that they are ‘sympathetic and warm’ and also have an impression of themselves as being ‘calm and emotionally stable’ (70%).

Despite this, as many barristers – again 7 in 10 – say that they tend to be highly ‘self-critical’ and ultimately we see that just under 3 in 10 (28%) can ‘tend to feel down or in low spirits’.



Encouragingly, a slight majority (53%) say that they enjoy good quality or refreshing sleep and 55% see themselves as extroverted and enthusiastic. Conversely, more than 3 in 10 don’t enjoy good sleep while a quarter of barristers are neither extroverted nor enthusiastic.

The experience of self-criticism is notably elevated among younger and female barristers and interestingly is marginally higher on the Circuits than it is in Dublin. This may relate to working in an environment which is effectively smaller and where ones successes or failures may feel more visible.

## Depression as a Consequence of Work

When asked whether they have ever experienced depression or mental ill-health as a result of their work, 31% answered in the affirmative. The incidence of work-related depression is higher among female than male barristers and more apparent of Junior Counsel qualified between 6 and 15 years.

Interestingly, as many as 52% feel that depression or mental ill-health is at least reasonably prevalent among barristers. Men and older barristers are less likely to perceive it as pervasive whereas women and younger barristers are more likely to think that it is. Quite remarkably, 63% of under 35 year old barristers feel that depression or mental ill-health as a result of work is widespread among barristers. The corresponding levels in the middle aged range are 55%, declining to just 38% over the age of 50. Female barristers are significantly more likely to perceive depression as widely prevalent than their male counterparts (59% compared with 47%).

**7 in 10 (70%) agree that they tend to be very critical of themselves.**

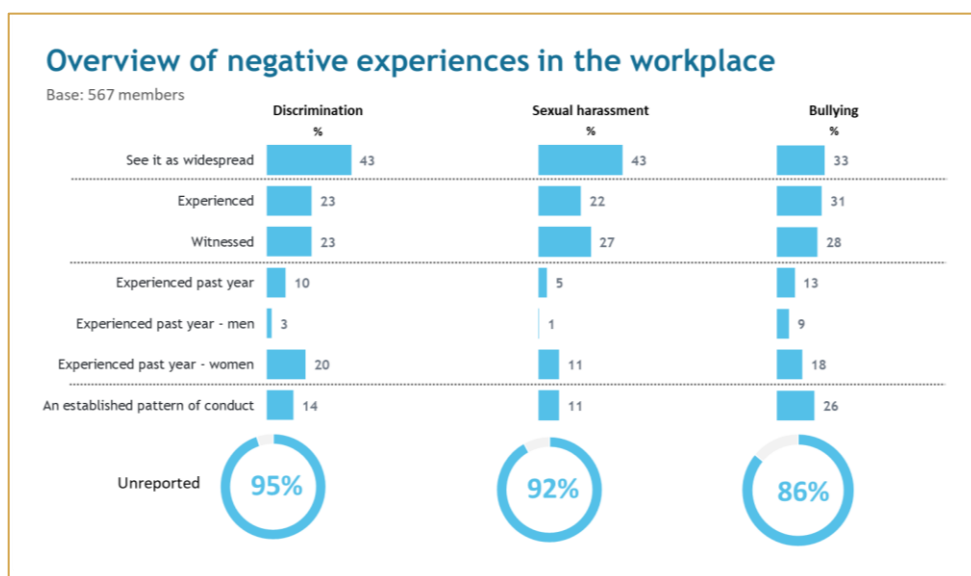
## 5. Negative Experiences in the Workplace

The study explored three specific types of negative experience in the workplace, namely discrimination, sexual harassment and bullying. In respect of each of these, barristers were asked about their own personal experience, as well as to indicate whether they had ever witnessed instances of any of these behaviour types.

The recency of the experience in each case was also probed, enabling the measurement of past year experience of each, and indeed the results can be broken down in this regard by gender.

Additionally, the study also asked whether the behaviour observed or experienced was perceived to be part of an established pattern of behaviour, or alternatively something that was seen as a one-off or isolated incident.

Ultimately, in relation to each of these occurrences – whether experienced or witnessed - the question was posed as to whether the incident had been reported and if so, in what manner, or to whom.



