



Law in Distress



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Law in Distress:

How Aotearoa New Zealand Lawyers are Impacted by Indirect Trauma and Work-related Distress

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Abbreviations

ACC	Accident Compensation Corporation
CPD	Continuing professional development
EAP	Employee Assistance Programme
MDS-LP	Moral Distress Scale – Legal Professionals
PDS	Public Defence Service
PQE	Post-qualification experience
PTSD	Post-traumatic stress disorder



Section 1.

Acknowledgments and conflicts

1.1 Acknowledgments

The *Law in Distress* research team acknowledges the following people and organisations for their contribution to this study.

First, we would like to thank the lawyers who generously gave their time to participate in this research. Your contribution has provided rich insight into the scale and implications of work-related distress among lawyers in Aotearoa, New Zealand.

We appreciate the universities that supported this research: Auckland University of Technology for providing time for academic team members, additional funding, and hosting the lead researcher as a Research Associate; and the University of Otago for hosting the lead researcher during 2022.

We thank the Aotearoa New Zealand qualified lawyers who gave their time to pilot the research and provide feedback.

The following professors, although not part of the research team, all provided valuable support for earlier iterations of this research, connected members of the academic team, and supported the application for external grant funding: Professor Warren Brookbanks, Professor Kris Gledhill, and Professor Mark Heneghan.

Finally, this project was made possible by the substantial funding and support from the New Zealand Law Foundation-Te Manatū a Ture o Aotearoa, as well as additional funding from Auckland University of Technology.

We would especially like to thank Lynda Haagen, in her role at the New Zealand Law Foundation-Te Manatū a Ture o Aotearoa, for recognising that these issues are worthy of research and fundamental to the functioning of our legal system.

1.2 Conflicts of interest

The research team declares that it has no commercial or financial relationships that could be construed as a potential conflict of interest.



Section 2.

Executive summary



The Law in Distress research is the first large-scale empirical study of how Aotearoa New Zealand lawyers are impacted by work-related distress and indirect trauma, and how these impacts can be mitigated through personal, organisational, and systemic strategies. This report is intended as a summary document in a style and length accessible to those wanting to take action about the matters raised. It encapsulates key messages from the analysis of thousands of pages of transcripts and survey responses, but, of necessity, cannot present every message from every angle.

2.2 Method

The findings are based on a mixed-methods research design involving:

- A national survey of 379 lawyers across practice areas, roles, and levels of experience; and
- In-depth interviews with 49 lawyers exploring their lived experiences.

Quantitative measures included scales assessing vicarious trauma, secondary traumatic stress, burnout, depression, anxiety, stress, and moral distress, along with specific questions around stress and satisfaction and opportunities for free text responses. Qualitative data were thematically analysed to capture patterns across thousands of pages of transcripts and free-text survey responses.

2.3 Key findings

2.3.1 Work-related distress is pervasive and multifactorial

Work-related distress affects lawyers across all practice areas, not only those working with traumatic content or traumatised clients. While distress can arise from exposure to clients' trauma, it also comes from systemic pressures, heavy workloads, and workplace cultures that normalise overwork and emotional suppression. Indirect trauma exposure coexists with sustained impacts on wellbeing. However, professional efficacy is maintained, and lawyers generally feel competent and effective in their roles, along with high levels of personal satisfaction with work.

- **Workload:** around two-thirds (67.6%) of survey participants described their workload as heavy or extremely heavy.
- **Exposure to potentially traumatic material:** over half (53.6%) of survey participants reported that more than 50% of their caseload involved traumatic material or traumatised clients.
- **Indirect trauma:** 86% of survey participants reported moderate to severe vicarious trauma, and 50.7% scored in the moderate to severe range for secondary traumatic stress levels.
- **Moral distress:** survey participants reported high levels of moral distress in relation to issues of systemic dysfunction, discrimination, and professional competence.
- **Burnout:** survey participants' scores demonstrated:
 - Higher average scores on emotional exhaustion, suggesting lawyers may feel overwhelmed and depleted by their work demands;
 - Cynicism scores suggested a moderate level of detachment from their work;
 - However, professional efficacy scores were high, suggesting that despite feelings of exhaustion and cynicism, lawyers generally felt competent and effective in their professional roles.
- **Depression, anxiety, and stress:** survey participants' scores were comparable to international studies for lawyers. Lawyers reported symptoms of moderate, severe, or extremely severe depression (28.3%), anxiety (34.1%), and stress (30.8%).
- **Symptoms of post-traumatic stress disorder (PTSD):** were evident in interview participants' experiences and warrant further consideration in future studies.
- **Personal satisfaction with work:** 46.5% of survey participants reported experiencing satisfaction with work *most of the time* or *all of the time*. A further 40.9% reported satisfaction *some of the time*.

2.3.2 Legal culture and system design amplify distress

The adversarial nature of legal work is intensified by long-standing cultural issues: combative behaviours and bullying, sexism, racism, and a “never show weakness” ethos. Many participants described unapproachable leadership, poor supervision, and a fear of reputational damage for speaking up or seeking support.

Systemic dysfunction, including delays in the justice system, underfunded legal aid, and inadequate resourcing, was consistently identified as a distressing aspect of practice. These pressures give rise to moral distress: lawyers know the right thing to do but are constrained by systemic failure or shortcomings. Issues of moral distress are a form of values or ethical misalignment and are compounded by other aspects of work-related distress. Moral distress is further defined at [Section 3.1](#).

2.3.3 Overreliance on individual resilience

While many lawyers reported strong professional commitment and satisfaction in their work, positive coping strategies were largely self-directed, including exercise, setting boundaries, and informal peer support. In many cases, unhelpful coping strategies were adopted to cope with work-related distress: avoidance, detachment, or the use of alcohol. The profession continues to rely on personal resilience rather than organisational responsibility.

Few participants had access to structured external support, professional supervision or trauma-informed leadership. Professional supervision refers to a structured, reflective, ongoing process between a practitioner (supervisee) and a suitably skilled supervisor (or supervisory system), and is further defined at [Section 3.1](#).

2.3.4 Distress impacts the wider system

Lawyers’ work-related distress does not exist in isolation. It affects clients, colleagues, and the administration of justice. Participants reported deteriorating physical and mental health, strained personal relationships, and a growing intention to leave legal aid practice, specific practice areas, or the profession. Attrition is particularly acute in legally aided criminal and family law, areas that are under-resourced and central to access to justice.

2.3.5 The need for a trauma-informed profession

The findings align with international research showing similar patterns of lawyer distress. Globally, the conversation has shifted from individual wellbeing to trauma-informed systems change, recognising that lawyer distress is both predictable and preventable.

A trauma-informed approach emphasises safety, reflection, empathy, and collaboration. It calls for broader structural and systemic change, including: increased access to professional supervision, trauma-informed training, leadership reform, and resourcing that acknowledges the emotional labour of legal practice. Trauma-informed law is further defined in [Section 3.1](#).

2.4 Recommendations

The *Law in Distress* project identifies five priorities for action at the policy and system levels. These recommendations are grounded in the voices of the lawyers who participated in this research:

1. Drive cultural and leadership change across the profession to address work-related distress and indirect trauma.
2. Increase access to multiple forms of external support.
3. Integrate trauma-informed principles into legal education, continuing professional development, and organisational policy.
4. Reform justice system resourcing and workloads, particularly in legal aid and family and criminal law, to reduce moral distress and attrition.
5. Raise awareness about requirements to manage psychosocial risks at work under the Health and Safety at Work Act 2015, and increase WorkSafe's capacity to assess legal practice compliance.¹

2.5 Conclusion

Work-related distress among lawyers is a matter of public concern. It profoundly impacts lawyers' wellbeing, and undermines the values and ethical framework of the legal system. This research shows that meaningful change requires systemic and cultural transformation, supported by evidence, collaboration, and investment.

A trauma-informed, well-supported legal profession is essential to maintaining justice for all New Zealanders. While there are some differences in the needs of different lawyers, there are also many similarities. Action is required to address the perilous state of the justice system for all New Zealanders, where a vital part of its operation, legal practitioners, are so highly concerned about what is occurring.

¹ WorkSafe Guidelines specifically addressing management of psychosocial hazards at work were published in April 2025, and include reference to vicarious trauma along with other factors including: work design, social factors, and work environment. See: WorkSafe New Zealand "Managing Psychosocial Risks at Work: Guidelines for All Businesses" (April 2025) <www.worksafe.govt.nz>.



Section 3.

Key terms and stylistic references

3.1 Key terms

“Indirect trauma” is defined in this research as the cumulative effects of exposure to clients’ trauma and/or traumatic or distressing material relating to legal proceedings and representation. This is sometimes referred to as vicarious trauma or secondary traumatic stress.

“Moral distress” can occur when you believe you know the ethically right thing to do, but something or someone restricts your ability to pursue the right course of action. Whether stemming from internal or external factors, moral distress threatens your core values.

“Professional supervision” is a structured, reflective, ongoing process between a practitioner (supervisee) and a suitably skilled supervisor (or supervisory system).² It supports practitioners in safely, ethically, and effectively doing their work, helps them make sense of their work, supports their wellbeing and development, and ultimately improves outcomes for the people they serve. It is distinct from, but complementary to, mentoring, performance review, and work-related supervision/line management. There are different *forms* and *models* of professional supervision (e.g., individual vs. group; remote vs. face-to-face, or culturally specific), and the specifics should be adapted to the context, workforce, and organisation.

We note there is considerable confusion in the legal profession regarding terminology related to external support, such as “professional supervision”. At times, “professional supervision” is used interchangeably with debriefing, reflexive practice, therapy, or counselling. For clarity in this report, we use the term “professional supervision” in its traditional meaning as set out above, while acknowledging the need for future research to clearly define and frame this concept and other forms of external support for the legal profession.

“Trauma”³ refers to the personal and collective effects of overwhelming experiences that affect safety, connection, and control. It is embodied and systemic, influencing senses of safety, threats, and power. Trauma can result from acute events, ongoing adversity, or systemic injustices like discrimination, colonisation, and inequality. These experiences affect a person’s ability to engage, remember, and communicate, and can influence interactions with legal systems.

“Trauma-informed law”⁴ assumes that anyone engaging with the legal system may have experienced trauma. It seeks to minimise re-traumatisation and promote safety, transparency, and respect in all interactions. It recognises how systems of power, discrimination, and inequity can compound trauma and works to foster fairness, dignity, and empowerment. Trauma-informed law also emphasises lawyer wellbeing through strategies to prevent and manage indirect trauma, and it advocates for structural and cultural change within legal institutions to embed trauma-informed principles into everyday practice.

“Work-related distress” in the context of this research refers to “distress to the individual practitioner that occurs as a result of, or related to, the work they do as a lawyer”. It encompasses issues such as burnout, depression, anxiety, stress, substance abuse, indirect trauma, and moral distress.

² For further information about professional supervision see: Te Pou o te Whakaaro Nui “Supervision”; New Zealand Law Society-Te Kāhui Ture o Aotearoa “Guidelines on Supervision for Mediators” (3 November 2011) <www.lawsociety.org.nz> at 1; and Family Law Section of the New Zealand Law Society *Lawyer for the Child Best Practice Guidelines* (29 April 2024), available at Ministry of Justice-Te Tāhū o te Ture <www.justice.govt.nz> at 15.5.

³ For select further reading about trauma see:

1. Leonie Pihama and Linda Tuhiwai Smith (eds) *Ora: Healing Ourselves – Indigenous Knowledge, Healing and Wellbeing* (Huia Publishers, Wellington, 2023).
2. Andrew McLachlan and others *Te Whare o Oro: A Mātauranga Māori Framework for Understanding the Roro* (2023) Te Atawhai o Te Ao <<https://teatawhai.maori.nz>>.
3. Gabor Mate *The Myth of Normal: Trauma, Illness and Healing in a Toxic Culture* (Vermillion, London, 2022).
4. Bruce Perry and Maia Szalavitz *The Boy who was Raised as a Dog* (3rd ed, Basic Books, New York, 2017).
5. Bessel Van Der Kolk *The Body Keeps the Score: Mind, Brain and Body in the Transformation of Trauma* (Penguin Books, United Kingdom, 2014).
6. Judith Herman *Trauma and Recovery: The Aftermath of Violence – From Domestic Abuse to Political Terror* (Basic Books, New York, 2015).

⁴ Helgi Maki and others (eds) *Trauma-Informed Law: A Primer for Lawyer Resilience and Healing* (American Bar Association, United States, 2023).

3.2 Stylistic references

3.2.1 Italics

Where *italics* are used in the text, this is to denote terms that are used in the quantitative research scales. For example: *delays in the justice system* is a term from the moral distress scale.

3.2.2 Categorisation of lawyers' experience

Lawyers' post-qualification experience (**PQE**) is categorised as follows:

"Junior lawyer" 0-4 years PQE

"Intermediate lawyer" 5-9 years PQE

"Senior lawyer" 10-24 years PQE

"Very senior lawyer" 25+ years PQE

3.2.3 Referencing style

This report adopts the referencing style set out in the New Zealand Law Style Guide. Modifications are made where it is contextually necessary or appropriate for clarity.

The report is also guided by the New Zealand Law Style Guide in relation to headings, formatting and other document features.⁵ Modifications are also made where contextually necessary or appropriate for clarity.

The following two sections set out the Method ([Section 4](#)) and Literature Review ([Section 5](#)). A short introduction is set out in [Section 6](#), and the main content of the report starts in [Section 7](#).

⁵ Available at New Zealand Law Foundation-Te Manatū a Ture o Aotearoa <<https://lawfoundation.org.nz>>.



Section 4.

Method

4.1 Research design and aims

This study employed a mixed-methods research design. The research aims were to understand:

1. How Aotearoa New Zealand lawyers are impacted by work-related distress and indirect trauma; and
2. How these impacts can be mitigated through personal, organisational, systemic, and policy strategies.

4.2 Ethics

Approval to conduct the research was granted by the Auckland University of Technology Ethics Committee (AUTC) on 16 December 2021, application 21/398.

4.3 Research team and funding

The *Law in Distress* Project was led by a team from Auckland University of Technology comprising members from both the Faculty of Law and the Faculty of Health and Environmental Sciences.

The team consisted of Georgina Patel (Lead Researcher and Research Associate), Associate Professor Katey Thom, Professor Kate Diesfeld, Professor Brian McKenna, Professor Khylee Quince, and Associate Professor Nick Garrett, with support from biostatistician Dr Anja Vorster, and Research Assistant Dr Madeline Hayward.⁶

The project comprised:

1. A survey developed by the research team; and
2. Interviews conducted by Georgina Patel.

Biostatisticians Associate Professor Nick Garrett and Dr Anja Vorster analysed the survey data. Qualitative research analysts (with qualifications in psychology) from the independent research firm Academic Consulting assisted with the qualitative analysis of the interview data and free-text survey responses, as well as this report. Georgina Patel, Associate Professor Katey Thom, Professor Kate Diesfeld, Professor Brian McKenna, Associate Professor Nick Garrett, Professor Khylee Quince, Dr Anja Vorster, and Dr Madeline Hayward all contributed to the writing of this report.

The project received substantial partial funding from the New Zealand Law Foundation-Te Manatū a Ture o Aotearoa and additional funding from Auckland University of Technology.

4.4 Recruitment

Participants were recruited by targeted emails, notices in the New Zealand Law Society-Te Kāhui Ture o Aotearoa email newsletters, and articles featured in The Law Association of New Zealand (formerly Auckland District Law Society, known as ADLS) newsletters. The following groups or associations assisted with the dissemination of information about the research: The New Zealand Law Society-Te Kāhui Ture o Aotearoa, The Law Association of New Zealand, the Criminal Bar Association, Crown Law (and the Crown Solicitor network), the Public Defence Service, New Zealand Asian Lawyers, and the Family Law Section. We note that future research would benefit from targeted engagement with a broader number of groups.⁷

⁶ Details of the research team can be found on the *Law in Distress* website: <<https://lawindistress.co.nz>>.

⁷ Future research should engage with the following organisations or groups (among others): Te Hunga Rōia Māori o Aotearoa (the Māori Law Society), the Pacific Lawyers Association, New Zealand Association of Immigration Professionals (NZAIP), In-House Lawyers Association of New Zealand (ILANZ), Arbitrators and Mediators Institute of New Zealand, Australian and New Zealand Association of Psychiatry, Psychology and Law (ANZAPPL), Australian and New Zealand Education Law Association (ANZELA), Human Rights Lawyers Association Aotearoa New Zealand, New Zealand Insurance Law Association (NZILA), and the Auckland, Wellington, Canterbury, Otago, Waikato/Bay of Plenty Women's Law Associations.

Participants received an email (or a notice in an e-newsletter) informing them of the research project with links to the website for more information and a link to participate in the research.

The link took participants to an electronic survey hosted on Qualtrics, a secure online survey platform. Before commencing the survey, a participant information sheet and consent form were available for participants to view (and accept). Participation in the survey was voluntary and anonymous.

Participants could complete the survey, sign up for an interview, or do both. If participants completed the survey, they were asked a question at the end about whether they would also like to participate in an interview. If they wanted to participate in an interview, they filled out a short form with their email address, practice area, name, and a preferred time for the interview. These details were received by the research team, who then arranged the interviews with participants. Additional informed consent was gained from interviewees, and identifying features were removed from any quotes presented in this report. The details of the survey were not linked in any way to the interview, and participation in the survey remained anonymous.

Alternatively, participants could contact the research team directly to arrange an interview without needing to participate in the survey.

4.5 Survey

The details of the survey are available on our website www.lawindistress.co.nz.

Five scales were used to assess the following issues:

1. Vicarious/indirect trauma (indirect trauma);⁸
2. Secondary traumatic stress (indirect trauma);⁹
3. Depression, anxiety, and stress;¹⁰
4. Alcohol use;¹¹ and
5. Burnout.¹²

There were also additional questions designed by the research team specifically for the Aotearoa New Zealand legal context, covering the following topic areas:

6. Demographic and work history;
7. Moral distress;¹³
8. Work satisfaction versus work stress; and
9. Free text and open-ended responses.

⁸ Lila Petar Vrklevski and John Franklin "Vicarious Trauma: The Impact on Solicitors of Exposure to Traumatic Material" (2008) 14(1) *Traumatology* 106; and Lila Petar Vrklevski and John Franklin *Vicarious Trauma Scale* (2008, APA, PsychTests).

Note: The Vicarious Trauma Scale was developed during the course of a study exploring vicarious trauma in the legal profession. Seven items assess subjective levels of distress associated with working the traumatised clients. Each item is rated on a 7-point Likert-type scale, ranging from 1 (strongly disagree) to 7 (strongly agree).

⁹ Brian E Bride and others "Development and Validation of the Secondary Traumatic Stress Scale" (2004) 14(1) *Res Soc Work Pract* 27; and Brian E Bride and others *Secondary Traumatic Stress Scale* (2004) American Psychological Association <www.apa.org>.

Note: The Secondary Traumatic Stress Scale is a 17-item scale designed to measure intrusion, avoidance, and arousal symptoms associated with indirect exposure to traumatic events via the professional relationship with traumatised clients.

¹⁰ SH Lovibond and PF Lovibond *Manual for the Depression Anxiety Stress Scales* "Depression Anxiety Stress Scale - 21 Items" (2nd ed, Psychology Foundation, Sydney, 1995).

Note: The Depression Anxiety Stress Scale (DASS-21) is a set of three self-report scales designed to measure the emotional states of depression, anxiety and stress. Each of the three sub-scales contains 7 items.

¹¹ Kristen Bush and others "The AUDIT Alcohol Consumption Questions (AUDIT-C): An Effective Brief Screening Test for Problem Drinking" (1998) 158 *Arch Intern Med* 1789.

¹² Christina Maslach and others *Maslach Burnout Inventory - For General Use (MBI-GS)* (3rd ed, Consulting Psychologists Press Inc, Palo Alto, 1996). The MBI-GS is a 16-item survey that measures burnout by assessing three sub-scales: exhaustion, cynicism, and professional efficacy. The survey is scored on a scale of 0-6, with higher scores on exhaustion and cynicism and lower scores on professional efficacy indicating higher burnout.

¹³ The Moral Distress Scale - Legal Professionals (**MDS-LP**) was designed by the *Law in Distress* research team specifically for use with Aotearoa New Zealand lawyers.

During the survey design phase, we consulted with Dr Carly Schrever, who conducted Australia's first empirical, psychologically grounded research into sources and nature of work-related stress among the Australian judiciary. The aim was to use many of the same scales to produce findings that are comparable across both jurisdictions.¹⁴

The Qualtrics survey data were exported to SPSS and subsequently analysed by statisticians Dr Anja Vorster and Associate Professor Nick Garrett.

Free-text and open-ended responses were also provided to allow survey participants to express themselves in their own words. These free-text responses were analysed using template analysis,¹⁵ as with the interview transcripts. When quoting survey participants' free-text responses, we use the term [Survey participant].

For descriptive visualisations in this report, frequencies and percentages were calculated for categorical variables, with valid percentages reported in graphs to account for missing data and ensure that proportions reflected only participants who provided a response.

To examine demographic group differences on the primary survey scales, analyses focused on main area of practice, job title, and gender. Due to the small numbers of participants in several main areas of practice categories, these were collapsed into broader conceptually similar groups to ensure adequate group sizes for analysis. The collapsed categories were: (1) civil litigation, employment, immigration, and human rights; (2) trusts and estates, property, tax, company, and commercial; (3) administrative/public, government, and advisory; and (4) resource management/environmental. Family law and criminal law were retained as two separate categories. Participants who selected "other" for job title or main area of practice were excluded from inferential analyses because of insufficient sample sizes. Similarly, participants who identified as non-binary or preferred to self-describe were not included in gendered inferential analyses due to the small group sizes ($n = 6$).

Ethnicity was also examined using a prioritised ethnicity variable; however, as New Zealand European participants comprised approximately 80% of the sample, group sizes for the remaining categories were limited. No statistically significant differences were identified between ethnic groups on any of the primary scales, and as such, these results are not reported.

Because preliminary descriptive analyses indicated that the data were not normally distributed, non-parametric tests were used. Specifically, the Kruskal-Wallis test was conducted for comparisons across more than two groups, followed by post hoc pairwise comparisons where significant group differences were identified. For comparisons between two groups (i.e., gender), the Wilcoxon rank-sum test was used. Statistical significance for post hoc comparisons was evaluated using adjusted p -values to control for the increased risk of Type I error associated with multiple testing. Statistical results are considered to be statistically significant when p -values are less than or equal to 0.05.

Gender differences were not statistically examined for the AUDIT-C, as scoring for this measure differs according to male and female (and gender diverse) categories and therefore are not directly comparable. Differential item functioning by gender may bias total scores when groups are categorised based on different cut points. This approach reduces misinterpretation risks.

¹⁴ During the design phase, the research team intended to survey and interview both lawyers and members of the judiciary. However, due to the substantial response from lawyers, the judicial research was paused until additional funding could be secured.

¹⁵ Nigel King and Joanna M Brooks *Template Analysis for Business and Management Students* (SAGE Publications Ltd, United Kingdom, 2017).

4.6 How the Moral Distress Scale – Legal Professionals was developed

We developed the Moral Distress Scale – Legal Professionals (**MDS-LP**) for Aotearoa New Zealand lawyers because no existing scales measured moral distress among legal professionals. The scale was developed by drawing on existing literature from other professional contexts as a foundation and by applying our experiential expertise and understanding of the moral issues faced by the Aotearoa New Zealand legal profession. The MDS-LP results showed excellent internal consistency.¹⁶

4.7 Interviews

Georgina Patel conducted interviews with 49 lawyers via Zoom, using either audio-only or video calls at the participant's discretion. The interviews typically lasted between 45 and 90 minutes.

The research team developed the interview questions following a literature review of the relevant research and by drawing on their experiential expertise of the Aotearoa New Zealand legal profession. Questions were refined throughout the interview process as themes or topics became clearer through the participants' voices.

The interviews were recorded with the participants' permission and transcribed for analysis. Georgina Patel checked the transcripts for accuracy. The interview transcripts were analysed using template analysis (a type of thematic analysis).¹⁷ NVivo (qualitative analysis software) was used to support the data coding/management process. Anonymised, verbatim quotes from the transcripts have been included in the report (edited for readability, where required). Many interviewees spoke only on the grounds of strict confidentiality; therefore, we opted to use a pseudonym and limited demographic details (only where relevant to provide context to the quote). Quotes are presented in tables and text, set off in paragraphs or italicised with quotation marks; the inclusion of many quotes supports an approach that lets the participants' voices be heard and be transparent.

The anonymous, free-text qualitative responses in the survey sometimes expressed distress more strongly than in the face-to-face interviews; this is not unusual, as communicating feelings can be easier on a keyboard than in an interview, where the speaker may be cautious about expressing too much vulnerability.¹⁸

4.8 Participant demographics

The demographics and work history data for quantitative survey (n = 379) and qualitative interview (n = 49) participants are set out below in [Section 17](#).

¹⁶ The first part of the statistical analysis of the moral distress scale was to test for internal consistency. All the items of moral distress were tested for internal consistency to evaluate the degree to which all the moral distress items that measure the construct of moral distress produce similar results; i.e. how well the items measure moral distress. The results show a Cronbach's alpha of 0.93, indicating excellent internal consistency.

¹⁷ King and Brooks, above n 15.

¹⁸ Maggie Oates and others "Audio, Video, Chat, Email, or Survey: How Much Does Online Interview Mode Matter?" (2022) 17(2) PLoS ONE; Laura H Lind and others "Why Do Survey Respondents Disclose More When Computers Ask the Questions?" (2013) 4 Public Opinion Quarterly 888; and Timo Gnams and Kai Kaspar "Disclosure of Sensitive Behaviors Across Self-administered Survey Modes: A Meta-Analysis" (2015) 47(4) Behav Res 1237.



Section 5.

Literature review

5.1 Literature review

A substantial body of international research focusses on lawyers' wellbeing and the effects of work-related distress. Lawyers in Aotearoa New Zealand, like their international counterparts, are impacted by unacknowledged work-related distress. However, research focusing on lawyers in Aotearoa New Zealand is a more recent phenomenon.

In 2021, the International Bar Association published an illuminating report summarising their survey of lawyers from 124 jurisdictions. They reported that over a third of the participants said their work was negatively impacting their mental wellbeing.¹⁹

Recent studies of lawyers in Aotearoa New Zealand have similarly identified that lawyers frequently report work-related distress.²⁰ In a 2015 article examining trends in lawyers' and conveyancers' Disciplinary Tribunal cases between 2009 and 2013, the authors highlighted that impairments that contribute to or cause misconduct often result from depression, anxiety, substance misuse, or stress.²¹

Additionally, numerous international studies have established that lawyers experience higher levels of work-related distress than comparable professions and the general public, including general psychological distress, depression, anxiety, stress, suicidal ideation, burnout, problematic alcohol use, and indirect/vicarious trauma.²²

The purpose of this literature review is to briefly summarise published research on lawyers' experiences of work-related distress, predominantly focusing on research from the past decade. There are four main sections:

1. The first section focuses on the impact of work-related distress, including: general psychological distress, depression, anxiety, stress, suicidal ideation, burnout, substance use, physical health, indirect/vicarious trauma, and moral distress.
2. The second section sets out factors that may contribute to work-related distress and considers help-seeking.
3. The third section considers the interplay between judicial work-related distress, judicial bullying, and lawyer work-related distress.
4. The fourth section concludes with a brief discussion of suggested interventions to promote lawyer wellbeing and reduce the impacts of work-related distress. This includes discussion of two recent Australian cases where employers have been held liable for the effects of work-related distress on members of their staff:²³ the 2022 Australian High Court case of *Kozarov v Victoria*²⁴ and the 2023 WorkSafe prosecution of Court Services Victoria.²⁵

¹⁹ International Bar Association *Mental Wellbeing in the Legal Profession: A Global Study* (October 2021) <www.ibanet.org> at 32.

²⁰ Rachel Kim, Nichola Tyler and Yvette Tinsley "Wading Through the Worst that Humanity Does to Each Other: New Zealand Crown Prosecutors' Experiences of Working with Potentially Traumatic Material in the Criminal Justice System" (2023) 14(1164696) *Front Psych* 1; Meritas "Australia & New Zealand Wellness Survey 2019" (2019) Swaab <www.swaab.com.au> at 4 (Note: this study did not disclose the number of New Zealand participants, but on the Meritas website it appears there is only one law firm in New Zealand that is a member); and Aotearoa Legal Workers' Union *New Zealand Legal Industry Employment Report 2022-2023* (May 2023) <https://www.alwu.org.nz/employment-information-reports> at 16.

²¹ Jennifer Moore, Donna Buckingham and Kate Diesfeld "Disciplinary Tribunal Cases Involving New Zealand Lawyers with Physical or Mental Impairment, 2009-2013" (2015) 22(5) *Psychiatry Psychology and Law* 649 at 662.

²² Grace Maguire and Mitchell K Byrne "The Law Is Not as Blind as It Seems: Relative Rates of Vicarious Trauma Among Lawyers and Mental Health Professionals" (2017) 24(2) *Psychiatry Psychology and Law* 233 at 273; Natalie K Shead, Shane L Rogers and Jerome Doraisamy "Looking Beyond the Mirror: Psychological Distress; Disordered Eating, Weight and Shape Concerns; and Maladaptive Eating Habits in Lawyers and Law Students" (2018) 61 *Int'l J L & Psychiatry* 90 at 93; RT Michalak "Causes and Consequences of Work-Related Psychosocial Risk Exposure: A Comparative Investigation of Organisational Context, Employee Attitudes, Job Performance and Wellbeing in Lawyers and Non-lawyer Professionals" (2015) *PsychSafe* <https://psychsafe.com.au> at 19; Andrew P Levin and others "Secondary Traumatic Stress in Attorneys and Their Administrative Support Staff Working With Trauma-Exposed Clients" (2011) 199(12) *J Nerv Ment Dis* 946 at 948; Andrew P Levin and Scott Greisberg "Vicarious Trauma in Attorneys" (2003) 24(1) *Pace L Rev* 245 at 250; Beaton Consulting "Annual Professions Survey" (April 2007) <www.beyondblue.org.au> at 2 (Note: this publication is no longer available online, the authors recommended contacting them directly at research@beyondblue.org.au to acquire a copy); Patrick R Krill, Ryan Johnson and Linda Albert "The Prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys" (2016) 10(1) *J Addict Med* 46 at 51; Patrick R Krill and others "Stressed, Lonely, and Overcommitted: Predictors of Lawyer Suicide Risk" (2023) 11(4) *Healthcare* 536 at 536; Matthew S Thiese and others "Depressive Symptoms and Suicidal Ideation Among Lawyers and Other Law Professionals" (2021) 63(5) *JOEM* 381 at 385; Feng-Jen Tsai, Wei-Lun Huang and Chang-Chuan Chan "Occupational Stress and Burnout of Lawyers" (2009) 51(5) *J Occup Health* 443 at 448; and Lindsay M Harris and Hillary Mellinger "Asylum Attorney Burnout and Secondary Trauma" (2021) 56(4) *Wake Forest L Rev* 733 at 767.

²³ Russ Scott and Ian Freckelton "Vicarious Trauma among Legal Practitioners and Judicial Officers" (2024) 31(3) *Psychiatry Psychology and Law* 500.

²⁴ *Kozarov v Victoria* [2022] HCA 12, (2022) 273 CLR 115.

²⁵ 2023 WorkSafe Victoria prosecution of Court Services Victoria (in relation to the Coroners Court) for failing to provide and maintain a safe workplace in contravention of s 21 of the Occupational Health and Safety Act 2004 (Vic).

See: WorkSafe Victoria "Court Body Fined Almost \$380,000 for Deadly Work Culture" (19 October 2023) <www.worksafe.vic.gov.au>; Court Services Victoria "Response to the WorkSafe Sentence" (19 October 2023) <https://courts.vic.gov.au>; Erin Pearson "Coroners Court failed to protect staff before solicitor's suicide" *The Age* (online ed, Melbourne, 14 September 2023); and Erin Pearson "Coroners Court's toxic culture leads to maximum fine for workplace safety breach" (19 October 2023) *The Age* (online ed, Melbourne, 19 October 2023).

We note that bullying, harassment, and sexual harassment are also serious causes of work-related distress for Aotearoa New Zealand lawyers, and are briefly considered in this review and wider report. These issues, as they relate to interpersonal relationships between lawyers, are not addressed as specific topics in this literature review, as they have been addressed by recent Aotearoa New Zealand-specific research.²⁶ As noted above, we briefly address the issue of judicial bullying in [Section 5.3](#) as this is an issue that has been raised in Aotearoa New Zealand, but has only been addressed in international literature.

5.2 Work-related distress

Work-related distress among lawyers has long been noted,²⁷ and recent research has continued to build this evidence base, irrefutably showing that the legal profession is impacted by work-related distress.

Some of this research has focused on measuring the general negative impact of work on lawyers' mental wellbeing, which is not attributed to mental health conditions such as depression or anxiety. We refer to this as "general psychological distress".

In a large survey of legal professionals in Canada, around 60% of participants reported general psychological distress, with around 20% reporting very high levels.²⁸ Similarly, a large study of lawyers in the United Kingdom found high (and increasing) rates of general psychological distress among respondents.²⁹ General psychological distress has also been documented in studies of Australian lawyers.³⁰ In Aotearoa New Zealand, a 2023 survey conducted by the Aotearoa Legal Workers' Union found that 49% of respondents reported that their work had negatively impacted their mental health in the previous year.³¹

The following sections will examine research on how work-related factors affect lawyers' wellbeing. This includes a focus on specific issues such as depression, anxiety, stress, suicide and suicidal thoughts, substance use, physical health impacts, indirect trauma, and moral distress.

5.2.1 Depression, anxiety, and stress

Depression, anxiety, and stress are commonly assessed in studies examining work-related distress among lawyers. Numerous studies have found that between 20% to 30% of lawyers reported experiencing symptoms of depression, anxiety, and/or stress at moderate, severe, or extremely severe levels.³²

When comparing levels of depression, anxiety, and stress symptoms between lawyers and other professionals, one study found that lawyers had the highest reported rates of moderate to severe symptoms of depression (15.2%) compared to other professionals (10.5%).³³ Another study found that lawyers reported significantly more depression, anxiety,

²⁶ Dame Margaret Bazley "Independent Review of Russell McVeagh" (March-June 2018) Scoop <www.scoop.co.nz>; Allanah Colley, Ana Lenard and Bridget McLay "Pūrea Nei: Changing the Culture of the Legal Profession" (December 2019) New Zealand Law Foundation–Te Manatū a Ture o Aotearoa <www.lawfoundation.org.nz>; New Zealand Law Society–Te Kāhui Ture o Aotearoa "Report of the New Zealand Law Society Working Group: To Enable Better Report, Prevention, Detection, and Support in Respect of Sexual Harassment, Bullying, Discrimination and Other Inappropriate Workplace Behaviour Within the Legal Profession" (2018) <www.lawsociety.org.nz>.

²⁷ Connie JA Beck, Bruce D Sales and G Andrew H Benjamin "Lawyer Distress: Alcohol-related Problems and Other Psychological Concerns Among a Sample of Practicing Lawyers" (1995) 10(1) J L & Health 1.

²⁸ Nathalie Cadieux and others "Towards a Healthy and Sustainable Practice of Law in Canada: National Study on the Health and Wellness Determinants of Legal Professionals in Canada, Phase I 2020-2022" (Research Report, Université de Sherbrooke, 2022) at 27.

²⁹ The Law Society of England and Wales "Resilience and Wellbeing Survey 2019: Survey Report Junior Lawyers Division" (April 2019) <www.lawsociety.org.uk> at 23.

³⁰ Skead, Rogers and Doraisamy, above n 22, at 94; and Norm Kelk and others *Courting the Blues: Attitudes Towards Depression in Australian Law Students and Lawyers* (January 2009) (Brain & Mind Research Institute at the University of Sydney, January 2009) at 10.

³¹ Aotearoa Legal Workers' Union, above n 20, at 16. Note: 83% of the respondents worked as lawyers, and the remaining 17% worked in the legal industry in ancillary roles, such as administration, information services, or corporate services. This highlights that the general working conditions of those in the legal environment may be affected by the stress of legal practitioners.

³² Cadieux and others, above n 28, at 34; Line Rønning, Jocelyn Blumberg and Jesper Dammeyer "Vicarious Traumatization in Lawyers Working with Traumatized Asylum Seekers: A Pilot Study" (2020) 27(4) Psychiatry Psychology and Law 665 at 670; Krill, Johnson and Albert "The Prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys", above n 22, at 50; Justin Anker and Patrick R Krill "Stress, Drink, Leave: An Examination of Gender-specific Risk Factors for Mental Health Problems and Attrition Among Licensed Attorneys" (2021) 16(5) PLoS ONE e0250563 at 7; Adele J Bergin and Nerina L Jimmieson "Australian Lawyer Well-being: Workplace Demands, Resources and the Impact of Time-billing targets" (2014) 21(3) Psychiatry Psychology and Law 427 at 434; and Janet Chan, Suzanne Poynton and Jasmine Bruce "Lawyering Stress and Work Culture: An Australian Study" (2014) 37(3) UNSWLJ 1062 at 1080.

³³ Beaton Consulting, above n 22, at 2-3. Note: "other professionals" included: engineers, consultants, and accountants, but did not include professionals such as psychologists or social workers.

and stress symptoms compared to psychologists and social workers.³⁴ An Australian study concluded that lawyers have reported significantly higher levels of depression, anxiety, and stress, compared to the general population.³⁵ Comparing criminal lawyers to non-criminal lawyers, one study reported that criminal lawyers had significantly higher levels of depression, anxiety, and stress.³⁶

However, a recent study conducted in the United States challenged the conclusions that lawyers experience worse mental health than the general population.³⁷ By aggregating several years of lawyers' responses to the National Health Interview Survey, this study found that lawyers reported lower rates of mental health symptoms, relative to the general population. Additionally, lawyers' rates of mental health symptoms were comparable to those of other professions, such as doctors and dentists.³⁸ The authors of this study asserted that their findings were based on a more representative dataset than earlier studies, given the robust methodology of the National Health Interview Survey.³⁹

5.2.2 Suicide and suicidal ideation

Suicide and suicidal ideation are both important issues for the legal profession. Recently, the deaths by suicide of five legal professionals in Australia and Aotearoa New Zealand were considered through an analysis of coronial reports. The article highlighted the many structural factors present in all the deaths, including "enormous workloads; complex cases; unmanageable deadlines; high personal and public performance expectations; and reported professional isolation with limited management support."⁴⁰ Notably, indirect trauma was also suggested as a feature of all of the cases with "no institutional safeguards in place to protect the deceased".⁴¹ The authors suggest that structural and organisational failings have an impact on lawyer wellbeing, which "in the worst circumstances can lead to suicide".⁴² They concluded that the coroners in all cases missed the opportunity to help prevent future deaths by suicide in the legal profession by declining to utilise their (discretionary) statutory function to make recommendations.

In Australia, Court Services Victoria (**CSV**) was successfully prosecuted and fined after the death by suicide of a senior solicitor in the Coroners Court of Victoria. The Magistrates Court found that CSV failed to provide and maintain a safe workplace after the lawyer "took three months' personal leave, during which time she was diagnosed with a work-related major depressive disorder and then took her own life...".⁴³ CSV was fined the maximum penalty (A\$380,000), with the Magistrate stating that he would have imposed a harsher penalty if he could have because the offending was so serious.⁴⁴ In this case, the Court heard that workers at CSV were at risk from "exposure to traumatic materials, role conflict, high workloads and work demands, poor workplace relationships and inappropriate workplace behaviours".⁴⁵

Concerningly, suicidal ideation has also been reported in several studies.⁴⁶ Research from the United States has considered the predictors of lawyer suicide risk. They noted that lawyers' reported rates of suicidal ideation exceed those established in the general population, with 8.5% of lawyers reporting suicidal ideation.⁴⁷ This study concluded the following four factors were associated with an increased risk of suicidal ideation: being male, loneliness, high levels

³⁴ Maguire and Byrne, above n 22, at 237.

³⁵ Skead, Rogers Doraisamy, above n 22, at 93.

³⁶ Vrkleviski and Franklin "Vicarious Trauma: The Impact on Solicitors of Exposure to Traumatic Material" above n 8.

³⁷ Yair Listokin and Raymond Noonan "Measuring Lawyer WellBeing Systematically: Evidence from the National Health Interview Survey" (2021) 18(1) *J Empir Leg Stud* 4 at 4.

³⁸ Listokin and Noonan, above n 37, at 16.

³⁹ Listokin and Noonan, above n 37, at 5.

⁴⁰ Jennifer Schulz (formerly Moore), Kate Diesfeld, and Christine Forster "Suicide in the Australian and Aotearoa New Zealand Legal Professions: Distilling Lessons from the Coronial Jurisdiction" (2025) *Psychiatry Psychology and Law* 1 at 2.

⁴¹ Schulz, Diesfeld and Forster, above n 40, at 9.

⁴² Schulz, Diesfeld and Forster, above n 40, at 1.

⁴³ Scott and Freckelton, above n 23, at 505.

⁴⁴ Scott and Freckelton, above n 23, at 505.

⁴⁵ Scott and Freckelton, above n 23, at 505.

⁴⁶ Cadieux and others, above n 28, at 40; Thiese and others, above n 22, at 385; The Law Society of England and Wales, above n 29, at 16 and 24; and Krill and others, above n 22, at 539.

⁴⁷ Krill and others, above n 22, at 536.

of work overcommitment, and perceived stress.⁴⁸ In a 2023 Australian study, 11% of lawyers surveyed reported having suicidal ideation.⁴⁹ Further, in their recent report, the International Bar Association found that participants experiencing bullying and harassment either regularly or most or all of the time were more than three times more likely to experience suicidal thoughts than participants who had never or seldom experienced bullying and harassment.⁵⁰

5.2.3 Burnout

Burnout is another aspect connected to work-related distress among lawyers. Burnout can be defined as “a psychological syndrome emerging as a prolonged response to chronic interpersonal stressors on the job”.⁵¹ This response is characterised by exhaustion, cynicism, and detachment, as well as feelings of ineffectiveness and a lack of accomplishment.⁵² High levels of burnout have been reported in several studies of lawyers,⁵³ indicating that they may experience higher levels of burnout compared to the general population and mental health professionals.⁵⁴

Professionals’ experience of burnout is associated with a range of adverse outcomes, including job dissatisfaction, lower productivity, impaired quality of work, increased intention to leave the job, and concerns regarding mental and physical health.⁵⁵ In line with this, job dissatisfaction and intention to leave the job have been documented among lawyers in several studies,⁵⁶ in addition to the mental and physical health concerns explored elsewhere in this literature review.

5.2.4 Substance use

Work-related distress among lawyers can result in coping behaviours that become unhelpful because of their negative impact on lawyers’ wellbeing. For example, multiple studies have indicated that lawyers have high rates of problematic alcohol use.⁵⁷ Using data from a large-scale public health survey from the United States, researchers demonstrated that problematic alcohol use is becoming more common among lawyers, who are reporting higher rates of problematic alcohol use than the general population.⁵⁸

In a study of Australian lawyers, higher reported levels of alcohol use were associated with more serious symptoms of depression, anxiety, and stress.⁵⁹ Similarly, in a study of Canadian lawyers, high-risk alcohol consumption was more likely for lawyers reporting moderate to severe depressive symptoms.⁶⁰ These findings suggest that lawyers may use substances to cope with work-related stress. Supporting this, an extensive survey of Australian professionals found that lawyers were the most likely out of all the professionals surveyed (including those working in insurance, accounting, engineering, consulting, and architecture) to report using alcohol or other drugs to reduce or manage feelings of sadness or depression.⁶¹

⁴⁸ Krill and others, above n 22, at 535.

⁴⁹ Beaton Consulting, above n 22.

⁵⁰ International Bar Association, above n 19, at 39.

⁵¹ Christina Maslach and Michael P Leiter “Understanding the Burnout Experience: Recent Research and its Implications for Psychiatry” (2016) 15(2) World Psychiatry 103 at 103.

⁵² Maslach and Leiter, above n 51, at 103.

⁵³ Cadieux and others, above n 28, at 47; Levin and others “Secondary Traumatic Stress ...”, above n 22, at 951; Harris and Mellinger, above n 22, at 767; Neil Graffin “The Emotional Impacts of Working as an Asylum Lawyer” (2019) 38(1) Refug Surv Q 30 at 38; Natalie Lynn Sokol “Dirty Work: The Effects of Viewing Disturbing Media on Military Attorneys” (MS thesis, Minnesota State University, 2014) at 30; Maria Louison Vang and others “Prevalence and Risk-factors for Burnout, Posttraumatic Stress, and Secondary Traumatization among Danish Prosecutors: Findings from a Pilot-study” (2025) 31(3) Psychology Crime & Law 270 at 277; and Marion Nickum and Pascale Desrumaux “Burnout among Lawyers: Effects of Workload, Latitude and Mediation via Engagement and Over-engagement” (2023) 30(3) Psychiatry Psychology and Law 349 at 354.

⁵⁴ Levin and Greisberg, above n 22, at 250.

⁵⁵ Maslach and Leiter, above n 51, at 105.

⁵⁶ Cadieux and others, above n 28, at 303; Bergin and Jimmieson, above n 32, at 434.

⁵⁷ Chan, Poynton and Bruce, above n 32, at 6; Krill, Johnson and Albert, above n 22, at 48; and Bergin and Jimmieson, above n 32, at 434.

⁵⁸ Listokin and Noonan, above n 37, at 18 and 31.

⁵⁹ Chan, Poynton and Bruce, above n 32, at 1087.

⁶⁰ Cadieux and others, above n 28, at 261.

⁶¹ Beaton Consulting, above n 22, at 3.

Recent research involving legal professionals in the United States asked attorneys about their experiences with substance use to manage work-related stress,⁶² where 65% of participants reported using substances for stress-management, with most of them indicating that they primarily used alcohol or marijuana for this purpose.⁶³ Other authors have noted that it can be difficult for researchers to gain sufficient data about drug use, given that lawyers may be reticent to answer survey questions about this topic.⁶⁴

5.2.5 Physical health

More broadly, lawyers' experiences of work-related stress have been associated with having negative impacts on their physical health,⁶⁵ their body image, and unhelpful eating habits.⁶⁶ In Aotearoa New Zealand, 41% of respondents to the Union survey reported that work was adversely impacting their physical health.⁶⁷

5.2.6 Indirect trauma

Through the course of their work, many lawyers frequently interface with potentially traumatic material, such as hearing clients' stories of violence, or reading or seeing images of graphic evidence. Lawyers, like other professionals, are not unaffected by this exposure. In this research, we define indirect trauma as follows: indirect trauma in the legal context refers to the cumulative effects of exposure to clients' trauma and/or traumatic or distressing material relating to legal proceedings and representation.

"Indirect trauma" can also be referred to as "vicarious trauma",⁶⁸ "secondary traumatic stress", or, less commonly, "compassion fatigue". While vicarious trauma may be the term lawyers are most familiar with, we have adopted the umbrella term "indirect trauma" in this research to avoid wading into academic discourse about the various terms.⁶⁹

Lawyers' risk of experiencing indirect trauma is becoming increasingly recognised as a pressing area of concern.⁷⁰ Multiple studies have found that trauma-exposed lawyers exhibit symptoms akin to post-traumatic stress disorder.⁷¹ In two studies, lawyers had higher rates of indirect trauma than mental health professionals.⁷²

Research has not conclusively determined which factors lead to indirect trauma among legal professionals. However, experiencing indirect trauma seems to be related to workload and the amount of trauma a legal professional is exposed to.⁷³

⁶² Ellen Gillander "Bearing Witness to Crime: An Examination of Secondary Traumatic Stress and Vicarious Trauma among Attorneys" (PsyD dissertation, William James College, 2018) at 76.

⁶³ Gillander, above n 62, at 76.

⁶⁴ Gillander, above n 62, at 52.

⁶⁵ The Law Society of England and Wales, above n 29, at 16; and International Bar Association, above n 19, at 39.

⁶⁶ Skead, Rogers and Doraisamy, above n 22, at 96.

⁶⁷ Aotearoa Legal Workers' Union, above n 20, at 16.

⁶⁸ Laurie Anne Pearlman "Vicarious Trauma" in Charles R Figley (ed) *Encyclopaedia of Trauma: An Interdisciplinary Guide* (Sage Publications, California, 2012) 783.

Note: The term 'vicarious trauma' was coined in the 1990s to describe how empathetic engagement with traumatised clients leads to negative transformations within the self of a helping professional.

⁶⁹ This approach was suggested by Australian lawyer and academic Colin James, see: Colin James "Towards Trauma-informed Legal Practice: A Review" (2020) 27(2) *Psychiatry Psychology and Law* 275 at 278.

⁷⁰ James, above n 69; Gillander, above n 62; Patricia Weir, Liz Jones, Nicola Sheeran "Australian Lawyers' Experience of Exposure to Traumatic Material: A Qualitative Study" (2021) 28(3) *Psychiatry Psychology and Law* 363; and Marie-Jeanne Léonard, Daniel Saumier and Alain Brunet "When the Lawyer Becomes Traumatized: A Scoping Review" (2020) 10(3) *SAGE Open* 1.

