



College of Law Performance and Wellbeing Study

March 2022

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Objective and Methodology

Objective

The legal performance and wellbeing report is an annual study conducted by the College of Law in conjunction with Perceptive and is purposed around gaining insight into the issues, concerns and realities of what it means to work as a lawyer and associated professions in New Zealand.

The 2021 study continues to focus on understanding how key measures of workplace health and wellbeing have trended over the last 12 months, with a particular focus on how the ongoing COVID-19 situation has affected our lawyers and legal workplaces.

Methodology

In November 2021, Perceptive conducted an online survey which was targeted at lawyers currently practicing in the profession.

Similar to previous years, responses were primarily captured through the internal promotion of individual firms, practices and other organisations.

To achieve an accurate representation of the practicing lawyers in the New Zealand profession, responses are weighted by gender breakdowns as per the NZ Law Society's "Snapshot of the profession 2021" report (54% female; 46% male).

Summary

2021 has been a trying time for lawyers across the country. As a result, more than ever the spotlight has been put on organisational leaders, management, and workplace cultures to help staff navigate these tough times. Our study found organisations that managed this well created stronger staff engagement and loyalty. However, conversely, for those that didn't, it has contributed to many of the downward trends that we have seen across the board when it comes to performance and wellbeing within the industry.

Employee advocacy has declined significantly in 2021 along with employee retention metrics.

- The key themes driving the reduction in eNPS and advocacy exist around negative, unsupportive, and toxic cultures, while ineffective management and leadership has also played a key role.

High stress and poor work-life balance also continue to be strong drivers of poor workplace advocacy in 2021.

- After witnessing improvements around stress and burnout in recent years, this year we have seen a decline across these measures. There has been an increase in lawyers saying they have felt burnt out in the past month (46%) along with an increase in lawyers saying they have experienced mental health effects due to burnout in the past 12 months (64% – up significantly compared to 2020).

Further, we are seeing indications that lawyers are choosing to leave work environments they deem unhealthy with a significant increase in lawyers saying they have resigned as a result of high levels of work-related stress in the past 12 months (9%).

Lawyers reference a number of ways they feel their workplace can make a tangible impact on the levels of stress and burnout experienced by staff. Mental health days, the right to disconnect, and senior leadership training were among the most popular solutions.

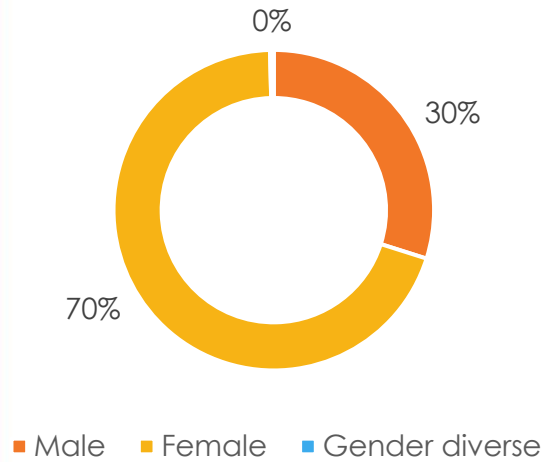
- In addition, legal workplaces should seek to understand how they can more fairly remunerate their staff and provide adequate staff progression/development opportunities as these two areas are currently suffering (only half of all lawyers feel remunerated fairly based on the work they do).
- The structure around billable hours should be another key area of focus for those who use this way of working. Currently, the majority (55%) of lawyers working in large law firms report that the billable hour structure in their workplace negatively impacts their wellbeing.

Much of the exacerbation around stress and employee wellbeing can be attributed to COVID-19, where perceptions that workplaces have looked after employees and clients have suffered in 2021.

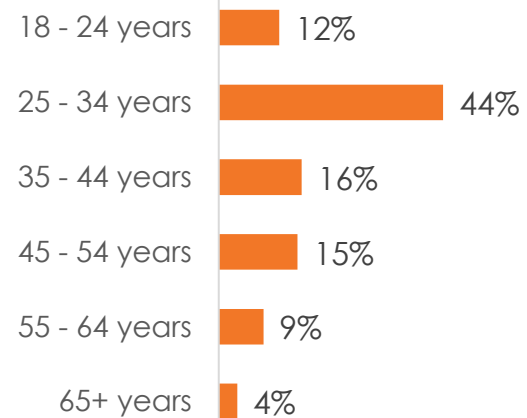
- As a result, lawyers are looking at the industry for more support, shown through a significant increase in lawyers who disagree that there are adequate support services available in the industry for those who are struggling.

Who We Spoke To

Gender



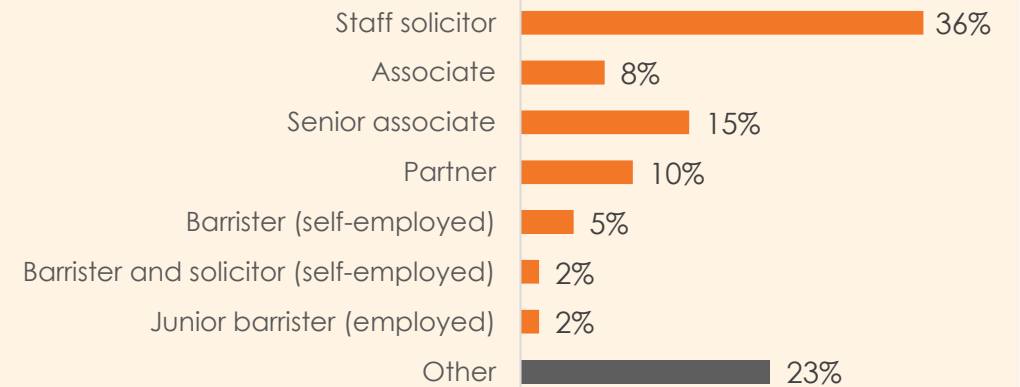
Age



Workplace



Role



For the purposes of this slide results are unweighted.



01

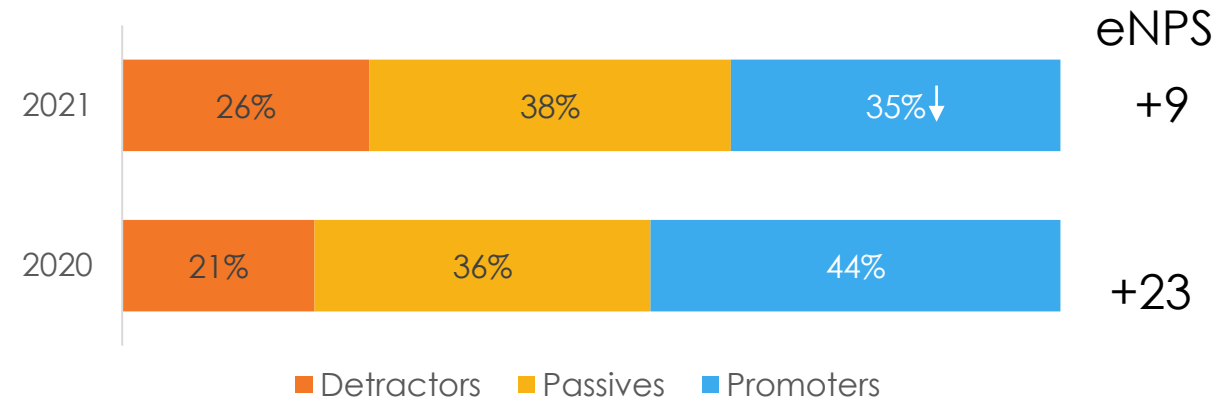
Employee
experience

Employee Advocacy

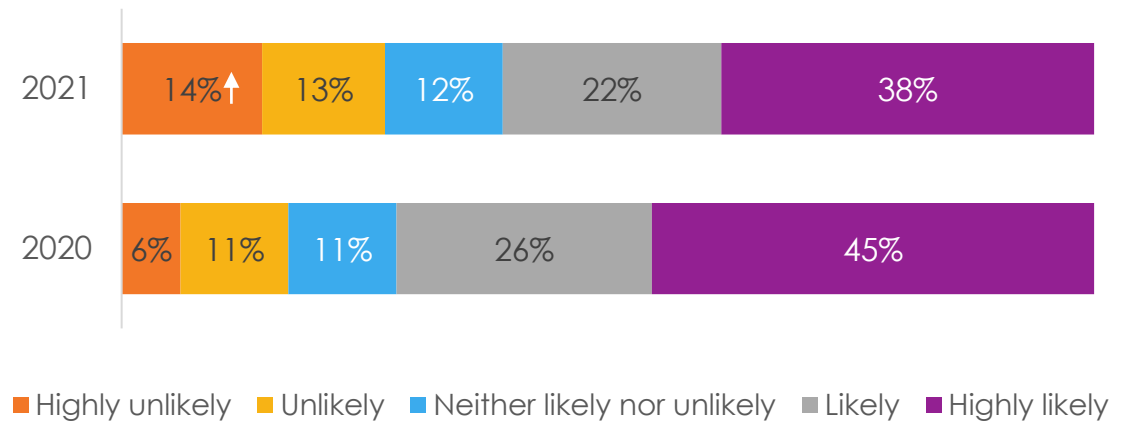
- The industry eNPS score has seen a drop in 2021 with the level of Promoters in particular showing a significant drop.
- In addition, we have seen a significant increase in the number of lawyers who say they are highly unlikely to continue at their place of work for the next 2 years.

↕↗ Represents a significant increase/decrease based on a 95% CI

Q On a scale of 0-10, how likely are you to recommend your place of employment to someone else in the same position as you?



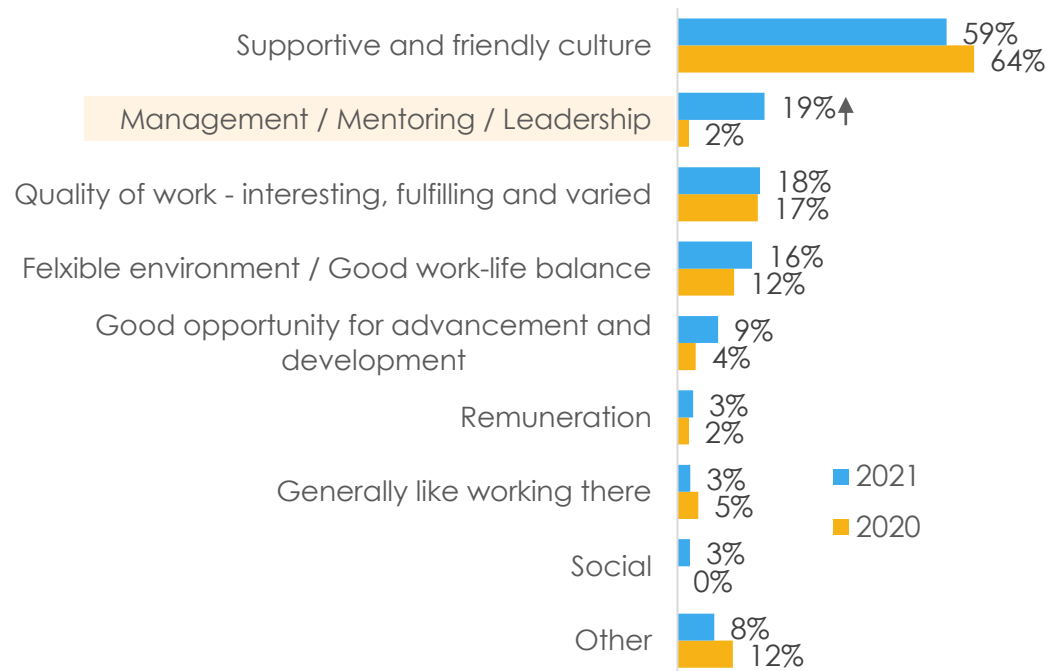
Q And how likely are you to continue to work at your place of employment for the next 2 years?