Both discrimination and sexual harassment are perceived as comparatively widespread at the Bar, each being so characterised by 43%. By contrast, a third see bullying as widespread although ultimately it emerges as the negative behaviour most likely to have been experienced by individual barristers. 31% have been bullied in comparison with 23% experiencing discrimination and 22% sexual harassment.

***The vast majority of Barristers tend not to report incidents of discrimination, sexual harassment or bullying to any authority.***

Both bullying and sexual harassment have been witnessed by slightly more than 1 in 4 and discrimination by somewhat less, under 1 in 4. Focussing on past year incidences, bullying is the most commonplace, having been experienced by more than 1 in 8 barristers (13%) with discrimination experienced by 10% and sexual harassment by 5%. However, when we focus on these within gender we see that 1 in 5 female barristers believe they have been discriminated against in the past year, just under 1 in 5 have been bullied and 11% have experienced sexual harassment.

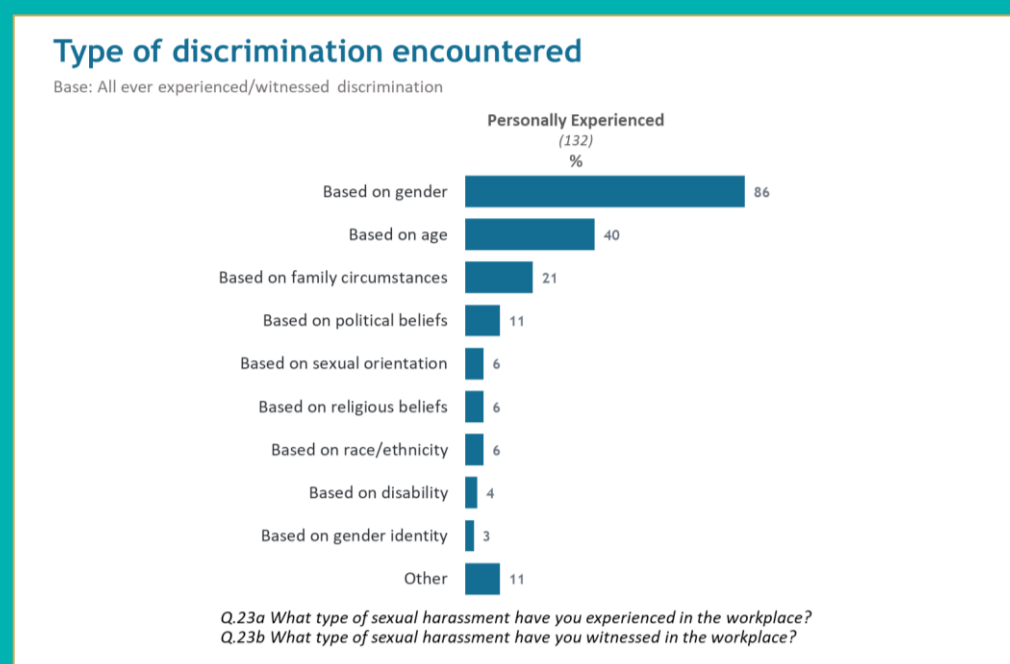
There are very few incidences of such negative experiences being reported: 1 in 20 cases of discrimination were reported, less than one case in ten of sexual harassment, and about one case in seven of bullying.

What is interesting therefore in respect of bullying is that it is more widely experienced and indeed more widely witnessed than any other form of negative experience, although notably fewer imagine that it could be widespread or commonplace behaviour. Contradicting this, a quarter of those who witnessed or experienced bullying perceive that it was probably part of an established pattern of conduct, whereas far fewer thought the same in respect of instances of discrimination or sexual harassment, whether experienced or witnessed.