⁷¹ Levin and Greisberg, above n 22, at 250; Levin and others "Secondary Traumatic Stress ...", above n 22, at 948; Andrew P Levin and others "The Effect of Attorneys' Work with Trauma-Exposed Clients on PTSD Symptoms, Depression, and Functional Impairment: A Cross-lagged Longitudinal Study" (2012) 36(6) *Law and Human Behavior* 538 at 541; Marie-Eve LeClerc, Jo-Anne Wemmers and Alain Brunet "The Unseen Cost of Justice: Post-traumatic Stress Symptoms in Canadian Lawyers" (2020) 26(1) *Psychology Crime & Law* 1 at 13; Weir, Jones and Sheeran, above 70, at 367; Gillander, above n 62, at 77; Cadieux and others, above n 28, at 140; Marie-Jeanne Léonard and others "Traumatic Stress in Canadian Lawyers: A Longitudinal Study" (2023) 15(S2) *Psychol Trauma* S259 at S262; and Lin Piwowarczyk and others "Secondary Trauma in Asylum Lawyers" (2009) 14(5) *Bender's Immigr Bull* 263.

⁷² Maguire and Byrne, above n 22, at 237; and Levin and Greisberg, above n 22, at 250.

⁷³ Léonard, Saumier and Brunet, above n 70, at 6; LeClerc, Wemmers and Brunet, above n 71, at 12; Léonard and others, above n 71, at S262; Levin and Greisberg, above n 22, at 250; Levin and others "Secondary Traumatic Stress ...", above n 22, at 948; Levin and others "The Effect of Attorneys' Work ...", above n 71, at 541; and Piwowarczyk and others, above n 71.

Additionally, a subset of this research has highlighted specific areas of legal practice where indirect trauma seems to be a particular concern, including asylum lawyers,⁷⁴ criminal lawyers,⁷⁵ family lawyers,⁷⁶ personal injury lawyers,⁷⁷ prosecutors working on sexual assault cases,⁷⁸ those in the coronial jurisdiction,⁷⁹ and lawyers who are exposed to graphic evidence at trials.⁸⁰ Not all areas of practice where lawyers are required to engage with traumatic or distressing material have been studied, and the impacts are likely felt across other practice areas. It follows that where a practice area requires a lawyer to engage with traumatised clients or traumatic or distressing material, there is a risk of indirect trauma.

Lawyers are frequently impacted by exposure to indirect trauma. Indirect trauma is linked to several psychological and physical consequences, including (but not limited to) social withdrawal, sleep difficulties, intrusive imagery, anxiety, depression, stress, aggression, substance overuse, and disruption to core beliefs.⁸¹ Accordingly, lawyers who have higher levels of exposure to work-related trauma have correspondingly higher levels of psychological distress, functional impairment, and poorer physical health.⁸² Concerningly, chronic trauma exposure is known to have detrimental effects on the brain and body.⁸³ A recent Canadian study suggested that law firms are also paying the price for their staff's indirect trauma exposure. The study found that lawyers with symptoms in line with probable post-traumatic stress disorder were less productive.⁸⁴ These findings suggest a financial incentive for firms to ensure their staff are protected from work-related trauma exposure.⁸⁵

Studies of lawyers' experiences working on traumatic cases have shown that many feel empowered to help their clients and perceive themselves as effective in doing so. These perceptions of empowerment and effectiveness may buffer lawyers against the negative impacts of indirect trauma.⁸⁶

This points to the potentially positive aspects of trauma work: compassion satisfaction and post-traumatic growth. The two concepts are often conflated; however, they represent distinct constructs in trauma-exposed professionals. Compassion satisfaction can be defined as positive feelings of satisfaction that arise from helping others.⁸⁷ Post-traumatic growth refers to a positive process of finding meaning and strength after experiencing trauma.⁸⁸ While beyond the scope of this report, future research should consider these theoretical frameworks.⁸⁹

⁷⁴ Helen Baillot, Sharon Cowan and Vanessa E Munro "Second hand Emotion? Exploring the Contagion and Impact of Trauma and Distress in the Asylum Law Context" (2013) 40(4) J Law & Soc 509; Rønning, Blumberg and Dammeyer, above n 32; Harris and Mellinger, above n 22, at 753; Graffin, above n 53; and Piowarczyk and others, above n 71.

⁷⁵ Vrkleviski and Franklin, above n 8; and Maguire and Byrne, above n 22.

⁷⁶ Maguire and Byrne, above n 22.

⁷⁷ Tina Popa and others "'A big Nebulous, Multifaceted Concept': Reflections from Victorian Personal Injury Lawyers on Wellbeing, Burnout and Vicarious Trauma" (2024) 31(3) Psychiatry Psychology and Law 417.

⁷⁸ Tammi Slovinsky and Sarah Jane Brubaker "Prosecution as a 'Soul Crushing' Job: Emotional Labor and Secondary trauma in Working Sexual Assault Cases" (2022) 37(5) Violence Vict 588.

⁷⁹ Marc Trabsky and Paula Baron "Negotiating Grief and Trauma in the Coronial Jurisdiction" (2016) 23(3) J Law & Med 582.

⁸⁰ Arija Birze, Cheryl Regehr and Kaitlyn Regehr "Organizational Support for the Potentially Traumatic Impact of Video Evidence of Violent Crime in the Criminal Justice System: 'We're Almost Making More Victims'" (2023) 29(3) International Review of Victimology 385; and Arija Birze, Kaitlyn Regehr and Cheryl Regehr "Workplace Trauma in a Digital Age: The Impact of Video Evidence of Violent Crime on Criminal Justice Professionals" (2023) 38(1-2) Journal of Interpersonal Violence 1654.

⁸¹ Pearlman, above n 68.

⁸² Andrew P Levin and others "The Effect of Attorneys' Work ...", above n 71, at 542; LeClerc, Wemmers and Brunet, above n 71, at 13; and Levin and others "Secondary Traumatic Stress ...", above n 22 at 949.

⁸³ Megan Zwisohn and others "Vicarious Trauma in Public Service Lawyering: How Chronic Exposure to Trauma Affects the Brain and Body" (2018) 22 Rich Pub Int L Rev 101.

⁸⁴ Marie-Jeanne Léonard, Helen-Maria Vasiliadis and Alain Brunet "The Economic Burden of Posttraumatic Stress Disorder among Canadian Lawyers: An Exploratory Study" (2025) 31(9) Psychology Crime & Law 1047 at 1052.

⁸⁵ Léonard, Vasiliadis and Brunet, above n 84.

⁸⁶ Gillander above n 62 at 81.

⁸⁷ Ginny Sprang and others "The Relationship Between Secondary Traumatic Stress and Compassion Satisfaction: A Systematic Literature Review" (2024) 25(3) Trauma, Violence and Abuse 2282 at 2283.

⁸⁸ Katell Barre, Savannah De Boer and Cinzia Guarnaccia "Vicarious Trauma and Posttraumatic Growth among Victim Support Professionals" (2024) 43(4) Curr Psychol 3056 at 3064.

⁸⁹ Note 1: Post-traumatic growth theory should not be used to minimise organisational responsibility for creating supportive work environments or place the burden on individuals to experience growth from workplace trauma exposure.

Note 2: There are empirical limitations and theoretical contestability in relation to post-traumatic growth. See: Eranda Jayawickreme and others "Post-traumatic Growth as Positive Personality Change: Challenges, Opportunities, and Recommendations" (2021) 89 J Pers 145 at 146.

However, other research suggests that lawyers may intentionally avoid emotionally engaging with traumatic cases. A study of asylum professionals working in the United Kingdom showed that legal and non-legal professionals commonly expressed that they were detached from their traumatic cases.⁹⁰ This detachment was characterised as a deliberate coping strategy, aimed at maintaining objectivity and managing repeated exposure to work-related trauma, and as a natural response following cumulative trauma exposure.⁹¹ The authors of the UK study noted that this coping strategy could have detrimental effects on legal professionals' ability to represent their clients, providing an example where lawyers (in their attempts to stay detached from the traumatic content of the case) did not invite the client to share the full details of their traumatic experiences (beyond what was required for the case).⁹² Similar findings have been reported in subsequent research.⁹³

Taken together, these findings imply that lawyers walk a precarious tightrope, where empathetically engaging with traumatic cases and clients becomes unsustainable, yet detachment may jeopardise their ability to hear and represent their clients' experiences accurately.

A recent qualitative study in Aotearoa New Zealand established that Crown prosecutors are experiencing negative consequences of trauma exposure.⁹⁴ Lawyers in this study spoke of encountering tremendous amounts of traumatic material, which generated feelings of responsibility and pressure, intrusions of the traumatic material into non-work life, feelings of cynicism and anxiety, and negative impacts on personal relationships.⁹⁵ Lawyers tended to cope by downplaying the personal impacts of the traumatic material, citing that it was "part and parcel of the job".⁹⁶ They also sought support from other Crown prosecutors by sharing their experiences with their colleagues. They found a sense of normalisation and comfort from knowing that colleagues were going through the same experiences.⁹⁷ Participants spoke of the inevitability of becoming desensitised to traumatic material, yet were concerned about the impacts on their work from doing so (such as losing their empathy for victims).⁹⁸

In a 2025 Australian report on vicarious trauma, the author noted that it is possible to underestimate the risk of exposure to traumatic material at work due to normalisation or desensitisation of trauma exposure,⁹⁹ and that desensitisation should not be seen as "neutralising risk" in relation to the potential impacts of indirect trauma.¹⁰⁰

5.2.7 Moral distress

In this research, moral distress is defined in the following way:

Moral distress can occur when you believe you know the ethically right thing to do, but something or someone restricts your ability to pursue the right course of action. Whether stemming from internal or external factors, moral distress threatens your core values.

The above definition is grounded in research from the healthcare space.¹⁰¹ We note that within the literature, moral distress is often inconsistently conceptualised, and the term "moral injury" is also commonly used. Moral distress and moral injury can be viewed as occurring on a continuum, and although the two concepts are closely related, they are distinct.

⁹⁰ Baillot, Cowan and Munro, above n 74, at 528.

⁹¹ Baillot, Cowan and Munro, above n 74, at 529.

⁹² Baillot, Cowan and Munro, above n 74, at 529.

⁹³ Graffin, above n 53, at 42.

⁹⁴ Kim, Tyler and Tinsley, above n 20.

⁹⁵ Kim, Tyler and Tinsley, above n 20, at 5.

⁹⁶ Kim, Tyler and Tinsley, above n 20, at 8.

⁹⁷ Kim, Tyler and Tinsley, above n 20, at 8.

⁹⁸ Kim, Tyler and Tinsley, above n 20, at 9.

⁹⁹ Amy Nicholas "Mitigating Vicarious Trauma: Adopting an Occupational Safety Approach" The Winston Churchill Trust (2025) <www.churchilltrust.com.au> at 49.

¹⁰⁰ Nicholas, above n 99, at 32.

¹⁰¹ British Medical Association "Moral Distress and Moral Injury: Recognising and Tackling it for UK Doctors" (2021) <www.bma.org.uk> at 3.

Note: 'Moral distress' is defined by the BMA as "[t]he psychological unease generated where professionals identify an ethically correct action to take but are constrained in their ability to take that action". The BMA considers that 'moral injury' however "can arise where sustained moral distress leads to impaired function or longer-term psychological harm".

Moral distress is a concept primarily derived from the healthcare field.¹⁰² In contrast, moral injury primarily relates to war veterans, having been first formally recognised in research pertaining to the experiences of veterans of the Vietnam War.¹⁰³ “Moral injury” refers to the impaired function or longer-term psychological harm that can arise due to sustained moral distress.

Both concepts are recognised as distinct from post-traumatic stress disorder.¹⁰⁴ However, all three concepts share similarities and may arise from similar settings. Post-traumatic stress disorder arises from exposure to a trauma that threatens actual or perceived harm, whereas moral distress and injury arise from exposure to situations involving moral transgressions.¹⁰⁵ In this research, we sought to provide a clear definition of our concept of moral distress as it applies to the legal profession and to test its application to Aotearoa New Zealand lawyers.

In recent years, research into moral distress and moral injury has continued to expand, and these phenomena are commonly researched across sectors: healthcare professionals¹⁰⁶ (especially considering the COVID-19 pandemic),¹⁰⁷ emergency responders such as police officers,¹⁰⁸ and, enduringly, among war veterans.¹⁰⁹

Experiencing moral distress has been shown to negatively impact professionals’ wellbeing and job retention, and to generate feelings of shame, anger, frustration, and guilt.¹¹⁰ Research has also linked moral distress to depression and suicidal ideation.¹¹¹ Factors commonly correlated with an individual experiencing moral distress include organisational characteristics (such as an unethical environment), the practitioner’s attitudes (e.g., work satisfaction and engagement), and the psychological resources (empowerment and autonomy) available within their occupational life.¹¹²

When researchers studied the work-related distress of legal professionals, they found that many lawyers feel frustrated. This frustration often stemmed from a gap between how they want to practice law and how the current system allows them to do so. For example, in a study of asylum lawyers in the United States, participants’ work-related distress was linked to their frustrations at how the immigration system was set up.¹¹³ Findings like this draw attention to moral distress as a theoretically useful concept in understanding lawyers’ wellbeing.

When we consider legal professionals working in Aotearoa New Zealand today, moral struggles are likely compounded by issues such as structural and systemic challenges in the justice system, e.g., access to justice issues, overrepresentation of whānau Māori,¹¹⁴ and delays in matters being dealt with by courts.¹¹⁵ We therefore identified a need to explore moral distress as a key element of work-related distress for Aotearoa New Zealand lawyers. To our knowledge, the present research is the first to explicitly explore and measure moral distress among lawyers.

¹⁰² Giulia Lamiani, Lidia Borghi and Piergiorgio Argentero “When Healthcare Professionals Cannot Do the Right Thing: A Systematic Review of Moral Distress and its Correlates” (2017) 22(1) J Health Psychol 51 at 51.

¹⁰³ Jonathan Shay *Achilles in Vietnam: Combat Trauma and the Undoing of Character* (Atheneum Publishers, New York, 1994). In this seminal work, Shay extended an understanding of how combat affects soldiers’ mental wellbeing, noting not only the lasting impacts of traumatic situations, but also of moral transgressions. Shay’s focus was on how veterans were impacted by witnessing their leaders making decisions which betrayed their sense of what was ‘right’. Subsequent foundational research by Brett Litz and others extended Shay’s conceptualisation of morally injurious actions to include those that were committed by veterans themselves. See: Brett T Litz and others “Moral Injury and Moral Repair in War Veterans: A Preliminary Model and Intervention Strategy” (2009) Clin Psychol Rev 695.

¹⁰⁴ Natalie M Richardson and Angela L Lamson “Understanding Moral Injury: Military-related Injuries of the Mind, Body, and Soul” (2022) 9(3) Spiritual Clin Pract 145 at 148.

¹⁰⁵ Richardson and Lamson, above n 104, at 148.

¹⁰⁶ Lamiani, Borghi and Argentero, above n 102.

¹⁰⁷ British Medical Association, above n 101, at 9.

¹⁰⁸ Liana M Lentz and others “Compromised Conscience: A Scoping Review of Moral Injury among Firefighters, Paramedics, and Police Officers” (2021) 12(639781) Front Psychol 1.

¹⁰⁹ Sheila Frankfurt and Patricia Frazier “A Review of Research on Moral Injury in Combat Veterans” (2016) 28(5) Mil Psychol 318.

¹¹⁰ Lamiani, Borghi and Argentero, above n 102, at 63; Richardson and Lamson, above n 104, at 148.

¹¹¹ Victoria Williamson, Sharon AM Stevelink and Neil Greenberg “Occupational Moral Injury and Mental Health: Systematic Review and Meta-analysis” (2018) 212 Br J Psychiatry 339 at 343.

¹¹² Lamiani, Borghi and Argentero, above n 102, at 61.

¹¹³ Harris and Mellinger, above n 22, at 753.

¹¹⁴ Ara Poutama Aotearoa-Department of Corrections *Over-representation of Māori in the Criminal Justice System: An Exploratory Report* (2007) <www.corrections.govt.nz>.

¹¹⁵ Jimmy Ellingham “Justice System Boggled Down in ‘Delays of Two to Three Years’ for Trials” (10 August 2023) Radio New Zealand <www.rnz.co.nz>.

5.3 Contributing factors and help-seeking

5.3.1 Contributing factors

Several common factors have emerged in the research as potentially increasing a lawyer's risk of experiencing work-related distress. These generally tend to relate to a lawyer's individual characteristics (e.g., gender, ethnicity, or sexuality) or the characteristics of their workplace.

Several studies have indicated that female lawyers experience higher levels of work-related distress than male lawyers.¹¹⁶ However, as mentioned above, being male is a substantial predictor of suicidal ideation among lawyers.¹¹⁷ Higher levels of work-related distress have also been shown among lawyers who are LGBTQIA+, disabled, or from an ethnic minority.¹¹⁸ Additionally, lawyers who are younger or have less experience appear to have higher rates of general psychological distress, indirect trauma, and problematic drinking, as shown in international research,¹¹⁹ and a recent Aotearoa New Zealand study.¹²⁰

The culture and characteristics of lawyers' workplaces have also been linked to their likelihood of experiencing work-related distress. Social support from colleagues has been flagged as a potentially protective factor against indirect trauma, burnout, and stress,¹²¹ while loneliness has been shown to predict suicidal ideation among lawyers.¹²² Accordingly, in the International Bar Association research, self-employed lawyers reported being adversely affected by a lack of support.¹²³ The level of support that lawyers receive at an organisational level also matters: a lower perceived level of organisational support is associated with higher levels of depression, anxiety, and stress¹²⁴ and higher levels of burnout.¹²⁵

Lawyers typically face high workloads, a practice that is normalised. In private practice, there is also the added pressure of billing targets. In publicly funded or legal aid roles, funding is often insufficient to cover the work lawyers do, and demand often exceeds capacity. Legal aid presents challenges in terms of remuneration and can cause moral distress (discussed further below). For example, research indicates that heavy workloads may contribute to work-related distress, particularly due to pressure from billing targets.¹²⁶ Other normalised workplace experiences have also been shown to contribute to poor lawyer wellbeing, including intense demands, poor work-life balance, bullying, client expectations, and stress.¹²⁷

It also appears that workplaces can tip the scales regarding the demands and resources lawyers have at their disposal, ultimately affecting their work-related wellbeing. When workplaces afford their lawyers a high level of decision latitude (a resource), this can be protective against burnout.¹²⁸ Work-role fit is another resource that is associated with lower

¹¹⁶ International Bar Association, above n 19, at 40; Anker and Krill, above n 32, at 6; Bergin and Jimmieson, above n 32, at 433; Kelk and others, above n 30, at 11; Cadieux and others, above n 28, at 27; and The Law Society of England and Wales, above n 29, at 23.

¹¹⁷ Krill and others, above n 22, at 543.

¹¹⁸ International Bar Association, above n 19, at 40; Cadieux and others, above n 28, at 27; and The Law Society of England and Wales, above n 29, at 11 and 23.

¹¹⁹ Rønning, Blumberg and Dammeyer, above n 32, at 670; Krill, Johnson and Albert, above n 22, at 48; Kelk and others, above n 30, at 11; Bergin and Jimmieson, above n 32, at 433; Cadieux and others, above n 28, at 27; Listokin and Noonan, above n 37, at 21; and International Bar Association, above n 19, at 35.

¹²⁰ Veronica Margaret Hopkins and Dianne Gardner "The Mediating Role of Work Engagement and Burnout in the Relationship between Job Characteristics and Psychological Distress among Lawyers" (2012) 41(1) NZ J Psychol 59 at 62.

¹²¹ Ilona Salmons "Best Practices for Managing Burnout in Attorneys" (Ed.D. dissertation, Pepperdine University, 2017) at 106; Weir, Jones and Sheeran, above n 70, at 371; Gillander, above n 62, at 86; and Kim, Tyler and Tinsley, above n 20, at 8.

¹²² Krill and others above n 22 at 543.

¹²³ International Bar Association, above n 19, at 37.

¹²⁴ Nora Chlap and Rhonda Brown "Relationships Between Workplace Characteristics, Psychological Stress, Affective Distress, Burnout and Empathy in Lawyers" (2022) 29(2) Intl J Legal Prof 159 at 169; and Chan, Poynton and Bruce above n 32 at 1084.

¹²⁵ Chlap and Brown, above n 124, at 169.

¹²⁶ Lawrence S Krieger and Kennon M Sheldon "What Makes Lawyers Happy: A Data-driven Prescription to Redefine Professional Success" (2014) 83 Geo Wash L Rev 554 at 596; Salmons, above n 121, at 105; and Bergin and Jimmieson, above n 32, at 436.

¹²⁷ International Bar Association, above n 19, at 32; The Law Society of England and Wales, above n 29, at 14; Krill and others, above n 22, at 543; and Salmons, above n 121, at 103.

¹²⁸ Nickum and Desrumaux, above n 53, at 354.

rates of burnout.¹²⁹ Additionally, when lawyers are supported to meet basic psychological needs (feeling competent, autonomous, and connected),¹³⁰ they have a better chance of experiencing positive wellbeing.¹³¹ Workplaces can support lawyers in meeting their needs by fostering an ethical climate throughout the organisation.¹³²

5.3.2 Help-seeking

Research conducted in Canada in 2022 found that lawyers experiencing work-related stress are less likely to seek assistance from workplace support systems.¹³³ Several barriers to lawyers seeking help within their organisation have been identified, including beliefs that the organisation did not have support programmes that would be helpful,¹³⁴ and that lawyers did not have time to use available support services.¹³⁵ Stigma has also been identified as a key barrier to help-seeking. Many studies have identified that legal professionals fear negative repercussions to their professional life if they report to their organisation that they are struggling mentally.¹³⁶ However, research surveying lawyers in Australia and Aotearoa New Zealand has shown that many lawyers would be receptive to using wellbeing resources if their firm offered them.¹³⁷ This finding suggests that firms should endeavour to increase wellbeing support to lawyers, while ensuring wellbeing resources resonate with staff and that confidentiality is assured.

5.4 Judicial officers – the interplay between judicial wellbeing, judicial bullying, and lawyer wellbeing

International research indicates that judicial officers, like lawyers, are not immune to experiencing substantial work-related distress and indirect trauma.¹³⁸ While research has not yet been conducted in Aotearoa New Zealand, research on judicial officers from other jurisdictions offers insights into the causes, impacts, and implications of judicial work-related distress.¹³⁹

¹²⁹ Hopkins and Gardner, above n 120, at 64.

¹³⁰ Richard M Ryan and Edward L Deci “Self-Determination Theory and the Role of Basic Psychological Needs in Personality and the Organization of Behavior” in Oliver P Johns, Richard W Robins and Lawrence A Pervin (eds) *Handbook of Personality: Theory and Research* (3rd ed, Guilford Press, New York, 2008) 654.

¹³¹ Krieger and Sheldon, above n 126, at 579.

¹³² Stephen Tang, Vivien Holmes and Tony Foley “Ethical Climate, Job Satisfaction and Wellbeing: Observations from an Empirical Study of New Australian Lawyers” (2020) 33 *Geo J Legal Ethics* 1035 at 1056.

¹³³ Cadieux and others, above n 28, at 56.

¹³⁴ Cadieux and others, above n 28, at 57.

¹³⁵ Suzanne Poynton and others “Assessing the Effectiveness of Wellbeing Initiatives for Lawyers and Support Staff” (2018) 41 *UNSWLJ* 584 at 604.

¹³⁶ Cadieux and others, above n 28, at 56; Weir, Jones, and Sheeran, above n 70, at 368; International Bar Association, above n 19, at 43; Meritas, above n 20, at 5; Poynton and others, above n 135, at 605; and Kelk and others, above n 30, at 30.

¹³⁷ Meritas, above n 20, at 5.

¹³⁸ Carly Schrever, Carol Hulbert and Tania Sourdin “The Privilege and the Pressure: Judges’ and Magistrates’ Reflections on the Sources and Impacts of Stress in Judicial Work” (2024) 31(3) *Psychiatry Psychology and Law* 327 at 331; Carly Schrever and others “Preliminary Findings from a Large-Scale National Study Measuring Judicial Officers’ Psychological Reactions to Their Work and Workplace” (2024) 36(6) *Judicial Officers’ Bulletin* published by the Judicial Commission of NSW 53; Carly Schrever “The Human Dimension of Judging: A Summary of a Recent Interview Study of Australian Judicial Officers” (2024) 36(11) *Judicial Officers’ Bulletin* published by the Judicial Commission of NSW 111; Carly Schrever, Carol Hulbert and Tania Sourdin “Where Stress Presides: Predictors and Correlates of Stress Among Australian Judges and Magistrates” (2022) 29(2) *Psychiatry Psychology and Law* 290; Carly Schrever, Carol Hulbert and Tania Sourdin “The Psychological Impact of Judicial Work: Australia’s First Empirical Research Measuring Judicial Stress and Wellbeing” (2019) 28 *JJA* 141; Jill Hunter and others “A Fragile Bastion: UNSW Judicial Traumatic Stress Study” (2021) 33(1) *Judicial Officers’ Bulletin* published by the Judicial Commission of NSW 1 at 6; Kathy Mack and Sharyn Roach Anleu “The National Survey of Australian Judges: An Overview of Findings” (2008) 18(1) *JJA* 5; Sharyn Roach Anleu and Kathy Mack “Job Satisfaction and the Judiciary” (2014) *Work, Employment and Society* 28(5) 683 at 696 and 695; Charles P Edwards and Monica K Miller “An Assessment of Judges’ Self-Reported Experiences of Secondary Traumatic Stress” (2019) 70(2) *Juv Fam Court J* 7; David M Flores and others “Judges’ Perspectives on Stress and Safety in the Courtroom: An Exploratory Study” (2009) 45(3) *Court Review: The Journal of the American Judges Association* 76; Revital Ludewig and Juan Lallave “Professional Stress, Discrimination and Coping Strategies: Similarities and Differences Between Female and Male Judges in Switzerland” in Ulrike Schultz and Gisela Shaw (eds) *Gender and Judging* (Hart Publishing, Oxford, 2013) 233; Monica K Miller and others “Judicial Stress: The Roles of Gender and Social Support” (2018) 25(4) *Psychiatry Psychology and Law* 602; Monica K Miller and others “An Examination of Outcomes Predicted by the Model of Judicial Stress” (2018) 102(3) *Judicature* 51; Jared Chamberlain and Monica K Miller “Evidence of Secondary Traumatic Stress, Safety Concerns and Burnout Among a Homogenous Group of Judges in a Single Jurisdiction” (2009) 37(2) *J Am Acad Psychiatry Law* 214; Elsie Rossouw and Sebastiaan Rothmann “Well-being of Judges: A Review of Quantitative and Qualitative Studies” (2020) 46(0) *SA Journal of Industrial Psychology* e1; Elsie Adriana Rossouw and Sebastiaan Rothmann “Work Beliefs, Work-Role Fit, and Well-being of Judges in South Africa: Effects on Intention to Leave and Organisational Citizenship Behavior” (2020) 30(4) *Journal of Psychology in Africa* 277; and David Swenson and others “Stress and Resiliency in the U.S. Judiciary” (2020) 2020 *Journal of the Professional Lawyer, American Bar Association Center for Professional Responsibility*.

¹³⁹ Schrever, Hulbert and Sourdin “The Privilege and the Pressure ...”, above n 138; Schrever and others “Preliminary Findings from a Large-Scale National Study ...”, above n 138; Schrever “The Human Dimension of Judging ...”, above n 138; Schrever, Hulbert and Sourdin “Where Stress Presides ...”, above n 138; Schrever, Hulbert and Sourdin “The Psychological Impact ...”, above n 135; Hunter and others, above n 138; Mack and Roach Anleu, above n 138; Roach Anleu and Mack, above n 138; Edwards and Miller, above n 138; Flores and others, above n 138; Ludewig and Lallave, above n 138; Miller and others “Judicial Stress ...”, above n 138; Miller and others “An Examination of Outcomes ...”, above n 138; Chamberlain and Miller, above n 138; Rossouw and Rothmann “Well-being of Judges ...”, above n 138; Rossouw and Rothmann “Work Beliefs ...”, above n 138; and Swenson and others, above n 138.

Alongside the increase in research on judicial wellbeing has been an increase in public discourse and academic articles on judicial conduct in court and judicial bullying.¹⁴⁰

Judicial wellbeing and judicial bullying are briefly canvassed below insofar as they relate to lawyers' wellbeing. This is not intended to be an exhaustive review; rather, it provides context for the interplay between judicial work-related distress, wellbeing and conduct, and work-related distress among lawyers.

5.4.1 Work-related distress and indirect trauma in the judicial role

As noted above, the impacts of work-related distress and indirect trauma on judicial officers are the subject of an increasing number of international studies,¹⁴¹ particularly in relation to Australian judicial officers (magistrates and judges).¹⁴²

In a 2024 Annual Report, Chief Justice Winkelmann reported that the Aotearoa New Zealand justice system is under "considerable stress".¹⁴³

In relation to judicial wellbeing, her Honour acknowledged that Aotearoa New Zealand judges face rising work-related stress arising from heavy workloads, distressing content, security concerns, case-management pressures, and insufficient court resourcing.¹⁴⁴ This reflects the experience of judicial officers in other jurisdictions.¹⁴⁵ In recognising these stressors, her Honour concluded that heads of bench should take a "proactive approach to judicial wellbeing", including providing access to professional supervision and advocating for better judicial resourcing, to strengthen court timeliness and maintain high-quality judicial decision-making.¹⁴⁶ The need for committed leadership and judicial time for wellbeing are themes supported by Australian research findings in relation to judicial wellbeing.¹⁴⁷

Her Honour highlighted that court resourcing issues and insufficient numbers of sitting judges create delays and inefficiencies. Her Honour considered there is a need for an adjustment to the legislative cap on the number of judges to allow the appointment of additional judges to meet the growing population and increasing workload demands, to ensure "there are enough judges for the work of the courts".¹⁴⁸

5.4.1.1 Measuring judicial officers' work-related distress and indirect trauma

International studies have reported that judicial officers experience varying levels of stress, ranging from moderate to severe.¹⁴⁹ Two studies reported that female judges experience higher stress than their male counterparts.¹⁵⁰ In an Australian study of judicial officers in Victoria, the authors noted that judicial officers (magistrates and judges) report elevated rates of non-specific psychological distress.¹⁵¹ Another Australian study of judicial officers in New South Wales reported that 10% of judicial officers scored at or above the threshold for likely severe mental distress, compared to 2.2% of the general public.¹⁵²

¹⁴⁰ Geoff Adlam "Bullying from the Bench" LawTalk (online ed, New Zealand, May 2018) at 44; Anusha Bradley "Judges, Bullying and a 'Broken' Complaints System" (23 September 2023) Radio New Zealand <www.rnz.co.nz>; and Neil Sands "Zero Tolerance for Courtroom Bullies, Attorney-General says" (11 June 2025) Law News <<https://lawnews.nz>>.

¹⁴¹ Edwards and Miller, above n 138; Flores and others, above n 138; Ludewig and Lallave, above n 138; Miller and others "Judicial Stress ...", above n 138; Miller and others "An Examination of Outcomes ...", above n 138; Chamberlain and Miller, above n 138; Rossouw and Rothmann "Well-being of Judges ...", above n 138; Rossouw and Rothmann "Work Beliefs ...", above n 138; and Swenson and others, above n 138.

¹⁴² Schrever, Hulbert and Sourdin "The Privilege and the Pressure ...", above n 138; Schrever and others "Preliminary Findings from a Large-Scale National Study ...", above n 138; Schrever "The Human Dimension ...", above n 138; Schrever, Hulbert and Sourdin "Where Stress Presides ...", above n 138; Schrever, Hulbert and Sourdin "The Psychological Impact ...", above n 138; Hunter and others, above n 138; Mack and Roach Anleu, above n 138; and Roach Anleu and Mack, above n 138.

¹⁴³ Chief Justice of New Zealand *Annual Report for the Period 1 January 2024 to 31 December 2024* (Office of the Chief Justice–Te Tari Toko i te Tumu Whakawā, 2 September 2025) at 5.

¹⁴⁴ Chief Justice of New Zealand, above n 143, at 22.

¹⁴⁵ Schrever "The Human Dimension ...", above n 138, at 112 and 113; Mack and Roach Anleu, above n 138, at 19; Flores and others, above n 138; and Hunter and others, above n 138, at 5 and 6.

¹⁴⁶ Chief Justice of New Zealand, above n 143, at 28.

¹⁴⁷ Schrever "The Human Dimension ...", above n 138, at 115.

¹⁴⁸ Chief Justice of New Zealand, above n 143, at 22.

¹⁴⁹ Miller and others "Judicial Stress ...", above n 138, at 610; Flores and others, above n 138, at 83; Schrever, Hulbert and Sourdin, "The Psychological Impact ...", above n 138; and Hunter and others, above n 138, at 6.

¹⁵⁰ Flores and others, above n 138, at 82; and Swenson and others, above n 138, at 13.

¹⁵¹ Schrever, Hulbert and Sourdin "The Psychological Impact ...", above n 138, at 156.

¹⁵² Hunter and others, above n 138, at 6.

In a study of Australian judicial officers in Victoria, 30.4% had scores in concerning ranges for secondary traumatic stress.¹⁵³ Similarly, in a national study of Australian judicial officers, 30.7% scored in concerning ranges for secondary traumatic stress.¹⁵⁴ In both studies, the authors note that judicial officers scoring in these ranges warrant a formal clinical assessment for post-traumatic distress symptoms.¹⁵⁵ Numerous international studies have reported that judicial officers are experiencing symptoms of burnout.¹⁵⁶ In a study of judicial officers in Victoria, Australia, three-quarters reported some risk of burnout.¹⁵⁷ In one study in Victoria, Australia, judicial officers had relatively low rates of depression and anxiety symptoms, in comparison to Australian lawyers and the general population.¹⁵⁸ However, in a United States study, judicial officers had average depression scores that were significantly higher than those of the general public, with female judges scoring significantly higher than male judges.¹⁵⁹

There is also evidence from Australian and United States studies of at-risk alcohol use among judges, potentially as a coping mechanism.¹⁶⁰ In a study of judicial officers in Victoria, Australia, 30.6% scored in the “moderate to high-risk” or “problematic use” categories for alcohol use, compared with 32% of lawyers and 18.8% of the general population.¹⁶¹

In a study of judicial officers in Victoria, Australia, magistrates (who hear matters similar to District Court Judges in Aotearoa New Zealand) have higher levels of work-related distress and lower levels of basic psychological needs satisfaction than judges in higher courts.¹⁶²

5.4.1.2 Key factors leading to work-related distress for judicial officers

An Australian study of judicial officers in Victoria reported that workload is an issue for almost all judicial officers; sources of judicial stress are increasing; “stressors of injustice” (a concept that aligns with moral distress) cause substantial distress;¹⁶³ and cultural issues and stigma are barriers to help-seeking and support.¹⁶⁴ Another Australian study of judicial officers in New South Wales reported inherent job pressures, such as time constraints and the need to make consequential decisions, as well as external factors, including heavy workloads and administrative burdens.¹⁶⁵ Other studies have reported work-related distress from public scrutiny (particularly from media coverage),¹⁶⁶ safety concerns (including death threats directed at judicial officers, their families, or staff),¹⁶⁷ and work-life imbalance, especially for female judicial officers, who often report conflicts between personal goals and professional demands.¹⁶⁸

In Aotearoa New Zealand judicial officers in mainstream courts are required to hear cases from different areas of law; they are not specialised judicial officers.¹⁶⁹ Many judicial officers are required to preside over matters outside the areas of law in which they were trained or practised. For example, a private commercial lawyer appointed to the High Court would be required to hear a variety of matters, including criminal matters that often involve traumatic or distressing content. This is not necessarily the case in other comparable jurisdictions where judicial work-related distress has been studied. Presiding over matters outside the area of law that a judicial officer is trained or practised in, particularly criminal law, is a factor that should be considered in future research with Aotearoa New Zealand judicial officers.

¹⁵³ Schrever, Hulbert and Sourdin “The Psychological Impact ...”, above n 138, at 159–161.

¹⁵⁴ Schrever and others “Preliminary Findings from a Large-Scale National Study ...”, above n 138, at 56–57.

¹⁵⁵ Schrever, Hulbert and Sourdin “The Psychological Impact ...”, above n 138, at 159–161; and Schrever and others “Preliminary Findings from a Large-Scale National Study ...”, above n 138, at 56–57.

¹⁵⁶ Elsie Rossouw and Sebastiaan Rothmann “Job Demands and Job Resources and Well-Being of Judges in South Africa” (2020) 46(0) SA Journal of Industrial Psychology e1; Chamberlain and Miller, above n 138; Stuart L Lustig and others “Burnout and Stress Among United States Immigration Judges” (2008) 13 Bender’s Immigration Bulletin 22; and Sokol, above n 53.

¹⁵⁷ Schrever, Hulbert and Sourdin “The Psychological Impact ...”, above n 138, at 157–158.

¹⁵⁸ Schrever, Hulbert and Sourdin “The Psychological Impact ...”, above n 138, at 157.

¹⁵⁹ Flores and others, above n 138, at 82.

¹⁶⁰ Schrever, Hulbert and Sourdin “The Psychological Impact ...”, above n 138, at 161–162; and Swenson and others, above n 138, at 14.

¹⁶¹ Schrever, Hulbert and Sourdin “The Psychological Impact ...”, above n 138, at 162.

¹⁶² Schrever, Hulbert and Sourdin “Where Stress Presides ...”, above n 138.

¹⁶³ Schrever “The Human Dimension of Judging ...”, above n 138, at 113.

¹⁶⁴ Schrever “The Human Dimension of Judging ...”, above n 138, at 114.

¹⁶⁵ Mack and Roach Anleu, above n 138, at 18; Ludewig and Lallave, above n 138, at 235; Roach Anleu and Mack, above n 138, at 695 and 696; Rossouw and Rothmann “Well-being of Judges ...”, above n 138, at 6.

¹⁶⁶ Chamberlain and Miller, above n 138, at 220–221; and Hunter and others, above n 138, at 5.

¹⁶⁷ Flores and others, above n 138; and Hunter and others, above n 138, at 5–6.

¹⁶⁸ Ludewig and Lallave, above n 138, at 240 and 244; Roach Anleu and Mack, above n 138, at 693; and Rossouw and Rothmann “Well-being of Judges ...”, above n 138, at 2–3.

¹⁶⁹ This includes the District Court, High Court, Court of Appeal and Supreme Court.

5.4.1.3 The impact of work-related distress and indirect trauma on judicial officers

Research has shown that judicial work-related distress is associated with increased procrastination, difficulty concentrating, and reduced job satisfaction.¹⁷⁰ Notably, Australian judicial officers described some of the impacts stress had on them, including: “impatience or terse voice, poor sleep, tiredness or exhaustion, irritability, avoidance of work, finding it harder to make decisions, increasing cynicism and starting to live the case”.¹⁷¹

5.4.1.4 Protective factors

In a study of Australian judicial officers, many reported experiencing a deep sense of job satisfaction (albeit alongside work-related distress).¹⁷² Those who prioritise their wellbeing get the most satisfaction from their judicial role.¹⁷³

This body of literature underscores that judicial stress is a serious occupational health issue with implications for judicial wellbeing and the administration of justice.

5.4.2 Judicial conduct and bullying

The issue of judicial conduct and/or bullying of others has received increasing attention in recent years, both in the media and in academic literature.¹⁷⁴

The literature often notes that a minority of judicial officers account for the majority of judicial bullying, yet the impacts on lawyers (and others in the courtroom) can be severe.¹⁷⁵

In 2018, surveys of members of the New Zealand Criminal Bar Association and two Australian Bar Associations found that between 59% and 66% of participants reported judicial bullying.¹⁷⁶ Official responses varied across jurisdictions regarding the 2018 surveys. In Aotearoa New Zealand, the Judicial Protocol was established, and the New Zealand Law Society-Te Kāhui Ture o Aotearoa published information in 2024 about how to respond to concerning conduct by a judge in court.¹⁷⁷ The Judicial Commission of New South Wales recognised bullying and harassment as ongoing challenges within the judicial profession, noting these issues would be addressed within their comprehensive educational framework designed to maintain public confidence in the administration of justice.¹⁷⁸ In Victoria, the Judicial Commission of Victoria took formal steps to address judicial bullying. In 2023 (after extensive review and consultation), they released both a report¹⁷⁹ and Judicial Conduct Guidelines¹⁸⁰ on judicial bullying (**the Guidelines**). The Guidelines define what does and does not constitute judicial bullying: Judicial bullying is defined as unreasonable conduct by a judicial officer toward an individual. It “includes, but is not limited to, conduct that a reasonable person, having regard to all the circumstances, perceives as belittling, humiliating, insulting, victimising, aggressive or intimidating”.¹⁸¹

¹⁷⁰ Flores and others, above n 138, at 82; Swenson and others, above n 138, at 12–13; and Miller and others, “An Examination of Outcomes ...”, above n 138.

¹⁷¹ Schrever, Hulbert and Sourdin “The Privilege and the Pressure”, above n 138, at 336.

¹⁷² Schrever “The Human Dimension of Judging”, above n 138, at 114.

¹⁷³ Schrever “The Human Dimension of Judging”, above n 138, at 115.

¹⁷⁴ Ray Nickson and Alice Neikirk “Getting Slapped and Kicked: The Experience of Judicial Bullying for Lawyers Providing Publicly Funded Criminal Defence” (2024) 31(3) *Psychiatry Psychology and Law* 401; Steven Lubet “Bullying from the Bench” (2001) 5 *Green Bag* 11; Matthew Williams and Geoff Pike *Barristers’ Working Lives: A Report for the Bar Council* (September 2021) Bar Council of England and Wales <www.barcouncil.org.uk>; Michael Kirby “Judicial Stress and Judicial Bullying” (2014) 14(1) *QUT Law Review* 1; and Kylie Nomchong “Judicial Bullying: The View from the Bar” (2018) 30(10) *Judicial Officers’ Bulletin* published by the Judicial Commission of NSW 95.

¹⁷⁵ Judicial Commission of Victoria “Judicial Bullying Summary Paper: Consultation and Recommendations” (May 2023) at 4; and Nickson and Neikirk above n 174 at 404.

¹⁷⁶ In Aotearoa New Zealand, 65% of criminal lawyers reported experiencing judicial bullying, see: Radio New Zealand “Bullying in the Courtroom: ‘We Want to Stop it’” (25 March 2018) <www.rnz.co.nz>. In Victoria, Australia, 59% of barristers reported judicial bullying (66% of women and 55% of men), see: Victorian Bar Association “Quality of Working Life Survey: Final Report and Analysis” (October 2018) <www.vicbar.com.au>. In New South Wales, Australia, 66% of the respondents indicated they had experienced judicial bullying, see: Arthur Moses “Judicial Bullying Can’t Be Tolerated” *The Australian* (online ed, Sydney, 10 May 2018), as cited in Nomchong, above n 174.

¹⁷⁷ As also noted below at n 252: The 2018 New Zealand Criminal Bar Association report was acknowledged by the then Chief Justice Dame Sian Elias, New Zealand Bar Association, and New Zealand Law Society-Te Kāhui Ture o Aotearoa. Following this, in 2019, the “Judicial Protocol” was established to act as an informal complaints process: New Zealand Law Society-Te Kāhui Ture o Aotearoa “Judicial Protocol” (10 March 2020) <www.lawsociety.org.nz>.18 In September 2024, the Law Society acknowledged that there is a culture of bullying and harassment in the legal profession and stated their commitment to targeting and eliminating it. They specially addressed how to respond to concerning conduct by a judge in court: New Zealand Law Society-Te Kāhui Ture o Aotearoa “Bullying and Harassment in the Legal Profession” (18 September 2024) <www.lawsociety.org.nz>.

¹⁷⁸ Judicial Commission of New South Wales “Handbook for Judicial Officers” (2021, updated June 2025) at iii.

¹⁷⁹ Judicial Commission of Victoria, above n 175.

¹⁸⁰ Judicial Commission of Victoria, above n 175.

¹⁸¹ Judicial Commission of Victoria, “Judicial Conduct Guideline: Judicial Bullying” (May 2023) at 5 [2.4].

The conduct is assessed objectively based on the following factors:¹⁸²

- a. the function of the judicial officer;
- b. the subject or target of the conduct;
- c. the tone or nature of the conduct;
- d. whether the conduct is momentary or sustained;
- e. the location, including the jurisdiction and type of proceeding (for in-court matters) in which the conduct occurs; and
- f. the overall context of the conduct.

Bullying behaviours include overt and subtle or indirect conduct. Overt behaviours include: shouting, yelling, aggression, mocking, or threatening professional consequences. Indirect or subtle bullying behaviours include: eye-rolling, turning one's back on someone addressing the court, throwing items across the bench, sarcasm or unjustified differential treatment. Importantly, the Guidelines set out that a single occasion of conduct may amount to judicial bullying.¹⁸³ The Guidelines also clarify that the following courtroom conduct is acceptable, and does not amount to bullying: "moving an individual on from a weak submission, addressing perceived flaws in submissions, intervening in overly long or unclear witness examination, suggesting preliminary views as to issues before the court",¹⁸⁴ and exercising proper control of the courtroom to curb inappropriate behaviour by others.¹⁸⁵

These initiatives warrant further research to assess their effectiveness and to consider the lived experiences of lawyers, other court staff, and judicial officers involved in any complaint processes.

In 2024, an Australian study examined the impact of judicial bullying on lawyers in publicly funded criminal defence.¹⁸⁶ In that paper, judicial bullying was defined as inappropriate behaviour by judges toward lawyers.¹⁸⁷ The authors noted that while judicial bullying is increasingly recognised for its adverse effects on lawyers' mental health and career satisfaction, it remains a taboo topic within the profession.¹⁸⁸ The authors highlighted a key theme of the research: "judicial bullying was experienced by many lawyers, but perpetrated by a few easily identified judicial officers",¹⁸⁹ a theme also raised in another Australian article, where the author notes "the narrative of unacceptable bullying relates to the same judges, all known by name and notorious for their inappropriate and unwarranted behaviour."¹⁹⁰ The authors emphasise the importance of informal support systems and mitigation strategies developed by senior lawyers to protect junior colleagues. They advocate for both formal and informal debriefing opportunities to help moderate the adverse effects of bullying. The study also calls for cultural change within the judiciary and for comprehensive measures to better recognise and address judicial bullying. The authors also note that traditional attitudes dismissing judicial bullying as a rite of passage have been superseded by recognition of its negative impact on lawyers' mental health and wellbeing. However, a pervasive attitude about "toughness" and "rite of passage" still permeates the profession, contributing to the acceptance of behaviours that in other professions would be unlikely to be tolerated.¹⁹¹

The interplay between judicial work-related distress and bullying should be considered alongside the impacts on lawyers. Participants in the *Law in Distress* research shared how these issues affect them; however, a limitation of this study is that the voices of Aotearoa New Zealand judicial officers have not yet been heard.

¹⁸² Judicial Commission of Victoria, above n 175, at 5 [2.4].

¹⁸³ Judicial Commission of Victoria, above n 175, at 6 [2.7]. Note: This is to recognise "the unique position of power that judicial officers occupy; and that the nature and circumstances in which persons may interact with judicial officers varies in a material way from other workplaces".

¹⁸⁴ Judicial Commission of Victoria, above n 175, at 6 [2.14].

¹⁸⁵ Judicial Commission of Victoria, above n 175, at 6 [2.15].

¹⁸⁶ Nickson and Neikirk, above n 174.

¹⁸⁷ Nickson and Neikirk, above n 174.

¹⁸⁸ Nickson and Neikirk, above n 174, at 401.

¹⁸⁹ Nickson and Neikirk, above n 174, at 402.

¹⁹⁰ Nomchong, above n 174.

¹⁹¹ Nickson and Neikirk, above n 174, at 401.

5.5 Solutions?

Given this substantial body of research, the profession must take further steps to reduce the adverse effects of work-related stress on legal professionals.

Several studies have recognised that lawyers can employ individual positive strategies to cope with work-related stress, such as self-care,¹⁹² exercise,¹⁹³ and cognitive restructuring (e.g., reframing stressful work as satisfying by focusing on the fact that they can help their clients).¹⁹⁴

However, the literature indicates that the responsibility for coping should not rest solely on individual lawyers. Organisations must also take accountability for supporting the wellbeing of their employees. Lawyers, for example, cannot prioritise self-care and exercise if their workplace lacks a culture that promotes work-life balance. Research suggests that organisations should ensure changes are genuine and backed by structural and cultural modifications, as lawyers are less likely to engage with interventions perceived as superficial.¹⁹⁵

Several interventions have been proposed to transform legal practice and culture. One study on the health and wellness determinants of legal professionals in Canada identified ten key recommendations for transforming legal practice, including: better preparing future lawyers for the profession, ensuring that lawyers have access to wellbeing support (including breaking down barriers to accessing support), destigmatising mental distress, and fostering better work-life balance.¹⁹⁶

Other studies have found that lawyers were most receptive to organisational interventions such as reducing workload/pressure, adopting (and encouraging) flexible working practices, improving peer support, improving managerial support, and increasing professional supervision and debriefing.¹⁹⁷ Another study also makes a business case for law firms to promote lawyer wellbeing. The authors argue that there are high costs associated with lawyer discipline, absenteeism, presenteeism, replacement costs, and high attrition. The authors therefore considered that supporting lawyers' performance, retention, and recruitment via wellbeing support is in a firm's best interests.¹⁹⁸

In a recent article regarding lawyer suicide in Australia and Aotearoa New Zealand, the authors considered that there is a need for a shift in organisational and cultural change within the profession so that the onus of these issues is not on the individual.¹⁹⁹ Among several recommendations, they suggested that a change in work expectations would decrease the stress associated with most forms of practice.²⁰⁰

In a 2024 article, Aotearoa New Zealand authors examined a decision of the Lawyers and Conveyancers Disciplinary Tribunal that adopted a "merciful approach" to lawyers' discipline.²⁰¹ They concluded that Aotearoa New Zealand could create alternative pathways to resolve cases involving impaired lawyers outside the formal disciplinary system. Their analysis highlighted the benefits of a health-oriented pathway similar to those available for Aotearoa New Zealand

¹⁹² James, above n 69, at 287.