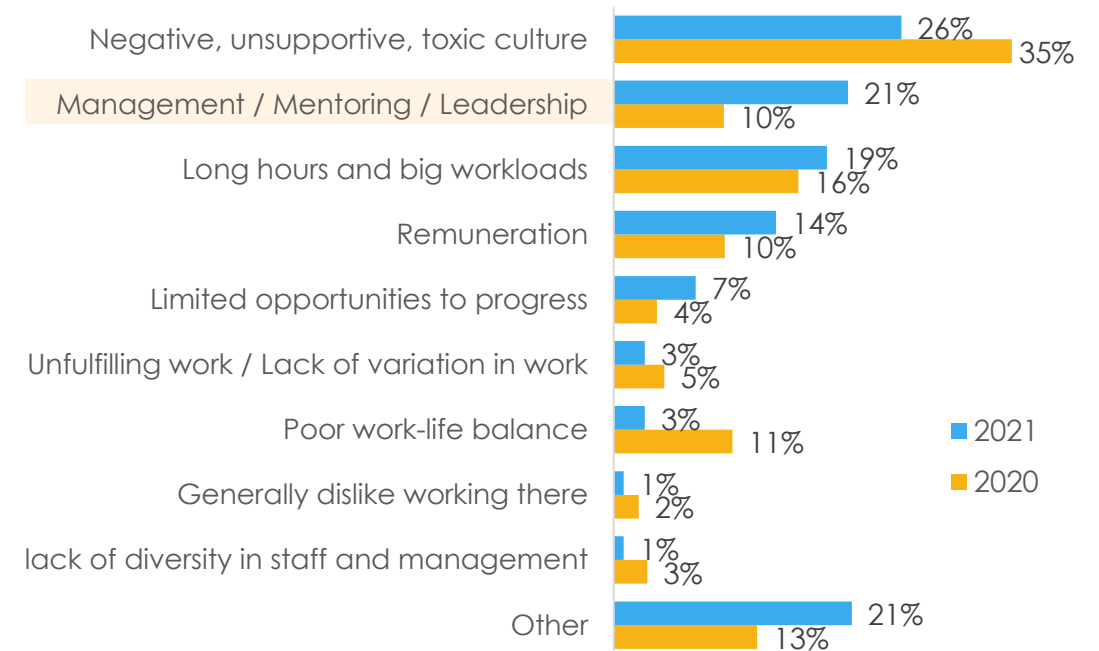
Reason for eNPS Score

- Culture continues to be the most common reason why lawyers scored as both Promoters and Detractors of their workplace, again highlighting the importance of this aspect when looking at workplace advocacy.
- Interestingly, in 2021 we have seen a significant increase in organisational leadership as both a driver of Promoters and Detractors.
 - This indicates that the spotlight has been on the performance of management over the past 12 months, with ineffective leadership being a key driver behind the declines in workplace advocacy at an overall level.

Promoters



Detractors



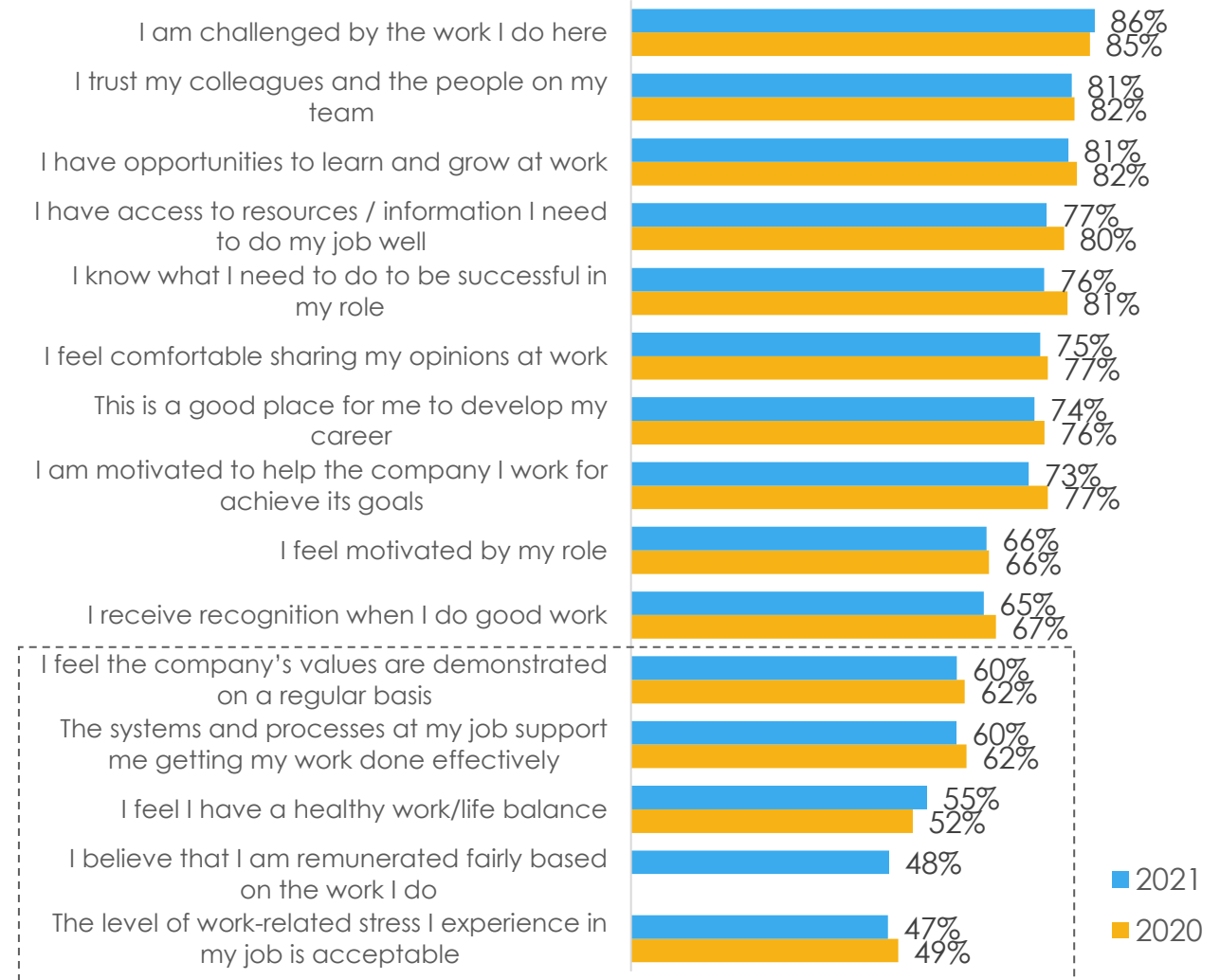
↓↑ Represents a significant increase/decrease based on a 95% CI

Q. Why did you score that way?

What's Driving Advocacy?

- While no year-on-year changes are significant when it comes to engagement metrics, the majority have trended downwards.
- In particular, findings highlight that there is still a core issue when it comes to work-related stress, work-life balance, system and process support and value alignment.
- A new remuneration-based statement was added in 2021 and additionally proved to be a key area driving low engagement and advocacy with less than half of lawyers feeling they are paid fairly based on the work they do.

Q To what extent do you agree with the following statements with regards to your place of employment?*



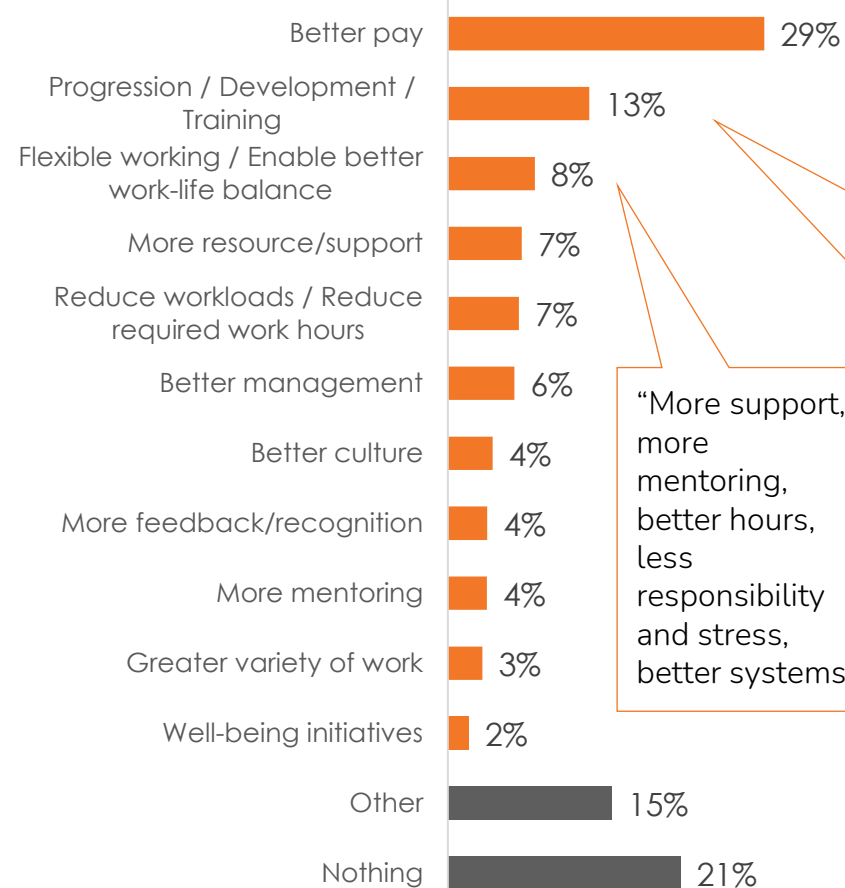
*%s reflect those who either agree or strongly agree

↕↑ Represents a significant increase/decrease based on a 95% CI

What can Workplaces do?