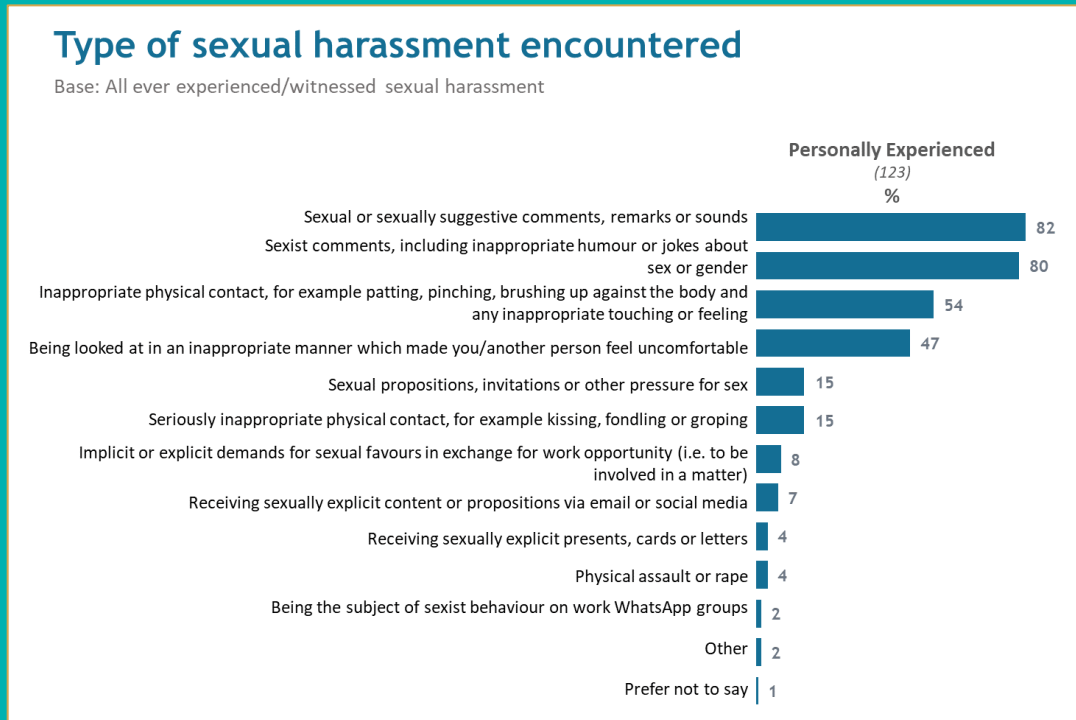
In respect of discrimination and sexual harassment (in particular) experience is much greater among younger barristers than older. However, when it comes to bullying the incidence is similar by age group. Female barristers are much more likely to have experienced either discrimination or sexual harassment whereas both men and women tend to have experienced bullying, although again, women are twice as likely to have been bullied in the past year as men.

The perceived perpetrators of bullying tend to be varied, with senior colleagues and opposing counsel to the forefront, but Judges also prominently mentioned. By contrast in relation to sexual harassment it is invariably likely to have been perpetrated by a more senior colleague, whereas discrimination emerges from many sources: senior colleagues (66%), instructing solicitors (58%), judges (52%), an opposing counsel (42%).

The vast bulk of discrimination tends to have been based on gender, albeit with a small element related to age or family circumstance.



Sexual harassment tends to consist of sexually suggestive or sexist comments, inappropriate contact and inappropriate staring that makes the person feel uncomfortable.

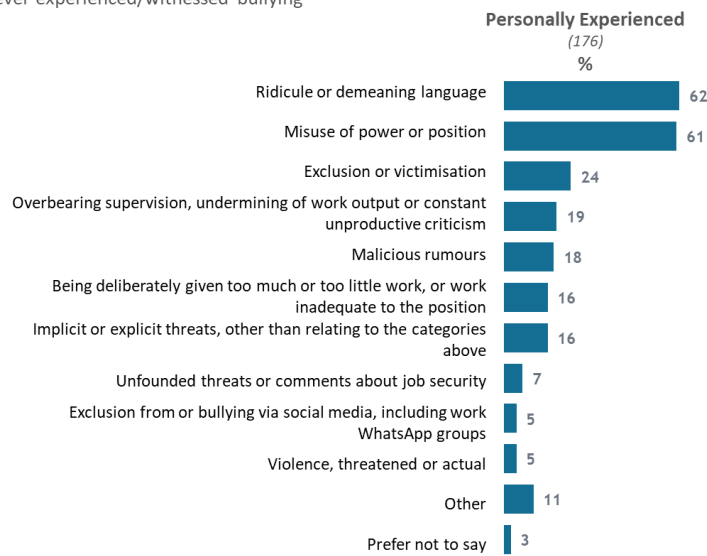


Bullying is predominantly described as involving ridicule or demeaning language, or the misuse of power or position. However, other manifestations include exclusion, overbearing supervision/unproductive criticism, the spreading of malicious rumours and being assigned demeaning or inappropriate tasks.