¹⁹³ Skead, Rogers and Doraisamy, above n 22, at 94; and The Law Society of England and Wales, above n 29, at 19.

¹⁹⁴ Paula Brough and Anna Boase "Occupational Stress Management in the Legal Profession: Development, Validation, and Assessment of a Stress-management Instrument" (2019) 71(3) Aust J Psychol 273 at 279; and Weir, Jones, and Sheeran, above n 70, at 373.

¹⁹⁵ Poynton and others, above n 135, at 611.

¹⁹⁶ Cadieux and others, above n 28, at 359. The full 10 recommendations are as follows:

1. Improve preparation of future professionals to support them to deal with psychological health issues;
2. Improve supports and guidance available at entry to the profession;
3. Improve the continuing professional development (CPD);
4. Where relevant, evaluate the implementation of alternative work organization models that limit the impact of certain risk factors on the health;
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;
7. Promote diversity in the profession and revise practices, policies and procedures that may include or create discriminatory biases;
8. Consider the health of legal professionals as integral to legal practice and the justice system;
9. Develop a culture of measurement; and
10. Foster a better work life-balance in the legal profession.

¹⁹⁷ Clare Pike and Amanda Rebar "What Would a Trauma-informed Workplace Ideally Look Like in Legal Aid? A Qualitative Perspective from Lawyers" (2024) 31(3) Psychiatry Psychology and Law 523 at 532; and Poynton and others above n 135 at 614.

¹⁹⁸ Jarrod F Reich "Capitalizing on Healthy Lawyers: The Business Case for Law Firms to Promote and Prioritize Lawyer Well-being" (2020) 65 Vill L Rev 361.

¹⁹⁹ Schulz, Diesfeld, and Forster, above n 40, at 11–12.

²⁰⁰ Schulz, Diesfeld, and Forster, above n 40, at 11–12.

²⁰¹ Kate Diesfeld and others "Case Commentary: A 'Merciful Approach' to Discipline for a New Zealand Lawyer's Misconduct" (2024) Psychiatry Psychology and Law 574.

registered health practitioners. The authors also discussed various international approaches to lawyer discipline. Ultimately, they concluded that Aotearoa New Zealand lawyers would benefit from the development of health-promoting regulatory strategies for addressing impairment among lawyers.

As noted above, the Australian Courts have also confirmed that legal employers can be held liable for workplace psychiatric injury,²⁰² and for failing to protect staff from a toxic workplace culture, which ultimately led to the death by suicide of a lawyer.²⁰³ This highlights the shift toward greater recognition and liability for workplace psychosocial risks and injuries. While a detailed examination of relevant legislation and guidelines addresses the scope of this report, we note that employers in Aotearoa New Zealand must manage the risks of psychosocial harm in the workplace under the Health and Safety at Work Act 2015.²⁰⁴

5.5.1 Indirect trauma – risk mitigation, solutions, and trauma-informed practice

Some researchers have argued that workplaces need to take an active role in moderating lawyers' exposure to traumatic material.²⁰⁵ Workplaces should create a culture where indirect traumatisation is acknowledged and addressed, and provide systemic support for those affected, such as access to wellbeing training, peer support, debriefing, and supervision.²⁰⁶

It has been proposed that legal practice and lawyers need to become "trauma-informed".²⁰⁷ Trauma-informed lawyering has developed alongside decades of health and wellbeing research aimed at reshaping our understanding of individual and collective distress. It seeks to understand behaviour, thoughts, or emotional changes as responses to past or present trauma, rather than pathologising distress as abnormal or an illness. The concept of trauma-informed lawyering encompasses a wide range of areas and issues, and many other proposed solutions fall within this broader framework, including cultural change and individual coping strategies.

Trauma in this context can be a single event that occurs in one's life or encompasses any series of events that cause deep distress, disturbance, fear, harm, or injury.²⁰⁸ Trauma-informed lawyering shapes interactions with clients by recognising that any client may embody trauma, and by committing to harm-reduction practices that seek to reduce re-traumatisation.²⁰⁹ At the same time, best practice trauma-informed lawyers must also focus on ethical and sustainable legal careers.²¹⁰ This involves prioritising practices for self-care and reflective practice and rethinking legal culture and organisations to minimise the risk of indirect trauma, promote safety, and foster wellbeing. Being aware of how our work may impact us and developing strategies to look after ourselves ultimately supports best practice lawyer-client interactions.

Many practice-based ideas are developing to inform lawyers to become trauma-informed, including the seminal 2023 book *Trauma-Informed Law: A Primer for Lawyer Resilience and Healing*. While we cannot cover all potential strategies and tools, becoming "trauma-informed" can include reducing stigma around indirect traumatisation by openly acknowledging the phenomenon, and promoting protective strategies. This may include:²¹¹

- Trauma theory and practice education;
- Integration of support systems into workplaces;
- Availability of external supports, including professional supervision with a trained professional;
- Embodied practices, such as breathwork, mindfulness, or mediation; and
- Emotional intelligence and literacy training.

²⁰² *Kozarov v Victoria*, above n 24.

²⁰³ WorkSafe Victoria "Court Body Fined ...", above n 25.

²⁰⁴ Health and Safety at Work Act 2015, s 16, where the definition of 'health' includes physical and mental health; and WorkSafe New Zealand guidelines, above n 1.

²⁰⁵ Birze, Regehr and Regehr "Organizational Support ...", above n 80, at 401.

²⁰⁶ Kelley Burton and Amanda Paton "Vicarious Trauma: Strategies for Legal Practice and Law Schools" (2021) 46(2) *Alternative Law Journal* 94 at 96; and Birze, Regehr and Regehr "Organizational Support ...", above n 80, at 401.

²⁰⁷ James, above n 69, at 275.

²⁰⁸ Te Pou o te Whakaaro Nui "Trauma-informed Approaches" <www.tepou.co.nz>.

²⁰⁹ Maki and others, above n 4.

²¹⁰ Maki and others, above n 4.

²¹¹ James, above n 69, at 275.

Increasingly, there have been calls in the literature for external supports to help lawyers reflect on their practice and emotional self. Professional supervision is commonplace in healthcare settings, especially with practitioners who work in the mental health sector. Te Pou, an Aotearoa New Zealand workforce development organisation, defines professional supervision as a structured, regular process that provides practitioners with protected time and space to reflect on their practice, professional role, and relationships, with the goal of ensuring ethical, high-quality service delivery and translating new knowledge into everyday work.²¹² While it is distinct from mentoring, coaching, or performance appraisal, it incorporates formative, normative, and restorative functions, the latter of which explicitly attends to the practitioner's emotional and psychological needs. Te Pou notes that supervision can increase self-awareness, improve relationships, strengthen confidence and skills, and reduce stress, making it a valuable forum for exploring the emotional impact of work alongside professional and technical considerations.²¹³

Some research has discussed whether a similar form of professional supervision would be useful for enhancing practice and helping mitigate the impact of indirect trauma. This support is reflective and relational, offering a structured space to process emotional impact, ethical dilemmas, and sustainability in practice. One author found that supervision provided an opportunity for lawyers to develop their understanding of themselves in relation to others, their boundaries and legal professional skills, and how supervision can contribute to the best interests of the client, and to a lawyer's career sustainability and wellbeing.²¹⁴

Future research is needed on the effectiveness of professional supervision with a trained professional other than a clinical psychologist due to the finite number of clinical psychologists available to take on new clients.

5.5.2 Moral distress – risk mitigation and solutions

Recommendations have been made for how those experiencing moral distress and moral injury can best be supported. These recommendations largely derive from military and healthcare settings.

In military settings, several models of therapy have been adapted or developed.²¹⁵ Further research is needed to determine whether these therapies would translate to a legal setting, noting that it would be worthwhile to assess their applicability to individuals or professionals with diverse backgrounds and training who provide external support to lawyers. This may be particularly relevant to individuals of faith or from diverse cultural backgrounds.

Recommendations from the healthcare sector focus dually on structural changes to reduce the likelihood of moral distress and moral injury,²¹⁶ and on individual actions that medical professionals can take to cope with moral distress.²¹⁷ This dual focus acknowledges that while individual professionals can take steps to cope with moral distress, structural changes are of paramount importance for reducing the situations in which professionals experience harm from being morally constrained.²¹⁸

²¹² Te Pou o te Whakaaro Nui, above n 2.

²¹³ Te Pou o te Whakaaro Nui, above n 2.

²¹⁴ Marc Mason "From Psychotherapy to Legal Practice: The Use of Clinical Supervision by Lawyers in England and Wales" (2025) 32(6) *Psychiatry Psychology and Law* 898.

²¹⁵ The summary of the military models of therapy for moral distress and resources for further reading are as follows:

1. Acceptance and commitment therapy has been proposed as an existing treatment model that may help develop moral resilience. See: Jason A Nieuwsma and others "Possibilities within Acceptance and Commitment Therapy for Approaching Moral Injury" (2015) 11(3) *Curr Psychiatry Rev* 193.
2. Novel treatment approaches for veterans have been developed including:
 - a. Adaptive Disclosure. See: Brett T Litz and others *Adaptive Disclosure: A New Treatment for Military Trauma, Loss, and Moral Injury* (The Guilford Press, New York, 2016); and Matt J Gray and others "Adaptive Disclosure: An Open Trial of a Novel Exposure-Based Intervention for Service Members with Combat-related Psychological Stress Injuries" (2012) 43(2) *Behav Ther* 407.
 - b. Resilience Strength Training. See: Timothy M Barth and others "Effects of Resilience Strength Training on Constructs Associated with Moral Injury among Veterans" (2020) 6(2) *J Veterans Stud* 101.
 - c. Pastoral Narrative Disclosure. See: Lindsay B Carey and others "Pastoral Narrative Disclosure: The Development and Evaluation of an Australian Chaplaincy Intervention Strategy for Addressing Moral Injury" (2023) 62(6) *J Relig Health* 4032; and Lindsay B Carey and Timothy J Hodgson "Chaplaincy, Spiritual Care and Moral Injury: Considerations Regarding Screening and Treatment" (2018) 9 *Front Psychiatry* 619.

²¹⁶ E.g., developing support networks and self-care plans; British Medical Association, above n 101 at 16.

²¹⁷ E.g., increasing funding and staffing levels so that doctors do not need to turn away patients in need; developing support networks and self-care plans; British Medical Association, above n 101 at 15.

²¹⁸ British Medical Association, above n 101 at 14.

Further research on strategies to mitigate the effects of moral distress among lawyers is needed. As a starting point, attention should be paid to improving the structural factors that may make situations morally distressing for lawyers. Examples include cases in which lawyers identify barriers to justice (e.g., lack of legal resources, discrimination, delays in court proceedings). Given the very real challenges that most countries face in addressing systemic and structural issues in state-funded systems (e.g., legal systems or healthcare), research should also focus on evaluating external supports and interventions that may assist lawyers to cope with the impacts of moral distress. This includes assessing whether existing interventions developed in military settings could be adapted for lawyers or inform the development of new interventions.

Part of trauma-informed lawyering involves awareness of social justice issues and participation in movements for change, which can foster hope by connecting individuals with collective efforts towards change.

5.5.3 Law schools

Law schools are an important context to consider intervention for stress and distress that may be experienced, both as a student and eventually as a professional.²¹⁹

Two Australian studies have found that law students show substantially higher levels of psychological distress compared to the general population, other university students and lawyers.²²⁰ A 2024 survey undertaken in Aotearoa New Zealand shows law students self-report impacts on their wellbeing, including: stress, overwhelm, anxiety, depression and imposter syndrome.²²¹ Additionally, United States research has shown that law students' subjective wellbeing declines as they progress through law school.²²² However, law schools can adopt approaches that combat psychological distress among students. For example, when teaching staff find ways to enhance law students' autonomy (e.g., by giving students choices and allowing them to share their feelings) this may help to offset declines in students' wellbeing.²²³

Researchers in the United States, Canada, Australia, and Aotearoa New Zealand are increasingly calling for law schools to prepare students to cope with work-related stress and trauma exposure by explicitly discussing the phenomenon of indirect trauma in law schools and teaching protective strategies to students.²²⁴

Recently, Auckland University of Technology Law School in Aotearoa New Zealand trialled an elective course on trauma-informed law that involved learning about how trauma may present in clients whom lawyers support; how they might practice to reduce re-traumatisation; strategies for proactively supporting wellbeing; and the role of organisations and institutions in adopting trauma-informed approaches.²²⁵ The course provided students with an opportunity to hear about the diverse experiences of trauma (including collective trauma connected to colonising processes) and the power of being involved in social justice collectives, to drive for change in ways that mitigate moral distress. Student assessments focused on building reflective skills, relational practice, and mapping a self-care plan.

²¹⁹ Note: In Aotearoa New Zealand individuals are required to undertake the Professional Legal Studies Course to be eligible for admission as a barrister and solicitor. Two organisations provide this course: The College of Law (New Zealand) and the Institute of Professional Legal Studies. Future research should consider the training and support these organisations provide in relation to wellbeing, work-related distress and indirect trauma.

²²⁰ Kelk and others "Courting the Blues", above n 30, at 10; and Skead, Rogers and Doraisamy "Looking Beyond the Mirror", above n 22, at 93.

²²¹ New Zealand Law Students' Association "Education and Wellbeing Survey 2024" (2024) College of Law-Te Whare Kura Ture o Aotearoa <www.colaw.ac.nz>. Note: the survey did not use validated measures to assess these impacts, rather asked students whether they felt stress, overwhelmed, anxious, depressed or imposter syndrome in the past 30 days.

²²² Kennon M Sheldon and Lawrence S Krieger "Does Legal Education Have Undermining Effects on Law Students? Evaluating Changes in Motivation, Values, and Wellbeing"(2004) 22(2) Behav Sci Law 261 at 272.

²²³ Anna Huggins "Autonomy Supportive Curriculum Design: A Salient Factor in Promoting Law Students' Wellbeing" (2012) 35(3) UNSWLJ 683 at 702; Kennon M Sheldon and Lawrence S Krieger "Understanding the Negative Effects of Legal Education on Law Students: A Longitudinal Test of Self-determination Theory" (2007) 33(6) Pers Soc Psychol Bull 883 at 890; and Sheldon and Krieger, above n 126, at 273.

²²⁴ Deeya Haldar and Sarah Katz "Preventing Vicarious Trauma and Encouraging Self-Care in Clinical Legal Teaching" in Matthew Atkinson and Ben Livings (eds) Contemporary Challenges in Clinical Legal Education: Role, Function and Future Directions (Routledge, London, 2023) 87; Burton and Paton, above n 206; and M Lynne Jenkins "Teaching Law Students: Lessening the Potential Effects of Vicarious Trauma" (2013) 37(1) Man LJ 383.

²²⁵ For details of this course see Auckland University of Technology "LAWG706: Trauma Informed Law" <<https://arion.aut.ac.nz>>.

5.6 What next?

It is promising that multiple interventions have been proposed in the literature. With legal professionals' work-related distress now well out of the shadows, the profession has a responsibility to address this issue directly. Considering Aotearoa New Zealand's unique socio-cultural context, we conducted domestic research, elucidating the nuances of our legal professionals' stressors and needs, which can inform locally appropriate solutions.



Section 6.

Introduction

6.1 Introduction

The Aotearoa New Zealand legal profession is increasingly aware that aspects of legal work can negatively impact lawyers. However, this research demonstrates how any attempts at risk mitigation or impact minimisation have been tokenistic or piecemeal. The contents of this report show that urgent and cohesive action is needed to address work-related distress and indirect trauma in the Aotearoa New Zealand legal profession.

As noted above in the key terms, **“work-related distress”** in the context of this research refers to distress to the individual practitioner that occurs because of, or is related to, the work they do as a lawyer. It encompasses issues such as burnout, depression, anxiety, stress, substance abuse, indirect trauma, and moral distress.

“Indirect trauma”, as noted above in the key terms, is defined in this research as the cumulative effects of exposure to trauma and/or traumatic or distressing material relating to legal proceedings and representation. It is sometimes also referred to as vicarious or secondary trauma.

Exposure to work-related distress can lead to adverse effects on lawyers, including issues in their personal and professional relationships. These effects can complicate the management of boundaries with clients.

There will often be a substantial interplay between issues that cause work-related distress and indirect trauma. However, not all work-related distress will be the result of indirect trauma. Equally, not all distress relating to work with trauma or traumatised clients will be associated with trauma.

“Trauma-informed law”, as noted above in the key terms, assumes that anyone engaging with the legal system may have experienced trauma. It seeks to minimise re-traumatisation and promote safety, transparency, and respect in all interactions. It recognises how systems of power, discrimination, and inequity can compound trauma and works to foster fairness, dignity, and empowerment. Trauma-informed law also emphasises lawyer wellbeing through strategies to prevent and manage indirect trauma, and it advocates for structural and cultural change within legal institutions to embed trauma-informed principles into everyday practice.

Internationally, there has been considerable research and discussion about the impact of work-related distress on lawyers. More recently, the conversation both overseas and in Aotearoa New Zealand has moved to interventions, wellbeing initiatives, and changes to legislation to recognise workplace psychosocial hazards.²²⁶

Notably, work-related distress has also been the subject of recent high-profile cases in Australia. In *Kozarov v Victoria*, the High Court of Australia upheld a public prosecutor’s appeal, finding the Victorian Office of Public Prosecutions liable for her psychiatric injury.²²⁷ In another Australian case, Court Services Victoria was prosecuted by WorkSafe for a toxic workplace culture at the Coroners Court of Victoria, resulting in the suicide of one lawyer, and numerous others taking stress leave.²²⁸ While we have not explored how these Australian cases may affect Aotearoa New Zealand lawyers in this report, it is worth noting that they demonstrate a shift in a comparable common law jurisdiction towards recognising and addressing the substantial effects of work-related distress and indirect trauma.

Aotearoa New Zealand has not kept pace with our international counterparts in addressing the impacts of work-related distress on lawyers.²²⁹ While our legal system shares many similarities with comparable jurisdictions, each jurisdiction has a unique social context in which lawyers operate. Therefore, while this research has been guided by international research, the motivation for this research was to better understand the impact of work-related distress on Aotearoa New Zealand lawyers and to consider what approaches to risk mitigation might be appropriate in this specific context.

²²⁶ Health and Safety at Work Act 2015, s 16, where the definition of ‘health’ includes physical and mental health; and WorkSafe New Zealand “Managing Psychosocial Risks at Work”, above n 1.

²²⁷ *Kozarov v Victoria*, above n 24. Ms Kozarov worked in the Specialist Sexual Offences Unit of the Victorian Office of Public Prosecutions where she worked on cases involving serious sexual offences, including sexual offending against children. Ms Kozarov was diagnosed with post-traumatic stress disorder (PTSD) resulting from vicarious trauma as a result of her employment and subsequently a major depressive disorder.

²²⁸ See: WorkSafe Victoria “Court Body Fined ...”, above n 25.

²²⁹ Considerable research in this space has come from: Australia, Canada, United States and United Kingdom.

The Aotearoa New Zealand legal profession is currently facing several issues, including high rates of attrition, limited policies to retain women, and inadequate policies to attract Māori, Pacific, or other ethnic groups.²³⁰ There has been a long-standing culture of bullying, sexual harassment, and discrimination,²³¹ which, despite steps in the right direction, remains a challenge. Some members of the profession are also grappling with poor mental health and wellbeing, and tragically, there have been deaths by suicide.

Lawyers are also contending with multiple (often long-standing) systemic issues, including delays in the justice system, substantial case backlogs, increasing costs of practice,²³² stagnant legal aid rates, and a shortage of legal aid practitioners (which may increase the burden on existing legal aid lawyers).²³³ Access to justice issues are ever-present – ordinary people increasingly cannot afford a lawyer.²³⁴ These challenges all occur alongside the continued overrepresentation of Māori in our criminal justice system.²³⁵

Our legal profession also has a duty to the individuals who rely on our system: clients, claimants, appellants, respondents, victims, defendants, and children, to deliver adequate legal services. It is arguable that unmitigated work-related distress contributes to breaches of professional duties or leads to competent lawyers leaving the profession altogether.

This research shows that Aotearoa New Zealand lawyers, like their international counterparts, are also experiencing the negative impacts of work-related distress. The purpose of this research is to share lawyers' voices in the hope that the Aotearoa New Zealand legal profession (as a collective) can work towards creating a more wellbeing-focused and trauma-informed profession. Lawyers urgently need appropriate risk-mitigation strategies, support, and crucially, systemic and cultural change.

The following sections set out the results of this research:

[Section 7 – Moral distress.](#)

[Section 8 – Distressing aspects of being a lawyer.](#)

[Section 9 – The impact work-related distress has on lawyers.](#)

[Section 10 – Strategies for addressing work-related distress.](#)

[Section 11 – Moving forward as a profession.](#)

[Section 12 – Discussion.](#)

[Section 13 – Future research.](#)

[Section 14 – Key recommendations.](#)

[Section 15 – Limitations.](#)

[Section 16 – Conclusion.](#)

[Section 17 – Sample description - demographics and work history.](#)

[Section 18 – References.](#)

²³⁰ New Zealand Law Society-Te Kāhui Ture o Aotearoa "Gender Equality Charter Survey Shows Progress" (15 August 2024) <www.lawsociety.org.nz>; and Independent Legal Review Panel *Regulating Lawyers in Aotearoa New Zealand: Te Pae Whiritahi i te Korowai Rato Ture o Aotearoa* (New Zealand Law Society-Te Kāhui Ture o Aotearoa, March 2023).

²³¹ Bazley, above n 26; and Colley, Lenard and McLay, above n 26.

²³² New Zealand Law Society-Te Kāhui Ture o Aotearoa "Benchmarking Costs of Law Practice in New Zealand" (March 2024) <www.lawsociety.org.nz>.

²³³ Kantar Public *Access to Justice Research 2021* (New Zealand Law Society-Te Kāhui Ture o Aotearoa, October 2021). The report concluded that the New Zealand legal system is on "life support".

²³⁴ New Zealand Law Society-Te Kāhui Ture o Aotearoa "Access to Justice: Stocktake of Initiatives – Research Report" (December 2020) <www.lawsociety.org.nz>.

²³⁵ Ara Poutama Aotearoa-Department of Corrections above n 114; and Khylee Quince "Māori and the Criminal Justice System" in Julia Tolmie and Warren J. Brookbanks *The New Zealand Criminal Justice System* (Lexis Nexis, Auckland, 2007) 333; and Isaac Gunson "Outgoing Chief Ombudsman says Justice Overhaul 'a Risk Worth Taking'" (26 March 2025) *Te Ao Māori News* <www.teaonews.co.nz>.



Section 7.

Moral distress

7.1 Moral distress

7.1.1 Moral distress – a central explanatory concept

Several aspects of the wider legal system were identified as causing distress and are captured in this research as *moral distress*. Moral distress is a novel issue in the legal profession and a central explanatory concept in this research.²³⁶

As noted above, moral distress is defined in the following way:

Moral distress can occur when you believe you know the ethically right thing to do, but something or someone restricts your ability to pursue the right course of action. Whether stemming from internal or external factors, moral distress threatens your core values.

Throughout the qualitative interviews, and in the survey responses, participants shared the impact moral distress had on them. This research demonstrates that moral distress is linked to other aspects of work-related distress. Moral distress findings are presented here as an overview and will be discussed alongside other qualitative findings in the following sections.

7.1.2 Experiences of moral distress

Survey participants were provided free-text space to share their experiences of moral distress. These described experiences highlight key features of moral distress, including powerlessness, ethical conflicts, and misalignment with or threats to professional values. As noted above, further examples of participants’ experiences of moral distress will be presented throughout this report as they relate to other aspects of work-related distress.

Table 1. Survey participant experiences of moral distress

Experiences of moral distress	Example participant quotes
Restricted action and powerlessness	The worst part is the feeling of bearing witness to endless human pain and being powerless to help. The case volume compounds this feeling, as do the patterns that one sees time and again... [Survey participant] ...It is common to be blamed by clients for [things] that cause you moral distress but which are outside of your control i.e. blamed for lack of court time. This worsens the distress you feel [at] being unable to do the ‘right thing’. [Survey participant] I work in the criminal law – moral distress is pretty much a part of the job. [Survey participant] I work with refugees and women experiencing family violence. The barriers they face in accessing justice is overwhelming and incredibly distressing. The reason that I moved to working in law reform was to try and address the systemic issues that I was sick of seeing. People face the same barriers over and over again. I was also burnt out and needed a break from client work. It had been impacting my physical and mental health. [Survey participant]

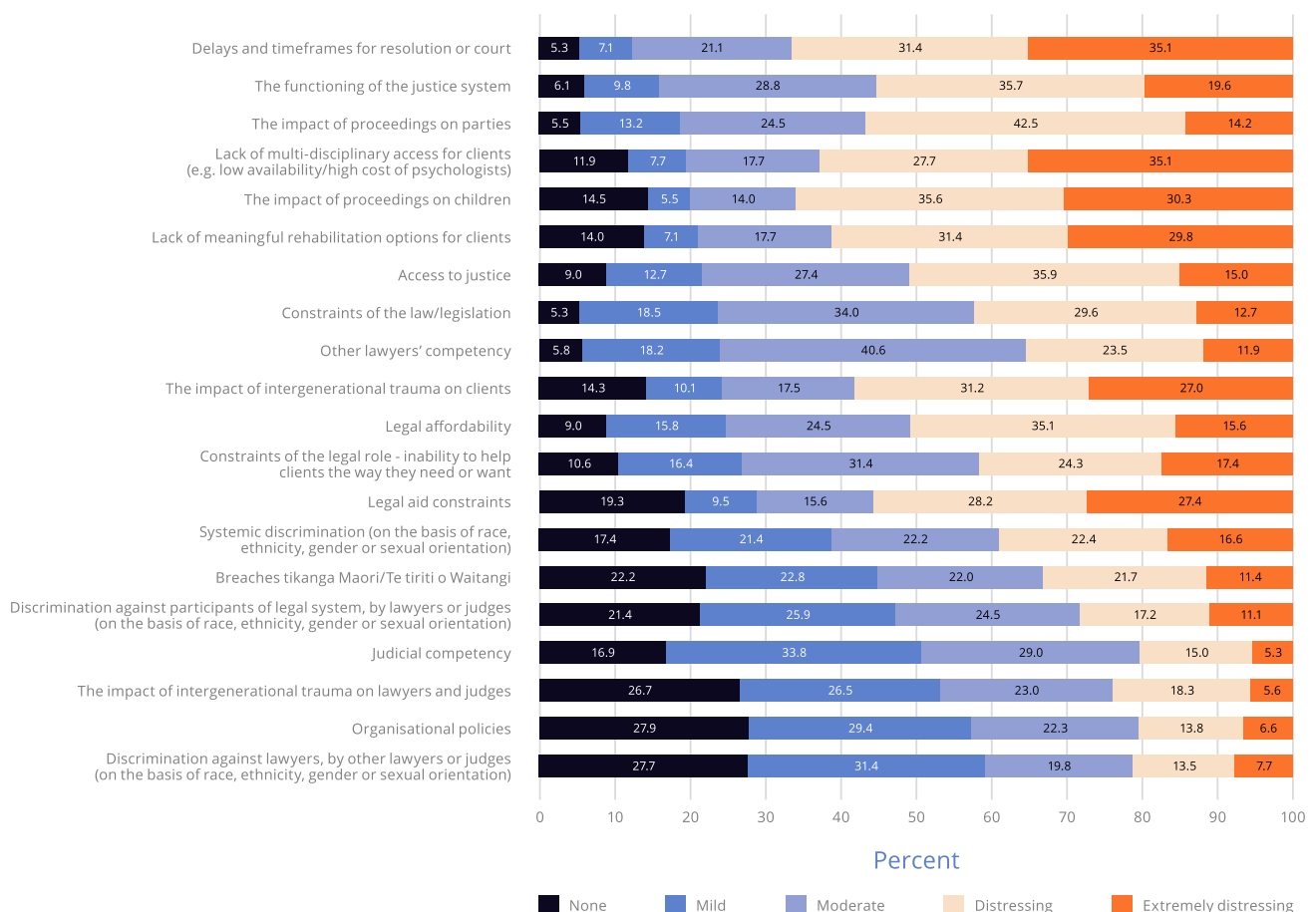
²³⁶ Note: This is the first international research to our knowledge to assess and measure moral distress among legal professionals.

Experiences of moral distress	Example participant quotes
Ethical conflict	I often feel moral distress about the ethical decisions of my superiors at work. I categorically disagree with some of their decisions... which is why I have decided to leave. [Survey participant]
Misalignment with core values	I left criminal law because of the distress and anxiety I felt: systemic abuses, the failure to rehabilitate offenders, legal aid inequities, reading and hearing horrific evidence all day every day, workload pressure as a prosecutor, toxic workplace culture and not feeling like I was positively contributing to society through my work. I was just processing people through the system. No one ended up better for it. [Survey participant]

7.1.3 The Moral Distress Scale – Legal Professionals (MDS-LP)

The impact of moral distress on lawyers was specifically assessed in the survey by the MDS-LP, which included 20 items assessing the extent to which lawyers were distressed by various aspects of the legal system and their work (Figure 1).²³⁷ The graph below sets out the 20 moral distress questions from most distressing to least distressing.

Figure 1. Moral distress (most distressing to least distressing)



²³⁷ Survey participants were also offered space to note "other" issues that caused them moral distress. Based on the participants' responses in the quantitative and qualitative data, future research should consider: 1. Dishonest or unethical conduct by lawyers or judges; 2. Lack of cultural awareness by lawyers or judges; 3. Lack of diversity in the legal profession; and 4. Separating issues of competence into different categories.

Our analysis concluded that these 20 questions could be grouped into three distinct categories:²³⁸

1. Structural and systemic issues;
2. Discrimination; and
3. Competency.

While all aspects of moral distress were of concern, some were particularly distressing to lawyers. These were predominantly related to factor 1: structural and systemic issues.

13 factors fall under the “structural and systemic” heading*:

1. Delays and timeframes for resolution or court;
2. Functioning of the justice system;
3. Impact of proceedings on parties;
4. Lack of multi-disciplinary access for clients (e.g. low availability/high cost of psychologists);
5. Impact of proceedings on children;
6. Lack of meaningful rehabilitation options for clients;
7. Access to justice;
8. Constraints of the law/legislation;
9. The impact of intergenerational trauma on clients;
10. Legal affordability;
11. Constraints of the legal role – inability to help clients in the way they need or want;
12. Legal aid constraints; and
13. The impact of intergenerational trauma on lawyers and judges.

5 factors fall under the “discrimination” heading*:

14. Systemic discrimination (on the basis of race, ethnicity, gender or sexual orientation);
15. Breaches of tikanga Māori/Te Tiriti o Waitangi;
16. Discrimination against participants of the legal system by lawyers or judges (on the basis of race, ethnicity, gender or sexual orientation);
17. Organisational or workplace policies; and
18. Discrimination against lawyers, by other lawyers or judges (on the basis of race, ethnicity, gender or sexual orientation).

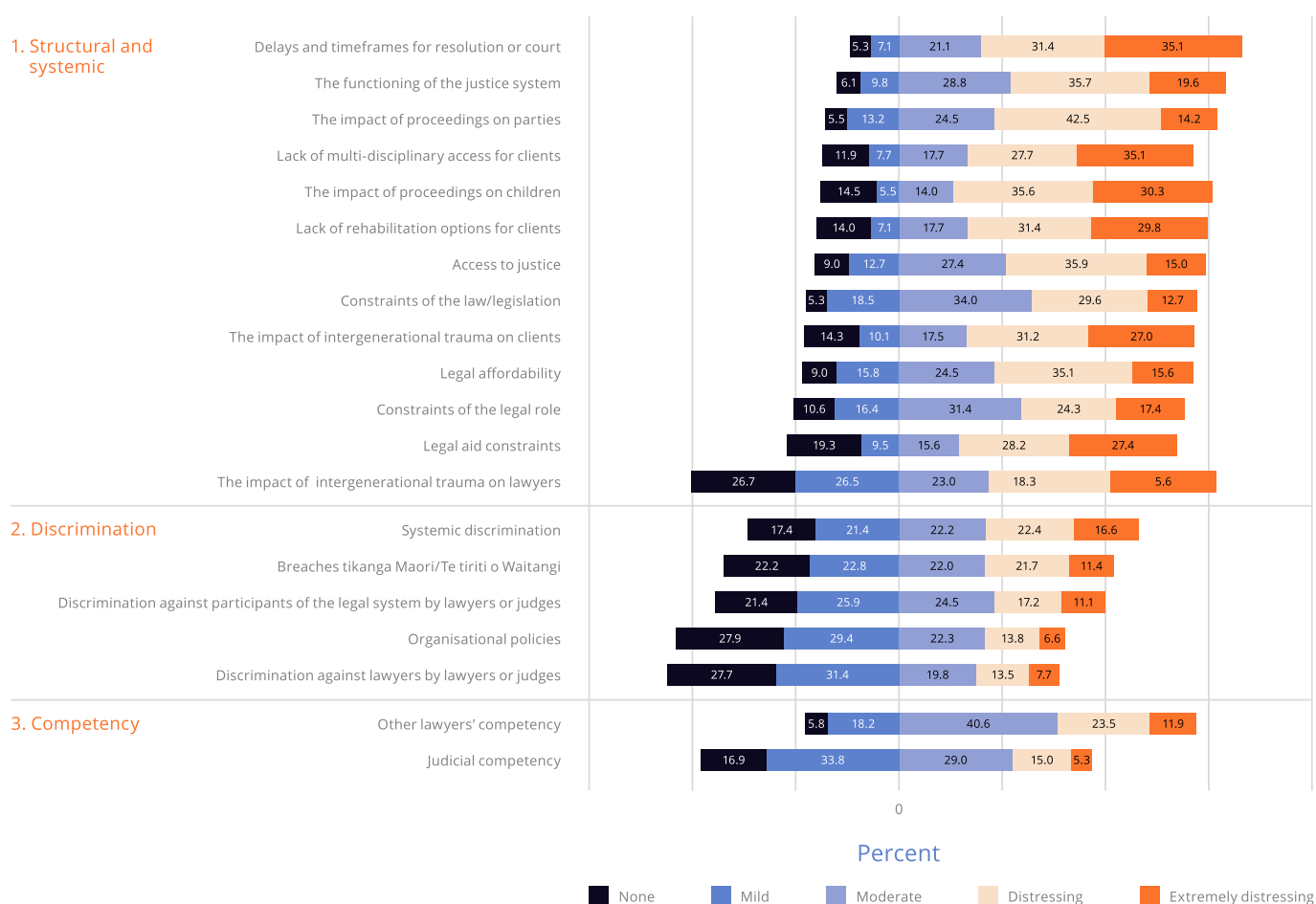
2 factors fall under the “competency” heading*:

19. Other lawyers’ competency; and
20. Judicial competency.

* Listed in order of most to least distressing to the survey participants.

²³⁸ We note that these factors were produced by the data. We conducted an exploratory factor analysis (EFA) to examine the underlying structure of these items. The analysis revealed a three-factor solution, with items loading onto three distinct factors. The 20 moral distress items were subjected to principal components analysis (PCA) using SPSS version 22. Inspection of the correlation matrix revealed the presence of many coefficients of .3 and above. The Kaiser-Meyer measure verified the sampling adequacy for the analysis, KMO = .927, exceeding the recommended value of .6. The Barlett’s Test of Sphericity reached statistical significance (< .001), supporting the factorability of the correlation matrix. Principal components analysis revealed the presence of three components with eigenvalues exceeding 1, explaining in combination 60.72% of variance. An inspection of the screen plot revealed inflexions that would justify retaining 3 factors/components.

Figure 2. Moral distress grouped by factors: structural and systemic, discrimination and competency²³⁹ (n = 379)



7.1.4 Demographic risk and protective factors – inferential analysis

Overall, scores on the MDS-LP were high across demographic factors. However, the lawyers scoring highest on the MDS-LP were female, particularly those working in criminal and family law, and sole practitioners and barristers.

7.1.4.1 Job title

Job title influenced the levels of moral distress reported across the three factors. For structural and systemic moral distress, there were significant differences across job titles ($p < 0.001$). Sole practitioners (mean rank = 224.76) and barristers (mean rank = 207.78) ranked highest on structural and systemic moral distress, while employed solicitors working in-house had the lowest score (mean rank = 99.38). There was no difference between sole practitioners and barristers ($p = 1.00$); however, both scored significantly higher than employed solicitors working in-house (both $p = 0.001$) and from partners ($p = 0.01$ and 0.02 , respectively).

²³⁹ This graph shows the impact of moral distress for each of the 20 items that were listed in our moral distress scale. They are grouped in the three categories broken down from highest to lowest impact. On the left you can see the 3 categories in the orange text boxes. On the graph, dark blue means no distress, pale blue means mild distress, lilac means moderate distress, pale orange means distressing, and orange means extreme distress. The dark blue and pale blue are seen as “negative” – and the starting point, or 0 point, is in the middle – the line between pale blue and lilac. Essentially, the graph indicates that most of the moral distress issues cause moderate or extreme levels of distress. The issues causing the most distress come within the structural and systemic factor. For example, delays for resolution, the functioning of the justice system, the impact of proceedings on parties, lack of multi-disciplinary access for clients. However, in the competency section, other lawyers’ competency also caused a high level of moral distress.

For discrimination moral distress, there were also significant differences ($p < 0.001$) across job titles. Lawyers who are employed in the public sector (mean rank = 225.20) or who are employed as solicitors in a private practice law firm (mean rank = 197.54) scored highest on discrimination moral distress and significantly higher than partners ($p = 0.001$, respectively).

For competency moral distress there were no significant differences between job titles ($p = 0.21$).

7.1.4.2 Gender

For both structural and systemic moral distress and discrimination moral distress, there were significant differences between females and males, with females reporting higher levels than males ($p < 0.001$).

For competency moral distress, there were no statistically significant differences for gender ($p = 0.44$).

7.1.4.3 Main practice area

Main practice area influenced the levels of moral distress reported across structural and systemic moral distress and competency moral distress but not for discrimination moral distress.

For structural and systemic moral distress, there were significant differences across main areas of practice ($p < 0.001$). Family lawyers (mean rank = 226.20) and criminal lawyers (mean rank = 189.33) had the highest scores, indicating higher levels of structural and systemic moral distress compared with several other practice areas. Family and criminal lawyers did not differ significantly from each other ($p = 0.12$), but both differed significantly ($p = 0.001$, respectively) from groupings of other practice areas: trusts/estates/property/tax/company and commercial (mean rank = 106.41) and resource management/ environmental (mean rank = 124.33). Trusts/estates/property/tax/company/commercial and resource management/environmental law were among the lowest-ranked areas, indicating lower levels of structural and systemic moral distress relative to criminal and family law.

For competency moral distress, there were also significant differences across main areas of practice ($p < 0.001$). Family lawyers (mean rank = 193.19) and criminal lawyers (mean rank = 208.75) also had the highest median scores, indicating higher levels of competency moral distress relative to several other practice areas. Family and criminal lawyers did not differ significantly from each other ($p = 1.00$), however, criminal lawyers had significantly higher competency moral distress than trusts and estates/property/tax/company/commercial law ($p = 0.03$) (mean rank = 149.37). Administrative/public/government/advisory law (mean rank = 124.86) and resource management/environmental law (mean rank = 137.75) were among the lowest ranked categories, with fewer statistically significant differences observed relative to other practice areas.

For discrimination moral distress, no significant differences were found between main areas of practice ($p = 0.32$).

7.2 Summary – moral distress



*Experiences of moral distress

Restricted action and powerlessness: Lawyers felt powerless to help clients despite bearing witness to their pain, for systemic issues outside their control (e.g., lack of court time), and felt trapped in a broken system.

Ethical conflict: Lawyers experienced distress when compelled to act in ways that conflicted with their professional judgment.

Misalignment with core values: Many lawyers felt they were merely processing people through the system rather than positively contributing to justice, leading some to consider leaving practice areas or the profession entirely.



The Moral Distress Scale – Legal Professionals (MDS-LP)

Three categories of moral distress: Analysis of 20 items on the MDS-LP revealed three distinct factors: structural and systemic issues, discrimination, and competency.

Most distressing issues: The most distressing issues were structural and systemic moral distress.



Demographic factors

Criminal and family lawyers: Compared to lawyers from other practice areas, criminal and family lawyers scored the highest in relation to both structural and systemic, and competency moral distress.

Female lawyers: Compared with male lawyers, female lawyers scored significantly higher on structural and systemic, and discrimination moral distress.

Sole practitioners and barristers: In relation to structural and systemic moral distress, sole practitioners and barristers scored the highest.

*Note: Moral distress is presented here as a central explanatory concept as it is linked with other aspects of work-related distress. Moral distress in this section is presented as an overview and will be discussed alongside other qualitative findings in the following sections, and these experiences are only some examples of moral distress.



Section 8.

Distressing aspects of being a lawyer

8.1 Distressing aspects of being a lawyer

Across practice areas, lawyers perceived aspects of their roles as distressing: from the issues they encounter to the distressed or distressing people they engaged with. While there are differences in the content and operation of law across practice areas, there are substantial similarities in how lawyers are affected by work-related distress. Involvement in criminal or family law cases can be particularly distressing, as they consist of the harms people inflict on each other, causing varying degrees of damage to lives and livelihoods. Therein lies its importance; lawyers need to deal with all sorts of content to carry out their roles:

If you were doing something and hearing nasty things and it made no difference, that might be a really horrible job, but when you can actually see that what you do does contribute, I think it makes all those things a little bit easier. [Julie]

While distressing content and distressed clients are often inherent in criminal and family law, they are also frequently part of other practice areas, such as insurance, disciplinary matters, regulatory matters, human rights, employment, mental health, refugee or immigration issues, and, in some instances, commercial disputes.

Beyond the content of legal matters, distress was experienced in a much wider range of ways. For example, lawyers experienced distress due to the contexts in which they worked (both their workplaces and the wider legal and justice systems) and their interactions with others.

To understand how distress was experienced, survey and interview data are summarised in three key areas:

1. Many participants mentioned the need to deal with **distressing content**. This spanned practice areas and included cases where the content involved physical or psychological harm. Content involving sexual harm was noted as being particularly disturbing.
2. The often **distressing contexts** lawyers worked in were also seen as problematic, with large numbers of those surveyed experiencing **moral distress** because of their legal work. The following distressing contexts were discussed as contributing to or exacerbating workplace distress:
 - Unmanageable or poorly managed workloads were described by many lawyers, with reports of excessive work and insufficient time to complete it;
 - Legal and workplace culture compounded the potential impact of the distress lawyers experienced;
 - Financial systems caused and compounded distress, particularly in relation to legal aid; and
 - Systemic issues in the wider context of the justice system caused many lawyers considerable distress.
3. **Working with distressed and distressing people:** It was clear (particularly from the interview data) that interactions with other people could substantially add to the experience of workplace distress.
 - Client interactions could be complicated in many ways, ranging from aggressive encounters to extremely needy or vulnerable clients who require more support than a lawyer can provide.
 - Interactions with colleagues in the legal profession could likewise be fraught and often challenging.
 - While managers can provide support to buffer the experience of workplace distress, they can also cause distress when they fail to show appropriate leadership and support.
 - Dealings with other lawyers could likewise be troubling.
 - The behaviour of some judges made courtroom experiences distressing for some.
 - Individual lawyers themselves could affect the distress they experienced as they inevitably brought aspects of their lives or themselves to the role.

8.2 Distressing content

Lawyers can face some of the most distressing aspects of human behaviour. From cases of sexual violence and child abuse to clients dealing with psychological and physical trauma, considerable demands are placed on lawyers, not just to act in the best interests of clients but to process this difficult content themselves.

I've seen the absolute worst that society has to offer. And every time I think I've seen the worst, I find a new low. [Molly]

Many participants felt unprepared by their training for the degree of “gruelling” and distressing content they faced, and they also tried to understand why some content was particularly difficult. For many participants, the “lows” they experienced regarding distressing content and proceedings stemmed from their time in criminal or family law. However, this was not limited to those practice areas.

It was clear that for many lawyers, it was not only the *type* of distressing content that was problematic, but also *how* the content was presented.

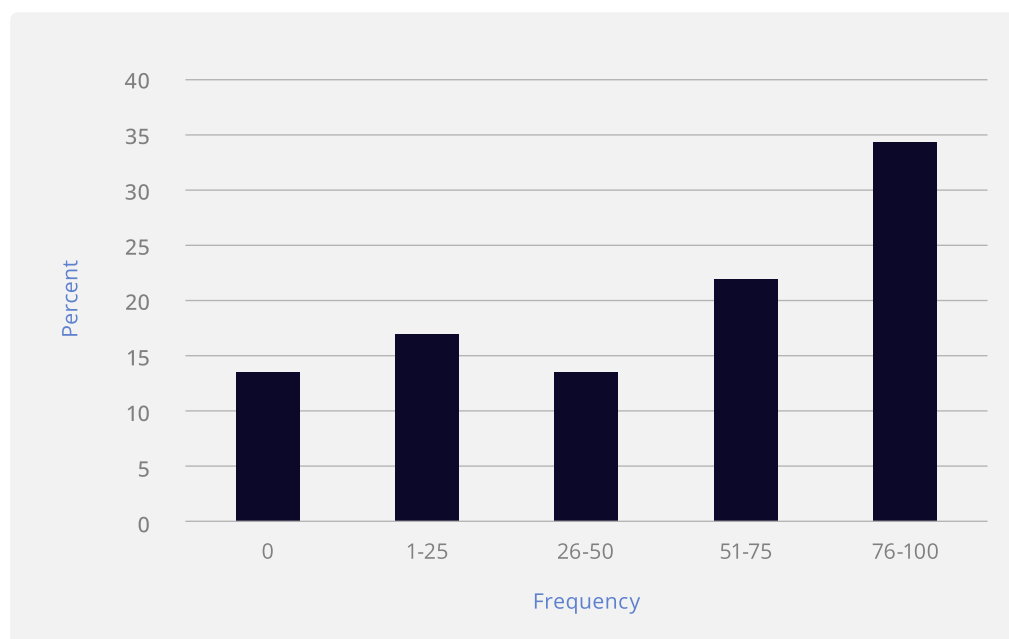
- Interviewees spoke of dealing with **sexual violation** cases and described these as “horrific”, “gruelling”, “harrowing”, “really troubling”, and “bloody awful” (particularly cases with violent sexual offending, incest, and rape). Cases involving **child sexual abuse** were described as “sad” and “awful”, and sex crimes involving children and infants were seen as particularly distressing and “disgusting”. As Nikki stated, “There are multiple things that haunt me”.
- **Graphic images** or “gory” photos could be more distressing than words. These types of images were seen in multiple practice areas, but particularly in criminal and workplace injury or death cases. Ben, a senior criminal and civil litigation lawyer, noted that part of his role was “to actually open and have to go through a [child pornography] file and see it all happening and then assess the level of distress, it’s visible on the children’s faces”. Laura, a senior family lawyer, simply stated, “You can’t unsee the things you see”.
- **Physical violence** was also understandably distressing. Lawyers spoke of the difficulty in dealing with cases involving murder, death by suicide, parents killing children or each other, kidnapping, and violent assaults. Horrific physical abuse and family violence were also mentioned.
- Some lawyers had to deal with the consequences of **distressing fatalities** and injuries stemming from dangerous workplace practices, drug use, or drunk driving.
- Compounding factors of the **drug use** scene were also noted, especially methamphetamine, with one lawyer stating that “P has made New Zealand crime appalling” [Survey participant].²⁴⁰
- Interviewees also spoke of the impacts of cases involving **psychological violence**, such as “really horrible, insidious psychological violence” [Anna] or weird or creepy psychological abuse, animal abuse, and financial violence.
- **Relationship property cases** were described as increasingly high conflict, with one survey participant describing “middle-class separated couples exposing their children to their hatred for each other”.

The **volume of distressing content** was also viewed as problematic. One survey participant described “reading and hearing horrific evidence all day, every day”. The volume of work, such as the allocation of back-to-back trials, an unmanageable workload, and scheduling conflicts with court proceedings, added to this distress.

Survey participants were explicitly asked to indicate what percentage of their workload in the previous 12 months related to clients seeking legal services concerning a traumatic event(s). [Figure 3](#) (below) shows that just over half of those surveyed (56.2%) indicated that this type of work comprised at least half of their workload, and just over one-third (34.3%) suggested that it comprised 76%–100% of their role.

²⁴⁰ In Aotearoa New Zealand “P” is the slang term for the drug methamphetamine.

Figure 3. Level of workload involving a traumatic event(s) over the previous 12 months (n=379)²⁴¹



8.3 Distressing work contexts

The contexts within which legal work is conducted contribute to lawyers' distress. Edward, a senior criminal lawyer, highlighted the distinction between the context and content, stating, "It's more the pressure of the environment rather than the content and just that the stakes are higher".

These contexts include relentless workloads, a toxic workplace or professional culture, and the need to operate within often chaotic and under-resourced systems. Participants made it clear that the challenges faced by legal professionals are multifaceted and that myriad factors can cause distress. Often, it was the combination of content and context that exacerbated feelings of distress.