- NZ lawyers say that the key thing their workplace could do to make them more likely to stay in the organisation is offer better pay (referenced by three in ten respondents),
- Outside of pay, career progression opportunities are seen as very important, while lawyers are also after better support and reduced hours/workload.

Q What (if anything) could your current workplace do to make you more likely to stay in your organisation for the next 2 years?



“Pay in New Zealand is a real issue when you factor in the cost of living and price of housing etc. Charge out rates and work are similar to UK but pay is a lot less. I think this needs to be addressed sector wide.”

“Better pay, opportunities to diversify/broaden skill set and clearer career progression opportunities”

“Introduce a clearer framework and goals for promotion.”

“More support, more mentoring, better hours, less responsibility and stress, better systems.”



02

Stress and burnout

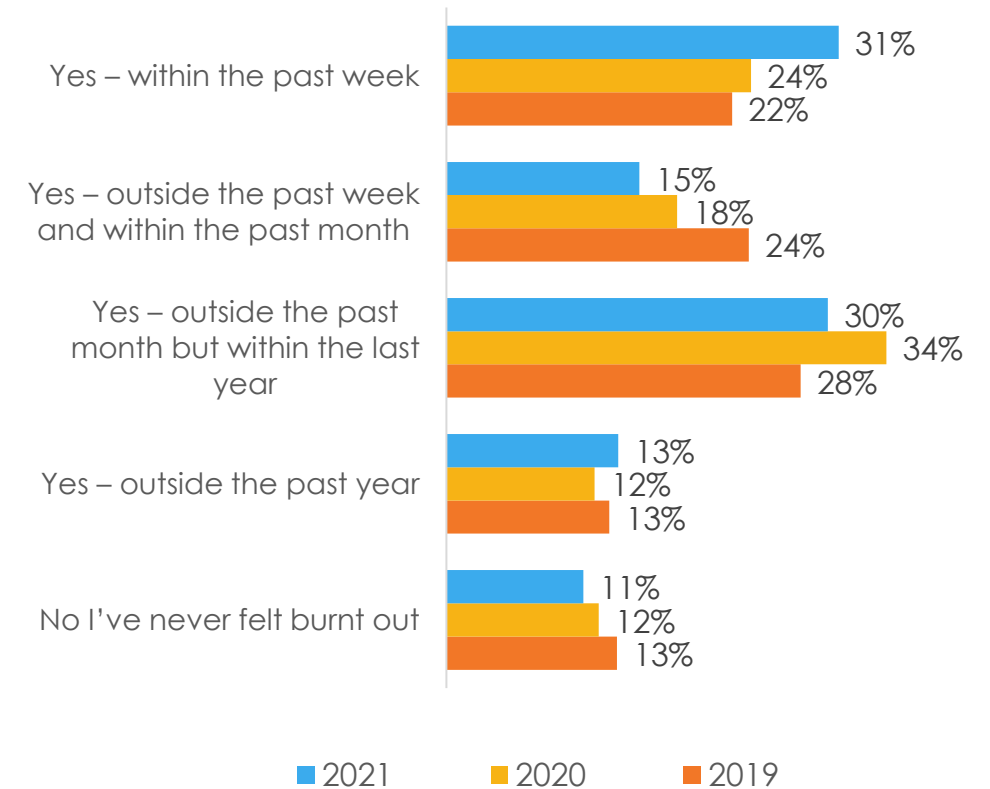
How are Levels of Stress and Burnout Changing?

While not significant, this year we have seen an increase around the recency of stress and burnout, with 46% of lawyers saying they have felt burnt out at work in the past week.

Burnout is particularly noticeable among younger/mid-aged lawyers (50% among those under 50) and females (53%).



Q Have you ever felt like you have been burnt out at work?



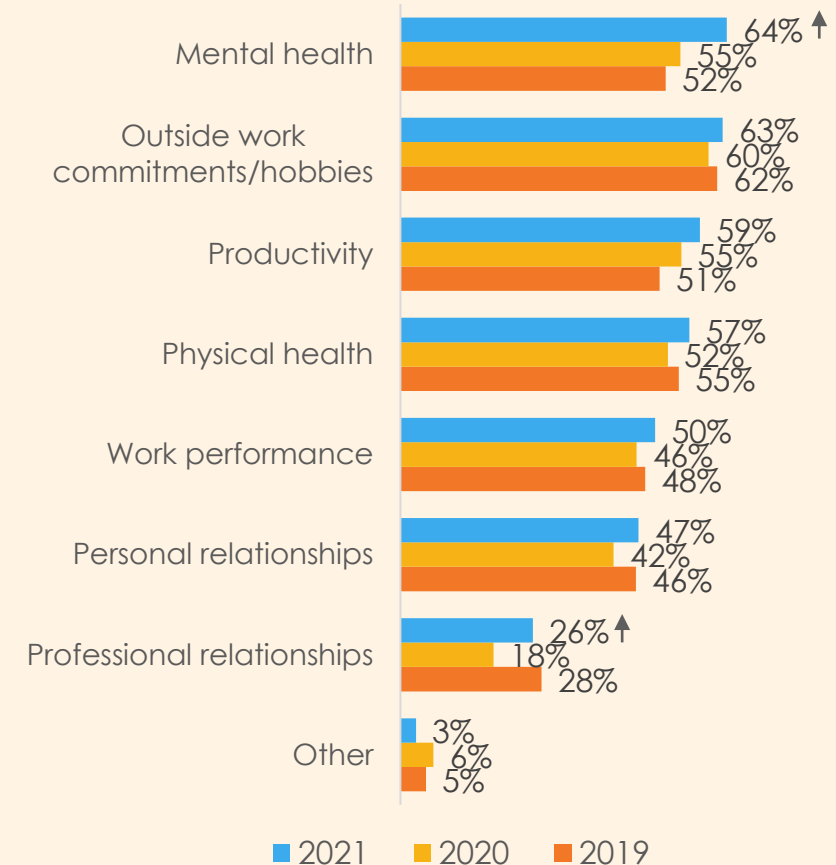
The Effects of Burnout

Over the past 12 months there has been a significant increase in mental health effects experienced by lawyers as a result of stress and burnout with just under two thirds (64%) reporting these issues.

There has also been a significant increase in the number of lawyers who say their professional relationships have suffered.



Q In the past 12 months, which of the following have suffered personally due to stress/burnout? (select all that apply)



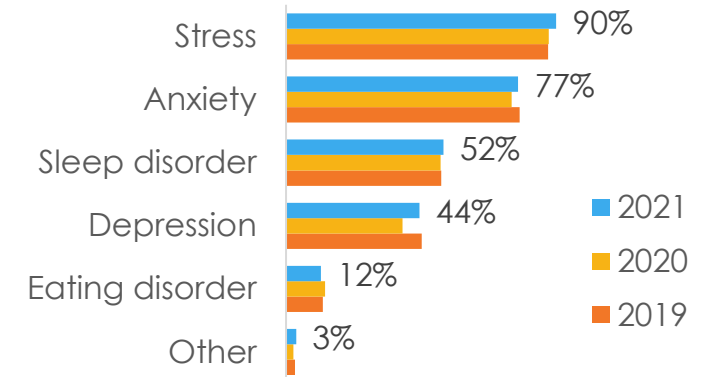
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Effects on Mental and Physical Health

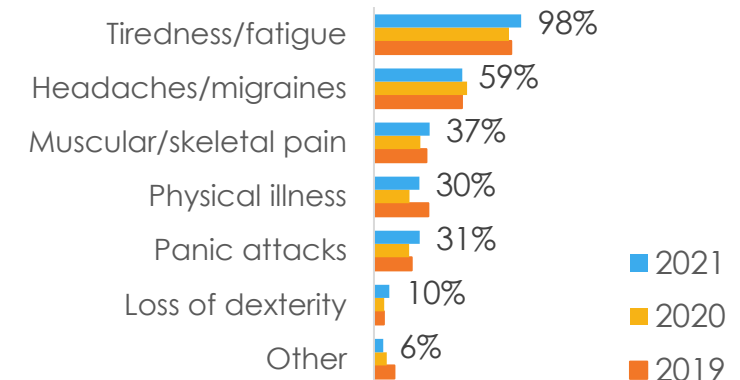
Findings continue to highlight stress and anxiety as being prevalent mental health issues experienced by lawyers.

In addition, almost half (44%) of those who have experienced mental health effects in the past 12 months say they have experienced depression.

Q Which of the following **mental health** issues have you experienced in the past, as a result of stress/burnout? (select all that apply)



Q Which of the following **physical health** issues have you experienced in the past 12 months, as a result of stress/burnout? (select all that apply)*



↕↑ Represents a significant increase/decrease based on a 95% CI

Ways Lawyers Relieve Stress

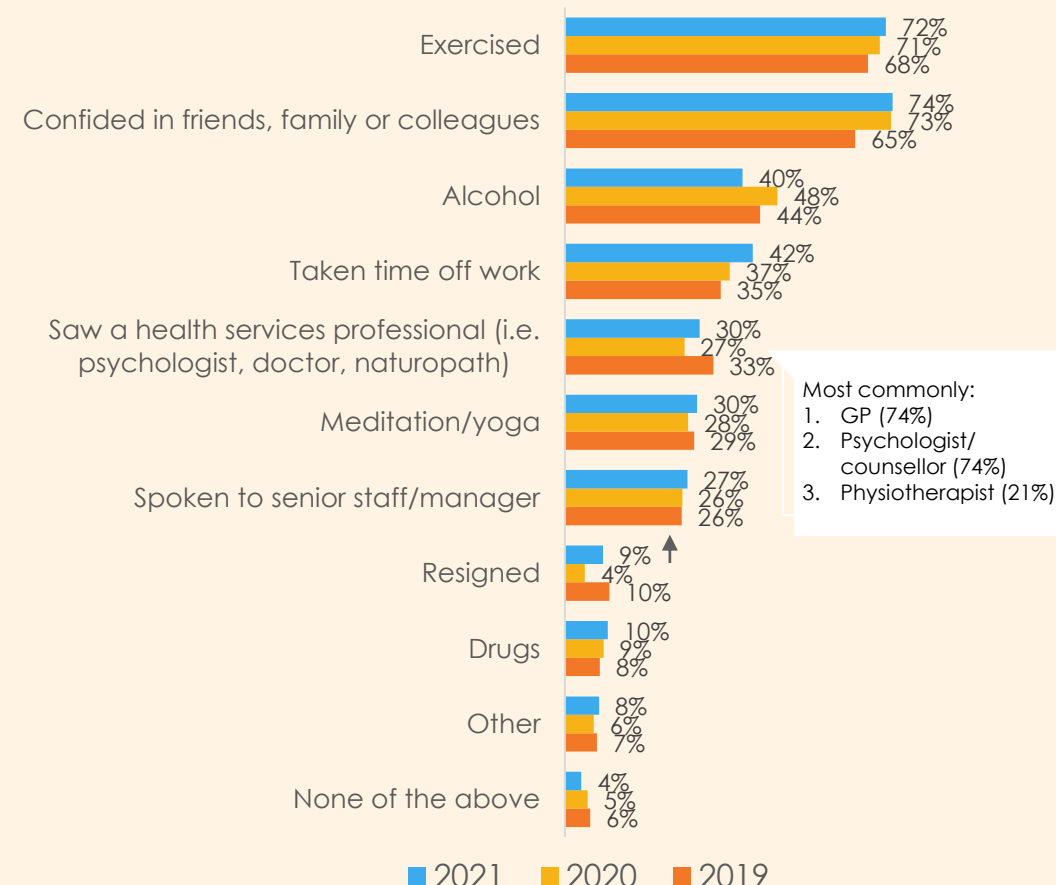
Lawyers continue to be dealing with stress in similar ways, where exercise and talking to friends, family and colleagues are the most common.