## Nature of bullying

Base: All ever experienced/witnessed bullying



Q.24a And what type of bullying have you experienced in the workplace?

As indicated non-reporting of all three instances, whether witnessed or experienced is widespread. Slightly more than 1 in 4 in each of these cases indicated a lack of confidence in reporting procedures and protocols. Their elevated levels of fear of repercussions for others in the context of non reporting of sexual harassment and a fear of revisiting the incident is more pronounced in the context of instances of bullying.

## Reasons for not reporting incidents

Base: All experienced/witnessed discrimination/sexual harassment/bullying and did not report it

	Experienced/Witnessed		
	Discrimination	Sexual Harassment	Bullying
<b>Base:</b>	<b>241</b>	<b>245</b>	<b>291</b>
	%	%	%
Incident common / perceived as acceptable	59	60	46
Fear of repercussions for self	51	42	44
Profile/status of the perpetrator (e.g. senior colleague)	42	40	37
Lack of confidence in protocols / reporting procedure	29	26	27
Unaware of the correct protocols / reporting procedure	17	17	18
Did not recognise as discrimination/sexual harassment/bullying until time had passed	17	14	11
Fear of repercussions for others	15	19	15
Did not wish to revisit the incident	13	12	16
Lack of evidence	12	11	10
Fear of not being believed	7	9	9
Reported previously and no / insufficient action taken as a result	2	1	2
Prefer not to say	5	7	8

Q.22l And why was it that you did not report an incident(s) that you experienced/witnessed?

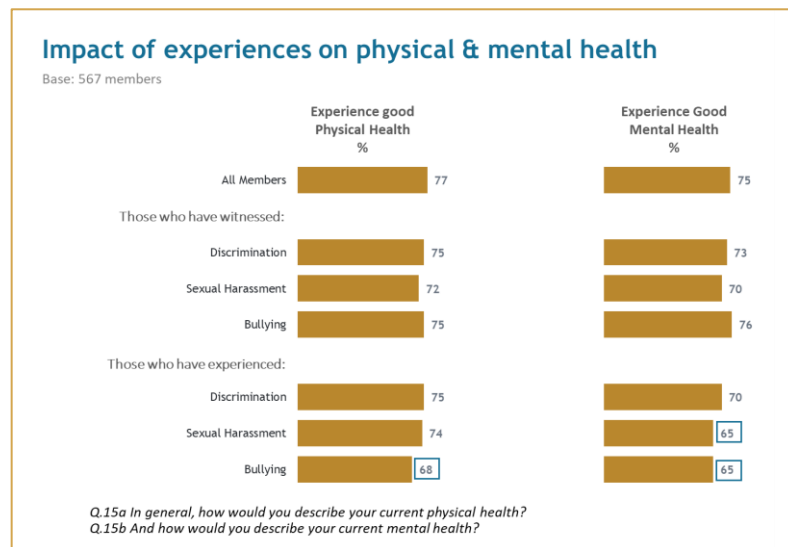
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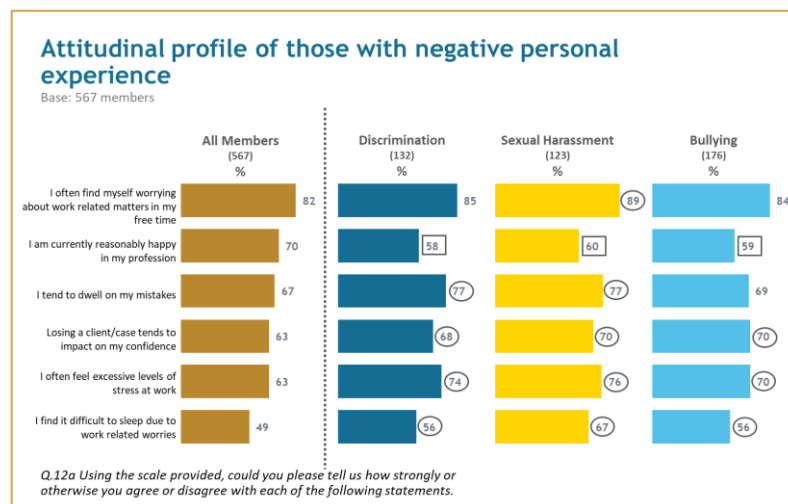
In all three instances the most common reason for non reporting is that the incident itself is perceived as commonplace or acceptable. This is followed by fear of repercussions or reprisals for oneself, with concerns in respect to the profile or the status of the perpetrator the third most common deterrent to reporting each aspect of bad workplace behaviour.