Many professionals work hard; however, legal professionals have a special responsibility. Their work can have a profound impact on others, often resulting in severe consequences, including loss of freedom, separation from children or family, and damage to financial stability, reputation, or career opportunities. Working hard to do the job correctly was one thing; trying to do that in a chaotic, overwhelmed, and slow system was quite another. Being asked about "factors that contribute to stress" in the survey gave this participant a "rare" opportunity to describe many sources of distress:

The unprofessional and bullying behaviour of stakeholders, the critical under-resourcing of the system, the lack of vision and failure to implement safeguards to deal with the growing backlog of distressed clients, the uncertainty and administrative chaos, the traumatic subject matter involved in every single case, and the fact that this is a rare place for me to voice these concerns. [Survey participant]

Participants' experiences relating to distressing contexts can be grouped into four areas:

1. **Workload issues;**
2. **Workplace culture;**
3. **Financial systems** (particularly legal aid); and
4. The wider context of the **justice system**.

These issues can also be understood within the context of **moral distress**, set out above at [Section 7](#).

²⁴¹ Survey respondents were asked: "In the past 12 months, what percentage of your workload related to clients who were seeking legal services in relation to a traumatic event or events?"

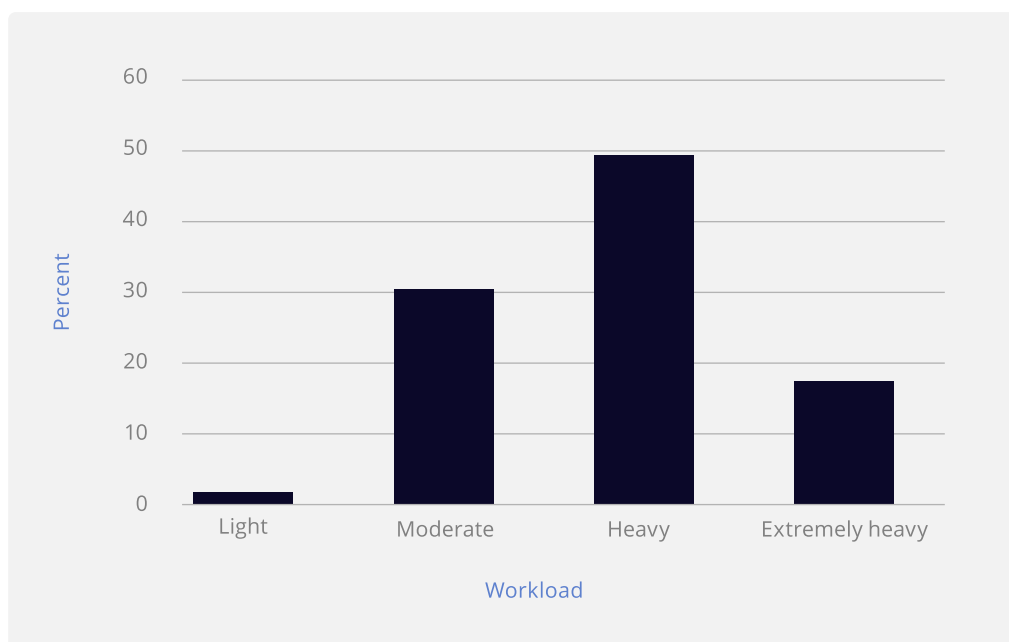
8.3.1 Workload issues

Ideally, legal work is “challenging, but it is really rewarding if you’ve got a manageable caseload” [Alison]. However, many interviewees described their workloads as poorly managed or unmanageable.

The workload was considered too high for many, with reports of excessive work and insufficient time to complete it. Additionally, senior lawyers or managers were found to be failing to acknowledge or take active steps to reduce the workload. Lawyers felt overworked and overloaded by “crushing” workloads, files that were “all stacked up”, and having too many clients.

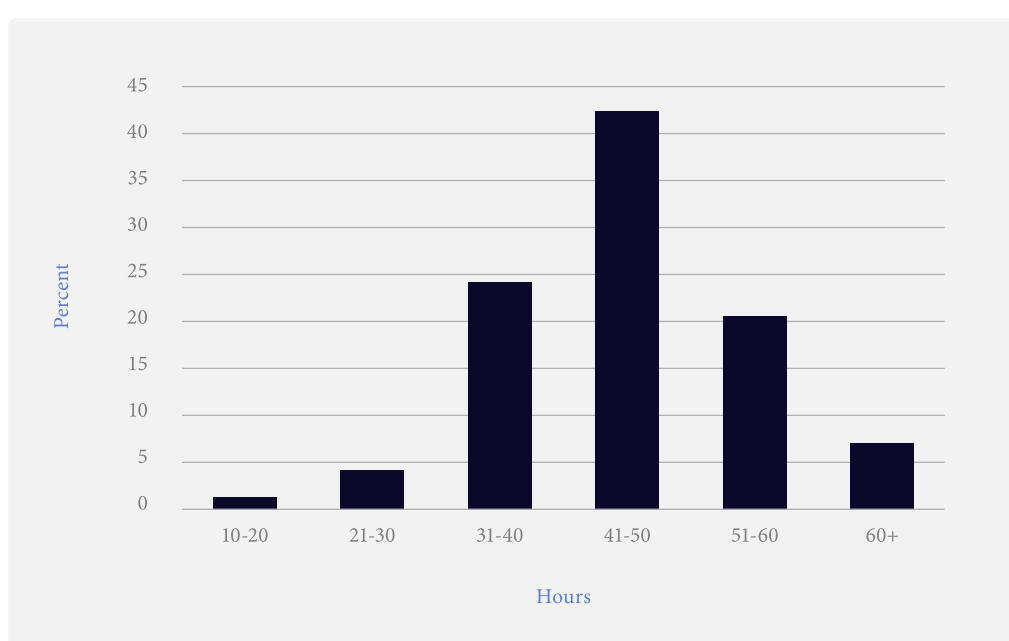
This was also reflected in the quantitative survey data (Figure 4), with two-thirds (67.6%) reporting their workload was *heavy* or *extremely heavy*.

Figure 4. Average workload size (n = 379)



The majority of lawyers participating in the survey worked more than 40 hours per week: 70.2% worked 41-60 hours, and 7.1% worked more than 60 hours (Figure 5).

Figure 5. Average working hours per week (n = 379)



Workload management was considered critical. One survey participant explained that it was “managing the volume of work more than the nature of the work itself” that was distressing. As a result, the workload could compromise delivery quality. Nigel, an intermediate lawyer, noted that “you can’t really say to the judge, ‘I’m sorry [I haven’t filed that memorandum], but I’ve got 100 files on the go at the moment’”.

The role of senior staff and managers in helping manage workload was also mentioned and is discussed below in [Section 10.4](#). It was generally considered unwise for a legal career to raise concerns about workload. Danielle, a junior lawyer, noted, “If I’m looked at as someone who can’t handle the workload, then I won’t get any sort of development in the firm”.

Work hours could be extended due to urgent matters that undoubtedly required attention. However, participants described a culture of unnecessary urgency and stress that could have been better managed. For example, clients often expected “immediate” attention, or senior staff expected juniors to stay late for matters that “weren’t as urgent as they were being made out to be” [Aaliyah], and which required timely management rather than a panicked response. This included communicating clearly with clients or others regarding reasonable timeframes and boundaries.

Junior practitioners across practice areas were particularly affected by poor workload management, as this senior lawyer noted:

It doesn’t matter whether they’re doing commercial law, employment, resource management, litigation, criminal, family, or whatever it is – they have a lack of support. They are worried about their jobs constantly. They are staying at work for 10 hours because they know it takes them twice as long to do anything, and they don’t have a place to go with that. [Michelle]

Some juniors, however, resisted a culture of unsupported overworking. Vanessa, a senior lawyer, noted that younger staff might have different expectations: “The younger lawyers recognise the need for time off and rejuvenation and rest and not working crazy hours”. Sometimes, this meant many juniors were simply leaving the profession. Survey comments about junior lawyers’ workload management were scathing. One survey participant described the conditions as follows:

The hours are brutal, I have no work-life balance, I feel burnt out, and I’m only in my third year. I have no support or mentorship. The profession is old school and unwilling to change and move with the times. We are severely underpaid as juniors and overworked, blamed for mistakes that are not our fault. [Survey participant]

Another survey participant shared:

I think new lawyers are hung out to dry with little support – especially in medium firms. They still work obscenely long hours for less than the minimum wage and don’t know how to say no. THIS HAS TO STOP! [Survey participant]

8.3.2 Culture

As suggested above in [Section 8.3.1](#), the culture of the law profession was evident in comments relating to workload. There was also a strong belief that workplace culture further compounded the potential impacts of the distress lawyers experienced.

“Workplace culture” encompasses four key areas, which are discussed below.

1. Legal culture;
2. Workplaces causing distress;
3. The sole practitioner context; and
4. Other concerns – racism and corrupt or dishonest behaviour.

8.3.2.1 Legal culture

The culture of the legal profession was reported as emphasising that **work-related distress should be hidden or ignored**. Will, a senior lawyer, reflected:

That's the whole thing about the legal profession, the whole mentality of "never let them see you bleed". You want to make sure that you're seen as someone who can cope with the pressure. [Will]

Even the fact that a lawyer could feel distressed about a client's trauma was incomprehensible to some. Alexandra reported having "people boast that they'd never felt emotionally affected by a file", while Nikki described a dysfunctional culture:

Law firm culture, the idea that it's not you, and it's not your trauma. So why would you be affected by it? I think I would have personally rather eaten glass than mention the word "therapy" to my boss. [Nikki]

Hine, an intermediate lawyer, similarly found that empathy and expression of emotion were lacking in leaders:

I didn't find the cases hard. I didn't find the personal experiences hard. What really distressed me was how out of touch a lot of the leaders are in firms, and how out of touch they are with understanding other people's feelings. A lot of them don't have much empathy ... It was like, "Oh, it's just another rape trial". ... I don't know if that's their coping, but I'm not into lawyers who talk about people as if they're a statistic. [Hine]

Support might be available, but some participants thought that taking up this option could hinder their careers.

Comments relating to a legal culture where **gender stereotyping** was associated with work-related distress were evident in both the survey and the interviews. Gender featured in two ways. For men, the idea of the masculine myth appeared as a barrier to their ability to engage with emotions and to seek help. For women, the legal profession was described as an "old boys club" [Hine] into which women had been "reluctantly kind of let in" [Carol].

Societal stereotypes of men as less affected by trauma and distress were of concern, with participants mentioning the high-profile deaths by suicide of men: barrister Greg King and Auckland District Court Judge Robert Ronayne.

Dawn shared a conversation she had with her boss, in which he discussed what it means to be a "good criminal lawyer". Her boss explained that good criminal lawyers can "separate their emotions from the work at hand ... then he started prattling on about Greg King. And I said, 'Well, hang on a minute, but he committed suicide'". Dawn went on to describe an underpinning "masculine myth" that "hiding emotions is actually a good thing", as opposed to at least having some ability to understand and effectively work with human emotion.

Judges, managers, colleagues, opposing counsel, and "aggressive male clients" [Olivia] were all mentioned as being disrespectful to women lawyers at times, especially to young women. One survey participant shared their experience that "misogyny is alive and well in this [law] firm". Women described past sexism, for example, being sexually propositioned or an assumption that the lawyer was the secretary. One participant reported patronising comments such as: "Oh, that's a nice idea, girlie, good on you for giving this law school thing a go" [Maya].

Some participants thought that sexism was possibly slightly less overt now after the legal "MeToo movement" and the local "scandalous incidents" of sexual harassment that had helped to guide "the younger boys".

Many participants expressed resignation that the law would remain sexist and that both men and women needed to find ways to deal with it. This included:

- Moving to a different firm or different area of the law if specific individuals or the workplace culture were challenging.
- Lawyers fostering a more inclusive (and less sexist) culture once they were more senior themselves.
- Raising the issue(s) with a senior partner/supervisor or making a formal complaint. This was seen as a more dangerous or contentious option.

8.3.2.2 A culture of bullying

Some participants reported a culture of bullying within the legal profession. Examples included:

- Junior lawyers being bullied by senior lawyers, both within and outside their workplaces. Some participants referenced bullying by law firm partners.
- Other practitioners (at varying levels) bullying others.
- One survey participant described “if I were to raise concerns about poor treatment by more senior staff, I’d be made to feel that the problem was how I was dealing with it, rather than how they were treating me”.

Losing good staff was seen as a consequence of bullying by one intermediate lawyer who gave an example of a “horrendous” firm, where 75% of a team left within a year; there were bullying “power trips” of making juniors redraft an email 20 times; and a human resources department that “did nothing” while brilliant young graduates left.

8.3.2.3 Failing to support life outside of work

Failing to support life outside of work, such as having children, was seen as a cultural norm in many workplaces. This was perhaps based on former contexts where the lawyer had a wife at home managing private life, and when law firms were less diverse. One intermediate lawyer reflected that:

[Law firm] structure is based on a stereotype of a confident, rich white man, with support at home, who can work all hours, drink with clients ... In different cultures, [there are] different expectations about sacrificing family for work. [Aaliyah]

Pregnancy was often described as something to hide, not to celebrate, with women most likely to “just quit” the legal profession rather than face inflexibility about parenting.²⁴² Carol, an intermediate lawyer, shared:

So many women I’ve spoken to, when they’re pregnant, that’s something to be almost ashamed of, because you’ll have to have time off. And I mean, it’s much better than it was compared to 20 years ago, but still ... [Carol]

Alison gave examples of older men and younger colleagues across both corporate and non-governmental environments who handled her pregnancies and her return to work poorly (Alison has persisted and remained in law, although in a less client-facing role). Some women had found firms where having children was not seen as career-limiting. Some also noted that Community Law benefited from overqualified female lawyers returning to work after having a child, as they were more flexible with hours and more “family-friendly,” but they were paid poorly.

8.3.2.4 Sole practitioner context

With sufficient experience and qualifications,²⁴³ lawyers can practice independently, as a barrister or sole practitioner. This allows them to move away from workplace cultures of bullying or failing human resource departments. However, isolation and the relentless demands of sole practice caused distress for some working in this context. One senior lawyer reflected:

There are so many lawyers that have dropped out of practice, developed addictions, committed suicide, because of the level of stress that’s inherent in this type of work. That isolation is often because of the way we are required to work as barristers, and that you are a firm in and of yourself, and your work is reliant upon you alone. [Ngahuia]

²⁴² This is supported by a 2024 study from the United States, where researchers found that for women, work/family conflict is the primary driver of attrition. See: Unmind *The State of Wellbeing in Law: A Call to Action for Better Mental Health and Performance* (2024) Unmind <<https://unmind.com>> at 17.

²⁴³ In Aotearoa New Zealand lawyers are required to complete a course called “Stepping Up” in order to practice on their own account. For more information see: New Zealand Law Society-Te Kāhui Ture o Aotearoa “Stepping Up Course” (30 July 2020) <www.lawsociety.org.nz>.

The broader culture of ignoring distress was a necessary evil for some sole practitioners. One senior lawyer operating as a sole practitioner shared:

It's not fun anymore. It's a real hard slog. I come to work every day, I barely get lunch, I barely get to go to the toilet, and it's just the phone going. You've got to do everything as a one-man band. You've got to do wages, you've got to do accounting, pay your taxes, deal with the clients, do marketing, do the legal work [laughter], go to court, everything. [Angela]

8.3.2.5 Racism and corrupt behaviour

A few participants expressed other concerns about distressing workplace cultures, including cultures of racism and corrupt behaviour.

A sense of pervasive racism was described within some law firms. Examples given were:

- When three-quarters of non-White staff left within a year.
- An inability to pronounce non-English names.
- A sense of tokenism about biculturalism, in particular; "Any nod to Treaty principles are just that – a nod" [Survey participant].
- Law firm culture and the wider legal system were described as not grappling with the systemic failures that contributed to the over-representation of Māori within the system, and it was "difficult to reconcile processes and law with tikanga" [Survey participant].

For some survey participants, cultural/racial issues caused them to experience **moral distress** (Figure 1). Several quantitative survey items assessed the distress caused by discrimination and breaches against tikanga Māori or Te Tiriti o Waitangi. *Systemic discrimination* caused the most distress, with 39.0% finding this *distressing/extremely distressing*. *Discrimination against participants of the legal system* was found to be *moderately distressing* (24.5%) or *distressing/extremely distressing* (28.3%), and *discrimination against lawyers* was found to be *moderately distressing* (19.8%) or *distressing/extremely distressing* (21.2%).

Breaches against tikanga Māori or Te Tiriti o Waitangi were rated as being at least moderately distressing by just over half (55.1%) of participants.

Corrupt behaviour was hinted at, rather than widely reported, in the interviews and survey. One junior lawyer shared that they left a law firm after being blamed for someone else's mistake, and another senior lawyer shared that they avoided colleagues they felt were "corrupt".

8.3.3 Financial systems

If you are actually real about providing access to justice, then it needs to be properly funded. [Rob]

Some participants perceived financial systems as potentially causing distress or compounding it. Participants raised a small number of general financial issues, primarily concerning billing (Table 2, below). However, most discussions on financial systems are centred around legal aid and are summarised below.

Table 2. Financial issues that caused distress

Financial issues	Example participant quotes
Intertwined workload and financial concerns	I'm either too busy, working horrific hours, or I'm not busy enough, in which case I'm concerned I'm not billing enough to meet the firm's requirements. [Survey participant]
Negative workplace cultures regarding billings	The monthly billings came around, and the yelling and the crying and the screaming ... It's just about the money and how you got the money and the bullying and the yelling. And working a Saturday and a Sunday was completely and utterly encouraged ... I keep thinking, "Oh no, but we're supposed to be advocates for people primarily". [Carol]
Costs of not effectively managing staff distress, workload, and culture	If someone ends up going on stress leave for two weeks and their practice is a complete shambles, then it's more cost or resources to unpick that than to stop it from happening in the first place ... If you burn your people out, the staff turnover and the effect on productivity [is expensive] – because I can remember files in [that workplace] I had, that four other lawyers had touched. [Heather]

Legal aid constraints were a particular concern for participants in both the survey and interviews.²⁴⁴ Quantitative survey results indicated this caused participating lawyers substantial moral distress (Figure 1), with almost three-quarters (71.2%) indicating that this was an area they found at least *moderately distressing*, and 55.6% indicating that it was *distressing* or *extremely distressing*.

Interview participants highlighted specific issues related to legal aid work, feeling that it was underfunded and they were underpaid, but also noted that negative attitudes about the legal profession were at play. Nigel, a family lawyer, stated that "the government's going to say, 'Well, they're rich people's problems aren't they...'" [referring to lawyers as "rich people"], and continue to take advantage of lawyers.

David, a very senior lawyer, reflected:

We are extremely hardworking professionals who are taken ruthless advantage of by successive governments because we're a convenient kicking board ... We are now slipping into crisis because there are not enough lawyers prepared to take on family legal aid. [David]

Concern was also expressed about **system changes**, such as the establishment of the Public Defence Service (PDS), which provides criminal legal aid. This change, in particular, was described as financially unsound, leaving lawyers not under PDS poorly paid, with private clients subsidising public work, and insufficient accountability.²⁴⁵

Rob, a senior lawyer, explained:

When I'm doing a murder trial, the mechanic who services my car gets exactly the same pay ... Our private clients are paying for the public service that we're providing. I've had a gutsful of it, and so has everyone else... From what I can tell, the private bar has been decimated. The PDS have come in that are much more expensive, and no one is allowed to comment on their performance. [Rob]

²⁴⁴ The Legal Aid scheme is currently under review. See: Ministry of Justice-Te Tāhū o te Ture "Legal Aid Scheme Review" (2 July 2025) <www.justice.govt.nz>; New Zealand Law Society-Te Kāhui Ture o Aotearoa "Legal Aid Review 2025 – Submission of the New Zealand Law Society Te Kāhui Ture o Aotearoa" (1 August 2025) <www.lawsociety.org.nz>; and The Law Association of New Zealand "Triennial Review of Legal Aid: Submissions by The Law Association of New Zealand" (1 August 2025) <www.thelawassociation.nz>.

²⁴⁵ Note: in Aotearoa New Zealand, the Ministry of Justice-Te Tāhū o te Ture apportions legal aid funding between the national Public Defence Service and independent lawyers.

Legal aid funding structures were perceived as unnecessarily bureaucratic, particularly when processing was conducted by staff with limited legal knowledge.

Lisa, a very senior lawyer, described it as “almost more traumatising to deal with legal aid than it is to deal with people who are traumatised ... constant pushback from junior non-lawyers who are constantly questioning what we’re doing”. Maria, a senior lawyer, pointed out that legal aid “tries to pick holes in my invoices, doesn’t trust what I’m saying, wants proof of this – that’s really quite demeaning”.

Several lawyers raised the issue of legal aid being poorly remunerated. At the time the data were gathered, participants noted:

- Legal aid remuneration that was at a 20%–25% recovery rate compared to private clients;
- Bills took two months to be paid “if you’re lucky”;
- They earned less than they had in the year 2000; and
- There had also been no increase in legal aid pay rates for 13 years.²⁴⁶

The financial systems that caused “systemic deprivation” in the lives of those who came before the court were reflected in the legal system supposed to support them, as this lawyer described:

The feeling of walking into a courtroom where all the lawyers (including me) are White, dissecting the minutiae of Māori, Pasifika, or immigrants’ lives. The pompous self-satisfaction of a system and a profession that purports to hold a moral high ground while happily feeding off an unjust status quo and contributing to its reactionary dynamics. There is a gap in funding between agents of the Crown (Crown counsel, police prosecutors, judges) and legal aid lawyers. [Survey participant]

Other changes that were of concern included:

- The legal aid change from hourly billing to a fixed-fee structure in criminal defence was perceived as unsuitable. Lawyers felt that the time spent establishing trust and hearing a client’s needs was hardly compensated. Some thought that the change meant they could not develop long-lasting relationships with clients. This impacts the ability to form a trusting professional relationship.
- When regional offices were closed to be replaced by “big hubs” in Auckland, Wellington, and Christchurch, lawyers experienced substantially impacted services. For instance, if an application was missing one item, it would be declined, necessitating a complete reapplication rather than a quick phone call between local legal aid staff and the lawyer to resolve the missing details.
- Eligibility levels for legal aid left “large numbers of people” just outside the eligibility level, “unable to access justice despite having a profound need for it” [David].
- Because Crown work was underfunded, firms that held a Crown Warrant pushed staff to do more lucrative regulatory work, with Charles, commenting, “your Crown files sort of languish and you do them in your spare time ... [and] you feel like you haven’t done a good enough job because you didn’t have time”.

8.3.4 The justice system

In a democracy, access to justice is incredibly important. But the way things are being run, it’s the absolute opposite. [Carol]

Beyond the reported impact of workplaces and workload, the wider context of the justice system was variously described as “dysfunctional”, “broken”, “abusive”, and “crumbling”, leaving lawyers feeling like they were “just a cog in the broken system” and causing distress.

²⁴⁶ Since this research was undertaken in early 2022 there have been some increases to Legal Aid rates. On 1 July 2022 legal aid rates were increased by 12%. However, these increases have not kept pace with inflation or private practice fee increases. For further information about legal aid concerns see: Michael Andrew “Legal Aid ‘Becoming Untenable’, Informal Strike Talk” (1 September 2024) Law News <<https://lawnews.nz>>. In March 2025 the Ministry of Justice-Te Tāhū o te Ture announced that a review of the legal aid scheme would be undertaken later in 2025. For more information see: Ministry of Justice-Te Tāhū o te Ture, above n 248.

One senior family and criminal lawyer described that it is not the content of the cases but rather the dysfunctional system that causes the most distress:

You would think that the content of the work would be worse, but it's not. I will tell you that the systemic dysfunction is much worse ... feeling like I am part of a broken system and that the system is abusive sits badly with me ... And criminal law, the system's crumbling. [Jenny]

The sense of chaos in the justice system extended to areas such as civil litigation. Some participants reported their observations of clients' responses, as this survey participant detailed:

While I do not deal with "trauma" cases, as I believe you would define them, the experience of civil litigation is extremely traumatic to my clients. The cost is horrific. Parties game the system to cause additional expense and stress to the other side. [Survey participant]

Survey participants specifically assessed several aspects of the justice system concerning **moral distress** (Figure 1). The following areas showed relatively high levels of moral distress, with lawyers rating the following items as at least *moderately* distressing: *functioning justice system* (84.1%), *access to justice* (78.3%), *constraints of the law/legislation* (76.3%), *legal affordability* (75.2%), and *constraints of the legal role* (73.1%).

Both survey participants and interviewees described **disappointing outcomes**.

- Genevieve, a senior lawyer, described an acquittal that was a "terrible miscarriage".
- A prosecutor commented in the survey, "You see defendants being poorly represented and/or getting lost in the system or being poorly handled by judges, or worse, all three together".
- The requirement to stay silent was tough for some. Chloe shared, "When the judge doesn't do what you think they ought to and is just so clearly wrong, and there's nothing that you can do, you have to sit there in court and not react". Such experiences highlight the distress lawyers feel in circumstances over which they may have little control.
- Vanessa, a senior lawyer, noted, "If you've got a credible complainant with a compelling and harrowing story and they're not believed, that's pretty tough. And you can sometimes feel like you've let them down".

Reports of inconsistency and unpredictability were wide-ranging. Some survey and interview participants reported inconsistent access to justice depending on location. For instance, the speed of a matter getting to a hearing could be determined by the court's location. There were also reports of inconsistency in the culture between different courts. Courts in different locations, for example, were described by participants as "toxic", "parochial", "dog-eat-dog", or "laid back", and as Edward described, each having "their own sort of different vibes". This gives rise to a feeling of unpredictability, depending on the location of the court.

Scheduling was viewed as a particular issue, leading to either overloading or underusing courts and resources. Lawyers mentioned instances of:

- Needing to be in two or three courtrooms at the same time;
- Unpredictability of court time and cases; and
- Courts allocating hearings without reference to the availability that lawyers provided.

8.3.4.1 Delays

Delays were perceived as frustrating and distressing for lawyers and their clients and were discussed across various practice areas. In some cases, these delays compounded the impact of distressing content, heightening the distressing outcomes and content faced. In family law, this survey participant's views regarding delays and lack of support services were echoed by others:

There are many times that, despite my experience and skill, I feel impotent to help clients or that outcomes could be so much better for families if there was quicker/earlier access to justice, counselling available to parties and children at the outset, and less aggression/more resolution focus from colleagues. [Survey participant]

Lawyers working in **family law** expressed particular concern about delays leading to distressing outcomes for children, where, for example, they may be prevented from seeing a parent for years while accusations against that parent work their way very slowly through the court system. Delayed protection orders risked further family harm outcomes, and delays left children in danger and defendants in limbo.

Lawyers with **commercial clients** also expressed concerns about delays, with one survey participant noting that clients “suffered terribly from not being able to resolve their disputes”. This could have financial consequences such as loss of income or bankruptcy.

Delays impeded outcomes for these clients, heightening a sense of powerlessness and compounding issues, as one senior lawyer explained:

There are always delays in matters. And for your individual client, they don't understand why their matter is not given priority. So you do get people taking it out on their lawyer because they expect you to be able to fix things, and you can't fix everything. [Elizabeth]

Concern regarding delays was further highlighted in the survey data, with *delays for resolution* rated as causing the most distress of all moral distress items assessed. Two-thirds of lawyers surveyed (66.5%) rated delays as a *distressing* or *extremely distressing* part of their work, with a further 21.1% indicating that this aspect caused *moderate* distress.

8.3.4.2 Lack of resources

The lack of resources across the justice system also contributed to distress and inadequate service provision. For example:

- **In criminal law**, this ranged from too few police, defence lawyers, and prosecution resources to insufficient judicial time. The system's lack of resources left complainants, witnesses, and alleged offenders all subject to “unnecessary drag and delay” [Survey participant].
- **In family law**, there were enormous frustrations around under-funding and under-resourcing that caused delays and lack of access, with insufficient lawyers, report writers, or support available. Judy, a senior lawyer, gave an example of a woman who “had rung something like 30 family lawyers before she got hold of me, who all said there was nothing they could do for her”. There was also a lack of resourcing beyond the justice system to ensure families could participate in justice (e.g., they could not access mental healthcare, counselling, transport, childcare, a home, and support services for children and young people).
- **In mixed practices**, financial pressures compromised the system. A survey participant lamented “working in family law in a large commercial firm that hasn't always seen the value in that type of work, and the related issues around billing/chargeable hours, especially when having a partly legal aid practice but still being expected to bill the same amount as commercial/ property lawyers”.
- **In the regions**, there were insufficient lawyers in every practice area. One survey participant noted that there are “not enough lawyers in the regions – across every jurisdiction. Extra pressure on counsel, but you can only do what you can”.
- **Outdated technology**, including poor access to a client's history and former reports or poor-quality video links in courts, further hampered efficiency and added “a sense of injustice” for all concerned.

8.4 Working with distressed and distressing people

The nature of legal work often requires acting on behalf of clients during challenging times. Whether lawyers are working with those suffering from stress, trauma, or entrenched systemic disadvantages, client interactions can be tense and often difficult. Navigating relationships with other professionals in the legal setting can be equally distressing, with experiences ranging from demanding managers to unnecessarily adversarial or combative opposing counsel and unpredictable judges.

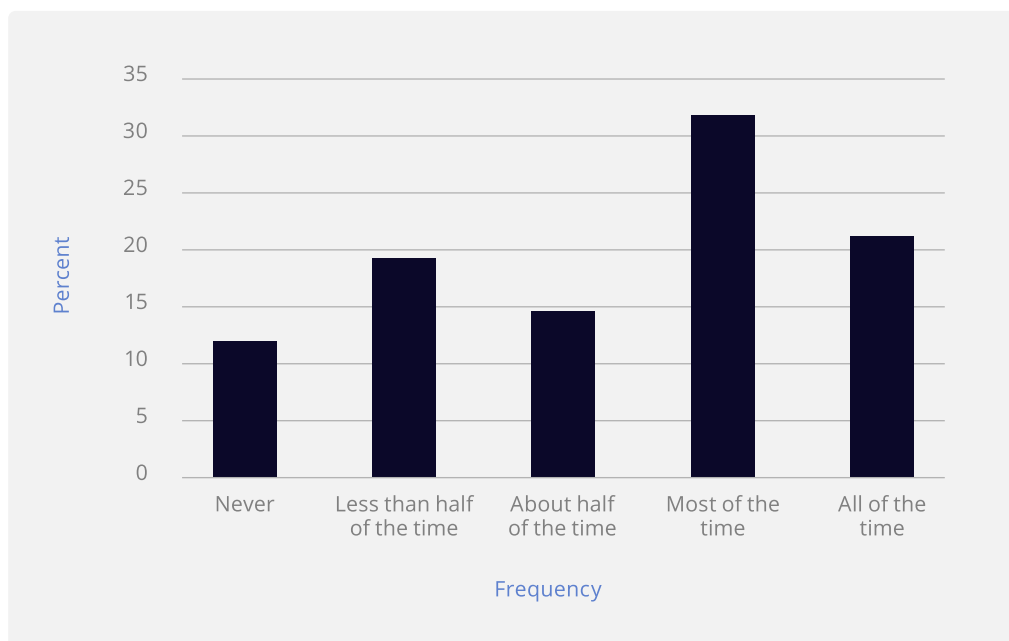
This section explores the complex dynamics among lawyers, their clients, and colleagues, and the impact these interactions can have on their experience of work-related distress.

8.4.1 Clients

You're always dealing with highly stressed people. That their emergency is everyone else's emergency. Everything is sort of high pressure, quick turnarounds, that type of thing, combined with upsetting personal circumstances. [Maya]

The survey data highlighted the extent to which lawyers worked with clients who had experienced some form of trauma. Just over half of those surveyed (53.6%) indicated that they worked with clients experiencing trauma *most of the time* (32.2%) or *all of the time* (21.4%). Only 12.1% had *never* worked with this type of client (Figure 6).

Figure 6. Frequency of working with traumatic cases/clients (n = 379)



8.4.1.1 Aggressive clients

Interviewees described clients who caused them distress as being “aggressive”, “rude”, “antisocial”, “abusive”, “drunk” or “high”, “demanding”, “belligerent” and “narcissistic”. There was also mention of clients who lied, manipulated, threatened, made complaints, or did not attend. Clients who displayed these behaviours were encountered across all legal practices and types of law and were understandably distressing to deal with.²⁴⁷ Molly, an intermediate lawyer, explained:

You get [clients] taking their frustration out on you as well because you're the person they can yell at, and so they do. They can't take it out on anybody else, but they can yell at you because they're paying you, or the taxpayer is. But that's a line you hear a few times: “I'm paying your wages, so you have to do what I tell you to”. [Molly]

A survey participant shared:

I have been physically chased in the Court building by someone who moments before had a knife in her possession. I have had threats to kill directed at me on multiple occasions, including from the wife of a client who followed me to my kids' primary school and made the threat in front of my children and others. [Survey participant]

²⁴⁷ The Law Association of New Zealand addressed these issues in a de-escalation workshop in October 2024. For further details contact The Law Association of New Zealand. Continued access to this type of training may support lawyers who encounter aggressive clients.

8.4.1.2 Vulnerable clients

Traumatised, vulnerable, abused, and “damaged” clients were also distressing to deal with. For some lawyers, there was an associated risk of feeling “too responsible” for them. Self-harming, suicidal clients, many in need of mental health care or experiencing post-traumatic stress disorder (**PTSD**), needed much more than legal help. One survey participant mentioned a client who had died by suicide and another who had threatened suicide in their office.

Many lawyers had clients facing “entrenched poverty” and “systemic disadvantage” that compounded their difficulties. Others pointed to clients’ distress and their need for help as challenging. Elizabeth, a senior lawyer, reflected:

It’s not the subject matter but more the distress my clients are feeling, the emotional trauma my client is feeling [that is hard to deal with]. [Elizabeth]

A survey participant explained:

Multiple issues in one case [are] common ... violence, addiction, and mental health often arise at once ... You are often the first person a client has told their story to. You are often educating clients about what they have experienced and guiding them, i.e., what you are describing is what the law defines as violence, rape, etc. [Survey participant]

Repetitive legal involvement was “demoralising” and “pointless” for clients as it seemed impossible to effect long-term change. Margaret, a senior lawyer, described it as a “long, drawn-out, dysfunctional journey” through the justice system. Participants talked about defendants and complainants who had experienced intergenerational abuse and deprivation. Ngahua, a senior lawyer described:

[Recidivist offenders] have been under the system longer than I have [been a lawyer], and so they are inherently adversarial. It doesn’t matter that I’m working for them because that’s not how they see it, because it is them against everyone. That can take generations to overcome. [Ngahua]

Survey participants likewise highlighted these issues as being major sources of **moral distress**:

- The majority indicated that *the impact of intergenerational trauma on clients* was one of the key aspects of their role that caused them to feel **moral distress** (see Figure 1 above). Just under three-fifths of those surveyed (58.2%) indicated that they found this distressing or extremely distressing, while a further quarter (27.6%) reported experiencing *mild* or *moderate* distress because of this issue.
- The *lack of multi-disciplinary access for clients* and the *lack of rehabilitation options for clients* likewise caused lawyers moral distress, with 62.8% and 61.2%, respectively, indicating that they found this *distressing* or *extremely distressing*.

8.4.1.3 Others associated with a case

Hostility expressed by clients’ associates can be difficult to manage. There were hostile witnesses and families, disappointed victims, or dangerous associates at the home of complainants or defendants. Lawyers also reported relatives blaming the lawyer, such as when Nikki received a call from a victim’s family, saying, “She’s dead. She overdosed. It’s your fault”.

Wider social-system gaps and deficits affected access to adequate support that people could receive. Jenny, a senior family and criminal lawyer, noted that “in a lot of areas of family law, it’s not really a legal problem. And the legal solutions are not solutions to what the problem really is”. Families could then take that frustration out on the lawyers involved. For example, Laura, a senior family lawyer, shared, “I was in a [family group conference], and this family was so abusive to me, full-on abusive, swearing at me, yelling at me”.

8.4.1.4 Difficulty with client relationships

Boundaries were often challenging to maintain with clients who ranged from aggressive, demanding, vulnerable, disadvantaged, or had high or complex needs. Survey participants noted the combination of “difficult clients – distressing subject matter – self-represented parties” and “all clients expecting immediate attention – everything being urgent”. Boundaries around time and access were sometimes pushed, for example, when expressing rage at their lawyer for not picking up the phone when the client called (especially outside of office hours). Lawyers also expressed concern about setting boundaries when clients pushed for actions that were illegal or unethical.

Accessing clients to get their instructions was also described as challenging. One survey participant explained, “Often clients do not have contact numbers, [or] change their contact details without you knowing, so it can be impossible to have instructions before a court appearance.” Helping clients figure out their legal requirements sometimes meant learning “how to channel stressed-out clients into providing coherent instructions” [Survey participant].

Interviewees felt it was important to remember, when considering their clients’ challenging behaviours, that lawyers were often “involved in people’s lives at the worst time.” Others discussed that for victims of prior offending, abuse, or intergenerational trauma, bad times had been the story of their lives. Requests for support outside strictly legal boundaries were wide-ranging, from helping clients access housing to providing counselling. Anna, an intermediate lawyer, shared:

Often, I have clients who are so overwhelmed and so freaked out that they will send me like 16 emails at 3.00 am. It’s how to navigate that, and it’s how to empathise, and make them feel heard without turning into their counsellor, like setting really defined roles. [Anna]

Margaret, a senior family lawyer, explained:

Sometimes, they’re devastated by the separation or whatever, and they’ll be having a mental breakdown or they’ll be anorexic or ... they won’t want to go to the counsellor. They’ll just want to talk to you. I’m quite good at talking to people, but at the same time, you’ve got to try and not allow people to sort of get that level of dependency upon you. [Margaret]

Specific challenges were also mentioned in getting justice for people with intellectual disability, head injury, foetal alcohol syndrome, neurodiversity, and English as an additional language (including refugees and asylum seekers).

8.4.2 The legal profession

Workplace colleagues and peers were often talked about as positive buffers against distress, and are discussed in [Section 10](#). Other people involved in causing distress included leaders (variously referred to as managers, bosses, partners, or managing partners), other lawyers (e.g., opposing counsel), and members of the judiciary.

The distress experienced in relation to these other legal professionals is discussed in turn below.

8.4.2.1 Managers and leaders

There were some positive comments made by both interview and survey participants about individuals in leadership positions (discussed more in [Section 10](#)). Otherwise, comments were largely mixed or negative.

Senior partners, supervising partners, managers, and others in the role of “bosses” across all areas of law were often described as hard to approach, or as ignoring concerns about distress when raised. For example:

- Amelia, an intermediate lawyer, described the two partners she worked for as having “quite short fuses”, so she would feel “too scared” to ask them questions.
- Another interview participant asked not to do another high-profile criminal trial. Their boss refused the request, and after the trial, they ended up on medical leave, which was seen as “a significant weakness”. They noted that they treated them “differently afterwards ... almost like I disappointed them for not being enough of a hard ass.”

Survey and interview participants described leadership skills as lacking:

- One survey participant described “the incredibly poor leadership and lack of supervision provided by senior legal advisors” as a “secondary factor causing stress”.
- Another said their boss played “bullying, mental games”.
- And another named a firm as “a toxic place to work with toxic management”.
- In many interactions with partners, Hine, an interview participant, reflected on whether they were perhaps chosen more because they could “do the GST and trust account” rather than for their people or leadership skills.

8.4.2.2 Other lawyers

Opposing counsel were seen as troubling if they became “enmeshed” with clients, took things personally, or behaved “like children with temper tantrums” [Gillian].

While acknowledging Aotearoa New Zealand’s legal system is largely adversarial, survey participants found it stressful to deal with “rude and obnoxious lawyers” [Survey participant]. Lawyers shared that a lack of professional courtesy created extra stress, or perceived a “general increase in negativity and combativeness amongst parties and lawyers” across the legal profession [Survey participant].

Some lawyers expressed frustration when communications with opposing counsel were “ignored, disregarded”, or when a response came, it could be weeks late and “quite rude”. Anna described having several files in which opposing counsel practised in such a way that all the cases were “absolute trainwrecks”. Lazy or incompetent lawyers were also sometimes of concern. A survey participant noted they “felt distress at lawyers who do the bare minimum, ‘McDonald’s’ family lawyers clipping their ticket on legal aid, without doing anything for the clients”.

The impact of other lawyers on moral distress was assessed explicitly in the survey (Figure 1). Just over one-third (35.5%) felt that *other lawyers’ competency was distressing or extremely distressing*, with a further 40.3% indicating that this caused them to feel *moderate* distress.

8.4.2.3 Judges

As noted above in the literature review, international research has demonstrated that judges are not immune to work-related distress and its adverse effects on their personal and professional lives. There is an urgent need for comprehensive research into the impacts of work-related distress and indirect trauma on the judiciary in Aotearoa New Zealand. The relationship between the wellbeing of lawyers, judges, and others working in or involved in the justice system should also be explored further.

Concerns were raised about the behaviour of some judges. Judicial bullying and judicial conduct are also addressed above in the literature review. However, there was also considerable hesitation in voicing such concerns, as a firm belief persisted that lawyers should not complain about the judiciary.²⁴⁸ Some lawyers reported that challenging and inconsistent behaviour could persist without clear consequences. Table 3 (below) outlines some of the issues raised regarding judges.

²⁴⁸ In 2018 the New Zealand Criminal Bar Association reported their findings from a survey of members. They reported that for survey participants who had experienced bullying, 65% of the time it was from a judge. The New Zealand Criminal Bar Association report was acknowledged by the then Chief Justice Dame Sian Elias, New Zealand Bar Association, and New Zealand Law Society-Te Kāhui Ture o Aotearoa. Following this, in 2019 the “Judicial Protocol” was established to act as an informal complaints process. For details see New Zealand Law Society-Te Kāhui Ture o Aotearoa “Judicial Protocol”, above n 177. This issue warrants further research to assess the effectiveness of the Judicial Protocol at addressing concerns around judicial bullying or conduct towards lawyers.

On 18 September 2024 the New Zealand Law Society-Te Kāhui Ture o Aotearoa acknowledged that there is a culture of bullying and harassment in the legal profession and stated their commitment to targeting and eliminating it. They specially addressed how to respond to concerning conduct by a judge in court. For further information see the New Zealand Law Society-Te Kāhui Ture o Aotearoa “Bullying and Harassment”, above n 176.

Table 3. Aspects of the judiciary that lead to distress

Behaviours	Example participant quotes
Judges were perceived as arrogant, rude, or bullying	This particular judge is just flat-out arrogant and just so rude ... He makes our lives a misery at times. [Gillian] We had this judge, who was just such a pr**k. He just delighted in making young lawyers cry. [Sierra]
The perceived inability of lawyers to complain about judges	Because we're taught to be thick-skinned and suck it up, and, especially if you're a courtroom lawyer, you will have had a judge have a crack at you for your client's behaviour, especially if you're a female.... These judges are bullies, too, and sexist. [Angela] Can't complain about the judiciary, which no one's allowed to comment about either, right. We all know in the profession who's competent and who's not and who's a rude f**ker, and again, no one really will complain ... you would never want to be seen as a complainer, certainly not against the judiciary. [Rob]
Judicial inconsistency was experienced as distressing	Inconsistency in judicial competence is a huge problem ... It is really hard working in one area with great judges and moving to another and just seeing how horribly vulnerable parties are treated. [Survey participant] I find it particularly distressing that there is a postcode lottery on judicial competency, and how one bullying judge can essentially result in severe access to justice problems because lawyers leave to go to other courts, or stop doing [redacted practice area] law. [Survey participant] Going to court is an absolute roll of the dice – the inconsistency between judges on any given day is impossible to predict. Clients expect fairness and correct outcomes, and are shocked/angry/distraught when they do not get them. Bad judgments are causing real harm and, given the cost, even if clients win, they end up losing. [Survey participant]
How judges treated court participants was experienced as distressing	In one case, the judge was horrible to my client ... My client was male, and he was alleging violence by the mother. The police record had said that the mother was violent, but he misread the police report, that it was round the other way, and he was cross-examining my client, calling him a liar and then he looked down on the police record and he's like "Oh whoops, got it around the wrong way" and he didn't apologise. [Amelia] I'd finished cross-examining a woman, and had probably done almost too good a job with a cross-examination. The judge absolutely lambasted her. Absolutely went to town at her. And I remember watching that woman and the moral discomfort I felt of watching her endure that. And sitting there willing her, don't you cry. Don't you show him that he's getting to you. She wasn't the client I was acting for. [Veronica]

The impact of *judicial competency* on **moral distress** was assessed explicitly in the survey (Figure 1).

Just over half (50.7%) of survey participants reported low levels of moral distress relating to judicial competency. Of those reporting low levels of moral distress, 16.9% reported none, 33.8% reported mild distress. A further 29.0% reported moderate levels of moral distress, and one-fifth of survey participants (20.3%) rated judicial competency as *distressing* (15.0%) or *extremely distressing* (5.3%).

We note that “competency” in relation to both judges and lawyers was not defined in the research. This allowed the voices of the participants to guide how we might consider this issue in light of their lived experiences. In the qualitative research, participants shared their experiences relating to aspects of the judiciary that led to distress and to positive aspects of the judiciary (as set out below at Section 10.4.1.6). It is clear from the qualitative research that participants value consistency, humanity, and a modern, respectful, and professional approach to communication and to courtroom culture. Future research should examine these issues more closely, considering what competence means in the broadest sense, using ethical and judicial conduct guidelines as a starting point.

8.4.3 Self

The challenging, abusive, or frustrating actions of other people (clients, other lawyers, and the judiciary) described so far would be distressing to anyone trying to deal with them. However, participants also reflected on how they might be affected differently based on their life experiences or their connections with others in their personal lives, such as their childhood and adult life experiences of personal trauma. Table 4 outlines some examples of individual differences and the effect these can have on distress levels.

Table 4. Individual differences affect levels of distress

Individual differences	Example participant quotes
Links into your own “sore bits”	I think one of the challenges of this work is where you’ve got your own sore bits in your life – it does bring it back again. [Dawn] Sometimes I struggle with PTSD if family violence clients have experienced a similar situation to my own. [Survey participant] If you’ve got anything in your personal life, you’ve got to watch boundaries or having more of a “vested interest” in a particular outcome or case. [Heather]
(Over)-identifying with harms/sense of enhanced risk in the world	[In the context of a pedestrian killed by a drunk driver]: You just think, well, that could be me, it could be anyone in my family, any of my friends. It’s just a fluke as to where sometimes someone is at the time – those ones are hard to deal with. [Teresa] The thing that’s the most difficult for me is I come home and I just think, I don’t switch off from it hugely ... I come home and I worry about people’s children ... My husband used to say to me sometimes, “You’re here, but you’re not here”, and I’d say, “I’m just trying to think about a way through on this file”. And so I do spend a lot of time worrying about other people’s children. [Suzanne]
Enduring impacts	As I was drifting off to sleep at home, I realised I was thinking about that case [sexual violation of a child] ... that’s an awful thing to be thinking about ... lying in bed, I’ve got my wife next to me, I’ve got a little baby. [Ben] For days, every time I thought about him and worked on his file, I could just feel like I could smell blood. [Nikki]

Quantitative survey data further supported the notion that traumatic life events can impact a lawyer's workplace experience. As seen in Table 5 below, reasonably high numbers of lawyers had experienced trauma in several different ways, including grief or separation (55.7%), emotional/psychological abuse/neglect (35.3%), physical abuse/assault (23.6%), or sexual abuse/assault (23.6%). Just under half of those surveyed (44.6%) felt that these traumatic events impacted the way that they experienced trauma at work. Intergenerational trauma was also an issue for some. As part of the survey items assessing moral distress (Figure 1), lawyers were asked about the extent to which intergenerational trauma (on lawyers or judges) caused them distress. Almost one-quarter (23.9%) indicated this was *distressing* or *extremely distressing*.

Table 5. Traumatic events experienced and their impact at work²⁴⁹

Personally experienced traumatic events	n	%
Trauma from grief or separation	210	55.7
Life-threatening illness/injury	70	18.6
Natural disaster, fire, or explosion	57	15.1
Physical abuse/assault	89	23.6
Sexual abuse/assault	88	23.3
Sexual harassment	54	14.3
Assault with a weapon	13	3.4
Interpersonal violence	41	10.9
Emotional/psychological abuse/neglect	133	35.3
Intergenerational or collective trauma	50	13.3
Exposure to a combat or war zone	5	1.3
An individual held in captivity	4	1.1
Sudden violent death	19	5.0
Transportation/work/home/recreational activity accidents	67	17.8
Exposure to toxic substances	7	1.9
None of the above traumatic events	66	17.5
Other traumatic events	40	10.6
Total (participants could select more than one option)	1013	268.7
Traumatic event(s)' impact on experienced trauma at work	n	%
Yes	139	44.6
No	82	26.3
Maybe	91	29.2
Total	312	100

²⁴⁹ Note: this question to did not ask lawyers whether they had experienced any of these traumatic events at work.

8.5 Summary – distressing aspects of being a lawyer

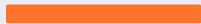


Exposure to distressing content

Traumatic or distressing content: Lawyers were frequently exposed to cases involving distressing content, traumatic events, or traumatised clients, including: sexual violence, physical and psychological abuse, workplace injuries, child abuse, and other traumatic events – all of which had the potential to be incredibly taxing on their mental health and wellbeing.

Handling graphic evidence: This included child pornography or violent crimes, and could be especially harrowing and leave lasting impacts.