While not significant, we have positively seen a reduction in the number of lawyers who turn to alcohol.

We have also seen a significant increase in the number of lawyers who have resigned due to stress and burnout, further highlighting the importance of mitigating these issues.



Q Thinking about occasions you have felt under pressure/stressed in the past 12 months have you used any of the following to help relieve this? (select all that apply)



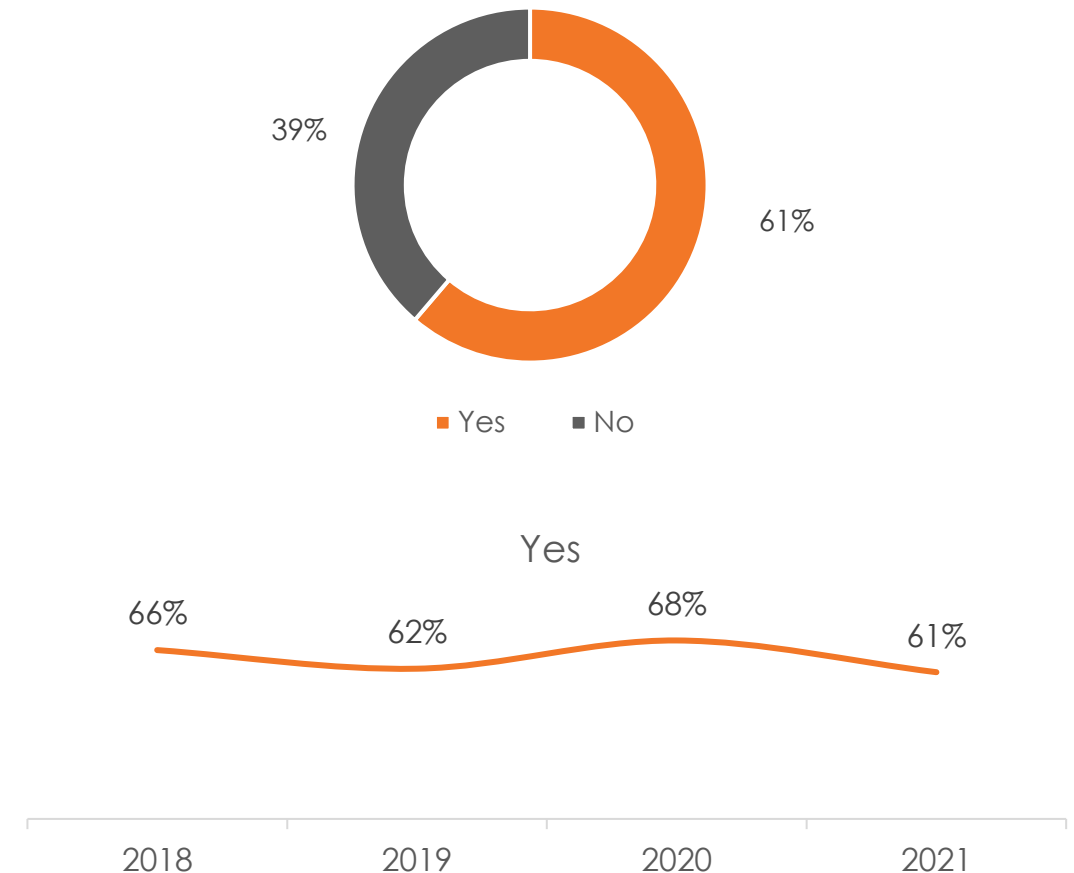
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Can Workplaces do More to Help Relieve Stress / Burnout?

In 2021 six in ten lawyers have stated that they feel their workplace could do more to reduce stress and burnout (non-significant change compared to 2020) continuing to highlight this as a key area for legal workplaces to focus on.

- Similar to previous years, younger lawyers (70% among 18–34-year-olds), females (67%) and those working in large law firms (73%) are most commonly demanding their workplaces to adapt.
- Medium and small law firms aren't exempt however (67% and 52% respectively).

Q Do you think your workplace could do more to reduce stress?



↕↗ Represents a significant increase/decrease based on a 95% CI

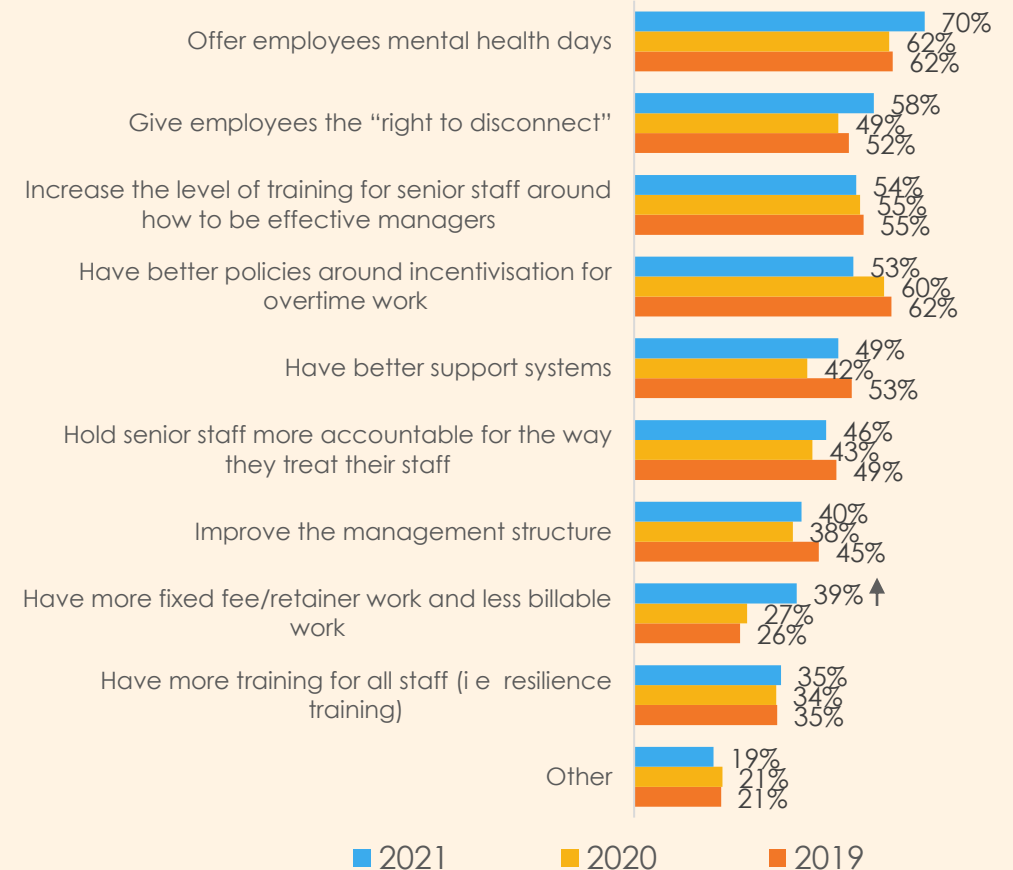
What Can Workplaces do?

Offering mental health days is again the key initiative that lawyers want their workplaces to offer, growing in popularity this year compared to previous years (70% up 8pp).

Giving employees the right to disconnect is the second most popular initiative, also showing a year on year increase and potentially reflecting the prolonged lockdowns and WFH periods in parts of the country over the past 12 months.

While ranking down the list, there is also a growing trend around lawyers wanting more fixed fee/retainer work and less billable work.

Q Which of the following do you think your place of work could do to improve work related stress? (select all that apply)



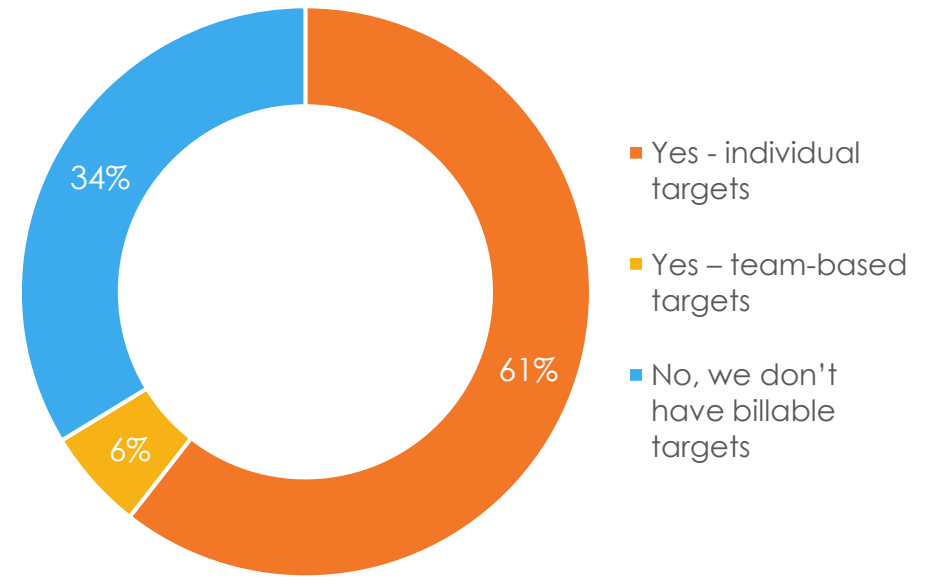
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Billable targets

Six in ten lawyers say they are expected to achieve individual billable targets within their role, while 6% say they have team based targets.

This proportion over-indexes to 92% for those working in large law firms and 70% for those in medium sized firms.

Q Within your role do you have billable targets that you are expected to achieve on a weekly or monthly basis?