## 6. Impact of Negative Behaviour in the Workplace

There is no apparent relationship between witnessing any of these behaviours in the workplace and experiencing poorer physical or mental health. However, when we turn to those who have directly experienced each of these we see that victims of discrimination, and particularly sexual harassment and bullying, are much more likely to experience poorer or mental health, while those who have been subjected to bullying in particular also exhibit poorer scores for self-assessment of physical health too.



It is also instructive to relate the experience of discrimination, sexual harassment and bullying to barristers' perspectives on work and life.



Those who have experienced each of these are substantially less likely to say that they are happy in the profession and notably more likely to worry about work-related matters in their spare time. The same is true in relation to those who have experienced each of these three incidences with a greater tendency to dwell on mistakes, much greater experience of elevated stress and a tendency then to diminished confidence where a case is lost. All three experience greater difficulty sleeping and particularly those who have experienced sexual harassment.



The average claimed satisfaction with life score is 7.13 on a ten point scale; very close to what we would have expected from a representative sample of the adult population. Irish adults tend to give higher marks for their own happiness, and indeed healthiness, than residents of almost all other countries in Europe. There is a tendency in Ireland to 'put a good face' on many aspects and the same is true in respect of satisfaction with life.



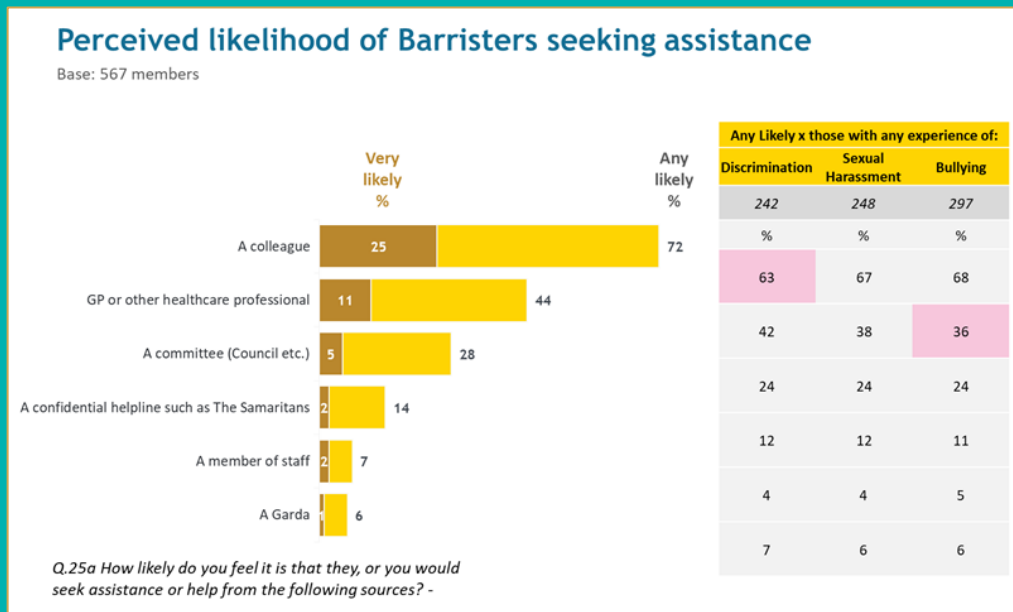
However those who have experienced discrimination, sexual harassment or bullying at the Bar are notably less likely to be happy in life, with much elevated levels of disquiet, and particularly so among those experiencing sexual harassment or bullying.

***Those with Personal Experience of Discrimination but more particularly of Sexual Harassment or Bullying, indicate notably lower life satisfaction than other Barristers.***



## 7. Workplace Supports

In the event of experiencing negative or intimidating behaviour in the workplace, most indicated that they would be likely to turn to a colleague for assistance (72%), followed by a GP or healthcare professional (44%) or a Committee of the Bar (28%). For the most part there is a tendency to look to personal or medical supports rather than to those put in place by the profession.



Those who would be anxious about turning to a colleague, perhaps feeling that it would be frowned upon to ask for advice, largely indicate that they would tend not to seek support: at best they would go to a friend with legal knowledge or indeed a friend without legal knowledge.