High volume: The sheer volume of distressing cases that lawyers must handle contributed to their overall stress levels, making it difficult to manage their professional and personal wellbeing.



Workload and work environment

Overwhelming workloads: Overwhelming workloads were a pervasive issue within the legal profession, with many lawyers working well over 40 hours a week and feeling unable to manage their caseloads effectively.

Poor workload management and frequent scheduling conflicts: These factors exacerbated stress, often leading to feelings of burnout and a sense of inadequacy.

Urgency culture: The pervasive culture of urgency and long hours was particularly taxing on junior lawyers, who often lacked the necessary support and mentorship to navigate these challenges.



Workplace culture

Toxic workplace cultures: Toxic workplace cultures were characterised by bullying, unrealistically high expectations, and a lack of adequate support, compounded stress for many lawyers.

Help-seeking discouraged: The culture within the legal profession often discouraged vulnerability or help-seeking, resulting in potentially unaddressed harm to lawyers' mental, physical, and family wellbeing.

Discrimination and systemic racism: Discrimination and systemic racism within both the profession and the broader justice system added another layer of distress for many lawyers, making their work environment even more challenging.



Financial pressures

The legal aid system: The legal aid system was a notable source of stress due to its low remuneration, bureaucratic hurdles, and insufficient funding, making it difficult for lawyers to provide necessary services while maintaining financial stability.

Financial instability and the pressure to meet stringent billing targets: These factors created additional stress, particularly for those working in under-resourced legal practice areas.



Systemic issues within the justice system

Delays and inefficiencies: Delays and inefficiencies within the justice system frustrated both lawyers and their clients, exacerbating distress and making it difficult to achieve timely and fair outcomes.

A lack of resources: This included insufficient judicial time and support services, hampered lawyers' ability to represent and support their clients effectively.

Dysfunction and unpredictability: The perceived dysfunction and unpredictability of the justice system contributed to a profound sense of moral distress among legal professionals, who often felt like they were part of a broken and unjust system.



Interactions with clients and others

Difficult interactions: Difficult interactions with clients or their associates, who were aggressive, manipulative, or highly stressed, were a source of distress for many lawyers.

Vulnerable clients: Vulnerable clients who were experiencing substantial trauma and lacked access to resources and services added to the legal complexity, lawyers' emotional burden, and difficulty maintaining professional boundaries.

Challenging interactions: Challenging interactions with colleagues, opposing counsel, and judges further contributed to workplace stress, creating a complex and sometimes hostile working environment.



Section 9.

The impact of work-related distress on lawyers

9.1 The impact distress has on lawyers

The data gathered in this research shows that the legal profession in Aotearoa New Zealand is grappling with the profound effects of work-related distress on its practitioners. This section addresses the impacts work-related distress has on lawyers.

From **indirect trauma** to high levels of **burnout symptoms**, many lawyers reported feeling negative impacts from their work. For some, this distress was taking a toll on their **mental health**, and there were self-reported instances of **depression, anxiety, addictions**, and **other diagnosable conditions**, as well as harm to their **physical health**. The impacts of distress were not limited to lawyers themselves; they were also observed in clients, colleagues, managers, and family members or friends.

This section will address the following six issues:

1. The prevalence of indirect trauma among Aotearoa New Zealand lawyers ([Section 9.2](#));
2. Burnout ([Section 9.3](#));
3. Mental health ([Section 9.4](#));
4. Emotional challenges, cynicism and disengagement ([Section 9.5](#));
5. Addictive behaviours ([Section 9.6](#));
6. Physical health ([Section 9.7](#));
7. The impact of lawyers' work-related distress on others ([Section 9.8](#)); and
8. Other aspects of self ([Section 9.9](#)).

9.2 Prevalence of indirect trauma among Aotearoa New Zealand lawyers

The impact of indirect trauma on lawyers in Aotearoa New Zealand is evident in the survey data. We measured the levels of indirect trauma using the Vicarious Trauma Scale²⁵⁰ and Secondary Traumatic Stress Scale.²⁵¹

9.2.1 Vicarious Trauma Scale

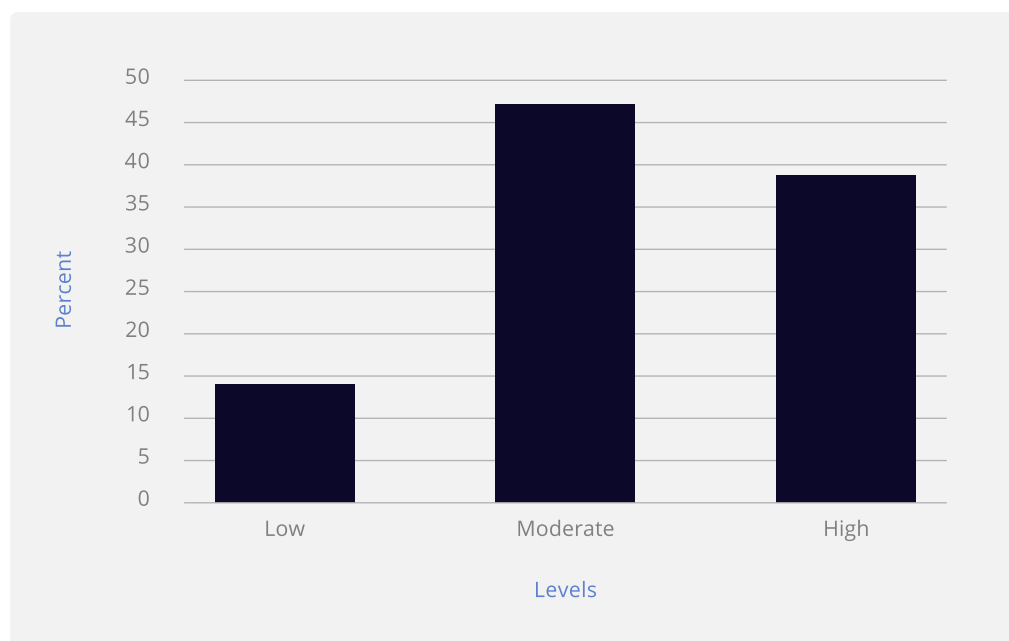
The scores on the Vicarious Trauma Scale were high across those surveyed. The graph below sets out the results from the Vicarious Trauma Scale. It shows that *86% of survey participants reported moderate to high levels of vicarious trauma* (47.2% moderate and 38.8% high) (Figure 7).²⁵²

Group differences were explored for the Vicarious Trauma Scale. Results showed statistically significant differences between main areas of practise ($p < 0.001$). Criminal (mean rank = 213.59) and family lawyers (mean rank = 211.78) had the highest scores on vicarious trauma. They did not differ significantly from each other ($p = 1.00$), but both differed significantly from lower scoring practice areas, including trusts and estates/property/tax/company/commercial (mean rank = 79.87, $p = 0.001$, respectively), and administrative/public/government advisory (mean rank = 130.62, $p = 0.02$), and resource management/environmental law (mean rank = 55.25, $p = 0.01$). Resource management/environmental law had the lowest score. The findings indicate that vicarious trauma is significantly more pronounced among criminal and family lawyers compared with other legal practice areas.

Results also showed significant differences between job titles ($p = 0.003$). Barristers (mean rank = 211.28) and sole practitioners (mean rank = 223.65) had the highest scores on vicarious trauma and did not differ significantly from each other ($p = 1.00$). These two types of lawyers did score significantly higher on vicarious trauma than all other lawyers based on job title (p values ranging between $p < 0.01$ and 0.05). No significant differences were found between lawyers employed as solicitor working in-house (mean rank = 149.23), partners (mean rank = 159.63), or being employed in the public sector (mean rank = 174.08) or private sector (mean rank = 171.68).

Results showed no significant difference for gender on their scores of vicarious trauma ($p = 0.37$).

Figure 7. Vicarious trauma
(n = 379)



²⁵⁰ Lila Petar Vrklevski and John Franklin *Vicarious Trauma Scale*, above n 8. The scale consists of 7 items rated on a 7-point Likert-type scale, ranging from 1 (strongly disagree) to 7 (strongly agree).

²⁵¹ Brian E Bride and others "Secondary Traumatic Stress Scale", above n 9.

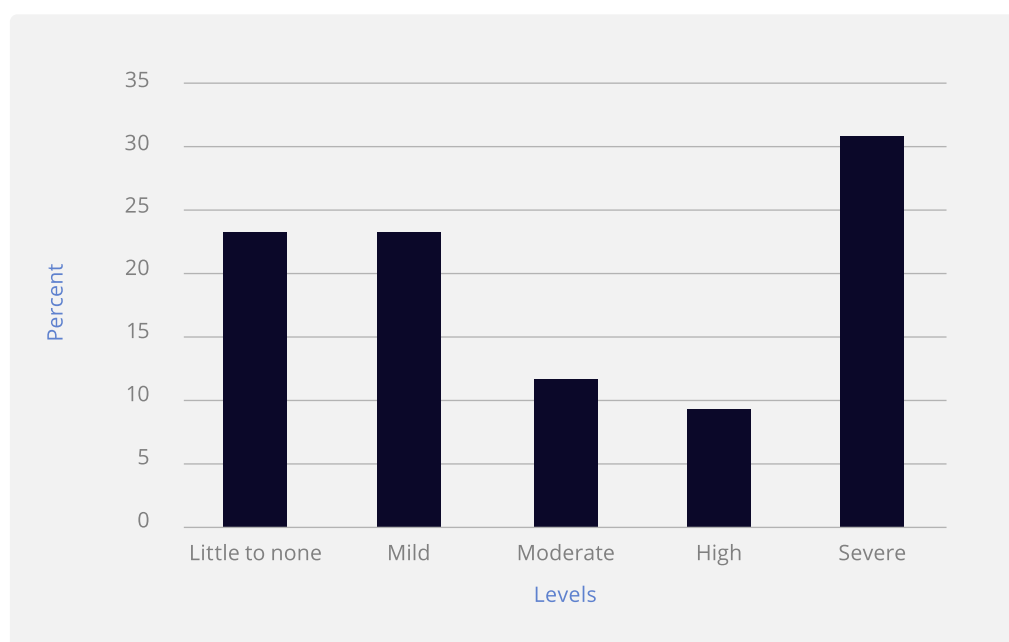
²⁵² According to Vrklevski and Franklin, above n 8, the total scores range from 8 to 56, with a higher score indicating higher levels of distress. Vrklevski and Franklin suggest these are represented as total scores, however, we chose to use cut points (as suggested by Aparicio & Michalopoulos) to show different levels of vicarious trauma, as this is consistent with the approach taken for the Secondary Traumatic Stress Scale. See: E Aparicio and L Michalopoulos "An Examination of the Psychometric Properties of the Vicarious Trauma Scale in a Sample of Licensed Social Workers" (2013) 38(4) *Health and Social Work* 199 at 201.

9.2.2 Secondary Traumatic Stress Scale

Lawyers also had high scores on the Secondary Traumatic Stress Scale²⁵³ (another measure of indirect trauma) (Figure 8). Just over one-third of lawyers (31.3%) scored in the severe range for secondary traumatic stress, and an additional one-fifth (21.4%) fell within *moderate* or *high* ranges.

Group differences were explored for the Secondary Traumatic Stress Scale. For main practice area results showed no significant differences in secondary traumatic stress scores ($p = 0.39$). For job titles results showed significant differences ($p < 0.001$). Sole practitioners (mean rank = 209.18), barristers (mean rank = 203.51) and employed solicitor working in a private law firm (mean rank = 191.42) scored highest on the Secondary Traumatic Stress Scale. There were no differences in secondary traumatic stress scores between these three job titles ($p = 1.00$) but all three scored significantly higher than partners (mean rank = 131.67) who had the lowest score on secondary traumatic stress (p -values ranging from 0.01 to 0.02). For gender, results showed no significant difference between males and females on their score of secondary traumatic stress ($p = 0.15$).

Figure 8. Secondary traumatic stress (n = 377)



²⁵³ Bride and others "Secondary Traumatic Stress Scale", above n 9. There are three subscales (i.e., Intrusion, Avoidance, and Arousal) but a total score of secondary traumatic stress can be calculated by adding the scores (ranging from 1 = Never to 3 = Very often) of all 17 items; a higher score correlates with a higher frequency of symptoms. See subsequent suggested analysis: Ingo Jacobs and others "Validity, Reliability, and Factor Structure of the Secondary Traumatic Stress Scale: French version" (2019) 10 Front Psychiatry at 3. In Jacobs' suggested analysis, a score below 28 corresponds to "little or no STS," a score between 28 and 37 means "mild STS," between 38 and 43 "moderate STS," between 44 and 48 "high STS," and beyond 49 "severe STS". In the present study most of the participants had a total score of 49 and higher (n = 118) and therefore, according to the suggested cut-offs, have severe secondary traumatic stress.

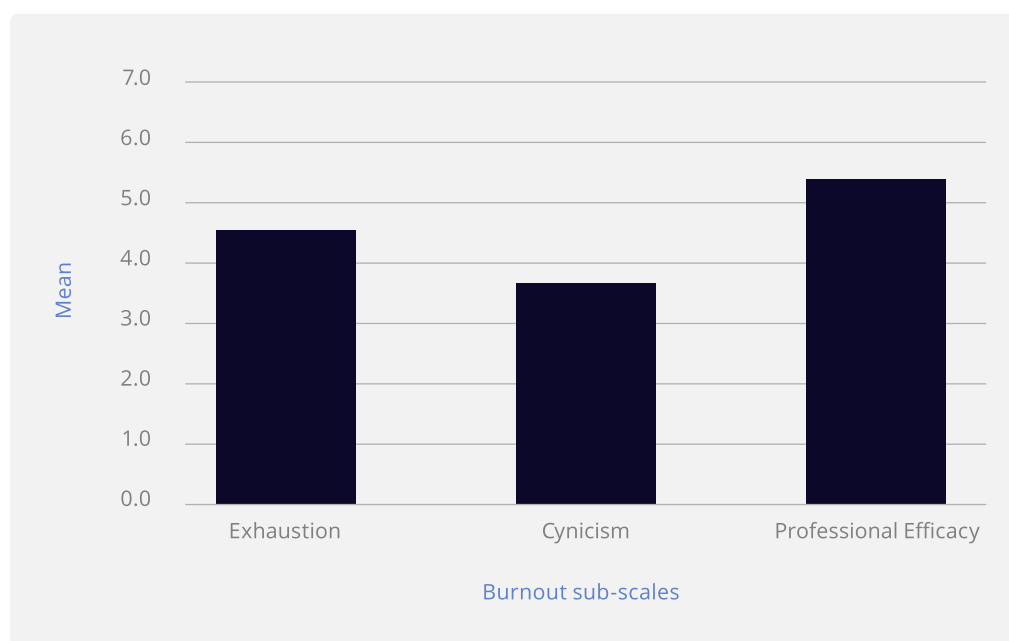
9.3 Burnout

Burnout scores among survey participants (as measured by the Maslach Burnout Inventory – General Survey)²⁵⁴ demonstrated moderate to high levels of emotional exhaustion (Figure 9) suggesting that lawyers may feel overwhelmed and depleted by their work demands. Cynicism scores suggested a moderate level of detachment from their work. Still, professional efficacy scores were high, suggesting that despite feelings of exhaustion and cynicism, lawyers in the current study generally felt competent and effective in their professional roles.

Group differences were explored for burnout. No significant differences were found on any of the three subscales.

For main areas of practice, results showed no significant group differences on exhaustion ($p = 0.79$), cynicism ($p = 0.33$), or professional efficacy ($p = 0.17$). For job titles, results showed no significant group differences on exhaustion ($p = 0.06$), cynicism ($p = 0.19$), or professional efficacy ($p = 0.22$). For gender, results showed no significant group differences between males and females on exhaustion ($p = 0.14$), cynicism ($p = 0.33$) or professional efficacy ($p = 0.70$).

Figure 9. Descriptive statistics for burnout scales²⁵⁵



9.4 Mental health

We have bad mental health statistics. I don't know a single lawyer who hasn't at some point had extreme distress because of the job that they do. [Michelle]

For this report, the term “mental health” is used to refer to mental wellbeing, mental ill-being and mental distress, reflecting the words participants used to speak about these issues. This encompasses general issues, including stress, emotional issues, cynicism and disengagement, along with self-reported mental distress and diagnosed mental health conditions, such as depression, anxiety, PTSD, and addiction. These were all issues discussed by the research participants.

Many lawyers struggled to acknowledge and address these issues due to professional expectations and a fear of judgment. The pervasive nature of workplace distress was evident throughout many of the personal stories shared, highlighting a critical need for better mental health support within the profession.

²⁵⁴ W B Schaufeli and others “Maslach Burnout Inventory: General survey (MBI-GS)” (1996, 2016) Mind Garden <mindgarden.com>. Copyright ©1996 Wilmar B. Schaufeli, Michael P. Leiter, Christina Maslach & Susan E. Jackson. All rights reserved in all media. Published by Mind Garden, Inc., <www.mindgarden.com>.

²⁵⁵ The manual of the Maslach Burnout Inventory states that there are three subscales that should be used separately (i.e., exhaustion, cynicism, and professional efficacy). Each item is measured on a scale ranging from 1 (never) to 7 (every day). The items for each subscale can either be summed, or they can be averaged to obtain a mean score of each subscale. In the Law in Distress study, we calculated the mean of each subscale; Maslach and others, above n 51.

9.4.1 Stress

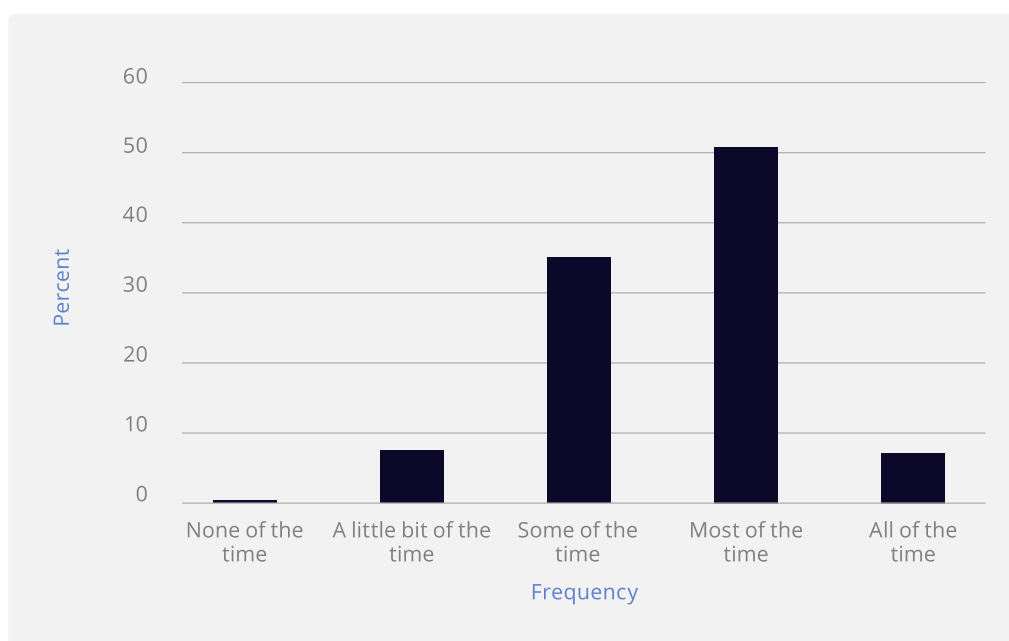
There was a clear sense from interviewees that feelings of high stress and distress were part of the job at times, especially in court, but problems arose where this turned into “being stressed on an almost continuous basis” [Will]. Aaliyah described the difference between emotional “peaks” of distress, triggered by specific content or events, in contrast to distress at structural and systemic issues that were “more constant and persistent”. If the baseline of the latter was high, there was a reduced ability to deal with the peaks.

Participants acknowledged wanting to leave legal practice due to the impact of feeling stressed, but also noted feeling trapped. One survey participant described that being a lawyer is “too stressful. However, I don’t know what else I would do”. Another survey participant in private practice wrote, “the stress was high, the rewards low, except for the ‘golden handcuffs’ of income”. Leaving the law (or a practice area) is discussed further in [Section 10.3](#).

Quantitative survey data further highlighted the substantial level of stress evident across the profession. Stress symptoms were assessed in the survey via a single rating scale item (asking how much of the time they experienced stress concerning their work) and also via a subscale on the DASS-21.²⁵⁶

In response to the self-reported question, just over half of the sample (57.5%) indicated that they experienced stress relating to their work *most of the time* or *all of the time* ([Figure 10](#)).

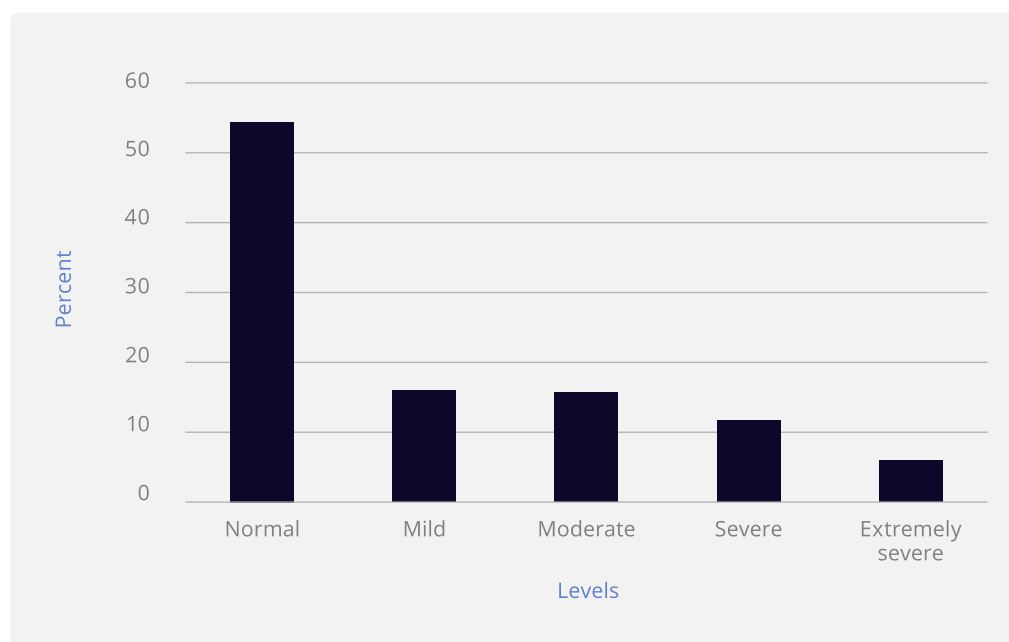
Figure 10. Self-reported time spent experiencing stress related to work (n = 379)



²⁵⁶ Lovibond and Lovibond, above n 10.

Scores on the stress subscale of the DASS-21 showed that just over half of the sample (54.4%) fell within the normal range, and a smaller group (14.8%) reported *mild* symptoms. Worryingly, 30.8% reported *moderate*, *severe*, or *extremely severe* levels of stress on the DASS-21 scale (Figure 11). Group differences were explored for stress (as measured by the DASS-21 below at Figure 11). For main areas of practice, results showed no significant differences ($p = 0.49$). For job-titles, results showed significant differences ($p = 0.002$). Sole practitioners (mean rank = 199.49), barristers (mean rank = 194.78) and employed solicitors in a private practice (mean rank = 198.56) scored significantly higher on stress than partners (mean rank = 126.26), $p = 0.01$, 0.009 and 0.02, respectively). For gender, female lawyers scored significantly higher (mean rank = 193.50) than males (mean rank = 163.93), $p = 0.03$).

Figure 11. Stress levels -
DASS-21 (n = 379)



9.4.2 Mental health conditions

Participants perceived a correlation between mental health conditions and workplace distress. Participants used terms such as “depression” and “anxiety”, sometimes concerning having seen a doctor, but not necessarily in a strictly clinical diagnostic sense.

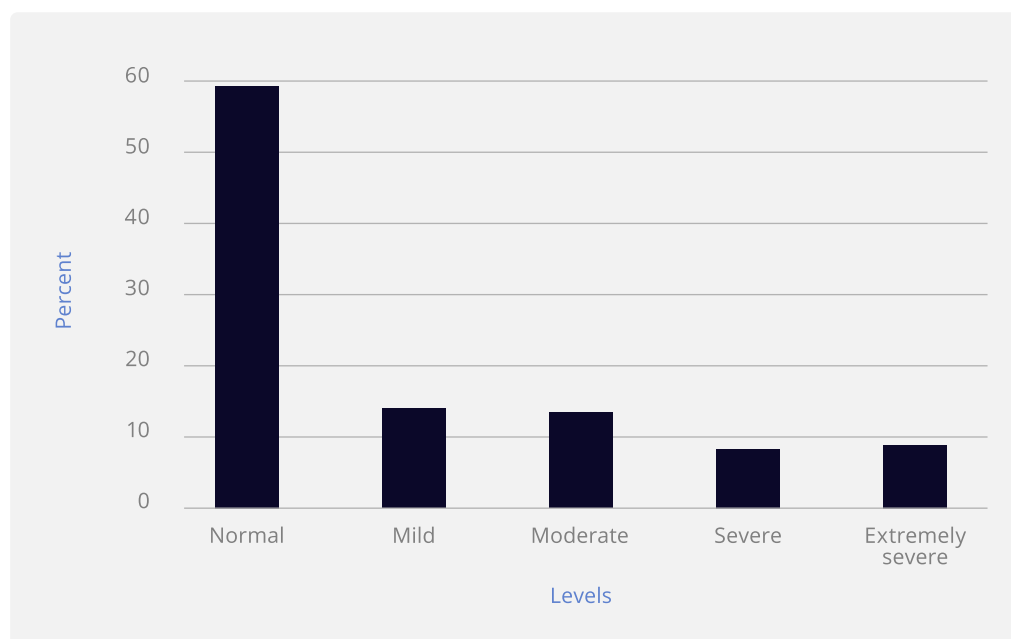
One survey participant noted that “like so many people, I left [that workplace] with depression and anxiety due to workplace trauma and a heavy workload. Sometimes I still get triggered 10 years later”.

9.4.2.1 Depression

Self-reported levels of depression were assessed explicitly in the survey data using the DASS-21 (Figure 12). While this measure does not constitute a clinical diagnosis, it provides a valuable indication of the extent to which participants experience depressive symptoms. Just over half of the group (58.8%) fell within the *normal* range on the DASS-21 scale, a smaller group (12.9%) reported *mild* symptoms, and a further 28.3% were experiencing *moderate*, *severe*, or *extremely severe* levels of depressive symptoms.

Group differences were explored for depression (measured by DASS-21 below at Figure 12). For main area of practice, the results showed no significant differences ($p = 0.13$). For job title, the results showed no significant differences ($p = 0.16$). For gender, the results showed no significant differences between males (mean rank = 190.24) and females (mean rank = 186.09, $p = 0.76$).

Figure 12. Depression levels - DASS-21 (n= 379)

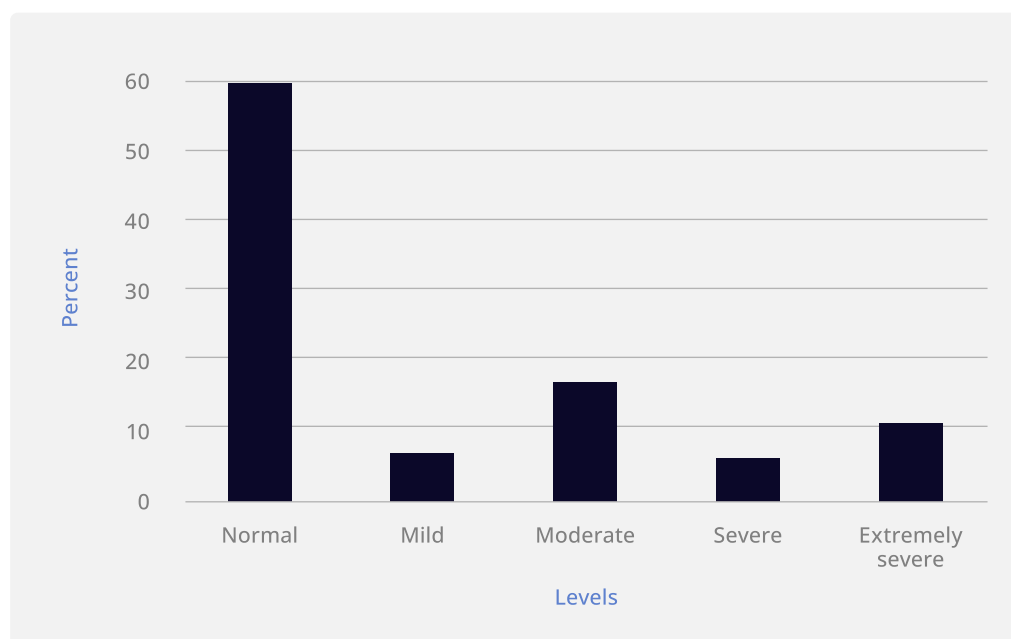


9.4.2.2 Anxiety

Anxiety levels were also measured using the DASS-21, with a similar pattern shown below (Figure 13). Just over half of the lawyers sampled (59.1%) fell within the *normal* range, but 6.9% demonstrated *mild* symptoms, and 34.1% fell within the *moderate*, *severe*, or *extremely severe* range. Once again, this scale does not provide evidence of a clinical diagnosis but does indicate the extent to which anxiety-related symptoms were experienced by those surveyed.

Group differences were explored for anxiety (measured by DASS-21 below at Figure 13). For main area of practice, the results showed no significant differences ($p = 0.78$). For job title, results showed significant differences ($p = 0.002$). Employed solicitors in private practice law firms scored the highest on anxiety (mean rank = 203.65) and significantly higher than partners ($p = 0.002$) who scored the lowest on anxiety (mean rank = 130.60). For gender, results showed significant differences, with females scoring significantly higher on anxiety (mean rank = 194.08) than males (mean rank = 161.87; $p = 0.02$).

Figure 13. Anxiety levels - DASS-21 anxiety levels (n = 379)



9.4.3 Other mental health concerns

Breakdowns, or as one male lawyer described it, “a complete flame out”, were experienced, with recovery assisted by time off, medication, and psychological therapy. One participant stated, “I was on stress leave. I was not eating well, not sleeping, all of those things when you have a depressive episode”.

Panic attacks were also described:

When I began in the role, I used to experience all those signs of panic and anxiety – I’d get tunnel vision, cold sweats, my hearing would cut out, I would shake. For a while, hearing a car horn or railway crossing signal, or any sudden loud noise, would make me cry. [Survey participant]

Symptoms of mental health diagnoses, such as PTSD and substance use disorder, were evident in participants’ experiences. As above, these symptoms do not constitute a diagnosis, but they provide a useful indication of the extent to which PTSD symptoms are experienced, and as such, warrant further consideration. A breakdown of these (with examples) can be seen in Table 6.

9.4.3.1 Symptoms of post-traumatic stress disorder

Table 6. Post-traumatic stress disorder symptoms

Diagnostic elements ²⁵⁷	Symptoms	Example participant quotes
Intrusive symptoms	Flashbacks	The material has affected me, and I still get flashbacks to certain material at points. [Alexandra] I come up against women in family violence situations who are in a similar position that I was many years ago and it sometimes just gives me flashbacks, it gives me panic attacks and I can’t tell anyone. [Lorraine]
	Nightmares	The [child’s] father was really dangerous, and I was having nightmares that he was going to stab me. And in my dreams, it was so vivid. [Laura] A really scary dream [where] I had put myself in that [abusive] situation. [Danielle]
	Intrusive thoughts	The thoughts about the cases can creep up on you outside of work, when sometimes you don’t necessarily expect it. [Ben] Reading victim impact statements relating to extremely violent offending results in intrusive thoughts. [Survey participant]
Avoidance symptoms	Avoidance of places, people, activities, thoughts, feelings, or conversations associated with an event	After that case, I’m particularly sensitive to anything to do with child sexual abuse ... I notice feeling stressed, over-sensitive. [Olivia] I find myself thinking about work all the time. I drive throughout the city and can pinpoint locations where I know awful things have happened. It is quite hard to get away from that. [Survey participant]

²⁵⁷ These were not diagnostic interviews but symptoms of PTSD were evident, as per the DSM-5 category: A4. Experiencing repeated or extreme exposure to aversive details of the traumatic event(s) (e.g., first responders collecting human remains; police officers repeatedly exposed to details of child abuse) See: American Psychiatric Association Diagnostic and Statistical Manual of Mental Disorders (5th ed, American Psychiatric Association Publishing, 2013).

Diagnostic elements ²⁵⁷	Symptoms	Example participant quotes
Negative alterations in cognition or mood	Persistent negative emotional state Persistent and exaggerated negative beliefs or expectations about oneself, others, or the world	I found that I actually started waking up in the middle of the night with images in my head of this face, a kid's face splatting against the wall, and I found that quite distressing, and I was quite sure I was getting quite depressed, and I started feeling suicidal. [Dawn] [Referring to lawyers who have died by suicide] That's the pressure of this job. That's what it does to people. It kills them. [Angela]
Marked alterations in arousal and reactivity associated with a traumatic event	Exaggerated startle response; hyperarousal	I heard this voice coming up the stairs, and I thought it was that person. And my body just flooded with adrenaline. [Marama] I feel that fight-or-flight response, that physical, visceral, anxious feeling. And because of the way that my brain works, I do find it hard to switch off ... I'm always checking. And I think that most lawyers are similar in the sense that you just want to triple-check in your mind that you've done everything that you can do. [Maya]

9.5 Emotional challenges, cynicism and disengagement

Work-related distress often led to negative feelings and emotions. Feelings were not viewed as inherently bad by the participants; some mentioned that it was okay to feel upset, but it was also essential to find ways to deal with it.

A survey participant described the need to balance emotions: "The emotional turmoil is a key aspect of the job and requires constant effort to balance and maintain a healthy emotional state".

Other lawyers described learning to cry at home. Natalie, a senior lawyer, shared a case where she remembers "going home that night and just bawling my eyes out with the stress of it". Laura, also a senior lawyer, tried to maintain composure at work, especially in court, sharing a case where she cried in court: "It was just such a sad case that, in court, I cried. It's the only time in my whole career that I've actually cried in court".

Social attitudes could endorse specific emotional responses (such as anger) as being more "acceptable" than others, as "silence and stoicism are perceived to be strong, anger is perceived to be an expression of strength; however, fear [and] loving emotions are perceived to be weakness" [Dawn]. Learning to be quite "thick-skinned" helped Gillian deal with treatment by judges and other counsel, while others spoke of issues in workplaces or court that made their "blood boil" or made them "really pissed off" rather than tearful.

The ability to think and focus can help manage emotional responses. As Hazel explained, "I think maybe I was quite good at not completely detaching emotionally but focusing on the legal aspects of it, looking for the evidence, and all of those different points helped to overcome the emotional distress side of the work".

However, this type of precise thinking could come at a cost, as this survey participant described:

The need to stay impassive and detached. I have found it comes to the surface eventually. I cry easily watching stupid TV/movie dramas that remind me of clients or my life. As an older lawyer, I see how the passion and creativity that I once had has been squashed by the endless need to be precise and careful. This spills over into my home life. [Survey participant]

Related to this, a conundrum was highlighted, namely that legal expertise consists of analysing small details, thinking thoroughly, and focusing on all aspects of a case, including the individuals involved, the words used, and the images presented.

However, if a lawyer acknowledges that these have had a distressing impact, that may be seen as compromising their ability to think. Ben, a senior lawyer, explained:

We're knowledge workers, and we need to rely on our minds; we trade on our minds. And if you start to let it be known that there's something wrong with your mind, then there's a fear that you might not be able to do your job properly ... it's an incentive to keep from talking about mental distress or psychological issues openly. [Ben]

Of note, participants seemed to struggle to articulate the impact of distressing work and how to tell if it had "left a mark" on them mentally and emotionally. As this survey participant explained, "it was only with the benefit of hindsight that I could see how I had imperceptibly become a shell of myself".

Two senior lawyers noted that it took time for them to become aware of the impact distressing work had on them. Margaret, a very senior lawyer, reflected:

There's a lot of content there that goes into yourself. And it sort of imprints on you. And you might not be aware of it, but there's lots of subtle little imprints there ... it probably has a marked impact on me, this work. I think because I haven't had a breakdown or I haven't lost my sh*t, and I've just sort of kept on going, I've absorbed it. But I think it's definitely left its mark on me. [Margaret]

Vanessa, a senior lawyer, shared:

I think it's hard when you're immersed in traumatic subject matter to easily detect the effect that it's having on you. We can think we're okay when actually we're not ... I think this stuff does have an effect on us because we're human. [Vanessa]

References to cynicism and disengagement were threaded throughout participants' comments. Attitudes of "not caring", "pessimism", a "suspicious mindset", "seeing crime around every corner", and becoming "distrusting of the world" were often described, perhaps as a way of dealing with distress. Grace, a junior lawyer, was shocked at how quickly her attitude had changed to "just another rape, that kind of vibe".

Too much disengagement and cynicism, however, could mean that work suffers. Chloe noted that "people get more and more cynical as time goes by, and then it becomes harder to work in the space". There was a need to balance how "numb" or "desensitised" to feelings lawyers became to ensure it did not compromise their ability to perform their job or relate to and work with clients.

9.6 Addictive behaviours

In terms of addiction (such as substance use disorder in the DSM-5), participants were more frank about addictive behaviours in the survey than in face-to-face interviews. There was acknowledgement that even answering survey questions was difficult, with one participant stating that "I accept that I drink as a form of self-medication and am not proud of this. So I found the alcohol question hard/embarrassing to answer". Addictive behaviours mostly centred around alcohol, which was perceived as "not a problem" through to something that produced "severe alcoholics" (Table 7).

Table 7. Examples of addictive behaviours

Addictive behaviours	Example participant quotes
Not a problem	Alcohol is one of my greatest pleasures, and I have a few other vices. [Survey participant] Just a nice way to chill out at the end of the day. Any alcohol consumption is unrelated to work stress. [Survey participant]
Form of coping, socialising, and self-medication	We drink too much. We work too hard. We only socialise with each other ... I don't know if that's so good in the long run. [Geneveive] I think there's a lot of people that just going out, getting pissed after a really hard week is seen as a valid coping strategy. [Heather] You can go home feeling a bit exhausted, or you're, "Oh, I just want to unwind from the day" – I can see how the addictive behaviours start ... and that people aren't aware of it as an issue until it is an issue. [Renata]
Some awareness of addictive behaviour, but it is normalised	I definitely drink to reduce my work stress levels and anxiety. [Survey participant] During my first 6 years as a lawyer, I used alcohol (3–4 units every day) to relieve stress and help me sleep. [Survey participant] It seems to be a crutch for many in the industry at the moment who drink to relax, sleep, or just stop thinking about work. [Survey participant]
Action to quit	Recently, I realised I'm an alcoholic, and I was using a work culture of drinking twice a week to normalise my problem drinking outside of work settings. Have given up alcohol completely. [Survey participant] Made a conscious decision to reduce alcohol intake as a preventative measure. I was using it to wind down quickly at the end of the working day. I have seen many colleagues develop alcohol issues. [Survey participant] There are so many people in the profession who have a bad relationship with alcohol. Rather than normalising it for me, I found it deeply disturbing and cut down my already limited drinking. [Survey participant]
Other addictive behaviours	I have given up smoking on several occasions, but have gone back to it due to the stress of my practice. [Survey participant] I still gamble from time to time usually when I am feeling unhappy about my work and am trying to come up with a way out. [Survey participant] I do worry about how the stress of my job might make me more susceptible to addiction to prescription painkillers, so I am probably overly cautious as a result (and often in more pain than I need to be). [Survey participant]
Food addictions	I have issues with food addiction and overeating. [Survey participant] I tend to consume more sugar, which is addictive. [Survey participant] I eat as a result of stress, and that sometimes feels compulsive. [Survey participant]

Issues with alcohol use were also reported in the quantitative survey data, as measured by the Alcohol Use Disorders Identification Test (Audit-C).²⁵⁸ This test assesses at-risk alcohol use separately for males and females, and reported levels for each can be seen in Figure 14 and Figure 15. Just over half of male lawyers (59.8%) had self-reported at-risk alcohol use, with a slightly higher percentage of females (67.8%) self-reporting at-risk alcohol consumption.

Group differences were examined for alcohol use as measured by the AUDIT-C classifications. Results showed no statistically significant differences across the main areas of legal practice ($p = .18$) or job titles ($p = 0.57$).

Figure 14. At risk alcohol use for males - AUDIT-C (n = 82)

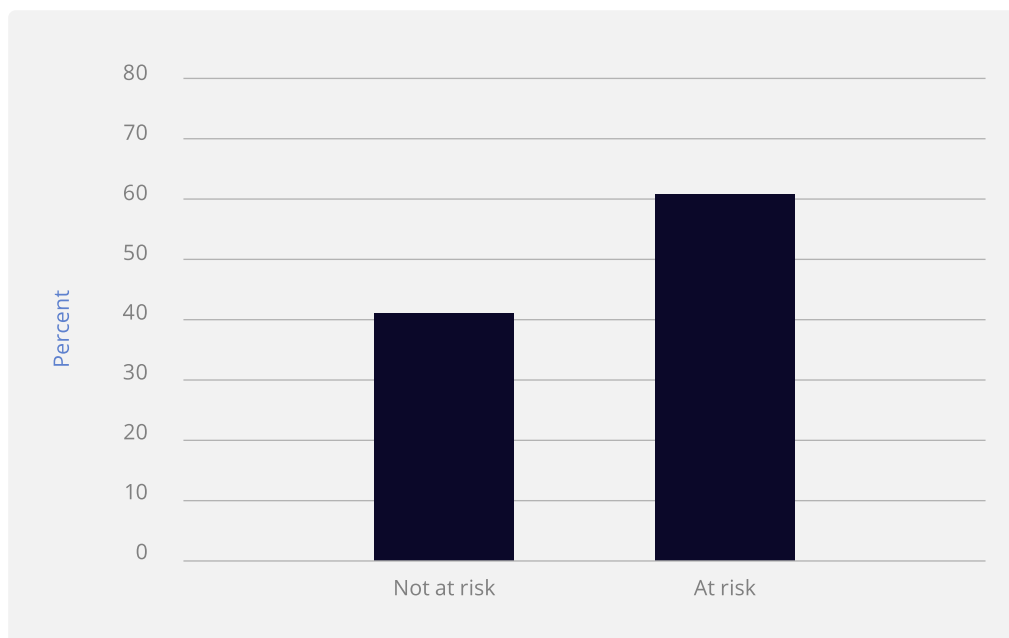
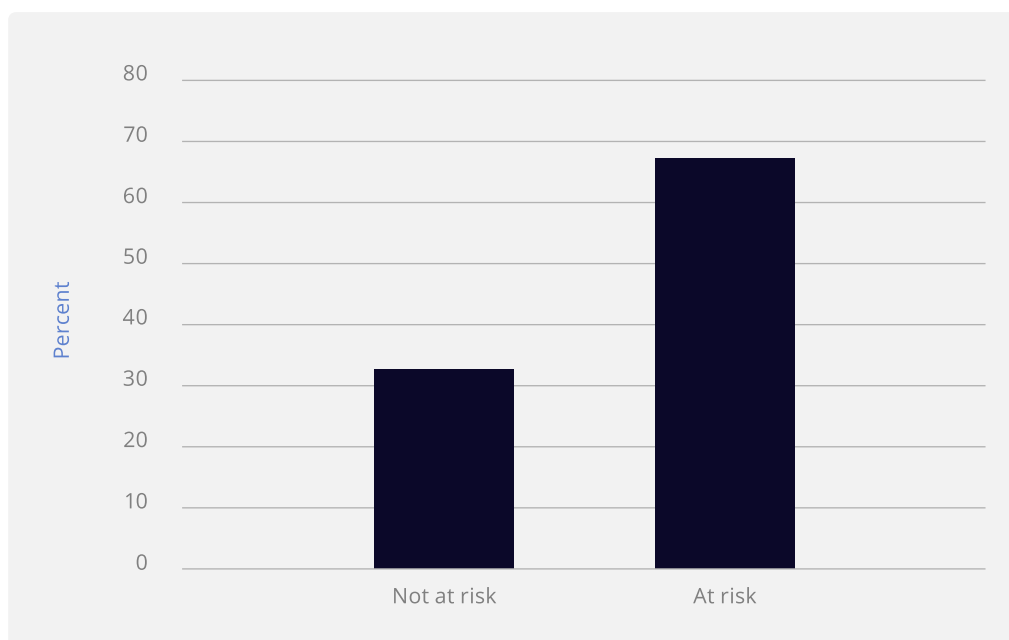


Figure 15. At risk alcohol use for females - AUDIT-C (n = 291)



²⁵⁸ Bush and others, above n 11.

Standard AUDIT-C scoring uses different cut-offs for male (> 4) and female (> 3) participants, which excludes those who identify as gender-diverse.

The issue of scoring for gender-diverse participants has been addressed in recent research.²⁵⁹ Some authors propose that future research should validate cut-offs suitable for all gender categories,²⁶⁰ while noting psychometric support for using AUDIT-C with gender-diverse samples, with reliability ranging from acceptable to high.²⁶¹ Other authors found that for gender-expansive (non-binary) people, a **cut-off** of > 3 on the AUDIT-C had the highest sensitivity and specificity (AUC: 0.77) for identifying harmful alcohol use.²⁶²

Following these recommendations, the following cutoffs have been applied in this report: > 4 for males, > 3 for females, and > 3 for gender-diverse individuals.

In this study, six participants identified as gender-diverse: non-binary ($n = 2$) and prefer to self-describe ($n = 4$). Three of these six participants (50%) met criteria for at-risk hazardous drinking. Of these three, two (33%) would be classified as at risk regardless of which gender-specific cutoff was applied. The remaining participant would be classified as at-risk under female and gender-diverse cut-offs (> 3) but not under the male cut-off (> 4). These findings must be interpreted with considerable caution due to several limitations.²⁶³

9.7 Physical health

The demanding nature of legal work not only took a toll on the mental health of lawyers but also on their physical health. Lawyers discussed various ways in which the pressures of the profession manifested physically, ranging from general exhaustion and sleep disturbances to more severe health issues. Particularly for those involved in court trials, the normalisation of sleep deprivation and neglect of physical wellbeing had the potential for dire consequences.

9.7.1 Physical illness

Emotional tension was described as translating into physical health complaints, such as vomiting before work in the morning because “I was so anxious and stressed about going” [Sierra]. Hilary reported that her “whole body would just kind of tense up ... with anxiety”, while others noticed splitting headaches, hyperventilation, and worsening asthma symptoms.

Both survey and interview participants also reported linking distressing legal work/workload to serious physical illnesses such as heart disease and cancer:

- A survey participant shared; “I have had a minor stroke this year, and my blood pressure is through the roof – again, I correlate it with working so hard and not having time to tend to myself”.
- Another described; “18 months ago, I was diagnosed with [breast] cancer. I am sure that my work-related distress was a major contributor”.
- Another recounted; “I think that we take on a lot of trauma from our clients. I think that’s definitely been a contributor [to my cancer]”.
- Jenny stopped doing legal aid work as she “was worried that it would kill me or make me sick ... I still feel guilty when I talk to my colleagues, and I see how overworked and stressed they are”.

²⁵⁹ Annesa Flentje and others “Screening Gender Minority People for Harmful Alcohol Use” (2020) 15(4) PLoS ONE e0231022; and Sarah S Dermody and others “A Narrative Systematic Review of the Gender Inclusivity of Measures of Harmful Drinking and Their Psychometric Properties among Transgender Adults” (2022) 118(9) *Addiction* 1649.

²⁶⁰ Dermody and others, above n 263, at 1656.

²⁶¹ Dermody and others, above n 263, 1653.

²⁶² Flentje and others, above n 263, at 8.

²⁶³ The very small sample size ($n = 6$) substantially limits generalisability and statistical power. Furthermore, the application of gender-diverse cut-offs complicates cross-study comparisons, given the variability in cut-off recommendations and limited empirical validation across diverse gender identities. Future research should prioritise the development and validation of gender-inclusive screening measures with robust psychometric properties across all gender identities.

9.7.2 Poor self-care and exhaustion

Physical health concerns were often linked to not maintaining physical wellbeing practices (as basic as eating and sleeping). For example, not eating properly because of feeling too tired to cook a meal or not attending routine medical checks were reported:

Last year, I cancelled various doctors, physio, blood tests. That is normal for me to put work over my health. I often do not eat during the workday. I often cannot sleep. I often skip exercise because I know that doing it in the morning, I won't have energy to get through the day or at the end of the day, I don't have enough energy. [Survey participant]

Olivia was clear that those who maintained physical wellbeing practices managed better at work when she took stock of who was "okay" in her office: "Definitely the people who prioritised their physical exercise, over those who didn't, that seemed to be holding it together better" (Positive physical health practices are covered in [Section 10.2](#)).

While symptoms of exhaustion were reported across all areas of law, sleep disturbance and lack of physical wellbeing were particularly mentioned by lawyers involved in court trials, with poor self-care and sleep deprivation almost becoming normalised:

You go into this sort of "other planet" [during trials] where you barely eat ... [you are] constantly in flight or fight mode ... get minimal sleep, and then have your brain switched on the next day to deal with anything that might turn up, and stay up all night writing your closing. [Teresa]

It was, therefore, vital to have a chance to catch up on sleep and rest after the trial, or risk potential physical and mental health consequences. For example, at the end of a lengthy trial, Alison contracted pneumonia, took months to recover, and felt "completely burnt out". Another lawyer commented that, after a series of trial-related sleepless nights, he then continued not sleeping for 6–7 nights, ended up in the emergency department, requiring sleeping medication, and then had a period on antidepressants.