Effects of Billable Targets

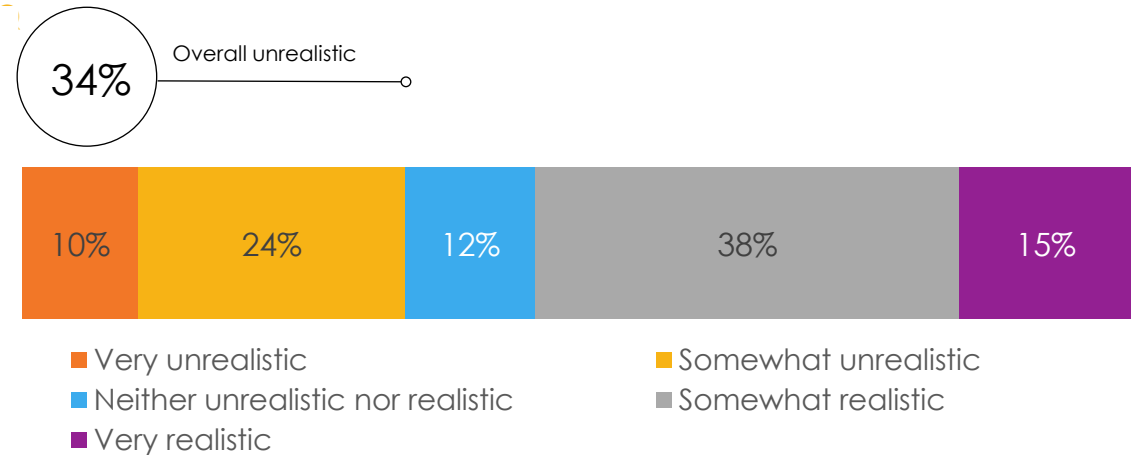
- Roughly a third of lawyers who have billable targets feel these are unrealistic (34%), being particularly prominent for younger lawyers (36%) and those in large law firms (47%).
- Findings also show that billable targets are commonly having a negative impact on lawyers' wellbeing.



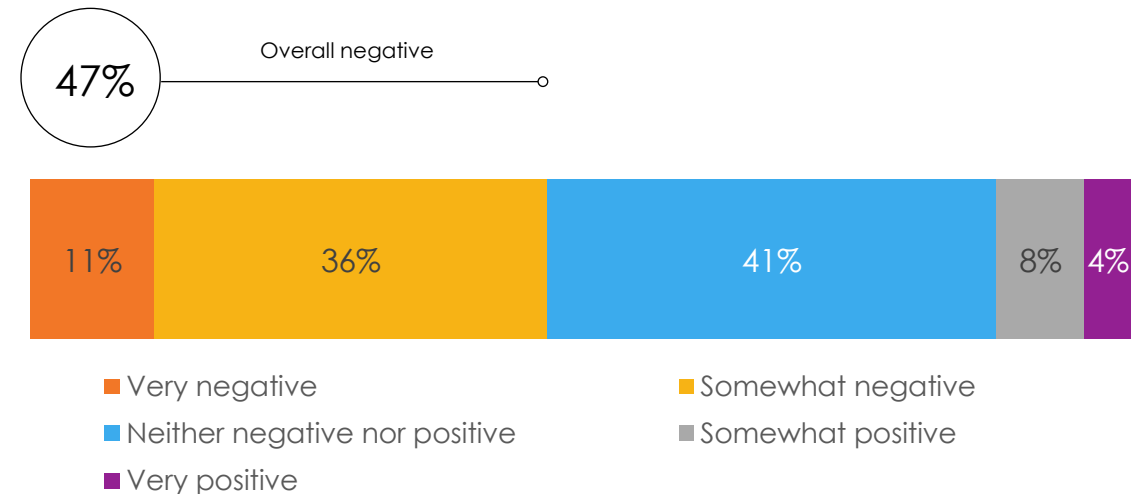
55%

Of lawyers in **large law firms** say billable targets negatively impact their wellbeing

Q How realistic do you feel these targets are?



Q Thinking about the billable targets set at your work and the way in which they are managed, what impact do they have on your wellbeing?

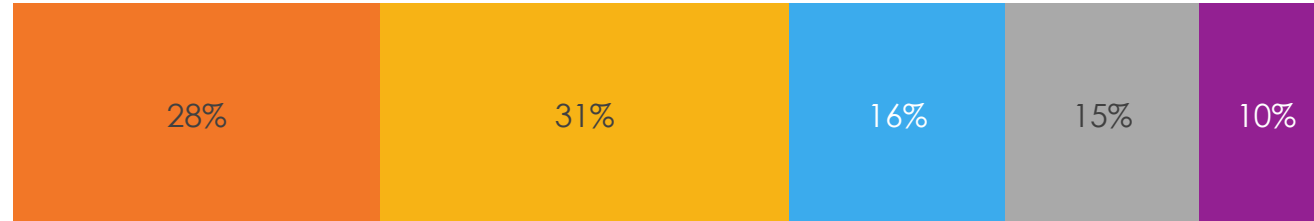


Pressures of Working Overtime

Positively, the majority of lawyers (59%) say they feel comfortable that they only have to work the hours they need to in order to get their work done.

However, in contrast, just over a third (35%) say they feel pressured to be seen as putting in the hours. This is particularly prominent among those working in large law firms (40%).

In my organisation I feel comfortable **that I only have to work the hours I need to** in order to get my work done



In my organisation I **feel pressured to work overtime** to be **seen as 'putting in the hours'**

1

2

3

4

5

Q Please indicate on the scale which statement best describes you. The closer to a statement you are, the more you feel it describes you.
(1= In my organisation I feel comfortable that I only have to work the hours I need to in order to get my work done; 5= In my organisation I feel pressured to work overtime to be seen as 'putting in the hours')



03

Ongoing Impact of COVID-19

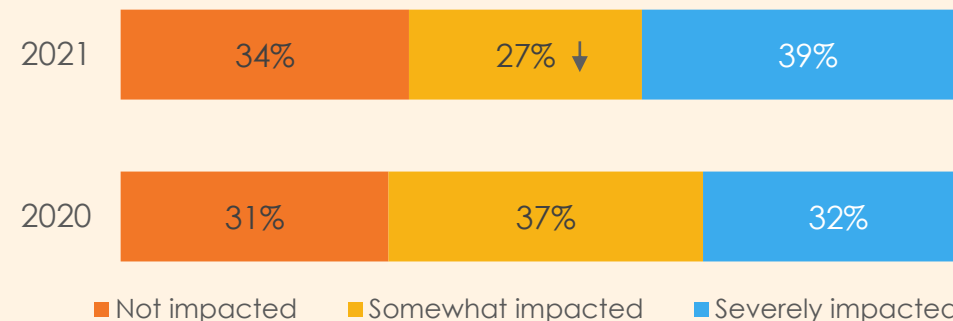
COVID-19 Impact

In 2021 a higher proportion of lawyers report that their firm has either been not impacted or severely impacted by the pandemic, with a significantly lower proportion sitting in the middle.

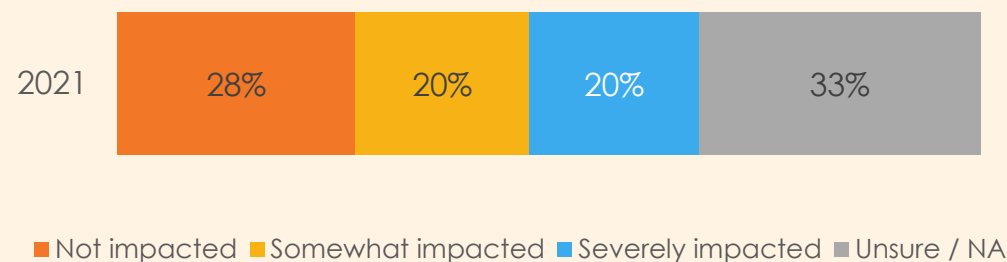
- This potentially shows that while some firms have been able to bounce back, the effects of 2020 have snowballed for other organisations throughout 2021.

One in five lawyers also feel that COVID-19 has severely impacted their organisation's ability to plan for the future.

Q How has your place of work been impacted (if at all) so far by COVID-19?



Q How has COVID-19 impacted your organisation's ability to plan for the future?



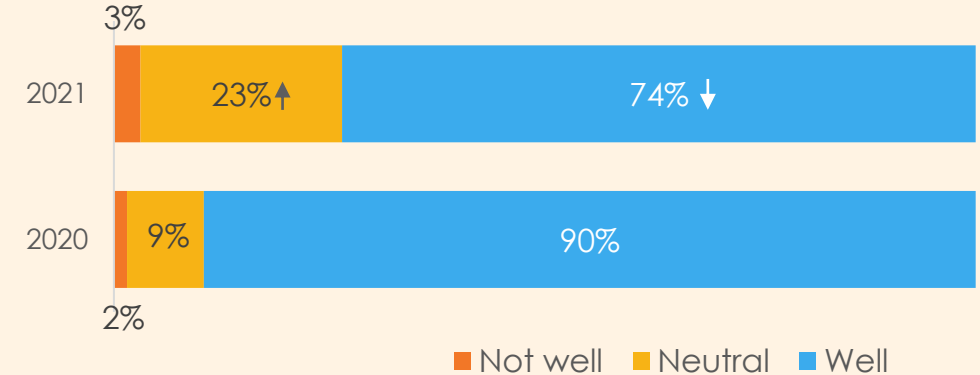
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COVID-19 Impact

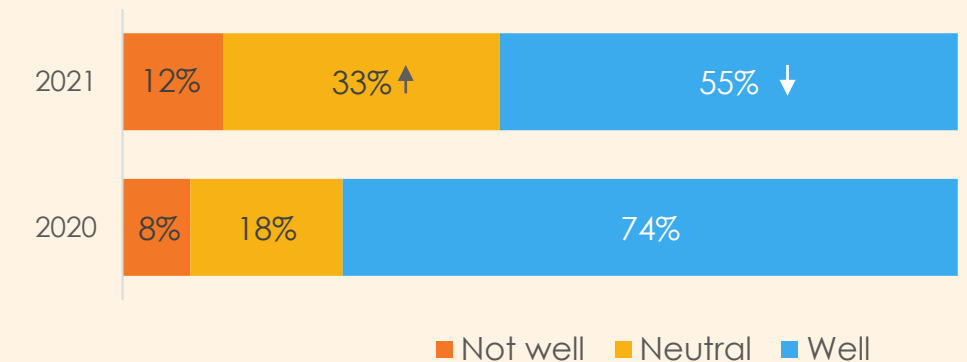
In 2020, findings showed that by and large legal workplaces managed the COVID-19 impact relatively well when it came to servicing clients and employees.

- This year we can clearly see the effects of the prolonged battle with COVID-19 however, where only three quarters of lawyers feel their place of work has managed it's ability to service clients well, and only half feel it has looked after employees well.

Q How do you think your place of work has managed its ability to service clients (or perform other core functions) throughout the pandemic?



Q How do you think your place of work has managed its ability to look after employees throughout the pandemic?