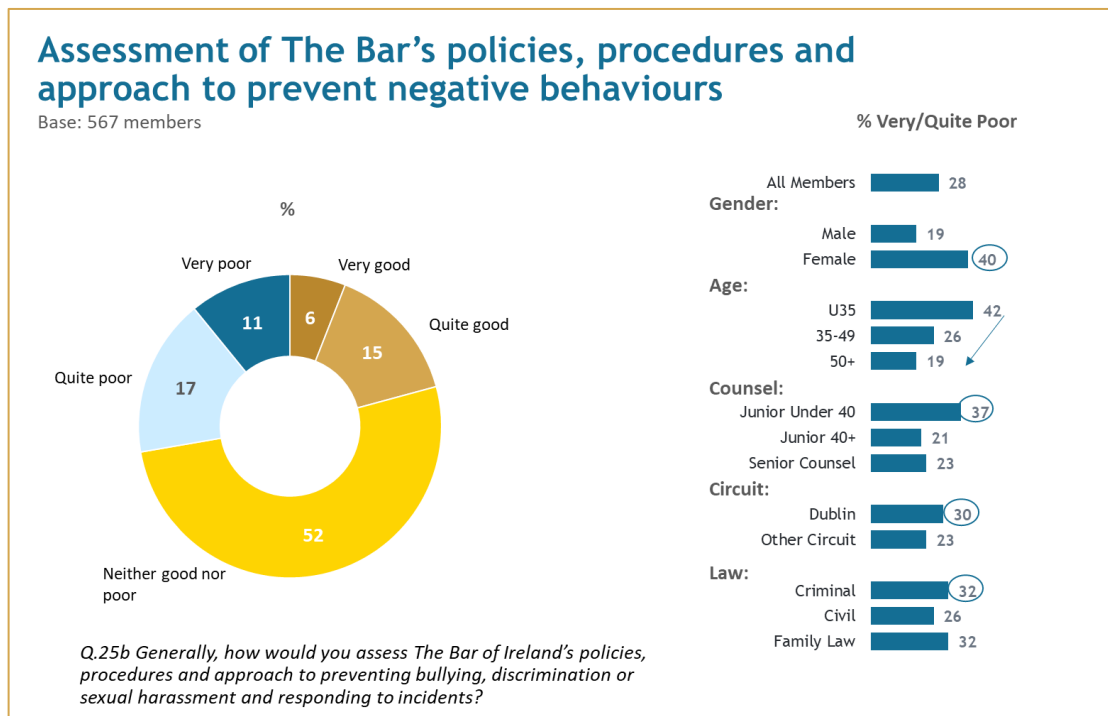
Nonetheless, there is reasonable awareness of initiatives such as the Consult a Colleague Helpline (72%), the Professional Practices Committee Advisory Services (50%), the Law and Women Mentorship Programme (40%) and the Resilience and Performance Committee (18%). Perhaps encouragingly, 3 in 5 female barristers are aware of the Law and Women Mentorship Programme.

Interestingly, of those who don't sense a spirit of collaboration in the workplace, there is higher awareness of the Consult a Colleague Helpline (78%) and indeed of the Law and Women Mentorship Programme (50%, as compared with a 40% level among all barristers.)

When directly queried about initiatives that might support stressed members, roughly 4 in 10 (42%) couldn't name any of them. However just under 3 in 10 mention the Professional Practices Committee Advisory Service and the Consult a Colleague Helpline.

When asked to make suggestions themselves about initiatives that vulnerable members might benefit from, almost 1 in 5 spontaneously suggested the introduction of workshops, with 1 in 8 suggesting that some help provided in the collection of fees, with the next most common suggestion relating to cultural changes and/or changes in the supports available and the operation of the Bar itself.

In overall terms, over half of barristers have no view on the policies, procedures and approach of the Bar to preventing negative behaviours. Just over 1 in 5 feel that the Bar’s policies, procedures and approaches to preventing negative behaviours are good whereas a greater number, 28%, are critical of them. The remainder are largely undecided or unsure.



Just under 4 in 5 barristers participate in social and educational events hosted by the Bar. Participation is poorer for those in the more stressed mid-life stage (35 – 49) and among either age group in the Junior Counsel ranks.





## Summary & Conclusions

This 2019 survey of barristers attitudes and opinions illustrates a sector in which standards and expectations are very high, but equally one in which many practitioners experience ongoing personal insecurity and stress.