9.8 What are the impacts of lawyers' distress on other people?

Workplace distress affects not only the lawyers themselves but also their clients, colleagues, managers, and personal relationships. This section highlights the multifaceted impacts of distress within the legal profession, emphasising the delicate balance that lawyers must maintain to support clients, manage their own mental health, and balance their personal lives.

9.8.1 Clients

Part of caring for clients was not to let distress interfere with what lawyers needed to do, and there was a need to "straddle the line" between obtaining sufficient information without overly (re)traumatising people and to maintain both professional and human skills. This could be a particular challenge for junior staff. Grace, a junior criminal lawyer in her first year of practice, described:

Having to kind of straddle the line between supporting the victims, a lot of the files you get to know them, and then also maintain that really professional distance, and I guess as a junior, I'm really struggling to walk that line. [Grace]

Nikki explained how those balancing skills developed over time, with some almost "unavoidable re-traumatisation" because sufficient details needed to be provided to make a claim. When this line was overstepped, this inevitably caused distress for the lawyer concerned and "even the worst abuse does not stay with me as long as the idea that I have pushed a point too far in an interview" [Nikki]. A senior lawyer quietly commented that they had developed "as light a touch as possible" when cross-examining child complainants in sexual crime cases to avoid unnecessarily re-traumatising the child while still gathering the evidence needed.

The impact of the proceedings on both was a particular area of concern that resulted in survey participants experiencing moral distress (Figure 1).²⁶⁴ When asked about the *impact of proceedings on children*, two-thirds of participants (65.9%) indicated this was something they found *distressing* or *extremely distressing*. When considering the *impact of proceedings on parties* more generally, four-fifths of participants (81.2%) found this at least *moderately* distressing.

9.8.2 Colleagues and managers

Colleagues were described as contributing to wellbeing more often than distress, primarily because of a shared understanding of the challenges of working in the law. Survey participants, for example, appreciated “my friends who work in law who can relate to how stressful law is”, “my team members and our shared dark sense of humour”, and that “we have each other’s backs”. There was, however, a sense that these colleagues were “survivors”. There was concern expressed for those who had not received collegial support when needed, had left the law, or had attempted or died by suicide.

One survey participant described:

I observe there are too many of my colleagues who have either died too young from illness or suffered issues with addiction, which many turn a blind eye to, that many leave the law simply because of being so disillusioned with the system. We can do much better. [Survey participant]

David, a senior lawyer, shared:

He had failed to take a number of steps in litigation, and he killed himself ... So that was the highly competitive lawyer model at the time, where you’re on your own. You’re competing against your colleagues in the same firm, clambering over each other for advancement in the partnership. Really toxic legal corporate environment. [David]

The impact of distress on those lawyers is outlined in Table 8, including colleagues, support staff, partners/managers, and staff they manage.

Table 8. Impact of distress on colleagues and managers

Impact	Summary and example participant quotes
Colleagues	Participants mentioned firms or locations to avoid or to which they would not return. For example, Dawn explained being asked in a job interview, “How do you deal with ghastly colleagues? What skills do you have around that?” These comments were sufficient to warn Dawn off taking a job there. Many other lawyers spoke of friends who had left the law after a “shitty first job” or who had finally left after working for years (which had taken a terrible toll). Balance was needed, which could, in part, be facilitated through debriefing with colleagues without becoming overwhelmed. Michelle mentioned that the “pressure valve” for many family lawyers was talking to their colleagues, but “sometimes if my phone rings and I see it’s a colleague and I know that they’ve had a bad case, I don’t want to answer that call [laughter]. I’ve had a bad enough day myself”. Laura, too, speaking of an anxious colleague, noticed that “it’s quite hard going providing her with the support that she needs when you’re facing your own challenges or sort of running on empty”.

²⁶⁴ Note: While the term ‘parties’ could include children, the survey asked about “the impact of proceedings on children” separately.

Impact	Summary and example participant quotes
Support staff	Support staff were valued by participants, such as “having an extremely competent assistant who can help carry the load and understands the challenges with the work and the clients”. However, there was also awareness that support staff could face the same distress as lawyers, as they shared the same environment, and “I’ve seen some support staff that just can’t handle it. It’s not an industry you can walk into and think that it’s <i>Law and Order</i> off the TV or <i>Suits</i> ”.
Partners and managers	There was concern about the distress partners and managers in legal firms experienced and how it negatively and unpredictably affected their interactions with team members. Amelia said that she would just “get screamed at for no particular reason other than the boss was stressed” and observed that if partners were not happy in their work or got stressed easily, they seemed to take it out on the juniors. Hazel explained that her senior partner was a good teacher, but “she was just always busy and always stressed ... I was always intimidated, basically”. The other partners, too, were unpredictable, causing “quite a lot of anxiety” amongst her fellow juniors.
Being a manager of staff	On the other hand, Julie, as a manager of staff, pointed out the balancing act required between getting her work done and shepherding the lawyers she employed: “I do find that I get a split loyalty between what I need to deliver to my clients and also then having to U-turn quickly and having to deal with unexpected management issues, whether that’s one of my staff having a drama on a file that I need to suddenly step in and assist with”.

9.8.3 Personal relationships

There was much appreciation of supportive partners, family, and friends, especially after a tough day, where a loved one might respond “by making sure I’m fed, watered, caffeinated, and exercised on a regular basis” [Survey participant]. However, there were also concerns about the negative impacts of lawyers’ distress on marriages and personal relationships, including bringing the distress of work home (sometimes unknowingly) and the effects on partners, children, and friends. As one survey participant shared:

The overwhelming demands and workload on lawyers in private practice and the lack of emotional and practical support are inimical to having a successful personal and family life. [Survey participant]

Constraints on what could be spoken of after a tough day related not only to confidentiality but also to the risk of traumatising others by talking about distressing content, even in general terms. Sometimes, without saying anything, the negative impacts of legal work would be brought home:

Our families feel the stress of our work. They feel it when we come home and don’t want to talk to anyone because we’ve just run out of words for the day, and we’re exhausted and we’re emotionally depleted. Or when we’re snapping at them because our rubber band for that day’s been stretched so far. [Veronica]

Interviewees admitted they were not necessarily aware of these impacts on others. For example, Anna thought she was coping well, but her partner could see she was struggling as “I would come home from work stressed, I’d be snappy, I wouldn’t sleep well ... If you’d asked me, I would have said I’m dealing with this really well”. One of the challenges within relationships was that lawyers may feel less empathetic about “normal people’s problems” [Nikki]. Lorraine, a senior lawyer, shared:

It also means I find it hard to empathise with someone who feels they’ve had a bad day because, for example, a supplier sent the wrong item. When for me, a bad day is when a rapist goes free and the complainant kills herself. [Lorraine]

Lawyers who were also parents expressed concern about how their work affected their parenting:

I have had a child, and I am not able to be a good parent because of intrusive thoughts and flashbacks relating to child victims of physical and sexual abuse. To give her some semblance of a normal childhood, I need to be able to forget these cases. [Survey participant]

Friends who are lawyers can be helpful, as “everybody kind of gets it [and knows] exactly what you’re going through” [Angela]. However, other participants avoided legal friends so they could “get right away” from the work.

9.9 Other aspects of self

Apart from the mental and physical impacts of distress on lawyers, participants also reflected on how other aspects of themselves were affected and the need to try to hold on to their values and meaning.

9.9.1 Identifying deeply as a lawyer

There was a sense of rising above the day-to-day battles by holding on to the values of law for democracy, individuals and families, or society, and there was anger and pain when that impulse was constrained by “the system”. The capacity of the law and their role as lawyers to make a “difference to people’s lives” was seen as deeply meaningful and very important.

At its heart, the legal profession is about helping people and assuming a particular identity, and as Anna said, “It’s like, ‘What do you do?’ ‘I’m a lawyer’. It’s not, ‘I do law’; it’s ‘I am a lawyer’”. Genevieve further elaborated by saying, “We’re in this job because, ultimately, we like helping people”. Working in criminal law, for example, was seen as providing a “community service, albeit not as appreciated as in the medical or education professions” [Vanessa]. Similarly, family law was described as “a passion, a vocation – it is NOT just a job and a way to pay the mortgage” [Survey participant]. Working with clients was also inspirational:

I have so much admiration and love for my clients. Despite repeated intergenerational insults, they walk tall and treat others with dignity in the face of receiving little of the same treatment in return. [Survey participant]

Maria saw herself not as someone “defending a perpetrator” of family violence but as part of a system that was fighting to stamp out family violence by ensuring proper legal processes. Shared values were noted by a survey participant who found that “the pro bono legal work of my law firm gives me hope in the values of my organisation”.

9.9.2 Growing sense of futility and disillusionment

For some, however, the sense of futility was beginning to overwhelm their commitment to the value of the law, and ethical and moral questions caused distress, as these survey participants explain:

I find it debilitating as I hold myself to very high ethical standards. I can, at times, feel disillusioned with the profession as not being a justice system at all. [Survey participant]

A key question that has come up for me is whether I am actually helping the people I am purporting to help. If you are someone who likes to resolve things in a constructive way, I have particularly found litigation and enforcement to be like a machine that destroys resources, relationships, and people in a glacial but inexorable way. [Survey participant]

Olivia summarised the sense of hopelessness when the ability to help was compromised by a lack of resources as “you feel really sad for [potential clients] because you know that the outcome could be different or better, had they had access to a lawyer when they needed it. And I think you do feel a bit of a sense of helplessness or hopelessness that you can’t help everyone you want to help”.

The research indicates a connection between strongly identifying as a lawyer and experiencing increased feelings of futility or disillusionment when restricted by systemic issues (a key aspect of moral distress). For some lawyers, these emotions might feel like an attack on their sense of self or purpose.

9.9.3 Law that is not distressing

A key caveat of this research is that, although the nature of the work may be deeply distressing for many lawyers, the ability to make a difference, despite all that, can be deeply satisfying. Many derived satisfaction from helping clients through difficult situations, achieving justice, and creating a positive impact on their lives. There was personal fulfilment in knowing that their work could lead to meaningful outcomes for individuals and families. One survey participant shared:

I materially contribute to improving the conditions of people who are in extreme and oppressive circumstances. I do my best to achieve meaningful outcomes for these people ... When good outcomes happen, it is very rewarding. [Survey participant]

Another survey participant reflected:

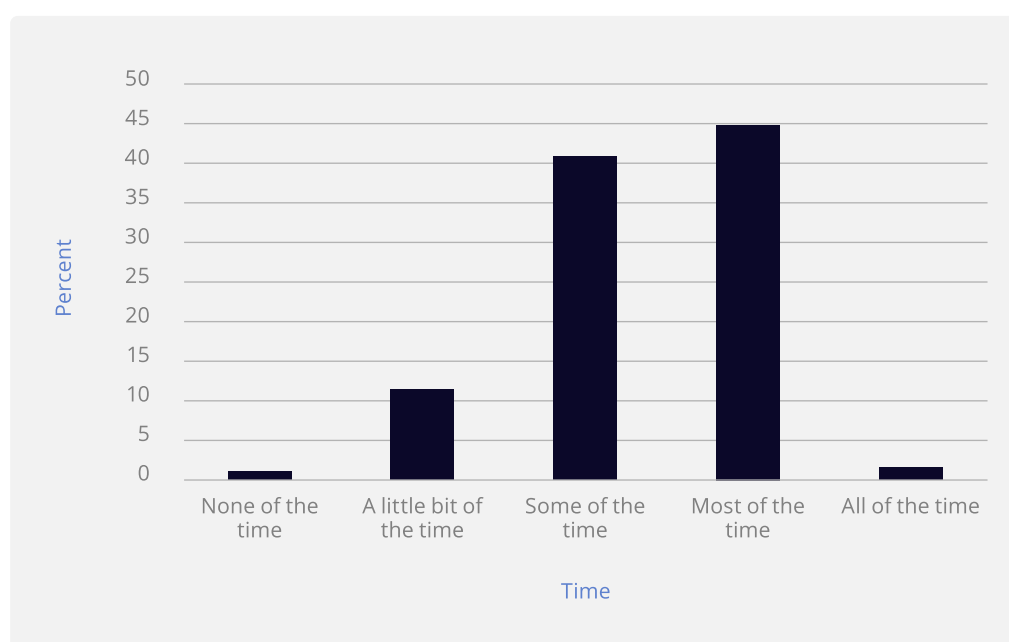
I know my job makes a difference. I have the ability to help someone become safe, make positive changes in their life. I know I can help people understand the process and ensure they are supported through it and have the chance to participate. [Survey participant]

Other aspects of the work that lawyers found rewarding included:

- Some lawyers took pride in **contributing to their communities** and advocating for those who could not advocate for themselves. Working on cases that involve public interest, social justice, or vulnerable populations was particularly rewarding for some.
- Lawyers spoke of enjoying the **intellectual challenges** that came with their work. The process of developing legal strategies, preparing compelling arguments, and engaging in thoughtful analysis was seen as both stimulating and fulfilling.
- **Professional accomplishments** were rewarding for some. Achieving favourable outcomes for clients, whether through courtroom victories, successful negotiations, or effective legal arguments, was a source of professional pride. There was also satisfaction in their ability to solve complex problems and navigate the legal system effectively.
- Some lawyers felt that **mentoring younger colleagues** and seeing their growth and confidence develop was a rewarding aspect of the job. Others found it rewarding to work with their colleagues or the wider legal community.
- Smaller numbers of lawyers spoke of the **financial rewards** of the job as being an aspect they found rewarding.

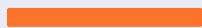
The survey specifically asked the extent to which they experienced personal satisfaction relating to their work as a lawyer (Figure 16). Almost half of the participants (46.5%) indicated that they experienced satisfaction *most of the time* or *all of the time*, with a further 40.9% indicating that they experienced satisfaction *some of the time*.

Figure 16. Time spent experiencing personal satisfaction in legal work (n = 379)



The majority of lawyers participating in the survey planned to continue practising law, and while not explicitly asked in the interviews, it was clear that many of those spoken to had a real passion for the law and intended to continue working in the legal profession. This is further addressed below at [Section 10.3.2](#) and in [Figure 18](#). The uptake of both the survey and interview phases of this research were extremely high, despite the busy schedules of these professionals. Their willingness to participate and offer recommendations offers considerable hope for the legal community as it addresses workplace distress moving forward.

9.10 Summary – the impact distress has on lawyers



Prevalence of indirect trauma

Vicarious Trauma Scale: Moderate to high levels of vicarious trauma were reported, with 86% of those surveyed experiencing moderate to high levels on the Vicarious Trauma Scale.

Secondary Traumatic Stress: Scores were also high, with 31.3% of lawyers experiencing severe symptoms and an additional 21.4% falling within the moderate to high range.



Burnout

Burnout: Burnout was commonly experienced, evidenced higher average scores of emotional exhaustion and moderate levels of cynicism, although professional efficacy scores were high, suggesting that lawyers still felt competent and effective in their roles despite these challenges.

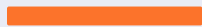


Mental health

Mental health: Many lawyers reported considerable mental health challenges, including stress and self-reported depression, anxiety, PTSD, and addictions.

Stress: Over half of the surveyed lawyers experienced stress related to their work most or all of the time (self-reported response to single question), with 30.8% reporting moderate, severe or extremely severe levels of stress (DASS-21 stress sub-scale).

Depression and anxiety: 28.3% experienced moderate, severe or extremely severe depressive symptoms, and a further 34% experienced moderate, severe or extremely severe anxiety.



Emotional challenges, cynicism and disengagement

Fear of judgment: Addressing these issues was often difficult due to the fear of judgment and high professional expectations within the legal field.

Adverse emotions: Lawyers also reported issues such as negative emotions, cynicism, and disengagement.



Addictive behaviours

Alcohol use: Alcohol use was notably high among lawyers, often serving as a coping mechanism. Over half of male lawyers (59.8%) and a slightly higher percentage of female lawyers (67.8%) self-reported at-risk levels of alcohol consumption.

Other addictive behaviours: Other addictive behaviours, including smoking and food addiction, were also reported within the profession.



Physical health impacts

Physical health: The demanding nature of legal work could take a toll on physical health, manifesting in symptoms such as exhaustion, sleep disturbances, headaches, and, in some cases, more serious physical illness.

Poor self-care practices: Poor self-care practices such as neglecting proper nutrition and sleep, were commonly reported and could lead to negative consequences.



Impact of distress on others

Trauma-informed practice: Lawyers must balance the need to support their clients without causing further trauma, which could be particularly challenging for less experienced lawyers.

Balancing collegial support: Colleagues often provide essential support to one another, sharing the burden of workplace distress. However, interactions with colleagues and managers could create a challenging and distressing work environment.

Personal relationships: The overwhelming demands of legal work can spill over into personal relationships, causing substantial strain with partners, children, and friends.



Other aspects of self

Meaningful work: Despite experiencing work-related distress, many lawyers find deep meaning in their work and strive to uphold their professional values.

Futility: Conversely, some lawyers increasingly experience a sense of futility and disillusionment with the legal system, questioning whether they are truly helping those they intend to serve.



Section 10. Strategies for addressing work-related distress

10.1 Strategies for addressing work-related distress

Given the high levels of stress and distress experienced by lawyers, often for prolonged periods, it is essential to consider what can be done about this. Lawyers shared strategies they currently use to combat work-related distress in both surveys and interviews, covering a range of personal and professional approaches. From mindfulness and meditation to mentorship, from setting boundaries to seeking support, it is evident that many legal professionals have developed effective strategies to navigate the challenges of their demanding careers. This section summarises the range of approaches currently employed by lawyers, as well as additional strategies they suggest for advancing the profession.

Strategies currently used to mitigate work-related distress varied and were often specific to the individual lawyer and their workplace. A mix of strategies was frequently used, depending on the type of workplace distress experienced and particular circumstances. Lawyers described strategies within four key areas:

- **Personal strategies** included lifestyle changes (e.g., reducing alcohol intake, increasing exercise) and psychological and social strategies to maintain mental wellbeing in the face of challenges at work.
- **Workplace strategies** were personally driven but related more specifically to the workplace (such as seeking the vital support of legal colleagues, leaving a workplace, changing practice areas, or leaving the profession entirely).
- **Workplace support** was influenced by how skilled the leadership was, the organisational culture, workload management, and a range of informal or formal supports.
- **External support** primarily involved accessing sessions with mental health professionals to manage work-related harm or as a way to prevent or minimise such harm.

10.2 Personal strategies

Lawyers reported using a range of personal strategies to counter the distress they experienced and to maintain both physical and mental wellbeing.

10.2.1 Physical wellbeing

Strategies to ensure physical wellbeing were often mentioned, particularly in the survey data. These included being mindful of their diet and nutrition, as well as engaging in various forms of exercise, such as going to the gym, running, walking, yoga, swimming, playing sports, or similar activities. Ensuring adequate sleep, reducing alcohol intake/reliance on prescription drugs, practising breathwork, and having a healthy routine were also discussed as necessary. Natalie, a senior family lawyer, reflected:

I know that I need to get good exercise, eat healthily, sleep well, and have time with my family. If those are out of balance, I'm not going to cope. But equally, if I've experienced a traumatic incident through work, those are the four things that I need to help me manage those scenarios. [Natalie]

10.2.2 Mental wellbeing

Activities to ensure mental wellbeing included spending time with friends, family and pets; spending time outside in nature; meditation; taking regular breaks; being able to “switch off” from work each day; maintaining work-life balance; and engaging in hobbies, outside interests or activities that require focus to help a person stay in the present:

I do needlework at night to try to switch my brain off and avoid screen time. I try to enjoy time with my children and not let work intrude on my home life. [Survey participant]

10.2.3 Positive psychological strategies

Lawyers also employed a range of positive psychological strategies to help them deal with both high workloads and exposure to difficult or traumatic content, examples of which are presented in [Table 9](#). These are typical psychological strategies recommended for dealing with life's challenges in general.

Table 9. Psychological strategies as described by participants

Strategies	Example participant quotes
Understanding what is outside of your control	Just thinking about what I can control and what's my responsibility and what isn't, especially with clients, because I used to blame myself if something went wrong. [Amelia]
Reframing	It sounds weird because they're telling you horrific things, and it's awful for them to have to relay it. But it always feels like an honour, and I always take that very seriously. [Nikki]
Being non-judgmental	You just have to be able to suspend judgment. It's not my job to judge that person, and I can see they have qualities that have led them into this situation that have meant that it's beyond their control ... So I think as long as you have the ability to see the greater good. [Heather]
Accepting an emotional response	I got more confident in myself and more defiant that I wasn't going mad. This is incredibly traumatising stuff, and it is okay for me to feel upset about reading this material. [Alexandra]
Compartmentalising	You have to separate it out. It's almost like having a box under a bed with a lid on it, and you put your stuff into one box, put the lid on and make sure it's in a really dark place, and then you deal with the other box. [Lorraine]
Being intentional	I think the way to survive family law really is to be very intentional from the start and have some things that you just don't compromise on. Previously, I might have seen it as being precious, but I think the long-term cumulative effect of incremental stress results in a breakdown of your body, of your psychology, of your energy. [Margaret] Margaret shared that she used the following strategies: 1. Processing your work. 2. A willingness to be transparent and authentic with people. 3. Creating more humanity and less judgment in the way you practice. 4. Trying to "get on the other person's level" (to empathise with their perspective or connect with them on their terms).

10.2.4 Other personal strategies

Other strategies lawyers used included having things to look forward to (e.g., planning holidays), using dark humour, and leaning on faith, spirituality, and community interests. Some lawyers also mentioned upskilling themselves through psychology, self-help books, or podcasts, as well as wellness programmes.

10.3 Workplace strategies

In addition to personal actions for dealing with workplace distress, lawyers discussed several strategies that were personally driven but explicitly work-related. These were distinct from strategies to address distress driven by employers, firms, or the broader legal profession, which are discussed below in [Section 10.4](#).

10.3.1 Setting boundaries around practice area

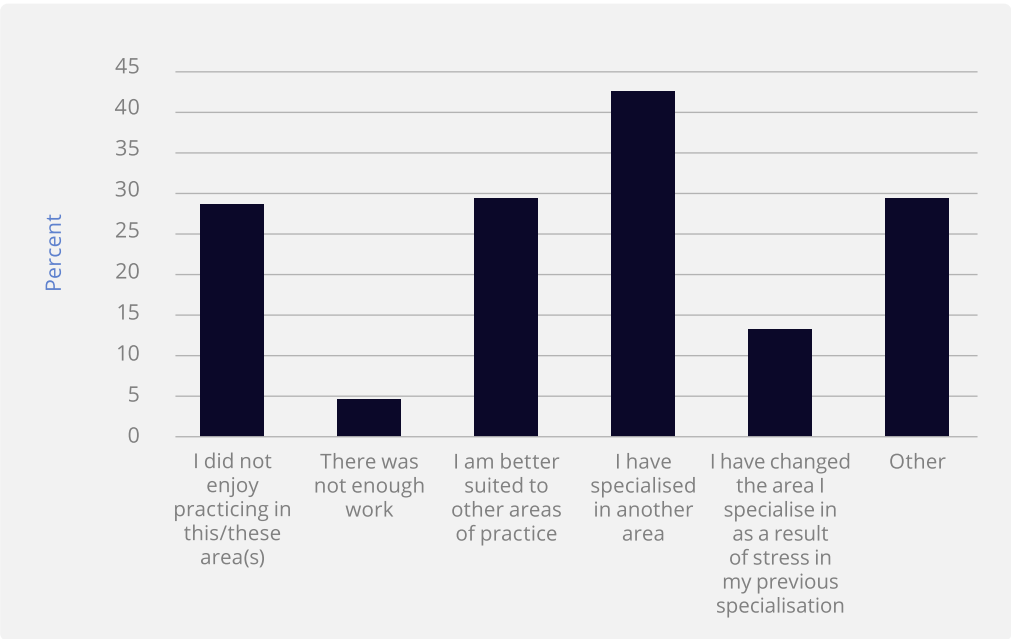
Practising in an area of law that suited the individual and in which they could thrive was seen as necessary, and many lawyers set boundaries about the areas in which they chose to practice.

For many, this was something they recognised early in their careers. For example, when discussing criminal and family lawyers, Alexandra noted, “They all have what looks to me like a backbone that I don’t have ... a bit of a raincoat.” For others, this was about having enough self-awareness of their limits or establishing positive boundaries around what they are willing or not willing to do for work as a protective measure.

For many participants, when they encountered difficulties in their chosen practice area, they transitioned to a type of law that better suited them. For some lawyers, it was about identifying the practice area(s) in which they could thrive. One senior lawyer highlighted these issues when discussing why she had switched from general litigation/family law to employment law, “because it’s the area of law that most suits me. I love it. It’s got all the drama of conflict between people, but I don’t have the worry about children”.

The survey participants reinforced the qualitative data. Those survey participants who had switched to another area of law were specifically asked why they had made the switch. While a high proportion left because they chose to specialise in another area (42.4%) or did not enjoy their original area of practice (28.1%), almost one-third (29.8%) felt they were better suited to another practice area, and some left because of the stress they experienced (12.9%) ([Figure 17](#)).

Figure 17. Reasons for discontinuing practice in specific legal areas (n = 302)²⁶⁵

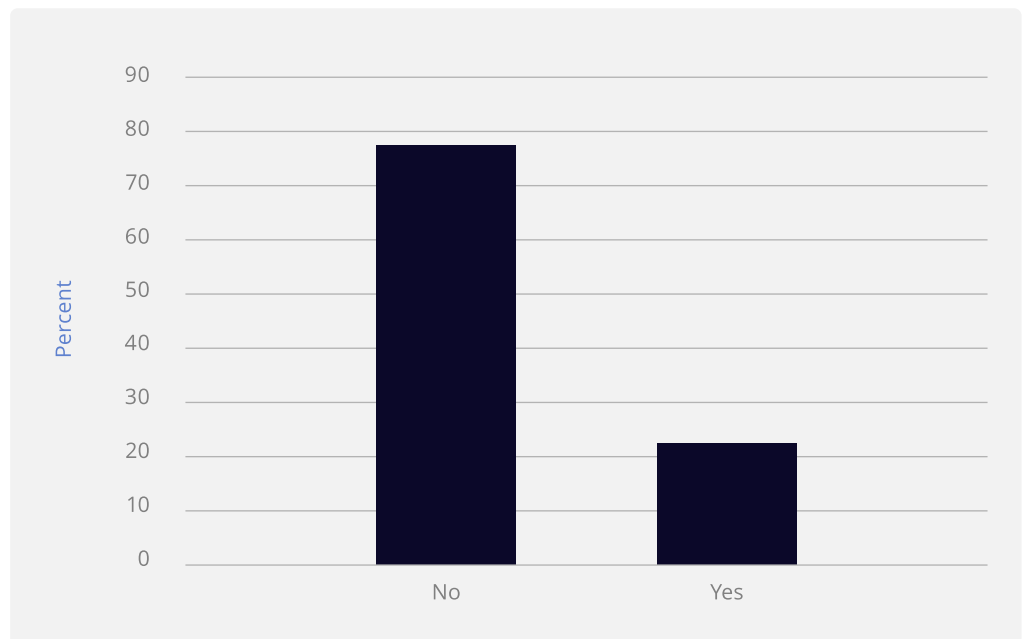


²⁶⁵ 80% (302 participants) provided options for why they no longer practice in these areas. Not all participants completed this question, as not all of them changed practice areas. Participants were allowed to select multiple options so the total exceeds 100%.

10.3.2 Changing workplaces or leaving the profession

In more extreme circumstances, some individuals felt compelled to leave specific workplaces or the legal profession, either temporarily or permanently. Amelia, an intermediate lawyer, noted that, “I’m not super far into my career, but of my friends at law school, I’d say maybe 20% of us [who started practising as lawyers] are still in practice. So that’s quite a small number”. Likewise, one survey participant shared that, “at times I have had to leave the legal profession due to the stress of traumatic roles”. The survey specifically asked lawyers whether they intended to leave the legal profession in the next 1–4 years, with almost one-quarter (22.5%) indicating they were planning to do so (Figure 18).

Figure 18. Intention to leave the legal profession in the next 1–4 years (n = 377)



10.3.3 Personal workload management

For those who chose to stay in the legal profession, some decided to reduce their working hours to cope with the distress experienced in the workplace:

I have this year reduced my workload to semi part-time to address the stress. I do not see myself returning to full-time work in this area and the impact of this job on my mental wellbeing and overall life satisfaction, despite now only working less than part-time, signals it is likely I need to leave this profession altogether.
[Survey participant]

In addition to reducing working hours, various other strategies were employed to manage the active workload. These included:

- Avoiding back-to-back trials.
- Limiting the number of challenging cases or clients.
- Referring clients to other lawyers.
- Having a physical separation between home and work.
- Not working weekends and evenings.
- Ensuring that breaks were built into their schedule if a heavy workload was expected.
- Ensuring that annual leave/holidays were taken when needed.

10.3.4 Personal strategies for distressing content

Strategies for dealing with distressing content were also discussed. This was often as simple as reviewing difficult content at particular times (e.g., not viewing files before going to sleep in the evening) or choosing not to view content such as photographs if it could be avoided:

One of the things that I was taught really early on is that if there are photos, for example, of something that's really unpleasant or something that's very graphic – because that's the thing, by the time it gets to our desks, it's not usually a sprain or something, it's quite full-on, or it may even be a fatality ... if there is an opportunity not to view photos, I don't view them. And if there's a description, I much prefer to read the description. [Maya]

10.3.5 Personal strategies for distressed clients and colleagues

Lawyers explained that in some instances, clients required careful management. Lawyers often develop techniques for boundary-setting with clients and colleagues over time through experience. Setting clear expectations about the lawyer's role from the start of the professional relationship was key, as was being clear about timeframes and communication channels throughout the process. For example, strategies included using two mobile phones or an answerphone message that specified current availability (or lack thereof) and avoiding contact outside work hours.

Without these boundaries, it was easy for work to encroach on a lawyer's personal life:

So, for me, it's just simply about creating boundaries. And it's really hard to give boundaries because if a client calls in distress, you want to say yes ... You're constantly put under pressure to say yes. And I've just had to develop saying no. And it's partly because I realised last year I had missed multiple doctors' appointments, multiple physio appointments, and it's because literally, I'd be like, "Oh, should I go to my medical appointment or should I help their client?" I'd better help that client. And I just decided I needed to put my foot on the ground. [Michelle]

10.4 Workplace support

The provision of support was highly dependent on the culture of each workplace and individual factors relating to both the lawyer and the firm. Support ranged from informal strategies (e.g., knocking on a colleague's door if you felt they could help with a case) to more formal networks established by employers.

10.4.1 Informal strategies

10.4.1.1 Support from legal colleagues

The support of legal colleagues who could understand the role's context, workload, stresses and frustrations was a pivotal strategy for many. While some workplaces had more formal arrangements to facilitate colleague support, many found informal networks and opportunities equally valuable. Catching up with colleagues for coffee or drinks, "venting" to a colleague about a challenging case, bouncing ideas off each other, asking colleagues for advice, or setting up informal WhatsApp groups for support were all seen as "valuable" and as a means to build "a huge amount of resilience". Natalie, a senior lawyer, shared:

We have a WhatsApp group ... We talk all day, supporting, and it's beautiful. It's a really genuine place. Everyone can tell their worst experiences or what they're going through ... and that is the most phenomenal support network. It really is. It's honest, and it's safe, and that's a wonderful thing. [Natalie]

Informal support from colleagues was also seen as valuable, as it was more timely and flexible in response to the situations that lawyers found themselves in. As one lawyer shared:

I think you've got to have a strong workplace culture so that you have organic relationships because these types of issues are so part and parcel of what we deal with. It's not possible to take formal steps for every bit of trauma you are exposed to. You need to have those organic relationships where, when it gets thrown in your face one day, you can debrief right there and then. The nature of the stuff you're talking about, if you don't have a good relationship with people in your office, you're not going to be inclined to want to have more chats with them, especially about intimate stuff like that. [Interview participant]

Survey participants, in particular, mentioned the importance of "supportive" colleagues more generally – for example, "colleagues in my field who I can talk to", "being able to debrief with colleagues", and "collegiality".

10.4.1.2 Workplace culture

Workplace culture was also seen as pivotal in a lawyer's feeling of support in the workplace. Lawyers appreciated feeling part of a wider team, as well as the broader support from others in their organisation. Veronica, a very senior family lawyer, explained:

We've always practised very differently. Even when we were a bigger firm, we've practised very differently. We've practised very inclusively and very much as a team with a strong team focus, that the files belong to all of us, and we work together. [Veronica]

Amelia, an intermediate lawyer, shared:

I'm allowed to turn away clients, and all of the partners are really available, and there's good support staff. My boss will actually stop me taking work if he thinks I'm too busy, because I sometimes get a bit too excited and take too much on, as I'm sure a lot of us do. [Amelia]

10.4.1.3 Supportive senior lawyers and managers

As suggested in the above quote, having the support of senior lawyers and managers was also viewed as key by both providers and recipients of this support. Managers can make or break a lawyer's experience learning the ropes of the profession, with supportive managers serving as key role models and teaching vital survival strategies. Conversely, poor managers can negatively affect a lawyer's ability to cope with distressing content, experiences, and workload. Vanessa, a senior lawyer, shared:

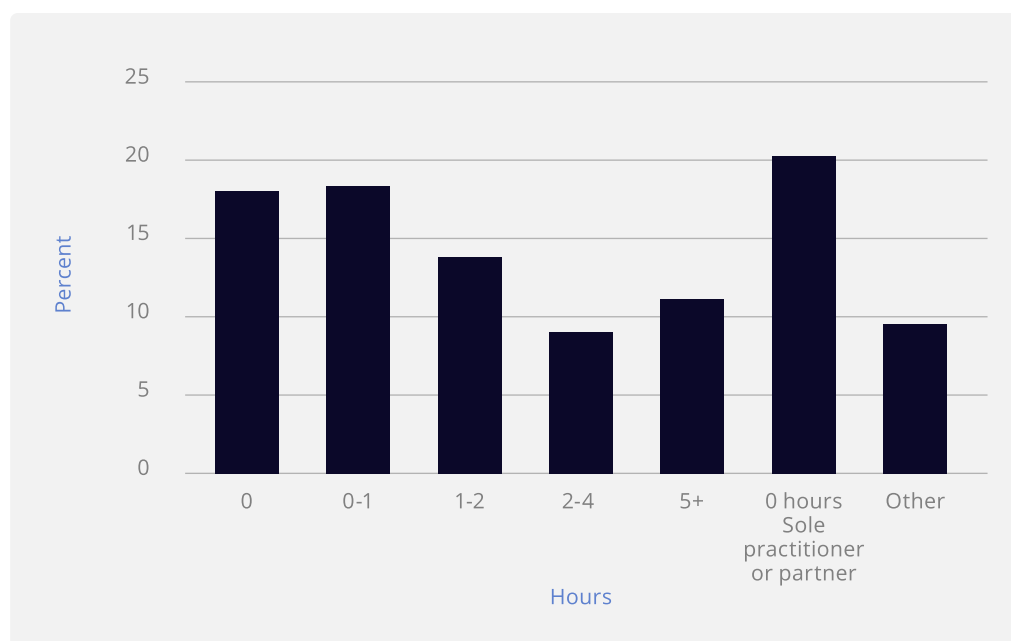
I have regular catch-ups with all of [the team] so that I'm proactively checking in. I keep tabs on their timesheets, not because I'm trying to make sure that people are doing their time, because they always are. I want to make sure that if people are doing really big hours, I can have a discussion with them about their workload and whether they need anything taken off them. And then when people are having a particularly difficult time, be it for personal or work reasons, and when that's the case, I just keep really close tabs on them. [Vanessa]

Nigel, an intermediate lawyer, reflected:

I don't think there's anything formal in place, but the partner, who's immediately above me, does look after me quite well. She recognises when I'm getting stressed ... If I go in and tell her, "I'm struggling at the moment", she just takes stuff out of my diary. Just says, "Well, you don't need to see that client; they can wait". [Nigel]

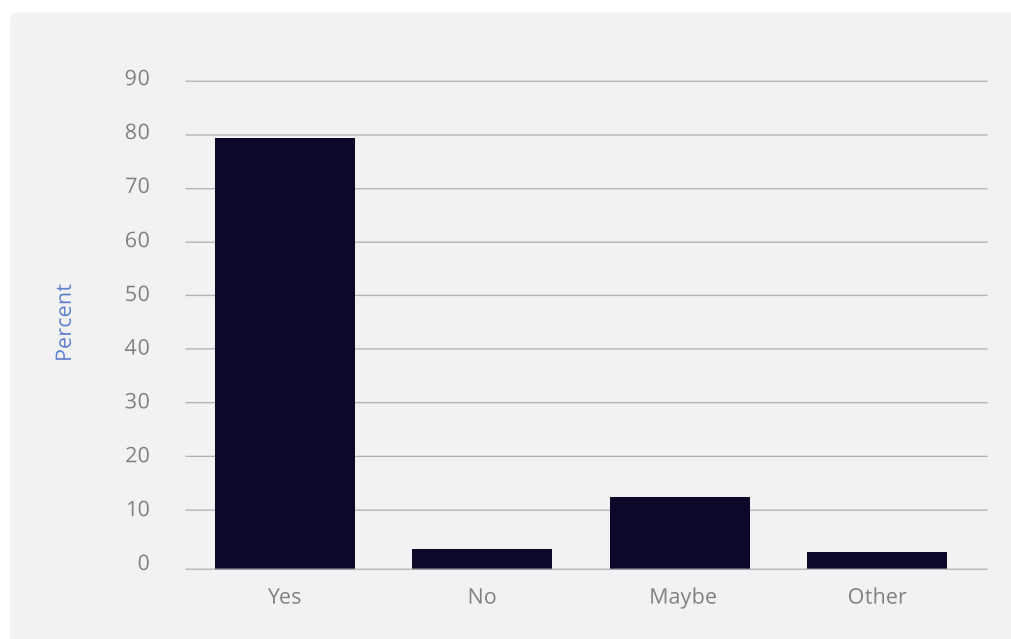
Quantitative survey data indicated the extent to which support was accessed from more senior colleagues. Lawyers were specifically asked how many hours of supervision they received per week,²⁶⁶ with supervision being defined as “oversight and/or guidance by another lawyer who is typically at a more senior level than the lawyer receiving supervision.” Almost a fifth of lawyers (18.0%) indicated that they received no supervision (excluding sole practitioners or partners), with a further 18.3% receiving 0–1 hours of supervision per week. Of note, 11.1% received over five hours of supervision per week (Figure 19).

Figure 19. Frequency of weekly supervision hours received (n= 377)²⁶⁷



Lawyers were also asked in the survey whether one of the roles of a legal supervisor is to identify and respond to stress in those they supervise (Figure 20). Almost four-fifths (79.6%) of the sample agreed with this statement, indicating strong support for the role of a more senior colleague or manager in helping junior staff cope with the stress they experience in their roles. This will be further explored in Section 11.

Figure 20. Agreement with supervisor responsibility to identify and respond to stress in those they supervise (n = 377)



²⁶⁶ Note: supervision in this context refers to work-related or line management supervision, distinct from professional supervision.

²⁶⁷ Note: not all participants answered this question.

While some lawyers could easily access support from more senior lawyers, others expressed concern that receiving support from managers may be perceived negatively. One junior lawyer indicated that “you can’t be seen to not cope”. However, this did not mean that support could not be accessed from those more senior in the profession.

Support from more senior colleagues was sometimes less formal and could be provided by others outside a lawyer’s firm. Colleagues from law school, judges, “mentors”, and more senior lawyers working in similar areas were all mentioned, and such support was greatly appreciated when offered. Nigel, an intermediate family lawyer, described:

It’s noticeable that whenever the family bar gets together, almost always you’ll get one or two judges turn up, who will often give a little talk and, to be honest, one of the things that the judges always say, “You need to look out for each other, it’s a difficult job, someone’s not feeling well, you need to go and support them”, and that sort of thing. [Nigel]

Another lawyer reflected:

And I was quite lucky to have a mentor there who was just an amazing person to learn from and probably the best teacher that I’ve actually had in law. So I was quite lucky to have that at the start of my career. [Hazel]

10.4.1.4 Support from employers or senior lawyers

Lawyers mentioned receiving support from employers or senior lawyers, including:

- Assistance with managing workload (e.g., “I feel like employers have an obligation to ensure that people aren’t doing too many back-to-back trials”) [Teresa].
- “Flexible working conditions” and “autonomy” over when work was completed.
- Providing specific strategies for effectively working with complex clients (e.g., writing to them with an outline before an in-person meeting, hanging up if a client is being abusive, feeling comfortable about the need to terminate a client retainer or refer them on).
- Senior staff providing a “heads-up” if challenging content needed to be reviewed (and providing strategies for dealing with this type of content).
- Checking in with staff to see if they are working on difficult material. Alexandra, a junior lawyer, noted that “it has meant a great deal to me to have seniors and managers around me who are not only great at their jobs but also thinking about me and my development and my welfare, to the extent of remembering that I worked on a particular file and checking in if I’m okay”.
- In-house wellness training programmes and work wellbeing allowances (e.g., group sessions for staff with a psychologist during lockdowns and sessions on dealing with complex clients).

10.4.1.5 The New Zealand Law Society-Te Kāhui Ture o Aotearoa

There was some mention of support from the New Zealand Law Society-Te Kāhui Ture o Aotearoa, with mixed views among those who sought assistance. One survey participant shared their positive experience:

My life was literally changed when I went to a Law Society presentation on vicarious trauma for the criminal and family lawyers in the area. Everyone sat there and shared, and I walked out, realising that all these terrible things I had experienced had a name and you could study them; they were normal, and frankly, to be expected given what I had to deal with, and that made it all okay. [Survey participant]

Jenny, a senior lawyer, shared her negative experience:

The New Zealand Law Society has got some sort of panel that you can ring for ethical stuff. So, I reached out to them once. When I was a sole practitioner, I had a difficulty, and no one came back to me. And it just wasn’t responsive. [Jenny]

Interestingly, there was only limited mention of Law Society support (e.g., Panel of Friends, free counselling, educational sessions). The data did not indicate whether this was due to limited awareness of Law Society services or because lawyers did not find the support they received helpful.

10.4.1.6 Positive aspects of the judiciary

Some lawyers shared the positive aspects of their engagement with the judiciary (Table 10). Lawyers value when judges approach their role with humanity, a modern approach to communication and courtroom culture, and professionalism and respect for those in their courtrooms. These features are consistent with a trauma-informed approach to law.

Table 10. Positive aspects of the judiciary

Behaviours	Example participant quotes
Judges were praised for the humanity and compassion they brought to their roles and courtrooms	One senior lawyer shared her experience of a case where the Judge chose to deliver the outcome to the child, knowing they would not be happy with the decision. “After [the child] left, [the Judge] was in tears, and that was the most human thing I ever saw with judges, that they feel that too.” [Natalie] “We’re really lucky ... our local judge is just delightful. [They’re] a new judge, and [they’re] just incredibly compassionate and just wonderful and quite a change.” [Sierra] A survey participant, reflecting on the positive aspects of being a lawyer, shared: “I am grateful for extremely professional, compassionate, intelligent Family Court judges...” [Survey participant]
Judges can change courtroom culture through clear communication and respectful and positive engagement with court participants	“We’re seeing a new batch of judges come through... there is a significant change in outcomes, the way the clients feel that they have been heard and dealt with... They might not rule in our favour, they probably won’t, but at least we are going to leave the Court, going ‘they were pleasant’ about it. So it makes a huge difference.” [Edward] “Judges who use plain language and try to communicate to the people involved rather than just speaking to the lawyers...” [Chloe] “[I]t’s really nice to see the judges make a real effort when the young people do come to court to just engage with them and help them understand the process and listen to their views...” [Gillian] Lawyers reflected on the positive changes in the way judges communicate with court participants since the introduction of Te Ao Mārama – Enhancing Justice for all.²⁶⁸ “We’ve just got... judges who are really committed to implementing Te Ao Mārama and really committed to seeing changes in court. And so it’s really nice.” [Sierra] “Te Ao Mārama has barely started and is really just a pilot just about to begin...but still...there has been a significant shift in the way judges are talking to clients and trying to make sure that they’ve understood what occurs... most of my clients seem to think that the Court processes have been better for them.” [Edward]

²⁶⁸ See: Ministry of Justice-Te Tāhū o te Ture “Te Ao Mārama – Enhancing Justice for All” Ministry of Justice (21 January 2026) <www.justice.govt.nz>.

Behaviours	Example participant quotes
Judges are respected figures within the legal community and positive interactions extend beyond the courtroom to mentorship and collegiality	"The judges were just truly phenomenal mentors." [Natalie] Survey participants shared how judges play a role in positive aspects of being a lawyer: "Receiving recognition/praise for a job well done from judges..." [Survey participant] "Having the respect of judges and other lawyers for the hard work I do." [Survey participant] "Having pleasant and competent judges and lawyers on files". [Survey participant] "I am grateful for the extremely professional, compassionate, intelligent family court judges who I deal with in my particular court, and the supportive efficient court staff who do their best to get matters dealt with quickly and fairly". [Survey participant]

10.5 External support

In addition to personal and workplace strategies, many interviewees discussed seeking help outside of the legal profession, primarily from mental health practitioners.

10.5.1 Types of external support

Participants mentioned different types of external support they received. For this report, we summarise external supports, including:

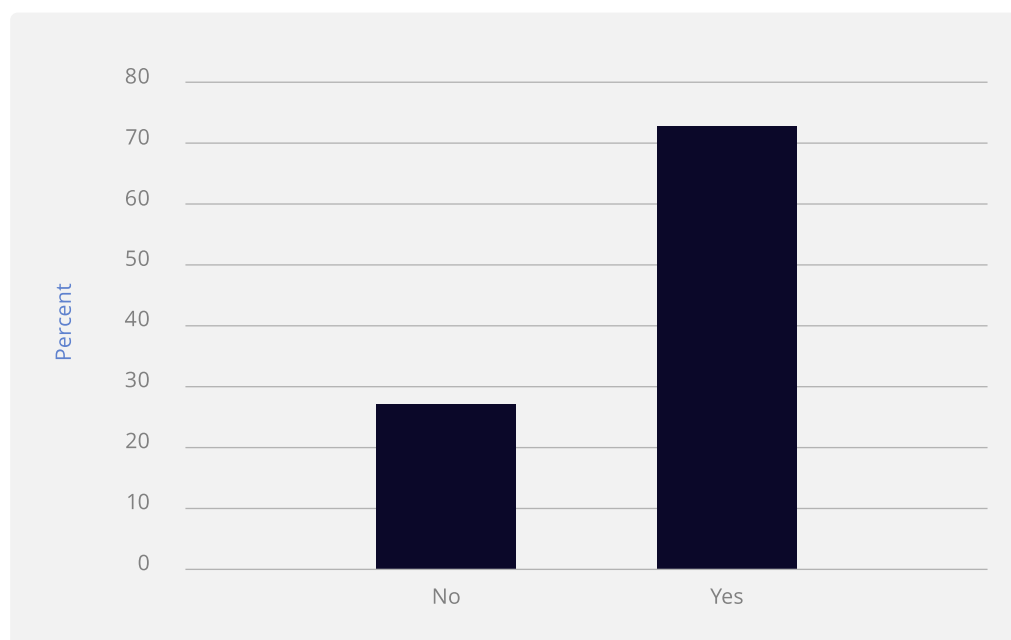
1. **Traditional therapy**, provided by trained mental health professionals such as psychologists, psychotherapists, or counsellors.
2. **"Professional supervision"**, which participants often described as being provided by psychologists, psychiatrists, or counsellors. This might focus on discussing work-related matters, personal issues related to their work, and their personal wellbeing.²⁶⁹
3. **Mentoring**, with another legal practitioner, often more senior and external to their employment relationships.
4. **Other forms of formal support**, such as medical appointments, for example, with general practitioners, psychiatrists, or another medical professional.
5. **Other forms of informal support**, such as from a friend, spiritual, faith-based, or cultural practitioner.

Interview participants often sought support from mental health professionals for work-related stress, anxiety, or low mood. Fewer mentioned consulting general practitioners or using medication for sleep or mood issues. Support was commonly described as "therapy", "supervision", or "professional supervision". Some saw mental health professionals for traditional "therapy", but more often, these terms were used interchangeably to refer to professional supervision.

²⁶⁹ Note: "Professional supervision" is distinct from work-related or line management supervision that lawyers receive from other lawyers related to their work-product.

Survey participants were explicitly asked whether they had sought help for psychological distress; 72.8% of participants indicated they had, with just under one-quarter (27.2%) indicating they had not (Figure 21). This question also included informal options, such as support from a friend or a spiritual, faith-based, or cultural practitioner, in addition to formal help from a health professional.

Figure 21. Formal and informal help-seeking for psychological distress (n = 378)



Arrangements with these professionals varied across the interviewees. Some were booked privately by the individual lawyer; in other cases, support was part of an employee assistance programme (**EAP**) arrangement through their employer, the Law Society, ABACUS, or Vitae. For some, external support (in the form of professional supervision) was a mandatory requirement of their role (e.g., Lawyer for Child are required to undertake professional supervision). Other lawyers recognised their own need for support and actively sought this.

In the remainder of this section, we primarily focus on professional supervision and how participants utilise this resource to support their wellbeing and effective practice.