↓↑ Represents a significant increase/decrease based on a 95% CI

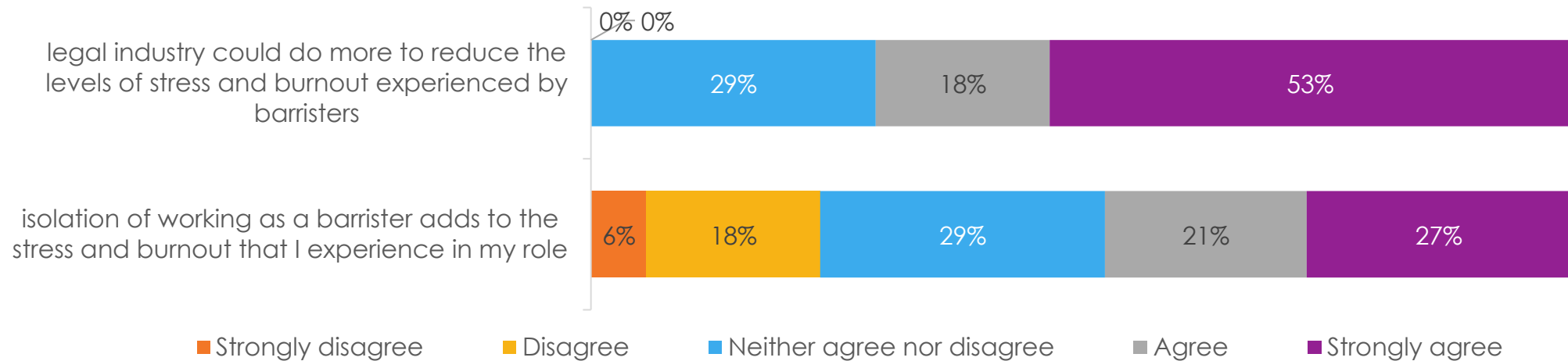


04

Focus on Barristers

Stress and Burnout

The majority of barristers (71%), feel that the legal industry could do more to reduce the levels of stress and burnout experienced by barristers, while around half (48%) feel that isolation is a key contributor to the levels of stress and burnout experienced.



Q As a barrister, to what extent do you agree (or disagree) with the following statements

How can the Industry Help?

Collegiality and support

"Reinstate the requirement for barristers to work in teams (and adjust established client payment expectations accordingly)."

"Provide more collegial events, improve mentorship scheme. Buddy system. Greater advocacy on behalf of junior barristers with judiciary."

Remuneration

"Pay better- especially Legal Aid"

"1. Increase remuneration for those who do significant legal aid work. 2. Get the courts to stop overloading barristers by requiring unreasonable timeframes. 3. Get the judges to stop bullying the defence bar. 4. Make greater resources available to the bar that are difficult to obtain because of high costs."

Support services

"Complimentary mental wellbeing CPD's specifically for barristers"

Flexibility

"Appreciate that we are a one-man operation; judges have to appreciate that we cannot be in multiple courts at the same time etc"

"Allow us to take time off and not put the court admin requirements ahead of us."

Q What do you think the industry could do to help reduce the stress/burnout levels of barristers?



05

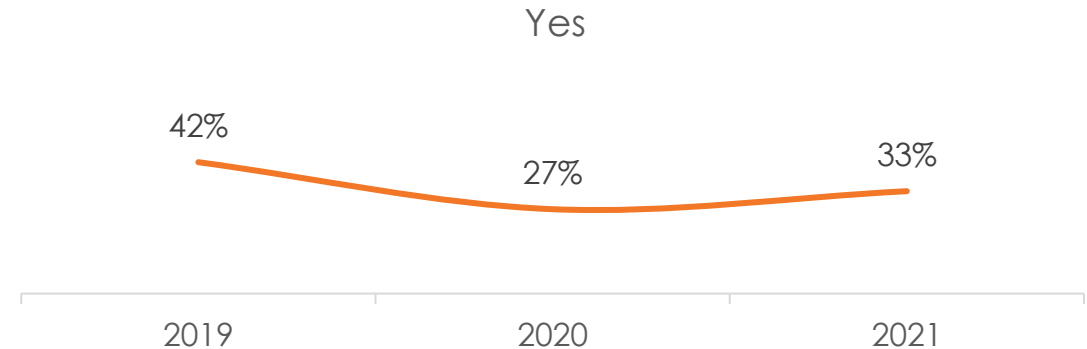
Changing culture around bullying and harassment

The Level of Bullying and Harassment that Exists

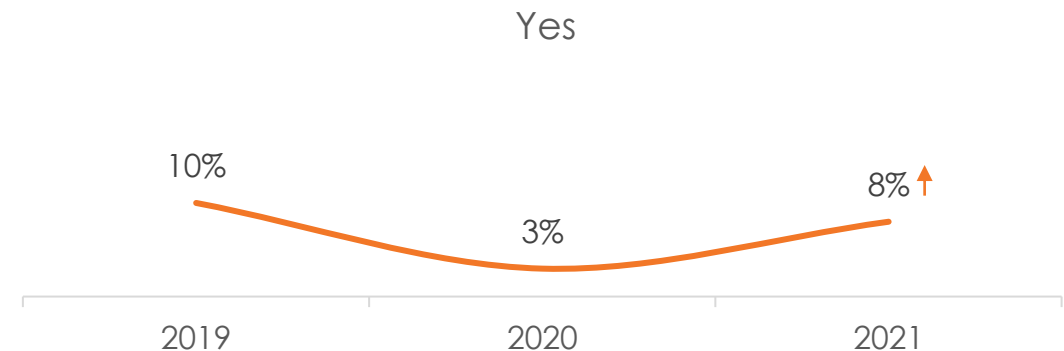
While not significant, the level of bullying witnessed by lawyers in the industry has increased in 2021 (up 6pp).

We have also seen an increase in reported sexual harassment over the past 12 months (up significantly compared to 2020).

Q Besides yourself, do you know anyone who has been **bullied** within your workplace in the past 12 months?



Q Besides yourself, do you know anyone who has been **sexually harassed** within your workplace in the past 12 months?

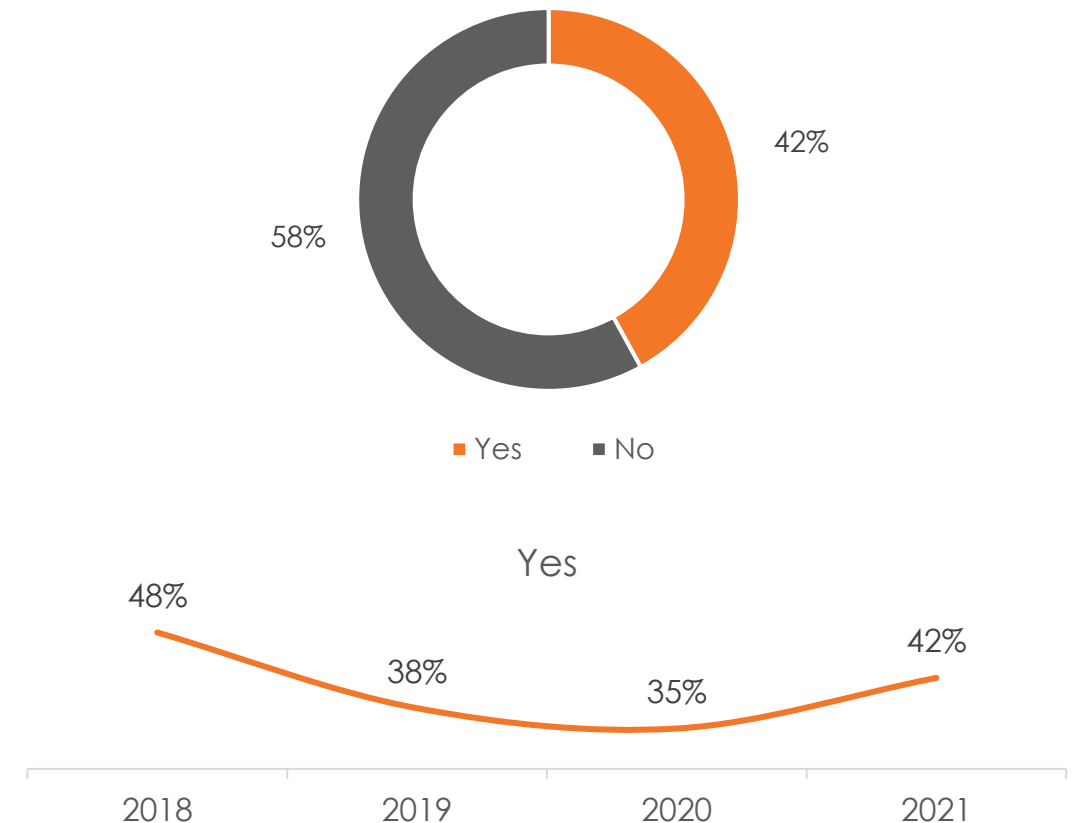


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Who Still Needs to Do More to Adapt?

Following the increases in reported bullying and harassment, there is indication that a higher proportion of lawyers feel that their workplace needs to adapt to address harassment and bullying within the industry (up non-significantly compared to 2020).

Q Do you think your place of work needs to adapt to address some of the potential issues that have been raised around sexual assault allegations and bullying in the legal industry?



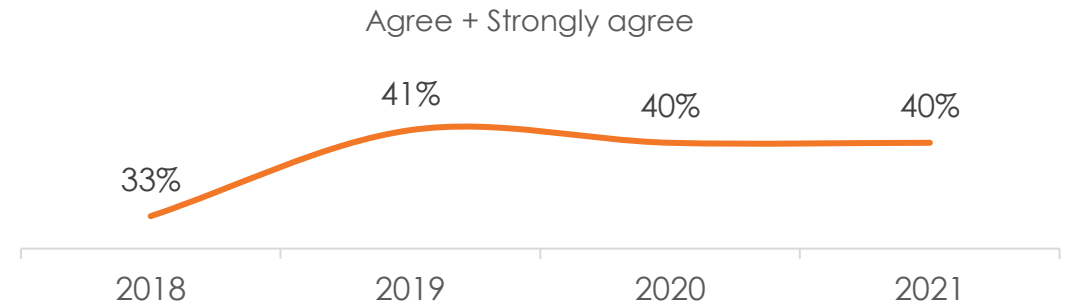
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How Work Environments are Changing

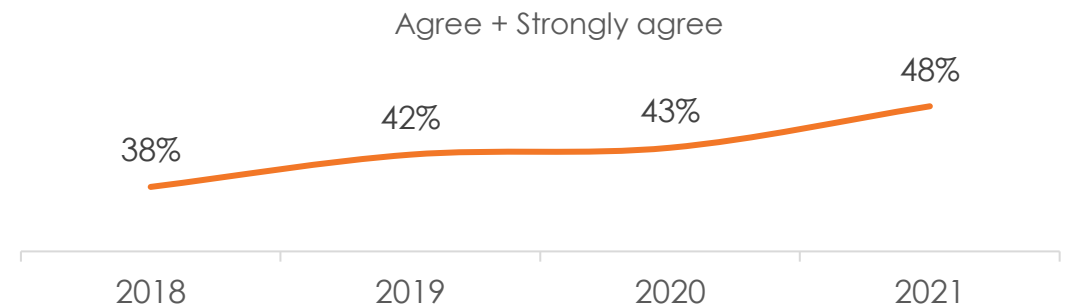
Positively, we continue to see an upward trend in lawyers saying they have seen new policies, procedures and systems that make it easier to speak up about concerns.