Most barristers are ostensibly healthy and happy in life but the survey consistently shows that certain groups may feel more marginalised but equally may fail to utilise the structures and supports that exist to assist and support them. It may be the case that the Bar needs to review support structures and traditional approaches and procedures to more fully address the difficulties experienced by female and younger barristers particularly.

Mentoring, whether formal or informal is evidently beneficial, with evidence that it can go some way towards providing necessary emotional and workplace support.

Most feel that the Bar is supportive and collegial and indeed many say that they will turn to a colleague when they are under pressure. However, the comfort to do this grows significantly with age and it is inescapable that those who are personally uncertain may be less likely to do something that they feel might suggest personal weakness. Furthermore there is an underlying impression that collegiality and support is sensed more by male and older barristers. Clearly more needs to be done to redress this and to ensure that female and younger barristers experiencing difficulties are sufficiently reassured to seek assistance where they should.

As in many other professions the day to day life of the barrister can be stressful and pressured. A quarter of barristers experience anxiety and stress on an ongoing basis and as many as seven in ten admit to being highly self-critical. Going into Court is a trigger of anxiety for almost half of these and this is more apparent for younger and female barristers. Up to 31% of all barristers indicate they have experienced depression or mental ill-health as a result of their work. Many organisations now invest heavily in Assistance Programmes for employees and, health and wellness initiatives, many of which directly focus on areas such as resilience, work/life balance and ensuring that employees are both supported and have someone independent to turn to where they experience difficulties. The adoption of similar supports, albeit ones tailored to an environment of self-employment and rivalry with co-workers for briefs and livelihood, needs to be actively considered.

Many barristers struggle financially, compounded by the concern experienced by the vast majority that it can be very difficult to recover fees due to them. It is particularly the case that younger barristers have difficulty making ends meet, with many taking years to achieve financial security and independence. The study illustrates a very direct relationship between mental resilience and happiness in life with whether a barrister may be struggling or doing well financially.

This may also contribute to a situation whereby they may be tentative to open up to colleagues for fear of betraying weakness or insecurity, or in essence, signalling that they are not cut out for the profession.

Another focus of this study was to examine the experience of bullying, discrimination and sexual harassment within the workplace. These are perceived as long-term and ongoing issues, and perhaps perpetuated by the structure of the Bar and the hierarchial nature of the profession. All three aspects are indeed widespread, with discrimination and sexual harassment both almost uniquely experienced by female and generally younger barristers. Discrimination is invariably gender based, but can be perpetrated by colleagues as much as by superiors. Bullying is imagined to be less widespread but paradoxically has been witnessed and experienced by more barristers – young and old, male and female – and is more likely to be seen as routinised rather than ill-considered or accidental.

In all three cases, there are very low levels of reporting and a strong sense that the Bar exists to preserve the status quo, rather than to police such infractions. Perpetrators are invariably more senior colleagues, except as noted in the case of discrimination, and it is vital that necessary shifts



occur to assuage doubts about the effectiveness of mechanisms that exist to identify, police and eliminate these intolerable aspects of life at the Bar.

It is undeniable that cultural change is required to ensure that perpetrators are identified and called out. Interestingly, up to half of all barristers that participated in the study availed of the opportunity to spontaneously identify instances of Judges behaving in an unacceptable manner, namely being hostile or abusive.

As researchers our perspective is influenced by studies we have undertaken among other professions and groups. It needs to be stressed that we are at a time of considerable focus on mental health and wellness; there is greater consciousness of such issues and increased preparedness to confront them and, in some instances, to recognise the need to seek help and support. That a substantial number of barristers admit to the possibility of experiencing mental ill-health should be regarded as encouraging and it is important that structures are put in place to help, support and encourage those in difficulty.

More concerning, and indeed an aspect of which we don't have parallel experience in another professional sector, is the experience of comparatively widespread discrimination, bullying and sexual harassment at the Bar. This needs to be confronted and for substantial cultural change to be encouraged. The structure and organisation of the Bar may have evolved, but is still evidently felt to be patriarchal and respectful of hierarchy. This seems to facilitate unacceptable behaviour and a lack of preparedness, to report.

Such aspects clearly need to become a central focus for the Council, committees and the executive that manage the workings of the Bar





# THE BAR OF IRELAND

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