Defining professional supervision

In other disciplines, professional supervision has a specific meaning, and despite varying descriptions, seems to be a beneficial option to support all practising lawyers.

Professional supervision is a term that has a range of different definitions and forms. The form professional supervision takes depends on the profession, the scope of work, and the type of organisation. Professional supervision must be tailored to the needs of the professional or practice area.

The New Zealand Law Society-Te Kāhui Ture o Aotearoa and Family Law Section define professional supervision as:²⁷⁰

A contractually agreed working relationship between a supervisor (professionally trained and accredited) and a client supervisee (lawyer). Within this confidential relationship, the supervisor meets with the supervisee for the purpose of conducting a self-reflective review of practice, to discuss professional issues and to receive feedback on all elements of practice, with the objective of ensuring quality of service, improving practice and managing stress. The primary focus of supervision is on the client of the supervisee and to maximise the competence of the supervisee in the provision of services to their clients.

²⁷⁰ New Zealand Law Society-Te Kāhui Ture o Aotearoa "Guidelines on Supervision for Mediators", above n 2, at 1; and Family Law Section of the New Zealand Law Society Lawyer for the Child Best Practice Guidelines" (29 April 2024), above n 2, at 15.5.

A supervisor should be specifically trained to provide professional supervision; however, it is not considered essential for them to be trained in the same area as their supervisee.²⁷¹ A supervisor providing professional supervision to lawyers could be a psychologist, psychiatrist, social worker, mental health nurse, or another lawyer who has received accredited professional supervision training. There are benefits to receiving supervision from a supervisor from another professional discipline.²⁷²

There are also models of cultural supervision that can support professionals in understanding the cultural dimensions of their work and clients, providing cultural advisory services, and ensuring cultural safety. For example, this might include having a supervisor of the same cultural background as the supervisee to ensure they are practising in accordance with their values, protocols, and practices.²⁷³

The legal profession can take guidance from other “helping professions”, including psychologists, nurses, social workers, support staff, and peer support workers, who are often required to have professional supervision.²⁷⁴ These professionals typically engage in professional supervision once a month, recognising the benefits it can bring for clients, professional relationships, skill development, reflective awareness, and stress reduction.

Professional supervision differs from the work-related or line management supervision that lawyers often receive within their work environment from other lawyers, and which relates to work product and is typically hierarchical. Professional supervision also differs from traditional therapy in that the focus of supervision is on the practitioner exploring and reflecting on workplace issues that impact both their professional and personal life.

The New Zealand Law Society-Te Kāhui Ture o Aotearoa has provided some examples of what might form part of a professional supervision session, which they see as ideally by a lawyer who has been accredited as a supervisor:²⁷⁵

- Best practice standards and guidelines.
- Case analysis and management.
- Ethical issues.
- Parallel processes (how what is happening in our life and other relationships relates to their work).
- Role clarity and boundaries.
- Interventions, strategies, skill development.
- Ideas, insights, thinking, planning.
- Relating theory to practice.
- Letting off steam, celebrating successes, stress management.
- Issues around resource availability and management.
- Opportunities for professional development.
- Any professional situation of interest or concern.

²⁷¹ New Zealand Law Society-Te Kāhui Ture o Aotearoa, above n 270, at 2.

²⁷² Shona McGuinness and Suzanne Guerin “Interprofessional Supervision among Allied Health Professionals: A Systematic Scoping Review” (2024) 38(4) J Interprof Care 739.

²⁷³ Te Pou o te Whakaaro Nui “Supervision”, above n 2.

²⁷⁴ Te Pou o te Whakaaro Nui “Supervision”, above n 2.

²⁷⁵ New Zealand Law Society-Te Kāhui Ture o Aotearoa, above n 270, at 3.

10.5.2 Professional supervision

10.5.2.1 Structure and frequency of professional supervision

The frequency of this external support and access ranged from occasional to weekly contact with a mental health professional. Appointments were scheduled every 4–6 weeks, and some participants noted the need to increase their appointment frequency when content was particularly distressing or when the workload was high.

Some commented that they felt there was benefit in having a regular arrangement with a mental health professional; this was viewed as potentially preventative, and it was thought that it would be easier to seek support when needed if a relationship had already been developed. Anna, who had access to regular ongoing professional supervision, supported and paid for by her employer, commented:

Other firms I've heard of only have EAP, like three sessions, as and when you need them, and you need to ask for them. But having it there as a default was really great because it meant that when something came up, I was already in therapy, I already had someone I trusted and I could talk to about it, and I didn't have to think, "Is this bad enough, am I suffering enough to talk to someone?" It was already there for me. I don't think I'd still be doing this job if I didn't have it. [Anna]

10.5.2.2 Issues discussed during professional supervision

Issues discussed in appointments with mental health professionals during professional supervision varied. Some lawyers discussed work-related matters solely (e.g., managing workload or dealing with difficult content), while others found it helpful to use the time to address personal issues. As is well known in the provision of this type of support, the boundaries between these two areas often blur, as work issues could impact a lawyer's personal life and vice versa. One lawyer noted that they "may only talk about work for half of the time and my husband and children the other half, but I have found that really, really good".

10.5.2.3 Benefits of professional supervision

Lawyers generally spoke positively about their experiences of accessing professional supervision, and a range of perceived benefits were discussed, as summarised in Table 11.

Table 11. Perceived benefits of professional supervision

Perceived benefits	Summary and example participant quotes
Help with responses to distressed clients	Supporting clients who were understandably stressed, often with significant experience of trauma and their own mental health challenges, was a common issue across participating lawyers – external support from a trained mental health professional was seen as particularly helpful to navigate relationships and interactions with these clients. "So I often feel bullied by my clients or wary of their behaviour. Probably my saving grace is that I have been seeing a psychotherapist almost the whole time that I've been practising ... quite often, I'm going to my therapist with, 'I'm getting these behaviours from a client, and it's making me feel like this' and as well as ways to help me deal with that, it's good to get a bigger picture idea of what's likely behind somebody's bullying behaviours or sense of entitlement. I think it makes it slightly easier to deal with if I know where it's coming from. I'm certainly a lot better at separating the behaviour from myself ... Just because someone else is angry isn't actually a reflection of me or my work". [Maria]

Perceived benefits	Summary and example participant quotes
Someone to talk to and process challenging events safely	A core principle of the legal profession is client confidentiality; therefore, lawyers cannot discuss cases and content with outsiders such as friends and family. For those who deal with particularly traumatic material, it also might not be appropriate to share with others: “You can’t go home and tell your spouse everything, for confidentiality reasons obviously, but also because there’s a real risk in this job that when we’re talking about trauma, you’re then in a sense taking some of that trauma on and dealing with it yourself as though you’ve experienced it, and then you feel like you need to share it ... I think for me personally, I find a real sense of guilt in that. Sometimes, I find myself going, you’ve had a horrible day of hearing terrible stuff, but you’ve got to go home and smile and carry on because your partner doesn’t want to hear it. And they can’t hear it. And so having [professional] supervision in one sense is like a pressure valve ... I know that’s her job to deal with it”. [Michelle]
Help with positive, meaningful coping strategies	Sessions with mental health professionals were seen as helpful for maintaining wellbeing and work-life balance, preventing symptoms of burnout, and ensuring that maladaptive strategies (e.g., ignoring issues or relying on drugs/alcohol) were minimised: “I feel like it’s easy for this role to consume me, and that’s how I really felt at the start, whereas with external supervision, I’m trying to implement more of a work-life balance so that it doesn’t consume me, it doesn’t take over, it’s not my whole life, so that I become less emotionally invested or devastated or tied to my work”. [Grace] “Managing burnout, monitoring and managing that, getting a really deep understanding of what I need to do to keep myself healthy, what my routines are that are important to me. And I say a deep understanding because I think there’s so much out there on social media. Wellbeing is a pretty kind of buzzy topic now – sleep, nutrition, exercise, probably most people can sort of rattle that off. But actually, what does that mean? What does that mean for you?” [Jenny] “I feel that the work that I’ve done with my therapist has certainly helped me both in protecting myself and dealing with people, and getting better results in my relationships with my clients.” [Maria]
External validation/an objective viewpoint	There was a perceived benefit in having someone outside of a lawyer’s workplace to discuss issues with. This provided an objective viewpoint on the person’s mental health, external validation, and reassurance: “I like having her to kind of go, ‘Oh my God, this is what I’m doing,’ and she goes, ‘That’s f***ed’, and it’s nice to know externally that someone else thinks that this is crazy”. [Grace] “I think one of the things I really value about it is that it’s an objective view outside my organisation by a professional, of what my mental health is like. She has my best interest at heart, and she can say it as she sees it, and I really like that. I have found her perspectives really useful, and I’ve found the validation that she gives me really helpful”. [Dawn]

10.5.3 Challenges with external support

While many lawyers viewed support from mental health professionals (both generally and including professional supervision) as incredibly valuable, several potential issues were raised. These are primarily related to how receiving this type of support might be perceived negatively by colleagues, their managers/employers, and the wider legal community. For some, their concern was so strong that they preferred keeping appointments secret from others, fearing that if others knew, it would be perceived as a sign of weakness. Ben, a senior lawyer, shared:

I wouldn't want it to be known that I was undertaking that ... the climate was such, at least back then. I think it is still now; you wouldn't want to admit that there was anything wrong in the case that stigma attaches to you, [you might] struggle to get work or get the respect of your peers, which is actually important in a courtroom. [Ben]

In addition to the perceived stigma from the legal profession, external support provided by employers was sometimes viewed with suspicion by the employers themselves, further deterring lawyers from seeking help when needed. Referring to EAP support, one lawyer explained:

One of my colleagues, she'd already used [EAP] a couple of times last year. And then she was in a situation where her client that she'd interviewed... committed suicide, and she obviously wanted to talk to someone. So she had been to one session and then had made a booking for a second one. Then, the boss texted her while she was off work, asking if she was going to pay for the next session herself. So that pretty much sums up the approach that I think some of the employers had. [Hazel]

Another lawyer also noted:

We seem to only get three sessions in a year ... I know a colleague who asked for more. They were granted it, but it was treated with a lot of suspicion, in my view. And this person was suspected of basically using it for personal issues, which wasn't the case. It was an odd assumption to make when, literally, the only cases we do are very horrific abuse cases. [Nikki]

Other issues relating to access to mental health professionals were raised, with some expressing concern that there were not enough professionals or appointments available to meet current demand (particularly for those working in provincial areas). Others who had engaged a mental health professional mentioned that they had not “clicked” or connected with the specific professional or that there was considerable variation in provider quality.

External support is also discussed in the next section, where one of the critical resources participants suggested was better access to external support.

10.6 Summary – strategies for addressing work-related distress



Personal strategies

Physical wellbeing: Lawyers engaged in a range of activities to support their physical wellbeing, such as exercise, maintaining a healthy diet, ensuring adequate sleep, and reducing alcohol consumption.

Mental wellbeing: To support their mental health, lawyers reported spending time with friends, family, and pets, enjoying nature, taking regular breaks, and engaging in activities that helped them stay in the present.

Psychological strategies: Lawyers employed a range of psychological strategies, including understanding what was outside of their control, reframing challenging situations, seeing the bigger picture, accepting the difficulties of their work, compartmentalising work-related stress, and setting personal boundaries.



Workplace strategies

Work practice adjustments: Some lawyers reported choosing to practice in areas of law that suited their strengths, while others chose to switch practice areas or leave a stressful firm or the profession. Various practical strategies for managing workloads were also reported, including reducing working hours, actively managing schedules, and maintaining a work-life balance.

Management of distressing content: For lawyers dealing with distressing or traumatic content, a range of practical strategies were employed (e.g., reviewing this type of content at specific times or avoiding graphic content such as photographs where possible).

Management of difficult clients or colleagues: Active boundary setting and managing client expectations around communication were also viewed as key strategies.



Workplace support

Support from colleagues: Informal support networks could be just as effective as formal ones and allow lawyers to debrief and maintain supportive relationships in the workplace.

Support from senior staff and managers: Regular check-ins and workload management were highly valued, as were flexible working conditions and autonomy over work. Lawyers felt there was much to be learned from senior staff and appreciated when support and mentoring were provided.

Support from the Law Society: Mixed views were evident on the currently available support offered through the Law Society.

Positive aspects of the judiciary: Lawyers value when judges approach their role with humanity, a modern approach to communication and courtroom culture, and professionalism and respect for those in their courtrooms.



External support

Support from mental health professionals: Many lawyers found sessions with mental health professionals (including professional supervision) to be beneficial for mitigating the impacts of work-related distress. Regular appointments helped prevent and manage stress, allowing lawyers to discuss both work and personal issues.

Challenges: While external support was generally viewed as beneficial, concerns about the stigma of receiving help and negative perceptions within the legal community were expressed. There were also some issues with access to mental health professionals and service quality.



Section 11.

Moving forward as a profession

11.1 Moving forward as a profession

In the face of mounting workplace distress, research participants called for changes at multiple levels of the profession. They were eager to suggest possible changes to make law practice more sustainable for themselves and future generations. Recommendations from the lawyers themselves are summarised below, while recommendations based on both this research and international research more broadly can be seen in [Section 14](#).

Suggestions from lawyers fell into four key areas:

1. **External support;**
2. **Education and training;**
3. **Professional culture reform;** and
4. **Systemic change.**

Notably, while the research questions focused on the impacts of distress on *individuals* in the legal profession, participants overwhelmingly pointed to *systemic* solutions. The previous section highlighted individual actions such as self-care and stress management, but true transformation was seen as beyond the power of individuals alone. Indeed, the systemic nature of the problem may be at the core of the concept of moral distress.

11.2 External support

It was clear that lawyers who had sought external support from mental health professionals found great value in this. Consequently, there was a call to build capacity for external support to reduce workplace distress within the legal profession further. As mentioned earlier in [Section 10.5](#), lawyers referred to external support interchangeably as therapy, supervision, or professional supervision. Nevertheless, professional supervision, as a separate resource, could be a valuable addition to the legal profession, while also allowing lawyers to choose EAP or therapy as needed.

11.2.1 Professional supervision

Throughout the interview and survey responses, there were references to receiving formal professional supervision, both outside the legal profession (e.g., psychologists, counsellors, social workers) and within (police, forensic scientists, Lawyer for Child). As Grace reflected:

It just seems crazy to me that we do this without any kind of professional supervision when other professions, such as social work or all manner of therapy [and] medical professionals, are actually required to have supervision. And I'm like, "Why is the legal profession so behind the eight-ball?" It's kind of almost like there's an unhealthy, borderline, arrogant attitude of, "Well, we don't need help because we are..." I don't know. Are we superhuman? [Grace]

11.2.1.1 Professional supervision costs

The cost of professional supervision was considered a potential barrier, particularly for junior lawyers on lower salaries, sole practitioners, and smaller law firms. There were mixed views on who should fund external support, but most felt that the cost should not fall on individual lawyers and that it should be funded by law firms, government departments (such as the Crown Law Office) or the Law Society. Nikki, a junior lawyer, shared her views about who should fund professional supervision:

The petty part of me wants [costs] to fall on the individual employer because I think there are certain areas of law or certain practices that will require more ... The work we do, we should be getting professional supervision.... So I would think it should be something subsidised by a larger entity, definitely. [Nikki]

Some lawyers were in favour of higher subsidies for professional supervision for certain types of law, but there was a call for this type of support to be provided across the board:

I just think that recognition of [professional supervision] is so valuable to say, “We actually recognise that you’re doing a stressful job and we don’t expect you to be superhuman”, which I think is often how you’re left feeling. [Teresa]

While there was an acknowledgement that certain practice areas may be more distressing than others, it was thought that all lawyers had the potential to experience distress in their role, albeit in slightly different ways. Professional supervision, therefore, was seen as a valuable opportunity for the entire legal profession.

11.2.1.2 Who should provide professional supervision?

There were mixed views on who should provide support through professional supervision. While some lawyers expressed a strong preference for support to be provided by clinical psychologists, others felt that the type of professional (i.e., psychotherapist, counsellor, or lawyer with additional training as an experienced supervisor) was not as important as having an external supervisor whom they could form a good relationship with and who could give practical strategies and advice. Olivia, a senior lawyer, explained:

I think with any of those really kind of personal conversations, it’s more about the connection that you have with someone. So I think just having a psychologist requirement, it’s not about the qualifications. It’s about can you connect with them? Can they get you, and can they help you work through those issues in what is a pretty short space of time? [Olivia]

Engaging with a professional who could understand the legal context was also viewed as necessary, whether that was a lawyer who had received additional training in professional supervision or a mental health professional who could relate to the legal context. Veronica, a very senior lawyer, reflected:

I think that’s just as true of lawyers who upskill in this area of professional supervision. There’s a really good place for mental health professionals in this area ... I also think, certainly for me, it’s been really beneficial having supervision by someone who’s not a lawyer. Sometimes, she might say, “Explain that to me”. Because she doesn’t understand the legal context. And as I explain it, I’m almost going, “Oh, that really is silly, isn’t it?” She just brings that insight from another profession and an outsider to the legal profession that’s been really, really beneficial. So I see the benefits of both [trained mental health professionals and lawyers who have upskilled in professional supervision]. I think that having upskilling within our own profession will make people more aware of the importance of a more holistic supervision model and encourage external supervision more as well. [Veronica]

11.2.1.3 Professional supervision requirements and frequency

Differences of opinion were evident regarding whether professional supervision should be mandatory (e.g., part of [or akin to] CPD requirements). Some felt that if it were compulsory, this would reduce some of the potential stigma and normalise receiving this type of support. There were also perceived benefits in that it would be easier for lawyers to access services when needed and would help ensure that having this type of support was part of the job, regardless of busy schedules. Vanessa, a senior lawyer, noted:

I think that if it’s optional, there’s a danger with busy lawyers, and particularly busy lawyers who don’t necessarily understand what professional supervision is or the benefits of it, to just kind of put it to the bottom of their priority list and never really get around to it. And I think that if we make it compulsory – as it is in many professions – then, over time, it will just become part of our culture. [Vanessa]

Ben, a senior lawyer, noted:

It would certainly be helpful from the perspective that it would take away the stigma. There wouldn’t have to be any acknowledgement that there is something wrong. It’s just something that we all have to do. [Ben]

However, concern was expressed that some lawyers would react negatively to a mandatory requirement and that it might place an administrative burden on law firms or individual practitioners. Margaret, a very senior lawyer, shared:

I think if you went to mandatory [professional] supervision, you'd have a massive outcry because people wouldn't be able to manage it in their practices. Lawyers are under huge pressure with timeframes, work, and finances. For some practices, it's hideous at the moment. I suppose it's health and safety really, in a lot of ways, how you manage, how you practise well, how you guard the health and safety of your business. [Margaret]

The recommended frequency of professional supervision and support from mental health providers, as previously mentioned by those who had used such services, could vary substantially depending on the individual lawyer and their specific work and personal circumstances. Monthly through to quarterly appointments were commonly suggested, and the need for a "standing appointment" (rather than arranging sessions on an ad hoc basis) was also strongly recommended. Olivia, a senior lawyer, noted:

I think monthly, to be honest, is achievable when you look at a calendar and think about how much stress can compound in a week. Anything longer than monthly, you just don't get a chance to build a rapport with someone. [Olivia]

11.2.2 Concerns about existing external support

Notably, a discussion arose regarding the currently provided support, with some lawyers expressing uncertainty and confusion about the options available to them, whether through the Law Society, EAP providers, or professional supervision. It was evident that many were unclear about existing support provisions (and how to access these) and that there was a need for more transparent communication with those in need.

Alexandra, an intermediate lawyer, reflected:

There was no real support that I was particularly aware of. And at one point later on, I brought that up to someone in the Ministry [of Justice], and they sort of listed off all of these things that should have been available to me. And I was like, "Well, no one told me". [Alexandra]

Charles, an intermediate lawyer, explained:

I'm a little hamstrung in the sense that [professional supervision has] been something that I've heard people talk about, and I've heard other workplaces do it. But everything's kind of either second-hand or filtered a little bit through advertising material. So, I can't honestly say that I have a very clear picture of the way that it works. [Charles]

Related to the need for more transparent communication around support options was the need for any session limits to be clear and precise (e.g., some participants had found that when an EAP session limit was reached, support "abruptly ended", leaving people in a "pretty vulnerable" position).

How lawyers could access external support also needed to be communicated to make it more acceptable for lawyers to embrace. Ben noted that "there would have to be an acknowledgement in any communications about [professional supervision], that it is a sensible and worthwhile thing that everybody who has exposure to certain kinds of cases should participate in".

11.3 Education and training

Lawyers across all practice areas emphasised the need to develop knowledge and practical skills in trauma-informed approaches. Providing training for lawyers on how trauma can personally affect them would raise awareness and help prevent long-term stress and burnout. It was also noted that lawyers frequently work with clients who are traumatised or have a history of trauma. They would benefit from learning strategies to reduce harm and avoid re-traumatisation. There was a shared view that training in self-regulation and techniques to enhance their own and colleagues' and clients' mental health, as well as managing trauma-related needs, and challenges associated with coping strategies (such as drug and alcohol issues), would be advantageous. Additionally, training in cultural safety and emotional intelligence was seen as beneficial.

Other suggested areas for further education included managing mental health effectively, people management, and communication skills, as well as developing healthy work habits (e.g., establishing healthy boundaries, managing workload, and maintaining a work-life balance). The training of senior lawyers was also seen as having several benefits, not only in terms of developing the skills needed to manage and supervise junior staff effectively, but also in being able to role-model effective strategies and behaviours and to help build a supportive workplace culture:

We just assume because people are good lawyers, they're good at managing and teaching, which is very rarely the case ... perhaps this explains why a lot of juniors do struggle in the profession simply because their managers are not very good at communicating what they want done or what the timeframes are, what their expectations are. [Aaliyah]

These areas of suggested education and training link back to the concept of trauma-informed legal practice – being aware that legal professionals and clients are often impacted by trauma.

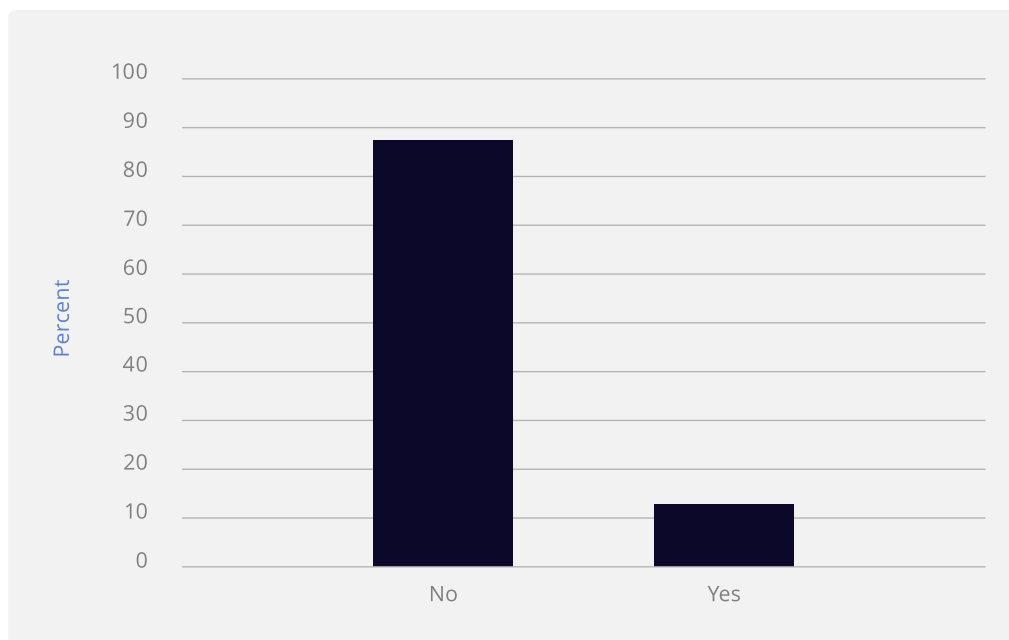


A trauma-informed approach in legal practice is not only about how lawyers work with clients, but about how they relate to themselves and to colleagues.

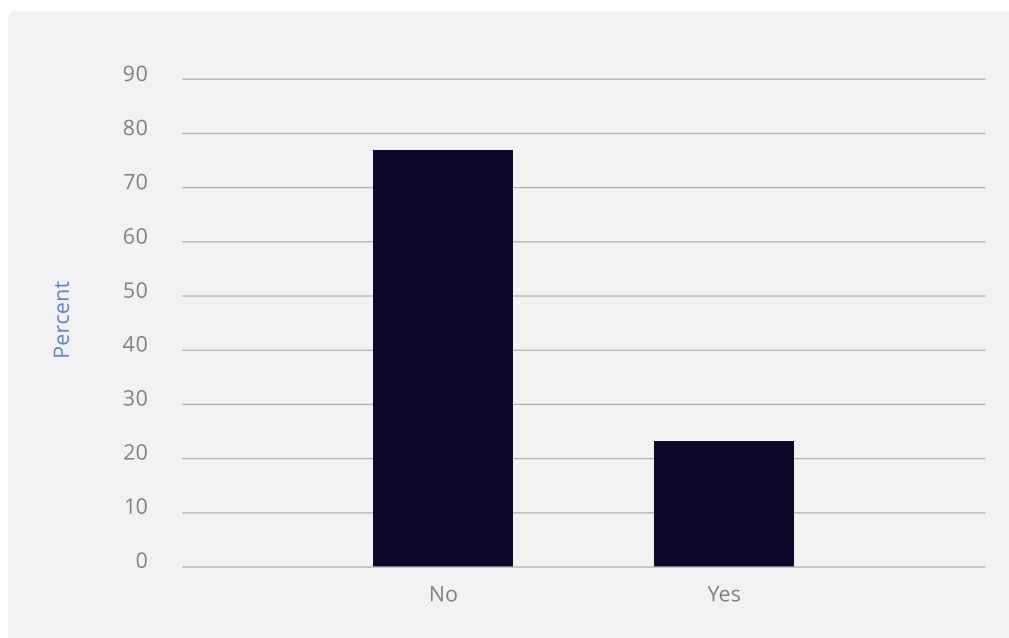
It emphasises safety, reflection, empathy, and collaboration in all relationships within the profession. Practising in this way requires attention to individual wellbeing, awareness of the impacts of trauma on peers and clients, and a commitment to creating environments that support clarity, dignity, and connection. It also calls for broader structural and systemic change, including increased access to external support (such as professional supervision), trauma-informed training, leadership that models these principles, and resourcing that recognises the emotional labour inherent in legal practice.

The extent to which lawyers have experienced trauma in their personal lives is reflected in the survey data, as outlined in [Table 5](#). As noted, a high number of lawyers had experienced one or more traumatic events in their lives, and just under half (44.6%) felt that these traumatic events had impacted the way they experienced trauma at work. Additionally, the survey specifically asked participants whether they had received any training on how to support clients who were traumatised ([Figure 22](#)) or training on how to manage trauma that they or their colleagues encountered at work ([Figure 23](#)). Training to support clients was notably lacking, with 87.3% never receiving this type of training. Training to help themselves or colleagues was slightly higher, with almost one-quarter (23.1%) having received this type of training.

[Figure 22](#). Training to support clients who have experienced trauma (n= 377)



[Figure 23](#). Training to manage personal or colleagues' trauma encountered at work (n = 377)



11.3.1 Where should training take place?

Even where there was clear consensus on the content of the training that needed to be offered, there were mixed views regarding the best place to provide this type of education.

11.3.1.1 Law school curriculum

Some favoured this training being integrated into the law school curriculum, and as Veronica stated, “most universities have ethics as a compulsory course for lawyers. I think we actually need to be really looking at it the same way in terms of our wellbeing stuff and looking at how we approach legal culture”. There was also some discussion of the disconnect between the law curriculum and what lawyers experience in practice. A survey participant shared:

I think it would be helpful for law students to be aware of what is involved at practise level ... As a student, what I learnt about family law never included discussion around family violence, Oranga Tamariki uplifts, addiction, gang violence and culture or the trauma associated with those situations. I think being taught how to deal with traumatised clients at this level would prepare you, but also inform you as a student as to whether you are suited to move into that area of law. It is definitely not for everyone. [Survey participant]

Others felt that the law school curriculum was not necessarily the best place to educate future generations of lawyers, with students being too “green” at this stage.²⁷⁶ However, this was undoubtedly viewed as an appropriate place to at least “start having some conversation” and raise initial awareness. Ultimately, it was felt that these complex issues are difficult to fully comprehend until they are experienced, as the following lawyers highlight.

Amelia, an intermediate lawyer, explained:

You can tell yourself they’re just a client, you need to have work-life balance, and you can take that in, but then when you’ve got someone who needs a protection order, and they’re crying all over you, it’s really hard to learn that except by doing it. [Amelia]

11.3.1.2 Professional Legal Studies

For some lawyers, including this type of content in the Professional Legal Studies course may still be too early. Edward, a senior lawyer, reflected:

I look back to law school and Profs [Professional Legal Studies course], and I don’t think I’ve used almost anything I ever learnt while studying. So if there had been a paper or a module in Profs about how to cope with the darker parts of the industry and files, I don’t think it would have meant anything. It’s only when you first encounter the stuff that any of that makes sense. [Edward]

Still, others saw the benefit in including it at this stage of a lawyer’s professional development. One lawyer noted:

I think Profs could be a good place to touch on it, to start off with at least, and acknowledge that it could be an issue depending on the nature of the work that you’re doing or even just dealing with difficult clients because that is something that most people will come across, regardless of what area of practice they’re in. Possibly strategies for your own personal wellbeing management, just being kind of touched on and acknowledged at that stage, would be really valuable before people actually start practising. [Hazel]

²⁷⁶ Note: In Aotearoa New Zealand Law is an undergraduate degree. Not all law students will go on to be practicing lawyers or work in law adjacent roles (e.g. policy or legislation). Future research should consider this.

11.3.1.3 CPD and “Stepping Up”

Given the perceived benefits of a lawyer having some experience before engaging in further education, participants suggested that a range of topics be offered as part of CPD or the Stepping Up course. Participants considered that including these topics in CPD could be problematic because CPD sessions are often viewed in a negative light. Jenny, for example, noted that “the CPD space is losing – credibility is not the right word, but I think that will be the challenge of offering it there – it’s convincing people that this particular seminar is going to give you the skills and tools that you need”. There were also mixed views on whether such training should be compulsory, as the following quotes from two very senior lawyers highlight. First, Lisa, a very senior lawyer, shared her support for mandatory training:

I am a bit of a fan of mandatory training because at least it alerts people to the fact that there is an issue, even if that’s all it does. [Lisa]

Second, David, a very senior lawyer, shared the opposite view:

If you start getting so prescriptive around the stuff, you’ll probably find quite a lot of the seniors say, “Leave me to muddle through myself and do not interfere with my practice anymore ... I will manage”. [David]

11.3.1.4 Training at every level and across all areas of the legal profession

Ultimately, embedding education around workplace distress, trauma, wellbeing, and mental health at multiple levels of a lawyer’s professional journey was seen as providing the best possible outcomes for all. Michelle, an intermediate lawyer, shared:

I think it probably needs to be introduced through at least cross-level ... I think there’s always been a major disconnect between what you learn at university and what your job is in practice ... There needs to be some kind of realignment of the legal education you receive and the actual practice that you have. Profs is meant to be the bridge to that, but I think it still misses the mark. There needs to be a focus on wellbeing, trauma, response and understanding the pressures of this industry, at least at Profs level. You need to know before you go in because if you haven’t got your eyes open when you go in, then how are you going to know when there’s a problem, and how are you going to know where to seek resources and support? [Michelle]

While there was an acknowledgement that specific areas of law could be more challenging in terms of trauma and interpersonal interactions (e.g., legal aid, family, criminal, human rights, and immigration law), it was felt that additional education and support were needed across all areas of the legal profession.

Natalie, a senior lawyer, explained:

But we need the training to start with. And that’s not just in criminal and family; in fact, anything that deals with people’s personal matters rather than their business matters, the absolute absence of any training is unfair to the clients and unfair to the lawyers. [Natalie]

Suzanne, also a senior lawyer, reflected:

I absolutely think that the earlier it starts, the better, and again, I think if you’re thinking about law school level, again, I think it’s not something that should be just left to parts of the profession where it’s perceived that there might be more of this stuff, like criminal and family and general litigation, but, actually more something that even is across the board into like your legal method papers or something and generally dealt with Profs again so that you’re getting that level of understanding across the profession. [Suzanne]

Survey questions were more direct, with participants specifically asked whether they felt trauma training should be included in legal training. The majority (89.9%) indicated it should be (Figure 24). When asked where this trauma training should occur (Figure 25), high proportions felt that this should be part of continuing legal education (79.6%) and that it should be a specific requirement for those practising in areas with high levels of traumatised clients (73.4%).

Figure 24. Reported agreement on whether trauma training should be included in legal training (n = 377)

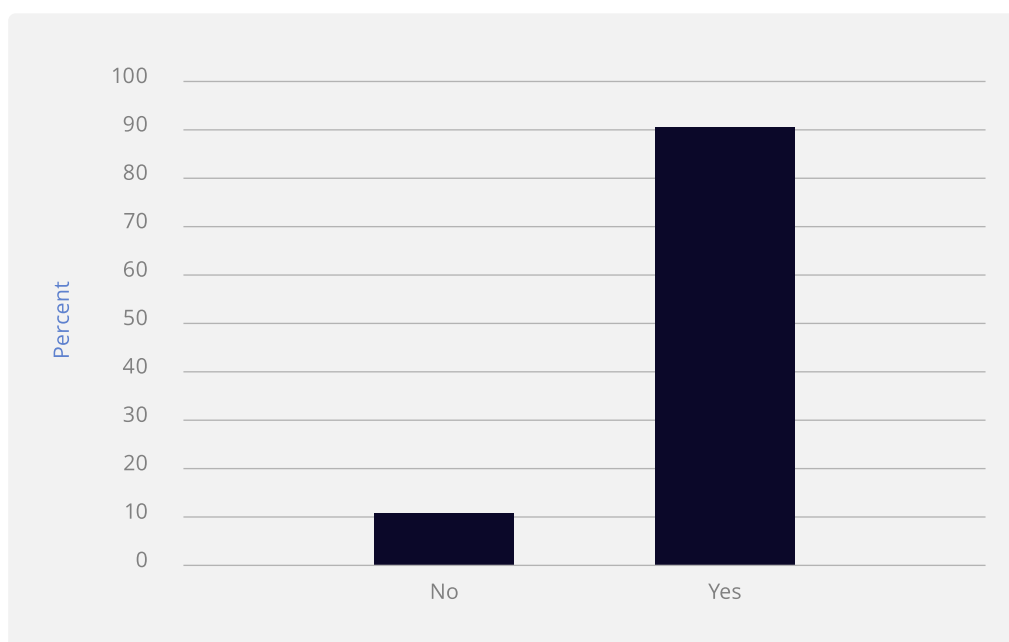
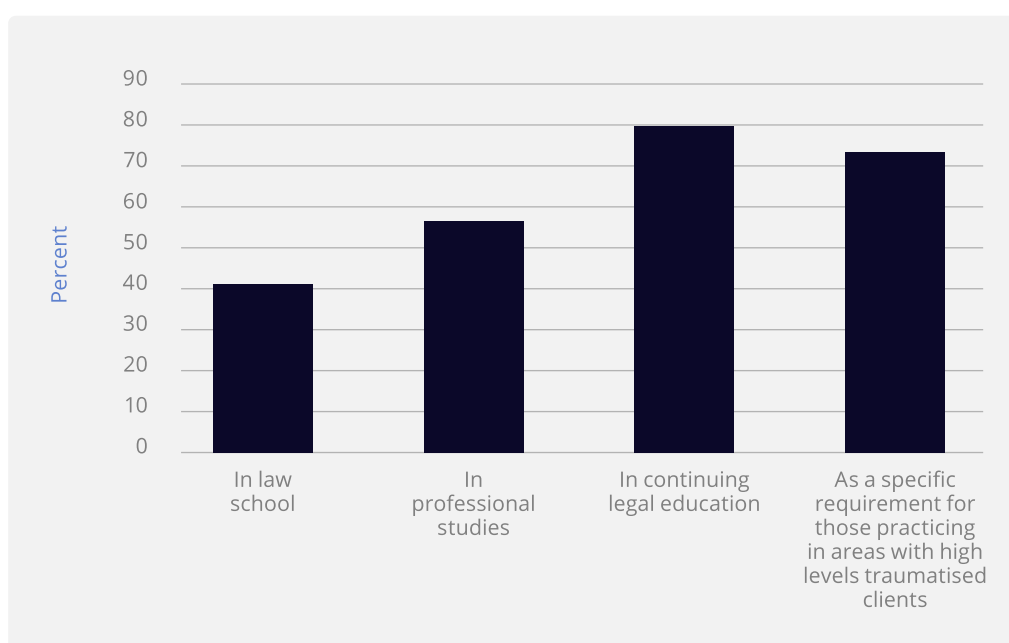


Figure 25. Location of trauma training²⁷⁷ (n = 377)



The clear message was that trauma-informed training should be included in legal training and at all levels, from law school, professional studies, CPD, and as a specific requirement for those working in areas with high levels of traumatised clients or traumatic material. It is also possible that external/professional supervision is an appropriate place for individuals to receive education about trauma, its impact, and ongoing management.

²⁷⁷ Participants were allowed to select multiple options, so the total exceeds 100%.

11.3.1.5 The Law Society

There was a call for the Law Society to provide additional resources and support in this area. Lisa, a senior lawyer, noted that there “certainly [is] a role for the Law Society to do a lot more to protect young graduates and to offer skills and how to manage ghastly people, partners, senior lawyers, people who are under a huge amount of stress and how to manage stress”. There was also mention of a series of videos featuring senior practitioners discussing their experiences, which the Family Law Section had developed. While these videos can only be accessed by registered Family Law Section members, this approach was viewed as a helpful resource that could be extended to other areas of law.

11.4 Professional culture reform

One of the key suggestions from lawyers about how to mitigate the impact of work-related distress and indirect trauma was to shift the current culture of the legal profession in Aotearoa New Zealand. Natalie, a senior lawyer, reflected:

So how do we [change the culture] in more places? We start genuinely realising that lawyers are people, not just lawyers. And it requires a degree of bravery. Some people have to say it. I would love to hear from our judiciary and QCs [KCs] going, “Yes, this is what I do, and these are the challenges I’ve had to overcome”, and making it a normal conversation. And I say that in terms of mental health, but it’s also in terms of the trauma experiences that we’ve all had within this and how it’s impacted on us, because the two are tied up. [Natalie]

Maya, a senior lawyer, shared:

I think that people being brave enough to talk about what’s going on for them without that stigma is so important because we’re all human. We’re all dealing with all sorts of different circumstances. And I don’t think people should be judged for it because we’re humans. We’re humans that happen to do law. We’re not lawyers that happen to be humans. [Maya]

Senior lawyers were particularly vocal about the need for profession-wide change, including addressing the current stigma surrounding speaking up and asking for help, tackling issues stemming from the profession’s hierarchical structure, and the perceived reluctance of senior members to embrace change. Change was not seen as something that would be achieved easily, but it was felt that it needed to be prioritised for the future of the profession. Veronica, a very senior lawyer, explained:

I really do see a large part of it as being systemic. I see there being some inroads, but in some respects, it’s lipstick on a pig. I think it’s great the Law Society have their Practising Well initiatives. But there is still a culture that says you’ve got to be able to hack the pace ... And until that changes, I really just fear for how we’re going to track as a profession. [Veronica]

11.4.1 Reduce stigma

Many lawyers spoke of the barriers they faced in speaking up if they were experiencing mental health or workload issues, fearing that they would be “perceived as weak” by doing so (and potentially overlooked for job promotions as a result). External mental health support was viewed as “something that only incredibly damaged people get”, which made lawyers reluctant to ask for external support or even tell colleagues and managers that they were receiving it. This ingrained culture was viewed as being extremely difficult to change. Will, a very senior lawyer, noted:

I still think that with lawyers, there’s this mentality that we need to be bulletproof ... and asking for help is a sign of weakness rather than strength. I could have said that I needed work reassigned, and if I was really overloaded, I either wouldn’t take it on or would ask for help. But I wouldn’t have; I would have asked for that sort of professional type assistance, but not something more personal ... It’s just such a pervasive culture; that’s the difficulty. You can change the nuts and bolts of how things are done, but that sort of pervasive culture is much harder to effect change to. [Will]

Encouraging a culture that enabled lawyers to speak out when they were struggling was seen as necessary to provide better support and, ultimately, to practise law more effectively. However, it was acknowledged that resistance to such change was deeply ingrained, not just in law firms but in society as a whole. Laura, a very senior lawyer, shared:

On an individual basis, we can try and speak honestly more often with people so that they know it's okay to share that stuff. The Law Society, maybe in general, and society as a whole, needs to find ways to make it more acceptable to talk about that stuff. But it's a big problem, isn't it? It's a societal problem that people can't. [Laura]

11.4.2 Intergenerational changes

Intergenerational changes were often mentioned in relation to legal culture. The possibility of changing “old school” or older lawyers with a “that’s what we’ve always done, type attitude” was considered particularly difficult. Some felt that as the younger generation of lawyers came through, change may be more likely to occur; as Grace, a junior lawyer, reflected, “I feel like with a lot of it, it’s generational change, as time goes on, things improve”.

11.4.3 Structure of law firms and partnership model

The hierarchical structure of law firms and the partnership model on which they are built are areas that lawyers reported could be re-examined to help support positive workplace cultures. Lawyers shared the view that being a good lawyer did not necessarily make someone a good manager, and that more inclusive and supportive management practices should be considered as key skills for senior lawyers.

Aaliyah, a junior lawyer, shared:

The partnership model is very strange. Even if we were to maintain the partnership model, if the profession was set up in a way which valued people’s ability to manage their staff well – because we understood that managing your staff well results in staff being more efficient, having better wellbeing and doing better work, which makes you more money. [Aaliyah]

11.4.4 Adversarial nature of law and combative interactions

The adversarial nature of the law was also seen as being problematic and a key contributor to workplace stress and distress. Of note were lawyers who conducted themselves or their practice in unnecessarily adversarial or combative ways.

Sierra, a senior lawyer, described:

Just the way lawyers deal with each other. I definitely catch myself doing it at times, those letters that up the ante, that actually achieve nothing for your clients. ... But it’s actually quite hard to train yourself when you get those ridiculous letters to not jump into it aggressively as well. So it would be nice if somehow there was a better culture developed in law where that didn’t happen. [Sierra]

11.4.5 Workload management

Workload management was another area seen as requiring review within the law profession culture to help mitigate the impacts of workplace distress.

Heavy workloads were generally expected in the profession, but it was felt that managers had a role to ensure these did not become unmanageable, particularly for junior staff. Alison, a senior lawyer explained:

To start off with, I needed a much more hands-on manager. I needed someone actually checking in with me and looking at how much work I was doing, and trying to just slow me down a bit. Someone needed to look at my workload and say, “You’ve got too much, we need to pass some of that on”. [Alison]

The management of workloads also needed to reflect the difficulty and content of the work. As Dawn explained, “It’s not just the amount of hours that you spend dealing with the subject matter or as a person – it’s the time that you take to ground yourself after having been exposed to stuff that is not part of your daily life”.

Workload management was also seen as being pivotal in ensuring that lawyers were able to engage in other activities that would support their wellbeing. Carol, an intermediate lawyer, shared:

Forcing people to work and not have a private life or a well-balanced life outside, so you don't have time to volunteer, you can't pursue a cultural interest, for example, that you might have, you can't even play a sport. It means that you've cut off a lot of your support networks, haven't you? Because you've got no one you can go to because all you're doing is working. I think they isolate you. [Carol]

Workload management for legal aid lawyers was raised as a specific concern, and some felt that if this was not resolved, it might result in lawyers moving to other practice areas or leaving law entirely. A survey participant described:

Ensuring that I don't burn out and give up. I am the only legal aid provider for family law in my town. I know that if I left, there would be a huge gap. I feel pressure to have to ensure that I keep my community properly serviced without getting to a point where I just can't do this anymore. [Survey participant]

Administrative workloads for legal aid were high, and the poor remuneration for this type of work meant that high caseloads had to be undertaken to make the work financially viable. Added to this was that legal aid clients often had complex needs, requiring lawyers to spend more time on individual cases than they were compensated for. Many saw a review of the way that legal aid was funded as imperative to ensure the sustainability of working in this area.²⁷⁸

11.4.6 The Law Society

The Law Society was seen as having a pivotal role in shaping the profession to better support lawyers. There were two aspects to this: first, the role of the lawyers' representative body, and second, criticisms of the Law Society's current dual functions. As the representative body for lawyers, the Law Society plays a considerable role in ongoing professional development and training.

11.4.6.1 Representative body

Some of the wellbeing initiatives the Law Society had recently implemented were mentioned, but many felt that more needed to be done. Education, training, community building, research, and evaluation of initiatives, and possibly the introduction of "wellbeing officers", were all suggested as possibilities.

A survey participant explained:

I truly believe we need to build a Law Society and legal community like they have in the UK, with more events, awards, collegiality, and connection. More education sessions on how to deal with stress and distress, more mentoring to discuss the problems. [Survey participant]

Education needed to be sufficiently robust; Julie was concerned that it did not become, "Oh well, I did a 3-hour Law Society CPD course on that. I've done it now. There's almost a risk to that, [as it's] such a specialised area dealing with trauma, so how do you dovetail that in?"

There were also calls for the Law Society to do more to "protect young graduates", as Michelle shared:

As a Law Society, what processes can we be putting in place? Is it a junior lawyers' hotline? Is it a formal mentorship programme run through the Law Society where people [are] assigned mentors from around the country after making a phone call? [Michelle]

²⁷⁸ For additional Aotearoa New Zealand research relating to legal aid, access to justice and costs of practice see: Kantar Public, above n 233; and New Zealand Law Society-Te Kāhui Ture o Aotearoa "Benchmarking Costs of Law ...", above n 232.

11.4.6.2 Dual functions

Participants also shared their concerns about the Law Society's dual functions. They described it as confusingly both a representative body advocating for the profession and a regulatory body that handles complaints and disciplinary matters (notably, one interview participant described the process as "diabolical").²⁷⁹

11.5 Systemic issues

When considering the context in which lawyers operate, many spoke of their frustrations with broader systemic issues that have negative knock-on effects on their work and client outcomes. Areas requiring change identified by lawyers were wide-ranging and are presented in Table 12. Many of these issues relate back to the concept of *moral distress*.

Table 12. Examples of areas in need of systemic change

Areas	Example participant quotes
Lack of wrap-around services or wider agency support for those in need	[You need] people who are qualified; you'd have people with a social work or a counselling qualification working alongside the person who has a legal qualification ... it definitely works better. We know that when our clients are properly supported, our work is easier, and it is definitely easier for them. [Julie]
Issues with poor resourcing within current systems	That's part of the issue within the ACC realm, is accessing the mental health support and services. And whilst a claim is being investigated, ACC, that's not their responsibility. That's public health. But there's no resources under public health, so you just have a floundering claimant. [Renata]
Communication within the justice system that is not supportive/helpful for those it serves	More involvement of offenders, more information reliably being provided to complainants and victims, judges who use plain language and try to communicate to the people involved rather than just speaking more to the lawyers on their level. The wider availability of restorative justice and the attitude of the courts, particularly the higher courts, towards s 27 reports and more individualised sentencing decisions. [Chloe]
The adversarial nature of sex trials	It's crazy that we have to go in and fight for a complainant who has been victimised for years; that's why you take on so much because it's a fight; it's not fair. [Grace]
Discrimination against certain ethnic groups	I know that my colleagues who aren't Pākehā have another added layer of discrimination because of the colour of their skin and get treated very differently in the courtroom to how I do. [Vanessa]
Administration systems that are difficult and clumsy to use	We're not up to speed with having electronically signed documentation, either in terms of affidavits; it has to be printed with bits of pen on it. It's just bizarre we can't use an electronic platform to sign digitally. [Julie]
Delays in court hearings	It's the delays. It's so grim. I think it informs the advice I give my clients because I can't promise them that they will get a quick outcome, and I've got a non-zero amount of cases where I genuinely think it's irreparably screwed up a family. [Anna]

²⁷⁹ Since this research was undertaken there has been an independent review concluding the desirability of separating the dual functions of the Law Society. It has been proposed that the Law Society should maintain the representative function and that the regulatory function should be governed by an independent body. Currently there is no timeframe for enacting this recommendation as legislative change is required. For further information see: Independent Legal Review Panel, above n 230; New Zealand Law Society-Te Kāhui Ture o Aotearoa "Law Society Response to Independent Review" (13 September 2023) LawTalk (online ed, 13 September 2023); and New Zealand Law Society-Te Kāhui Ture o Aotearoa "Law Society Responds to Independent Review Recommendations for Legal And Structural Change" (24 August 2023) <www.lawsociety.org.nz>.