However, results have plateaued over recent years when it comes to lawyers feeling they have seen tangible changes that increase their confidence in the system responding appropriately to such concerns.

- Q I have seen tangible changes in my place of work/area of law that increase my confidence that the system would respond appropriately to allegations of sexual harassment and Bullying



- Q My place of work/area of law has introduced new policies, procedures or systems that make it easier for people to speak up when they have concerns



↕↑ Represents a significant increase/decrease based on a 95% CI



06

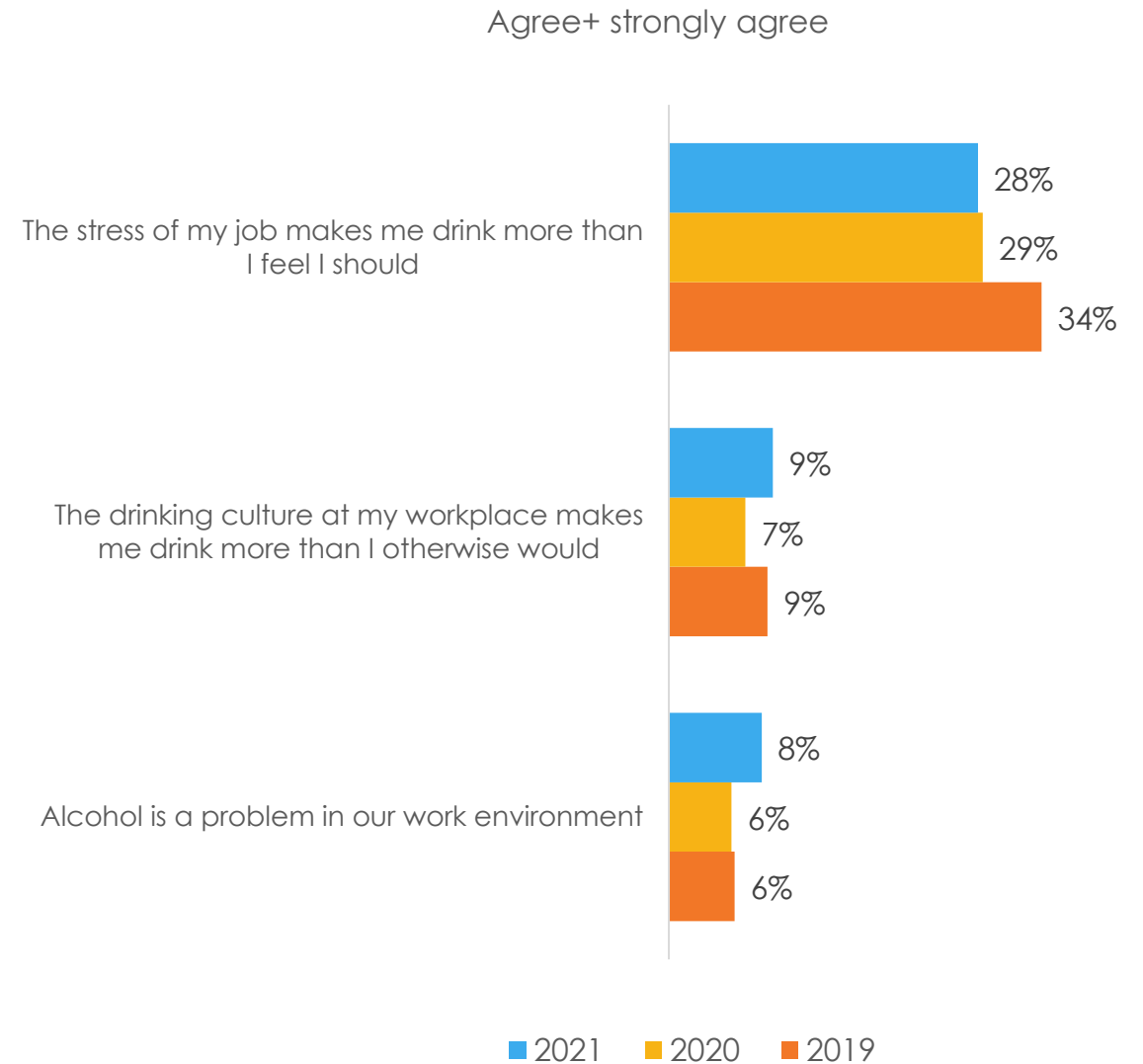
Alcohol

Is there an Issue?

Findings around alcohol, have remained consistent in 2021 compared to 12 months previous.

- Positively, despite higher reported levels of stress and burnout reported, we again see that this hasn't translated into an increased reliance on alcohol.

Q For the following statements around alcohol, please state your level of agreement



↕↗ Represents a significant increase/decrease based on a 95% CI



07

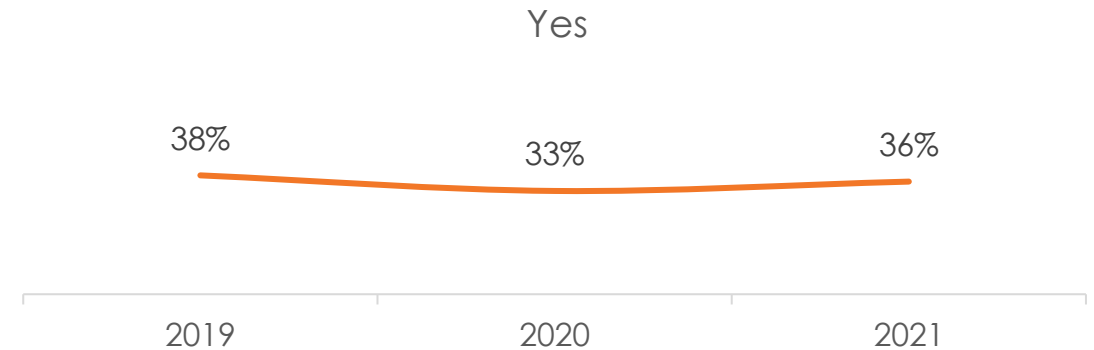
Diversity

Unconscious Bias in the Workplace

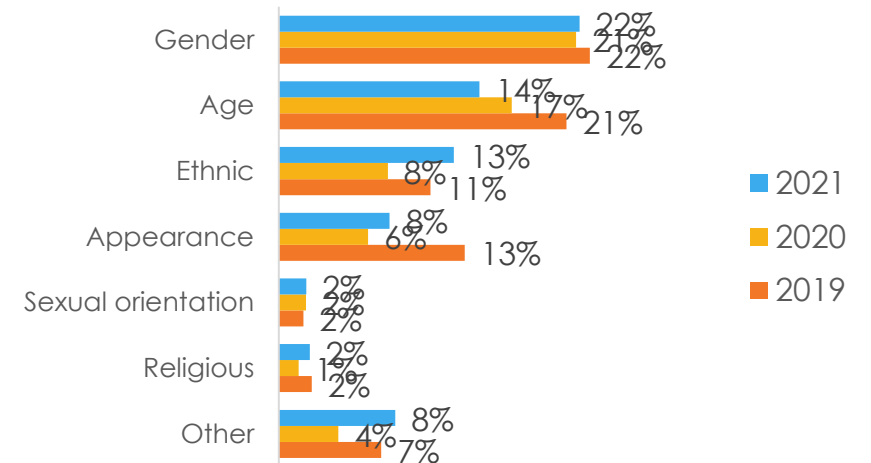
Levels of bias in the workplace continue to be similar year on year with around a third of lawyers experiencing some sort of bias in the past 12 months.

- Gender bias continues to be the most common bias experienced, followed by age and ethnic bias.

Q In the past 12 months have you experienced any level of bias against you in the workplace? (including place of employment, colleagues, Courts/Tribunals)?



Q What type of bias have you encountered over this time? (Select all that apply)



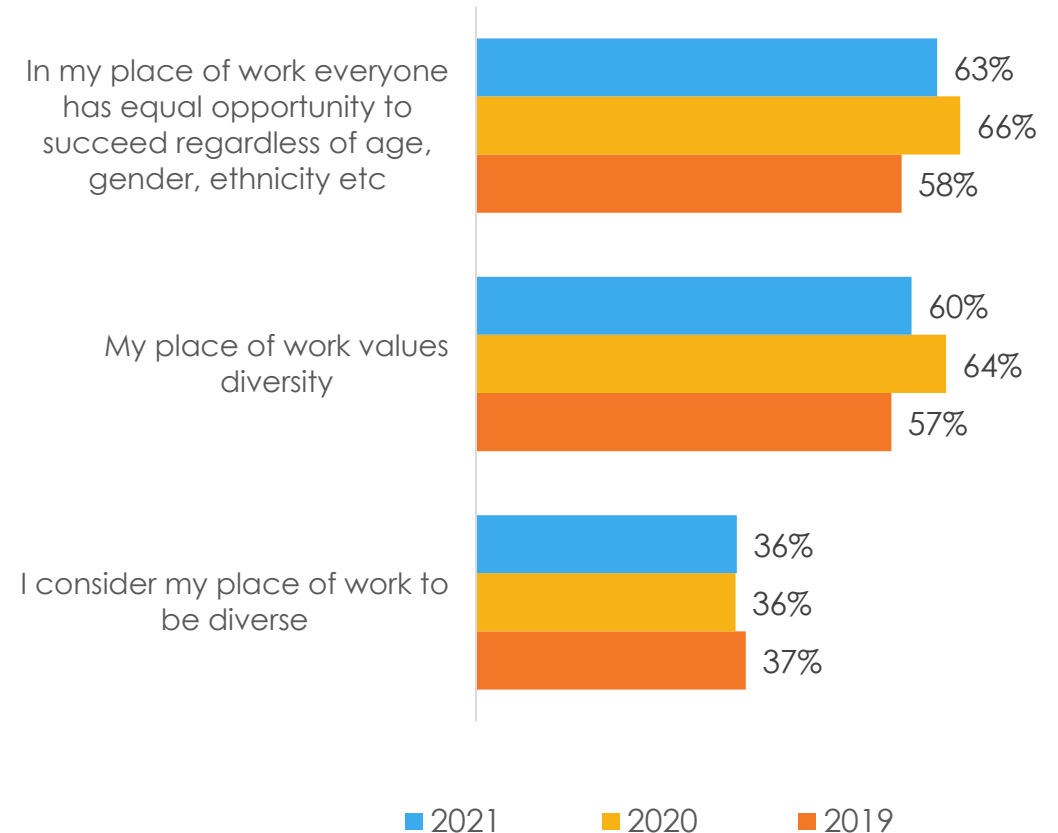
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Diversity in the Workplace

Perceptions around diversity in the workplace have remained consistent in 2021 with just under two thirds feeling that everyone has equal opportunity to succeed in their place of work regardless of age gender and ethnicity.

- Creating diverse workplaces is still an area that the industry needs to focus with only around a third of lawyers considering their workplace to be diverse.

Q Please state your level of agreement to the following statements



↕↑ Represents a significant increase/decrease based on a 95% CI



08

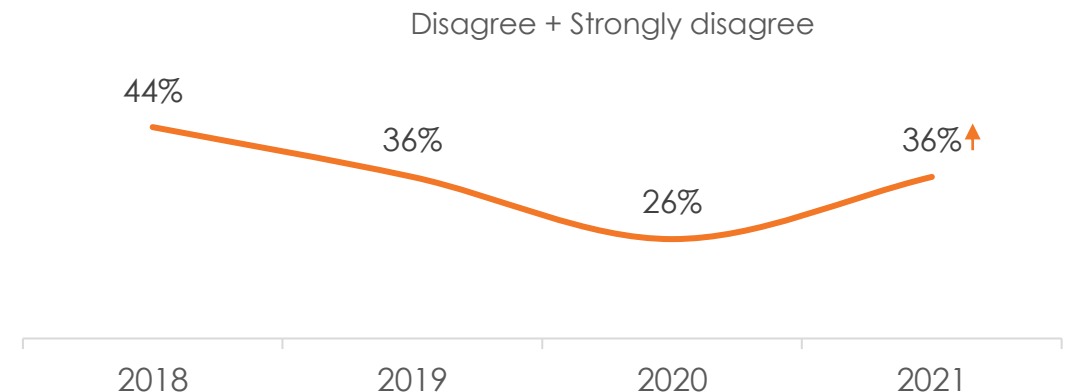
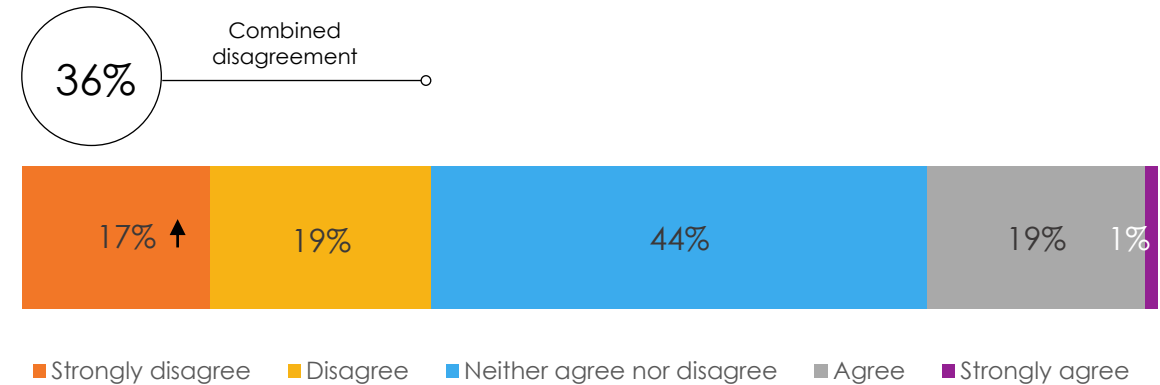
Support networks

Does the Industry Have Adequate Support Services?

After a downward trend in previous years we have seen a significant increase in the proportion of lawyers who feel that the industry doesn't have adequate support services/systems in place to support lawyers who are struggling, reflecting the worsening mental health effects observed in 2021.

- This is particularly noticeable with 17% of the industry saying they Strongly disagree compared to only 8% in 2020.

Q Please state your level of agreement to the following statement.
The legal industry has adequate support services/systems that are both available and accessible to lawyers in the industry when they are struggling?



↑↓ Represents a significant increase/decrease based on a 95% CI



09

Changing the
industry

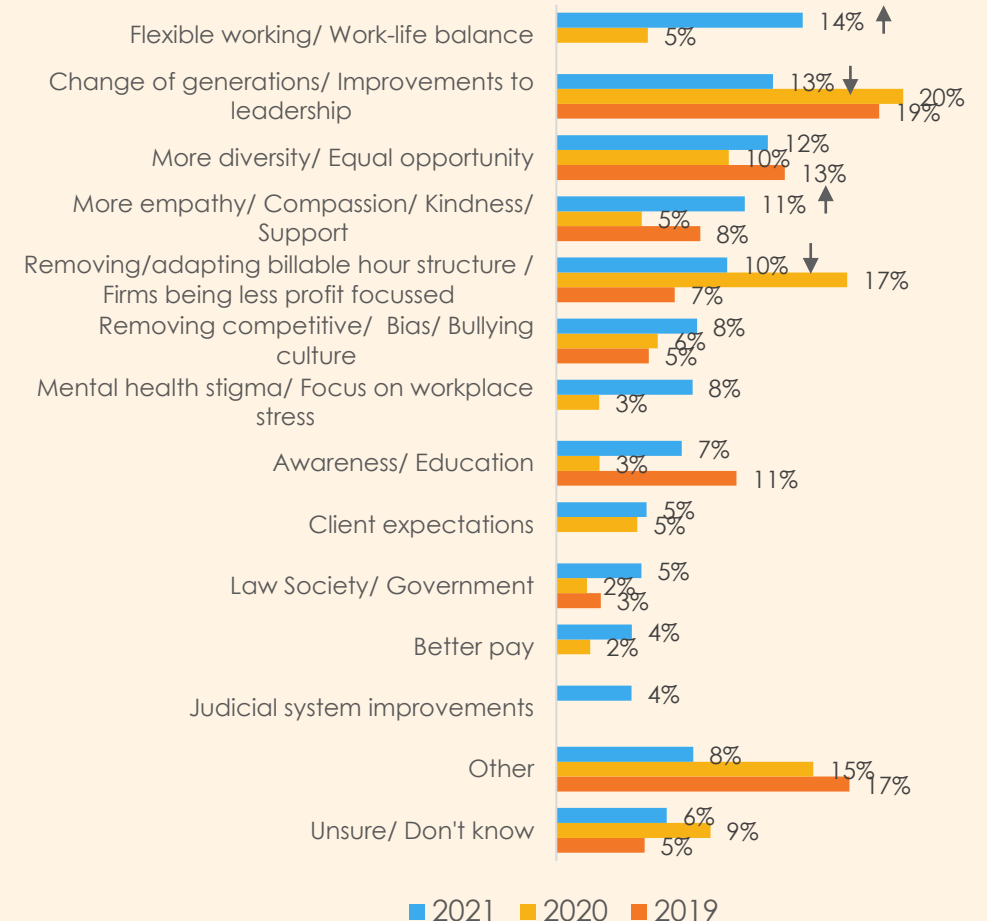
Blue Sky Thinking

Greater flexibility and work-life balance is the key thing that lawyers believe has the power to change the culture of the legal profession in 2021 (14% up significantly compared to 2020) reflecting a growing demand for legal workplaces to modernise the way lawyers are expected to work.

- There is also a significant increase in demand for more empathy and compassion, likely extending from a tough year of lockdowns and uncertainty as a result of COVID-19.

While billable hours have seen a significant reduction, findings through the rest of the report highlight these as a remaining area of focus, however, are potentially less top of mind compared to other issues in 2021.

Q If you could pick one thing which you believe has the power to change the culture of the legal profession, what would it be?



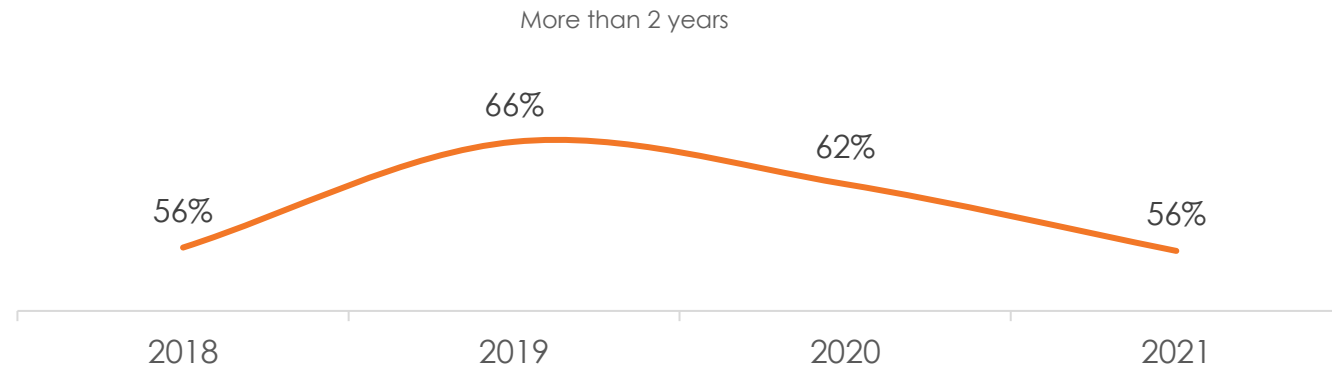
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Career Paths

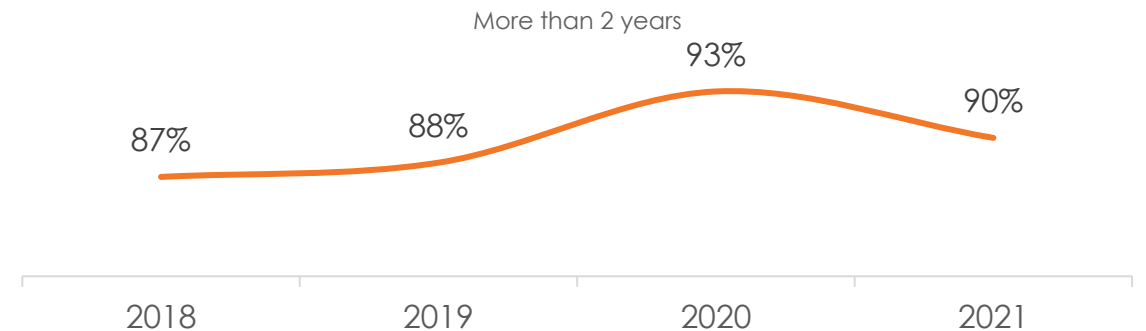
While nine in ten lawyers, say they intend to stay within the industry for at least 2 more years, the number who intend to stay in the current role for this time continues to decline, sitting at just over half of lawyers in 2021.

- This matches levels witnessed in 2018, when the survey began.

Q How long do you plan to stay in your current role for?



Q How long do you plan to stay within the legal industry for?



↕↑ Represents a significant increase/decrease based on a 95% CI



Thank you