Areas	Example participant quotes
Court scheduling issues resulting in unmanageable workloads	There was one period last year where I had three primary fixtures and two backup fixtures. I wrote a letter to the court, and I said, 'No. This is a recipe for a mental breakdown. No, thank you. I'm not doing this'. And the scheduler at the time was really irate with me. [Olivia]
General inefficiencies with the court system	The inefficiencies are just rife and could be – not easily – but could be addressed appropriately to overcome the needs of our clients, but it's a machine, and it takes a lot for it to turn even a few degrees. [Ngahuia]

There were also some calls for judges to receive training in trauma-informed practices to avoid re-traumatising participants and to handle emotionally charged cases better. Some also felt that judges might benefit from professional supervision to help manage the emotional impact of their work and improve their interactions with vulnerable individuals. More diversity in judicial appointments was also recommended to help ensure that judges understand the cultural backgrounds and experiences of the people they serve. One survey participant explained:

Judges in the District Courts are unfamiliar with the cultural issues of the Asian and Indian communities and often do not understand the cultural dynamics. This creates extraordinary stress and complications both for lawyers and for the clients. [Survey participant]

Another lawyer shared a view that judges are increasingly culturally appropriate because of additional training, highlighting the positive impact cultural training has:

I find judges to be so culturally appropriate, to have really great personal skills. They're really respectful ... they get such intensive courses around that now. [Hine]

Another survey participant shared:

Ensuring my clients get access to justice – that the judges understand what family violence is really about – not just the academics of it but the reality of living it. [Survey participant]

As noted above, there was a call for trauma training and support for both lawyers and judges.

11.6 Summary – moving forward as a profession



External support

Critical role of professional supervision: Lawyers expressed immense value in utilising professional supervision by mental health providers (or those trained explicitly within the legal profession). The need for professional supervision was seen as critical, similar to other professions such as social work and psychology.

Cost barriers: Cost was a major barrier, particularly for junior lawyers, small firms, and sole practitioners, with suggestions that law firms, the government, or the Law Society could bear these costs rather than individual lawyers.

Mandatory supervision: Mandatory supervision could potentially reduce stigma and normalise seeking support. However, some lawyers raised concerns about the potential administrative burden and adverse reactions if such requirements were enforced.

Communication: There is a clear need for better communication regarding available support options, as many lawyers are currently unaware of what is available and how to access it effectively.



Education and training

Trauma training: Training on how to manage personal trauma and support traumatised clients was deemed essential. The survey revealed a notable gap, with 87.3% of participants never having received training to help clients and only 23.1% having received training to manage their own or colleagues' trauma.

Additional training: Areas where additional training was suggested included effective stress and mental health management, people management, communication skills, and developing healthy work habits. Training senior lawyers in these areas is crucial for the effective management and supervision of junior staff, as well as for fostering a supportive workplace culture.

Where to offer training: There were mixed views on where education and training should best be offered, with suggestions ranging from law school and Professional Legal Studies to Continuing Professional Development (CPD). Integrating this training across multiple stages of a lawyer's career is recommended for optimal outcomes.



Professional cultural reform

Culture change: Lawyers felt there was a pressing need to change the culture within the legal profession to reduce the stigma around mental health and asking for help or support. Encouraging open conversations about personal challenges and promoting acceptance was seen as essential.

More inclusive and supportive management practices: These factors were seen as key and perceived as hugely beneficial for the profession.

Workload management: While heavy workloads are expected within the profession, there was a call for better workload management, especially for junior staff. Legal aid lawyers, in particular, face high administrative workloads and poor remuneration.

Law Society role: There is potential for the Law Society to implement more robust initiatives for education, training, and community building, as well as provide better protection for young graduates and offer practical support.



Systemic issues

Improvements needed: Lawyers called for improvements relating to a range of systemic challenges, including a lack of wrap-around services, poor resourcing, and inefficient administrative systems. Improving communication and implementing trauma-informed practices within the justice system was seen as critical.



Section 12.

Discussion

12.1 Discussion and key findings

The *Law in Distress* research provides new empirical evidence about the scope and nature of work-related distress among Aotearoa New Zealand lawyers. This section discusses key findings in light of both the international literature and this research.

12.2 Downplaying the distress

Comparing qualitative interviews with quantitative data suggests that some lawyers may downplay the personal impact of their work, describing distress primarily in moral, systemic, or ethical terms rather than in emotional or psychological terms. Levels of vicarious trauma, secondary traumatic stress, burnout, and alcohol use were high. Depression, anxiety, and stress were similar or slightly higher than comparable international studies of lawyers.

Many interview participants identified strongly with the concept of moral distress, expressing strong emotion about systemic dysfunction, while simultaneously reporting that exposure to traumatic material or clients did not affect them. However, the survey participants' high scores on both the Secondary Traumatic Stress Scale and the Vicarious Trauma Scale show the substantial impact that traumatic work has on lawyers. While it is possible that interview and survey participants experienced these issues differently, it may indicate that internalised stigma surrounding help-seeking connected to the wider legal culture may contribute to this view.

This finding supports previous research in Aotearoa New Zealand, which shows that Crown lawyers often cope by downplaying or distancing themselves from the emotional content of their work.²⁸⁰ This pattern may also reflect what the *Law in Distress* research has identified as a “masculine myth of coping”: the belief that competent professionals, particularly in adversarial environments, should remain unaffected by traumatic content or other work stressors such as high workloads or combative and bullying behaviours. Such emotional detachment may seem functional in the short term, but can contribute to disconnection and other negative impacts on wellbeing.

12.3 Moral distress: a central explanatory concept

Moral distress emerged as a central explanatory concept in this study. Lawyers experience moral distress when they know what should be done morally or ethically but are prevented from doing so. Often, it is due to systemic or structural constraints, such as unmanageable caseloads, inadequate legal aid funding, or dysfunctional court processes.

The British Medical Association has recently suggested that moral distress may be a more accurate term than burnout for describing professional exhaustion linked to ethical conflict.²⁸¹ Measuring both constructs in this study has provided valuable insight: burnout captures emotional depletion, while moral distress captures ethical and values-based frustration. Future studies should examine the relationship between burnout and moral distress in greater detail.

There is also an interplay between moral distress and indirect trauma. When lawyers are repeatedly exposed to traumatic content, cases, or clients while simultaneously constrained from responding ethically or effectively, the compounding effect intensifies both emotional exhaustion and values-based conflict. This dual burden reinforces the need for systemic solutions that address workload pressures, the emotional impact of trauma exposure and the impacts of emotional labour.

The Moral Distress Scale – Legal Professionals (**MDS-LP**) should be adapted in future research to address additional areas of concern identified in this research. Future research utilising the MDS-LP should be conducted to test its validity.

²⁸⁰ Kim, Tyler and Tinsley, above n 20 at 8.

²⁸¹ British Medical Association, above n 101.

One part of this adaptation should consider whether the term “competence”, as used in relation to lawyers and judges, could be defined and further differentiated. This research provides insight into the various strands that form the concept of competence, but further research is needed to clarify these issues.

Future research on lawyer and judicial distress and wellbeing should consider moral distress as a key issue in risk mitigation, interventions, and external support.

12.4 Demographic factors and related outcomes

12.4.1 Moral distress

Moral distress, as measured by the MDS-LP, was generally elevated across all demographic groups, with female lawyers, criminal and family law practitioners, sole practitioners, and barristers experiencing the highest levels.

12.4.2 Job title effects

Job title significantly influenced multiple outcomes. Sole practitioners and barristers consistently demonstrated the highest scores across structural and systemic moral distress, vicarious trauma, secondary traumatic stress, stress, and anxiety, with no significant differences between these two groups. In contrast, partners consistently scored lowest on these measures. Employed solicitors in private practice showed elevated scores for discrimination moral distress, secondary traumatic stress, and anxiety compared to partners. Public sector lawyers showed the highest scores of discrimination moral distress. Notably, job title did not significantly affect competency moral distress, burnout dimensions, depression, or alcohol use.

12.4.3 Gender Differences

Female lawyers experienced significantly higher levels of structural and systemic moral distress, discrimination moral distress, stress, and anxiety compared to male lawyers.

However, gender did not significantly influence scores relating to competency moral distress, vicarious trauma, secondary traumatic stress, burnout, depression, or alcohol use.

The higher response rate among women in both surveys and interviews warrants consideration of how gender impacts work-related distress experiences and research participation. Men may internalise or distance themselves from these issues, while women may be impacted differently through long-standing cultural issues of sexism, discrimination, and work-life balance challenges.

Due to small group sizes ($n = 6$) survey participants who identified as non-binary or preferred to self-describe were not included in gendered inferential analyses. Future research focusing on the experiences of gender-diverse lawyers is needed.

12.4.4 Practice area effects

Criminal and family lawyers consistently reported the highest scores on structural and systemic moral distress, competency moral distress, and vicarious trauma, with no significant differences between these two practice areas. These lawyers scored significantly higher than practitioners in trusts and estates/property/tax/commercial law and resource management/environmental law, which were among the lowest-scoring areas. These findings likely reflect frequent exposure to trauma narratives, vulnerable clients, and adversarial proceedings, often under conditions of high caseload and limited resources. However, these two practice areas were over-represented in the sample.

Practice area did not significantly influence discrimination moral distress, secondary traumatic stress, burnout, stress, depression, anxiety, or alcohol use.

12.4.5 Ethnic diversity limitations

Most survey respondents identified as New Zealand European or Pākeha, limiting explanatory power to examine outcome differences by ethnicity. As such, no significant ethnic differences were determined.

Future research should ensure greater representation of other ethnic groups, especially Māori.²⁸²

12.4.6 Distinct stressors across career stages and practice settings

Interview data revealed distinct stressors across career stages and practice settings. Junior lawyers in high-volume practices may experience distinct stressors stemming from workload intensity and limited autonomy. Sole practitioners face unique risks of isolation, high workloads, and a lack of peer support and oversight. Their experiences in this research highlight the importance of including them in sector-wide solutions. Without structured connections, many sole practitioners (including barristers) operate without safety nets for wellbeing or ethical support. The economic realities of sole practice, where time spent on supervision or self-care directly reduces billable hours, create particular barriers that may require creative solutions such as subsidised or publicly funded supervision models or group reflexive practice.

12.4.7 Implications

Understanding unique risks is essential for designing targeted interventions that address the specific needs of different lawyer populations rather than applying one-size-fits-all solutions.

12.5 Organisational and financial factors

The study documented numerous organisational stressors, including unmanageable workloads, inadequate legal aid funding, billing pressures, and a lack of institutional support. These structural factors are not simply background conditions – they directly generate moral distress and compound the effects of trauma exposure. Many participants described feeling trapped between their ethical obligations to clients and the economic realities of practice, particularly in legal aid work where funding has failed to keep pace with inflation and the complexity and volume of cases.

Financial vulnerability emerged as both a cause and consequence of distress. Inadequate compensation not only generates stress in itself but also creates barriers to accessing support, such as professional supervision. For sole practitioners and small firms, the economic model of legal practice can make it financially unviable to reduce caseloads or invest in wellbeing infrastructure. This reality highlights that addressing lawyer distress requires systemic and economic reform, not simply encouraging better self-care.

12.6 The precarious tightrope: empathy and detachment

The research describes a “precarious tightrope” that lawyers walk, whereby empathetically engaging with traumatic cases and clients becomes unsustainable, yet detachment may jeopardise their ability to hear and represent their clients’ experiences accurately.

Engaging too closely with clients’ trauma risks emotional exhaustion; disengaging too far risks compromising values, ethics, and advocacy. Many participants reported that empathetic engagement had become unsustainable within current workloads and system pressures, suggesting that structural change, not individual adjustment, is needed.

This finding challenges the common framing of lawyer distress as a problem of individual resilience. Many participants did not lack coping skills. Rather, they described systemic conditions and cultural expectations regarding coping that made it difficult to maintain the balance between compassion and professional distance required for effective practice.

²⁸² Future research should also consider how moral distress may be experienced by Māori, Pacific and other non-dominant ethnic legal practitioners in high-stress fields, dealing with Māori or Pacific, and non-dominant ethnic clientele. Maintaining professional distance and ethical boundaries for these lawyers advocating for these clients in a system that is not of their making or design may be extremely difficult.

12.7 Coping, alcohol use, and a culture of silence

While many lawyers adopted positive coping strategies, others reported less helpful mechanisms such as avoidance, emotional numbing, and increased alcohol use or other addictive behaviours. Alcohol use warrants particular attention, given the high rates of at-risk consumption identified in the study.²⁸³

These behaviours may reflect internalised stigma: seeing emotional expression as weakness and distress as a personal failure. The cultural expectation that lawyers should remain unaffected by their work, particularly traumatic content, creates an environment where unhelpful coping mechanisms are normalised, and help-seeking is stigmatised.

The persistence of this culture reinforces the need for leadership and education that normalise emotional literacy and self-reflection as professional strengths. However, cultural change cannot occur in isolation from structural reform. When workload pressures are unsustainable, peer support is absent, and professional supervision is inaccessible, individuals will understandably rely on available coping mechanisms, even when those mechanisms may become unhelpful.

12.8 The role of peer support

Peer support was a valued form of help identified by participants. Informal conversations with trusted colleagues provided empathy, validation, and practical advice. However, the effectiveness of peer support depends on both parties being self-aware and supporting themselves. Without appropriate boundaries or training, peer support may unintentionally spread distress rather than alleviate it.²⁸⁴ These findings support international evidence that peer and reflective practice groups can be powerful but should be complemented by formal professional supervision and organisational support.²⁸⁵

12.9 External support and professional supervision

Findings reveal considerable confusion among lawyers about what constitutes external support. Many used the terms “supervision”, “professional supervision”, “therapy”, and “mentoring” interchangeably, often describing blended arrangements that addressed personal and professional issues. This highlights the need for clearer definitions and guidance. As a starting point, future research should develop guidelines tailored to the legal profession. Consideration should be given to:

- External support: professional supervision, debriefing, and reflective practice: as structured, reflective support focused on practice and professional wellbeing;
- Therapeutic support: as psychological treatment for personal distress;
- Mentoring: as career or skills-focused guidance;
- Short-term assistance: through EAP or similar programmes; and
- Line management supervision or legal practice supervision: as distinct from external support.

Consideration should be given to how the legal profession names and frames various forms of “external support” to ensure that this adequately reflects their scope and role and that it resonates within the legal profession’s cultural context. It is crucial to reduce stigma associated with help-seeking and ensure that external support, particularly professional supervision, is accessible, confidential, and culturally responsive.

External support should be viewed as a core component of professional competence, not a remedial measure. This requires a cultural shift that depends on leadership from regulatory bodies, employers, legal educators, and senior members of the profession.

²⁸³ One limitation of this research is that survey participants were not expressly asked about drug or substance use. They were given the opportunity to elaborate on their experiences with addictive behaviours, and while many provided responses regarding other behaviours such as smoking, gambling, use of prescription painkillers or food, drugs or substances were not raised. As a traditionally taboo topic, it is likely to be difficult to obtain accurate data. Future research should consider this topic.

²⁸⁴ Nicholas, above n 99, at 37 – 38.

²⁸⁵ Nicholas, above n 99, at 92. This report provides examples of emerging best practice models for ameliorative post-incident debriefing, including: psychological first aid, low impact debriefing, the hot walk and talk protocol, informal peer support and formal peer support programmes. These models offer promising frameworks for utilising peer support in ways that minimise harm and maximise benefit. These approaches emphasise brief, structured conversations that acknowledge distress without requiring detailed trauma narratives, reducing the risk of indirect traumatising for the person listening.

12.10 Judicial wellbeing and challenging behaviours

While this study focused on lawyers, participants raised concerns about judicial variability, bullying, and communication. These concerns raise broader questions about the impact of work-related distress on judicial officers, who are also subject to intense workload pressures and traumatic content.²⁸⁶ There is no research on judicial wellbeing in Aotearoa New Zealand, and participants' experiences suggest an urgent need for inquiry into how judicial officers manage work-related distress and exposure to trauma and systemic stressors.

Judicial officers are former legal practitioners whose professional identities have been shaped by the legal culture and environment in which they practised, including their exposure to colleagues and members of the judiciary. Consequently, the cultures of legal practice and judicial office exert reciprocal influence upon one another. Legal practitioners and the broader legal culture shape judicial officers, who in turn influence practising lawyers and subsequent generations of judicial officers. This cyclical dynamic encompasses both exemplary practices and challenging behaviours exhibited by both groups. Transformations within legal practice or the judiciary are likely to generate cascading effects throughout the wider legal profession. Accordingly, initiatives addressing legal culture and the wellbeing of lawyers and judicial officers are fundamentally interconnected and must be understood as mutually reinforcing concerns.

Future research should engage directly with members of the judiciary to explore their understanding of trauma-informed practice, consistency, communication training, and the supports available to them. The wellbeing of judicial officers and access to justice are inseparable.

12.11 Comparing internationally

Comparing the *Law in Distress* findings with international research underscores alignment. Like overseas studies, Aotearoa New Zealand lawyers report high levels of burnout, vicarious trauma, secondary traumatic stress, and alcohol use, and similar (or higher) levels of depression, anxiety, and stress. This consistency confirms that the problems identified are not unique to Aotearoa New Zealand but reflect common features of adversarial legal systems operating under resource constraints.

This is the first study to assess moral distress among lawyers. As such, the results are not directly comparable with international studies. However, the prominence of moral distress in participants' accounts suggests it may be an under-recognised dimension of lawyer distress in other jurisdictions as well. Future international research should consider incorporating measures of moral distress to enable cross-jurisdictional comparisons.

12.12 Meaning and satisfaction

A key caveat of this research is that, although the nature of the work may cause distress for many lawyers, the ability to make a difference, can be deeply satisfying. Many participants derived considerable satisfaction from helping clients through difficult situations, achieving justice, and creating a positive impact on their lives. There was personal fulfilment in knowing that their work could lead to meaningful outcomes for individuals and families.

However, it is critical not to use the existence of meaning and satisfaction as justification for maintaining unsustainable working conditions. The fact that lawyers find purpose in their work despite systemic dysfunction should not excuse that dysfunction. Rather, it underscores the importance of creating conditions in which lawyers can experience that purpose without sacrificing their values, health, relationships, or wellbeing.

12.13 Towards a trauma-informed profession

The evidence strongly supports a shift toward trauma-informed legal practice. Such an approach would recognise the emotional demands of legal work, promote organisational and procedural safety, and equip lawyers with the knowledge

²⁸⁶ Chief Justice of New Zealand, above n 143, at 28.

and reflective capacity to engage ethically and sustainably with trauma. Embedding trauma-informed principles into legal education, legal practice, and judicial practice would help transform a culture that currently values endurance over empathy.

A trauma-informed legal profession would acknowledge that exposure to trauma is an occupational hazard requiring proactive management, not a sign of individual weakness. It would provide regular, accessible professional supervision as standard practice. It would design workplaces and court processes to minimise re-traumatisation of both clients and practitioners. It would recognise that lawyer wellbeing is inseparable from access to justice: when lawyers are exhausted, distressed, or emotionally depleted, clients and the justice system will be impacted.

12.14 Psychosocial hazards, employer obligations, and financial costs of unmitigated distress

This research must be understood within the broader context of evolving workplace health and safety law. In Aotearoa New Zealand, WorkSafe recognises psychosocial hazards, including exposure to trauma, high job demands, low job control, and inadequate support, as risks that employers must actively manage. Psychosocial hazards are workplace health and safety issues, not merely matters of individual resilience.

In Australia, cases such as *Kozarov v Victoria*²⁸⁷ and the WorkSafe prosecution of Court Services Victoria²⁸⁸ have held employers liable for failing to protect workers from foreseeable psychological harm, including indirect trauma. These developments signal an international shift toward stronger organisational accountability for lawyer wellbeing. Legal employers in Aotearoa New Zealand should proactively assess and mitigate psychosocial risks,²⁸⁹ implement trauma-informed policies, and provide adequate support structures for employees.

Employers must also consider the financial impact of ignoring lawyers' work-related distress. A 2024 United States report found that law firms experience substantial financial impacts, productivity losses, and increased staff turnover risks when work-related distress and wellbeing are not addressed.²⁹⁰

12.15 Structural and systemic change

This research reinforces that lawyers' distress cannot be addressed through individual resilience alone. Structural reform is essential. Suggested reforms are discussed in detail below in [Section 14](#).

The findings also raise important questions about the sustainability of current legal practice models. If empathetic engagement with clients has been compromised under current conditions, the profession faces a choice: either fundamentally restructure how legal services are resourced and delivered, or accept that the justice system may contribute to legal professionals' work-related distress, and that this distress may result in lawyers leaving practice areas or the profession, or providing compromised services to vulnerable clients.

12.16 Conclusion

The issues related to lawyer work-related distress are overlapping and interconnected. As such, they must be addressed in relation to the broader legal profession and the various issues. Addressing issues in isolation risks ineffective change or may shift distress from one area to another.²⁹¹ It is imperative that stakeholders work together to mitigate work-related distress and indirect trauma.

²⁸⁷ *Kozarov v Victoria*, above n 24.

²⁸⁸ WorkSafe Victoria "Court body fined ...", above n 25.

²⁸⁹ Psychosocial risk and WorkSafe regulations fall outside the scope of this report; further information can be found at: WorkSafe New Zealand "Managing Psychosocial Risks at Work", above n 1.

²⁹⁰ Unmind, above n 242, at 3.

²⁹¹ E.g., requiring mandatory professional supervision without reducing workload to allow this to occur or addressing the stigma around help-seeking may create different forms of work-related distress.



Section 13.

Future research

13.1 Future research

This study opens several important avenues for future investigation:

- **Longitudinal research:** should repeat this survey at regular intervals, tracking lawyers from law school through retirement to illuminate how distress develops over career stages, identify critical intervention points, and reveal long-term consequences of cumulative trauma exposure.
- **Intervention studies:** are urgently needed to test the effectiveness of various support models, including different supervision structures, peer support programmes, trauma-informed training, and organisational interventions. Such research should include cost-effectiveness analyses to address implementation barriers.
- **Defining the various forms of external support:** in a way that reflects the support lawyers need and the culture of the legal profession.
- **Judicial wellbeing research:** is critically needed, including exploration of judges' experiences of work-related distress, trauma exposure, moral distress, and the adequacy of current support systems and training available to judicial officers.
- **Detailed work satisfaction assessment:** this study included single questions assessing lawyers' competency, autonomy, and relatedness needs in relation to distress and resilience. This was based on the Basic Psychological Needs and Satisfaction and Work Scale. Future research should utilise the full Basic Psychological Needs and Satisfaction at Work Scale when assessing lawyer wellbeing.
- **Focused research addressing Māori lawyers' unique experiences within colonial legal structures:** Dedicated research is urgently needed to examine how Māori lawyers experience work-related distress while navigating a legal system built upon the dismantlement of tikanga Māori and the ongoing breaches of Te Tiriti o Waitangi obligations. Such research should be led by Māori researchers employing kaupapa Māori principles, in partnership with Te Hunga Rōia Māori o Aotearoa. This research should investigate the compounded distress of representing Māori clients whose legal challenges often originate from colonial dispossession, systemic discrimination, and Crown failures to honour Treaty commitments. It should also consider how practitioners maintain professional boundaries while advocating within systems designed to perpetuate harm against their own communities. Given the unique constitutional relationship embodied in Te Tiriti, this research stream must remain distinct from investigations into challenges facing other ethnic communities.
- **Focused research with lawyers from non-dominant ethnic groups:** would provide insight into how cultural identity and experiences of discrimination intersect with work-related distress. Such research should be led by researchers from these groups using culturally appropriate methodologies.
- **Focused research with gender-diverse lawyers:** on their experiences is needed, with consideration given to community-based participatory approaches and research teams that include gender-diverse scholars to ensure methodological appropriateness and authenticity.
- **Studies of "positive deviance":** closely examining lawyers and organisations that maintain wellbeing despite high-risk practice areas could identify protective factors and successful strategies that could be replicated.

- **Developing moral distress research:**
 - **International comparative research:** incorporating the MDS-LP would help determine whether the identified patterns are specific to Aotearoa New Zealand or reflect broader features of adversarial legal systems.
 - **Development and validation:** of lawyer-specific distress measures that capture moral distress, values conflict, emotional labour, and exhaustion would improve assessment and enable more accurate tracking of interventions.
- **Drug or substance use:** future research should consider explicit questions about drug or substance use. Questions about this may be difficult to get honest responses about, given the taboo nature of the issue, which may raise feelings of shame or embarrassment. Careful consideration should be given to how this is framed.
- **Economic analysis:** examining the costs of lawyer work-related distress (including turnover, presenteeism, absenteeism, reduced productivity, and compromised client service) compared to the costs of implementing support systems would provide evidence for resource allocation decisions.



Section 14.

Key recommendations for stakeholders

14.1 Key recommendations for stakeholders

The findings of the *Law in Distress* research carry implications for multiple stakeholders. Addressing these findings is not only about supporting lawyers; it is about ensuring that Aotearoa New Zealand's legal system can fulfil its fundamental purpose.

14.2 Collective stakeholders

Systemic change requires a unified approach by collective stakeholders to redefine support structures and dismantling the cultural barriers that perpetuate distress across the profession.

- **Culture change:** actively challenge harmful legal culture, including rigid hierarchies, combative interactions, sexism, and discrimination, which exacerbate distress and silence those seeking help.
- **Managing psychosocial hazards:** Understand the requirements to manage psychosocial risks at work under the Health and Safety at Work Act 2015.²⁹²
- **External support:**
 - **Define:** establish clear, evidence-based definitions for external support mechanisms relevant to the legal profession. Stakeholders must collaborate to develop guidelines that align these definitions with ethical frameworks to eliminate confusion about terminology and scope. An example would be to clarify terms such as professional supervision.
 - **Reduce stigma:** challenge the prevailing “masculine myth” of coping and the perception that experiencing work-related distress equates to professional incompetence. Promote the understanding that distress is a normal reaction, not a sign of weakness.
 - **Address barriers to access:** practical obstacles such as the financial burden of supervision, the scarcity of qualified providers, and the pressure of billable hours that limit time for self-care.

14.3 Regulatory bodies and professional organisations

The New Zealand Law Society-Te Kāhui Ture o Aotearoa and other professional bodies play critical roles in creating cultural change, setting standards for external support, and ensuring that regulatory approaches support rather than punish struggling practitioners.

- **External support:**
 - **Professional supervision:** ensure all lawyers, regardless of practice area, have access to it. This supervision must be provided by suitably qualified professionals.
 - **Mandatory implementation:** consider implementing mandatory professional supervision to normalise the process, reduce resistance, and make it a standard part of legal practice.
 - **Address cost barriers:** mitigate financial disparities by subsidising external support and professional supervision for at-risk groups, particularly sole practitioners and those in legal aid.
- **Legislative reform:** advocate for legislative change to separate the dual functions of the Law Society, creating an independent body for regulatory matters.

²⁹² WorkSafe Guidelines specifically addressing management of psychosocial hazards at work were published in April 2025, and include reference to vicarious trauma along with other factors including work design, social factors, and work environment. See: WorkSafe, above n 1.

14.4 Employers and workplaces

Employers and workplaces should provide adequate external support and create organisational cultures that prioritise wellbeing alongside productivity. They should consider their duty of care to address psychosocial hazards arising from work-related distress under the Health and Safety at Work Act 2015.

- **Stigma and professional supervision:**
 - Reduce stigma: by integrating discussions about work-related distress into workplace culture.
 - Ongoing professional development: on work-related distress to ensure senior leaders and management understand these issues.
 - Address cost barriers: by subsidising external support and professional supervision to ensure equitable access.
 - Formalise informal support: by providing training on supporting colleagues effectively, ensuring that peer debriefing is safe and does not inadvertently increase distress.
- **Workload management:** by adopting sustainable practices, including regular check-ins to monitor workloads, reassigning tasks when necessary, and discouraging excessively long working hours.
- **Cultural change:** by actively working to change hierarchical and adversarial cultures. Address issues of sexism and discrimination by implementing robust anti-discrimination policies and supporting diversity initiatives.
- **Flexible working:** to allow lawyers to manage workloads effectively and maintain work-life balance.

14.5 Government

Ensuring adequate resourcing of Legal Aid and court systems is essential for addressing the systemic drivers of lawyer distress. These are fundamental requirements for a functioning justice system.

- **Resourcing:** Address funding and staffing issues that lead to delays, including raising the legislative cap on the number of judges that can be appointed.
- **Legal aid:** Ensure legal aid is sustainable by increasing rates and support to enable lawyers to provide high-quality representation without financial strain.
- **Legislative reform:**
 - **Health pathway:** amend the Lawyers and Conveyancers Act 2006 to introduce a health pathway, signalling that wellbeing is integral to professional competence and focusing on systemic responsibility rather than punitive regulation.²⁹³
 - **Separate the dual functions of the Law Society:** create an independent body for regulatory matters.

14.6 Senior legal professionals, judges, and leaders

Senior leaders in the profession have a responsibility to lead cultural change by championing conversations and workplace practices that promote sustainable, trauma-informed legal practice.

- **Vulnerability and targeting stigma:** Encourage senior lawyers and members of the judiciary to share their experiences with work-related distress to foster an environment of openness and acceptance.
- **Supportive environments:** Cultivate workplaces where informal support networks, regular check-ins, mentoring, and meaningful, evidence-based interventions are prioritised.
- **Model wellbeing actions:** Visibly participate in wellbeing initiatives, such as attending professional supervision and adhering to reasonable working hours, to demonstrate that self-care is a professional priority rather than an optional extra.
- **Courtroom conduct:** Judicial officers should model clear, humanised, and professional communication in court, setting the standard for the legal profession.

²⁹³ See: Moore, Buckingham and Diesfeld, above n 21.

14.7 Legal educators

Law schools, Professional Legal Studies course providers, “Stepping Up” providers, and continuing education providers must prepare students and lawyers for the emotional realities of practice through trauma-informed curricula.

- **Curriculum:** Introduce comprehensive training on trauma-informed practices, self-regulation, and help-seeking skills starting from law school and continuing through to professional development.
- **Specialised training:** Develop specific programmes for lawyers practising in high-trauma areas (e.g., family, criminal, immigration, human rights), focusing on coping mechanisms and safe client interactions.
- **Peer support education:** Develop evidence-based training to ensure peer support and debriefing alleviate distress rather than exacerbate it.

14.8 Individual lawyers

While acknowledging that structural change is essential to mitigate issues of work-related distress, individual practitioners can benefit from understanding the signs of work-related distress and indirect trauma and taking steps to support themselves.

- **Engagement:** Normalise help-seeking, engage in peer support and professional supervision, and advocate collectively for systemic reform.
- **Self-management:** Develop literacy regarding the specific signs of work-related distress and indirect trauma, and utilise evidence-based strategies to manage these risks, recognising that self-management is central to professional competence.



Section 15. Limitations

15.1 Limitations

This research represents the first large-scale empirical examination of work-related distress and indirect trauma among Aotearoa New Zealand lawyers. However, several methodological and contextual limitations warrant acknowledgement.

- **Exclusion of non-practicing lawyers:** The survey captured the experiences of practising lawyers and did not include those who have left the profession. This constitutes a considerable limitation, as individuals who have exited legal practice due to distress represent a critical cohort whose experiences may reflect the most severe impacts of work-related trauma and systemic pressures. Their absence from the dataset may result in an underestimation of the true prevalence and severity of distress within the profession and limit understanding of attrition patterns and long-term career trajectories.
- **Sample characteristics and generalisability:** The survey and interview participants were self-selecting. Lawyers experiencing considerable distress may have been either more motivated to participate or, conversely, too overwhelmed to engage with the research. The extent to which findings generalise to the broader legal profession, particularly to lawyers who did not participate, remains uncertain. The question of representativeness relative to the total population of Aotearoa New Zealand lawyers is addressed in [Section 17.3](#) though inherent selection effects cannot be entirely discounted.
- **Demographic representation:** The survey sample exhibited overrepresentation of women, Pākehā/NZ European lawyers, and family and criminal lawyers. While the demographics (aside from gender) were closely aligned with the makeup of the profession at the time the survey was undertaken in 2022, these patterns may affect the generalisability of findings. The experiences of underrepresented groups, including male lawyers, gender diverse lawyers, practitioners in other practice areas, and lawyers from diverse ethnic backgrounds, may differ in ways not fully captured by this research.
- **Māori legal practitioners and Te Tiriti o Waitangi obligations:** This research was not able to fully address the distinct position of Māori lawyers practicing within a legal system that has actively dismantled tikanga Māori and continues to perpetuate colonial harms. The obligations under Te Tiriti o Waitangi require specific attention to both the structural barriers faced by Māori practitioners and the compounded distress of representing Māori clients whose legal issues frequently stem from historical and ongoing Tiriti breaches and systemic injustices. Future research should centre kaupapa Māori principles and engage meaningfully with Te Hunga Rōia Māori o Aotearoa to address these gaps.
- **Limited engagement with specialised legal communities:** Future research would benefit from targeted engagement with a broader range of professional organisations and specialised legal communities.²⁹⁴ Targeted outreach to other groups would enhance understanding of distress across a broader spectrum of legal practice and identity.
- **Cross-sectional design:** The research employed a cross-sectional methodology, capturing data at a single point in time. Causal relationships between work-related factors and distress outcomes cannot be definitively established. Longitudinal research would be required to examine how distress develops, intensifies, or resolves over the course of legal careers, and to assess the long-term efficacy of proposed interventions.

²⁹⁴ As noted above at n 7, future studies should also engage with: Te Hunga Rōia Māori o Aotearoa (the Māori Law Society), the Pacific Lawyers Association, New Zealand Association of Immigration Professionals (NZAIIP), In-House Lawyers Association of New Zealand (ILANZ), Arbitrators and Mediators Institute of New Zealand, Australian and New Zealand Association of Psychiatry, Psychology and Law (ANZAPPL), Australian and New Zealand Education Law Association (ANZELA), Human Rights Lawyers Association Aotearoa New Zealand, New Zealand Insurance Law Association (NZILA), and the Auckland, Wellington, Canterbury, Otago, Waikato/Bay of Plenty Women's Law Associations, among others.

- **Retrospective self-report measures:** The data relied predominantly on participant self-report, which is subject to recall bias, social desirability bias, and individual interpretation of experiences. While validated psychometric instruments were employed where possible, subjective accounts may not fully capture objective workplace conditions or clinical presentations.
- **Moral Distress Scale – Legal Professionals:** The MDS-LP was developed specifically for this study. While grounded in established theory and piloted appropriately, it has not been subject to extensive psychometric validation across diverse legal populations. Further research is needed to confirm its reliability and construct validity. Additionally, the MDS-LP did not address issues of safety concerns, such as threats of violence or actual violence experienced by lawyers, or challenges to the rule of law and legal institutions. These issues may constitute considerable sources of distress in certain practice contexts.
- **Scope of substance use inquiry:** The survey employed the AUDIT-C screening tool to assess alcohol consumption, but participants were not expressly asked about drug or substance use beyond alcohol. While participants were given the opportunity to elaborate on their experiences with addictive behaviours, and many provided responses regarding smoking, gambling, use of prescription painkillers, food, drugs or other substances were not systematically raised. As a traditionally taboo topic, it is likely difficult to obtain accurate data on substance use through self-report mechanisms. Future research should consider validated screening instruments and confidential reporting methods to better capture this dimension of distress-related coping.
- **Cultural and jurisdictional context:** This research was conducted within the specific legal, cultural, and regulatory context of Aotearoa New Zealand. Findings may not be directly transferable to other jurisdictions with different legal systems, workplace regulations, professional structures, or cultural attitudes toward mental health and distress.
- **Confidentiality constraints:** To preserve participant confidentiality, some detailed contextual information could not be reported. This may limit the specificity of findings in relation to specific employers, courts, or practice settings, and may restrict the ability of stakeholders to identify institutional-level factors contributing to distress.
- **Scope and synthesis constraints:** As acknowledged in the Executive Summary, this report encapsulates key messages from thousands of pages of transcripts and survey responses but cannot, of necessity, present every message from every angle. Thematic prioritisation may have resulted in the underrepresentation of certain experiences or perspectives.

Notwithstanding these limitations, this study provides robust empirical evidence of the prevalence and nature of work-related distress within the legal profession and offers a foundation for targeted intervention and systemic reform.



Section 16. Conclusion

16.1 Conclusion

The *Law in Distress* project provides the most comprehensive picture to date of the nature, prevalence, and consequences of work-related distress and indirect trauma among lawyers in Aotearoa New Zealand. The findings confirm that distress is not an isolated or individual issue but a structural and cultural feature of legal work.

Lawyers across practice areas reported exposure to distressing content, high workloads, and emotionally demanding interactions with clients and colleagues. Quantitative survey data showed moderate to high levels of vicarious trauma, secondary traumatic stress, moral distress and widespread burnout, depression, anxiety, and stress. Qualitative interview data confirmed these findings, highlighting deep frustration with systemic shortcomings, moral distress when lawyers could not act in accordance with their professional values and ethics, and the cumulative toll of exposure to traumatic cases and content, as well as the provision of unsupported emotional labour within an under-resourced justice system.

Despite these pressures, many lawyers continued to report professional satisfaction and a sense of meaning in their work, describing their roles as purposeful and socially valuable. This resilience, however, was often maintained through individual coping strategies rather than through organisational or systemic support. Participants reported positive coping strategies such as exercise, boundary setting, reframing, or seeking informal peer support, and unhelpful coping strategies such as substance use, avoidance and detachment. The profession's reliance on personal resilience over collective responsibility risks normalising chronic work-related distress.

These findings can be understood within the context of a growing international body of evidence highlighting similar trends in Australia, Canada, the United States, and the United Kingdom. International research consistently shows that lawyers experience higher rates of depression, anxiety, substance use, and burnout than most other professional groups. Studies also identify structural contributors arising from systemic issues, including adversarial and combative cultures, long hours and heavy workloads, and poor supervision. Recent international research has shifted solutions from sitting solely within individualised wellbeing models toward trauma-informed, systems-level responses, recognising that the legal environment itself can perpetuate harm if not addressed.

This research also presents novel findings on the central role moral distress plays in understanding lawyers' work-related distress.

A trauma-informed approach to lawyering offers a framework for this change. It calls for legal institutions, workplaces, and educators to recognise the impact of work-related distress and trauma exposure, foster safety and trust, and embed reflective and supportive practices such as professional supervision, trauma training, and wellbeing-focused leadership. Internationally, such reforms are being trialled through wellbeing taskforces, psychosocial risk regulation, and law school curricula. Aotearoa New Zealand's unique social context, marked by the ongoing impacts of colonisation, the overrepresentation of Māori in the justice system, and persistent inequities within the profession, makes this shift both urgent and culturally necessary.

Ultimately, the *Law in Distress* research shows that supporting lawyers' wellbeing is not merely a matter of occupational health and safety but also of upholding the values and ethical framework of our legal system. Lawyers experiencing chronic work-related distress may not effectively serve clients, defend rights, or participate fairly in the legal system. Incorporating trauma-informed principles into professional education, regulation, and organisational design will strengthen both the profession and the justice system it supports.

To align with international shifts and uphold the values and ethical framework of our legal system, Aotearoa New Zealand should now:

1. Drive cultural and leadership change across the profession to address work-related distress and indirect trauma.
2. Increase access to multiple forms of external support.
3. Integrate trauma-informed principles into legal education, continuing professional development, and organisational policy.
4. Reform legal system resourcing and workloads to reduce moral distress and attrition, particularly legal aid funding and practices at high risk e.g., family and criminal law.
5. Raise awareness about requirements to manage psychosocial risks at work under the Health and Safety at Work Act 2015, and increase WorkSafe's capacity to assess legal practice compliance.²⁹⁵

A trauma-informed, well-supported legal profession is essential for a fair and effective justice system. The wellbeing of lawyers is inseparable from the wellbeing of the communities they serve. As one interview participant shared: "We're humans that happen to do law. We're not lawyers that happen to be humans" [Maya]. By acting on these findings, policymakers, regulators, and professional leaders can help ensure that the practice of law in Aotearoa New Zealand advances with a culture committed to justice.

²⁹⁵ WorkSafe Guidelines specifically addressing management of psychosocial hazards at work were published in April 2025, and include reference to vicarious trauma along with other factors including: work design, social factors, and work environment. See: WorkSafe, above n 1.



Section 17.

Sample description – demographics and work history

17.1 Sample description

The present mixed-methods study comprised participants recruited from the legal profession in Aotearoa New Zealand in 2022. The sample consisted of 379 quantitative survey participants and 49 qualitative interview participants. Survey participants were required to be practicing lawyers, while interview participants could include lawyers not in practice at the time of the interview.²⁹⁶

17.2 Quantitative data – survey participants

Survey participant demographics are set out in [Table 13](#) and [Table 14](#) below.

Survey participants ranged in age, with the majority aged between 20 and 49 years. A smaller number were in their sixties, and a few were over 70 years old.

The sample was predominantly female, which differed markedly from the broader legal profession in 2022 where gender distribution was more balanced.²⁹⁷

Ethnically, the majority identified as New Zealand European, followed by Māori (higher than representation in the legal profession in 2022, but lower than the general population),²⁹⁸ and smaller representations across other ethnic groups. Participants could select multiple ethnicities. Most were born and obtained their law degree in Aotearoa New Zealand.

Years of practice ranged from newly qualified lawyers to those with over 30 years of experience, with a distribution broadly consistent with the legal profession in 2022, though slightly underrepresenting more experienced lawyers.

Primary practice areas were family law and criminal law, followed by civil litigation.

Job titles included employed solicitors in private practice, barristers, public sector solicitors, partners, and sole practitioners.

Most participants worked in central city locations, with others working in provincial and suburban locations.

²⁹⁶ Note: two interview participants were not practicing at the time of data collection.

²⁹⁷ For details of the New Zealand lawyer distribution at 2022 see: New Zealand Law Society-Te Kāhui Ture o Aotearoa, above n 297.

²⁹⁸ See above n 297, at 8.

Table 13. Survey participant demographics

Variable	n	%
Age		
20–29	99	26.1
30–39	96	25.3
40–49	88	23.2
50–59	62	16.4
60–69	27	7.1
70+	7	1.8
Total	379	100.0
Gender		
Male	82	21.6
Female	291	76.8
Non-binary	2	0.5
Prefer to self-describe	4	1.1
Total	379	100.0
Ethnicity		
Māori	41	10.8
New Zealand European	330	87.1
Other European	25	6.6
Chinese	10	2.6
Indian	7	1.8
Other Asian	9	2.4
Pacific Peoples	7	1.9
Middle Eastern/Latin American/African	5	1.4
Other	2	0.5
Total (participants could select more than one option)	436	115.1
Country born in		
New Zealand	321	84.7
Other	58	15.3
Total	379	100.0
Country obtained undergraduate law degree from		
New Zealand	374	98.7
Other	5	1.3
Total	379	100.0
Living arrangements		
I live alone	44	11.6
I live with a partner/spouse	137	36.1
I live with a partner/spouse and children	116	30.6
I live with children	16	4.2
I live with friends/flatmates	48	12.7
I live with extended family	15	4
Other	3	0.8
Total	379	100.0

Table 14. Survey participant work-related demographics

Variable	n	%
Job title		
Employed solicitor in a private practice law firm	133	35.1
Employed solicitor working in house	20	5.3
Employed in the public sector	46	12.1
Barrister	89	23.5
Sole practitioner	39	10.3
Partner	41	10.8
Other	11	2.9
Total	379	100.0
Years practicing as a lawyer (PQE)		
0–5	115	30.3
6–10	63	16.6
11–15	60	15.8
16–20	40	10.6
21–25	43	11.3
26–30	20	5.3
31+	38	10
Total	379	100.0
Main area of practice		
Administrative/public	12	3.2
Civil litigation	37	9.8
Company/commercial	14	3.7
Criminal	111	29.3
Employment	18	4.7
Family	121	31.9
Government/advisory	9	2.4
Human rights	8	2.1
Immigration	2	0.5
Property	19	5
Resource management/environmental	6	1.6
Tax	1	0.3
Trusts/estates	7	1.8
Other	14	3.7
Total	379	100.0

Variable	n	%
Secondary areas of practice		
Administrative law/public	35	9.2
Civil litigation	58	15.3
Company/commercial	27	7.1
Criminal	53	14.
Employment	35	9.2
Family	35	9.2
Government/advisory	31	8.2
Human rights	18	4.7
Immigration	6	1.6
Intellectual property	10	2.6
Property	30	7.9
Resource management/environmental	9	2.4
Tax	2	0.5
Trusts/estates	46	12.1
Other	39	10.3
None/not applicable	128	33.8
Total (participants could select more than one option)	562	148.3
Location of workplace		
Central city	252	66.5
Suburban	41	10.8
Provincial	74	19.5
Other	12	3.2
Total	379	100.0
Areas practiced in the past		
Administrative/public	57	15
Civil litigation	153	40.4
Company/commercial	59	15.6
Criminal	142	37.5
Employment	118	31.1
Family	141	37.2
Government/advisory	62	16.4
Human rights	45	11.9
Immigration	29	7.7
Intellectual property	16	4.2
Property	71	18.7
Resource management/environmental	22	5.8
Tax	13	3.4
Trusts/estates	71	18.7
None	77	20.3
Other	29	7.7
Total (participants could select more than one option)	1105	291.6

17.3 Qualitative data – interview participants

Interview participant demographics are set out in [Table 15](#) and [Table 16](#) below.

Interview participants were distributed across age groups, with the largest proportions aged 30 – 59.

The sample was predominantly female, with a smaller proportion of male participants and some identifying as non-binary or female/non-binary.

Ethnically, the majority identified as Pākehā, with smaller representations of Māori (including Māori, Māori/Pākehā, and Māori mixed). Other ethnicities accounted for a small proportion.

Post-qualification experience was evenly distributed across early to mid-career ranges, with smaller proportions having more extensive experience spanning over two decades.

Job titles included solicitors, barristers, sole practitioners, and partners.

The most common practice areas were criminal law and family law, followed by civil litigation. Participants could identify multiple practice areas.

Participants were geographically distributed across Aotearoa New Zealand, with the largest numbers from main cities.

Some participants did not specify their age, ethnicity or region.

Table 15. Interview participant demographics

Variable	n	%
Age		
20–29	8	16.3
30–39	11	22.4
40–49	12	24.5
50–59	10	20.4
60–69	4	8.2
Did not specify	4	8.2
Total	49	100.0
Gender		
Female	39	79.6
Female/Non-binary	1	2.0
Male	8	16.3
Non-binary	1	2.0
Total	49	100.0
Ethnicity		
Māori	1	2.0
Māori mixed	1	2.0
Māori/Pākehā	2	4.1
Middle Eastern	1	2.0
Pākehā	39	79.6
South African	1	2.0
Pākehā/Chinese	1	2.0
Did not specify	3	6.1
Total	49	100.0
Region		
Auckland	9	18.4
Christchurch	3	6.1
Dunedin	2	4.1
Hamilton	4	8.2
Hawkes Bay	1	2.0
Kerikeri	1	2.0
Masterton	1	2.0
Napier	1	2.0
Nelson	3	6.1
Northland	2	4.1
Rotorua	1	2.0
Taranaki	2	4.1
Tauranga	2	4.1
Wairarapa	1	2.0
Wellington	13	26.5
Whangarei	1	2.0
Unspecified	2	4.1
Total	49	100.0

Table 16. Interview participant work-related demographics

Variable	n	%
Post-qualification experience (years)		
0–5	8	16.3
5–10	8	16.3
10–15	8	16.3
15–20	8	16.3
20–25	5	10.2
25–30	6	12.2
30–35	1	2.0
>35	5	10.2
Total	49	100.0
Job title		
Barrister	10	20.4
Consultant	1	2.0
Partner	4	8.2
Sole practitioner	6	12.2
Solicitor	17	34.7
Sole director	1	2.0
Not practising	1	2.0
Crown prosecutor	1	2.0
Sole practitioner/Barrister	1	2.0
Public Defence Service	1	2.0
Solicitor – Associate	1	2.0
Barrister	10	20.4
Consultant	1	2.0
In house lawyer	3	6.1
Partner	4	8.2
Total (participants could select more than one option)	62	126.2

Variable	n	%
Practice area		
ACC	1	2.0
Care and protection (Oranga Tamariki)	2	4.1
Civil litigation	5	10.2
Criminal	21	42.9
Criminal (abuse in State care)	3	6.1
Employment	2	4.1
Family	21	42.9
General practice	2	4.1
Government	3	6.1
Human rights	3	6.1
Immigration	1	2.0
Insurance	1	2.0
Intellectual property	1	2.0
Law reform	1	2.0
Media/Arts law	1	2.0
Public law	1	2.0
Refugee law	1	2.0
Regulatory law	3	6.1
Treaty of Waitangi/Māori law	1	2.0
Tribunal advocacy	1	2.0
Youth justice	1	2.0
Not currently in practice	1	2.0
Total (participants could select more than one option)	77	157.1

17.4 How representative of the Aotearoa New Zealand legal profession was our sample?

The table below sets out Aotearoa New Zealand lawyer distribution in 2022 compared with the survey sample in 2022.

Table 17. Comparing the *Law in Distress* survey sample with the 2022 Aotearoa New Zealand lawyer distribution²⁹⁹

Variable	Law in Distress %	Lawyers at 2022 %
Years practicing as a lawyer		
0 – 5	30.3	27
6 – 10	16.6	15
11 – 15	15.8	13
16 – 20	10.6	11.5
21 – 25	11.3	10.2
26+	15.3	23
Total	100.0	100.0
Gender		
Male	21.6	45.3
Female	76.8	54.6
Non-binary	0.5	0.05
Prefer to self-describe	1.1	0.04
Total	100.0	100.0
Ethnicity		
Māori	10.8	7.0
New Zealand European	75.2	76.4
Other European	6.6	6.3
Chinese	2.6	3.9
Indian	1.8	2.8
Other Asian	2.4	2.4
Pacific Peoples	1.9	3.2
Middle Eastern/Latin American/African	1.4	1.2
Other	0.5	1.4
Total (participants could select more than one option)	103.2	104.6

²⁹⁹ See: New Zealand Law Society-Te Kāhui Ture o Aotearoa, above n 297.



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