

# **TOWARDS A RELATIONAL PERSPECTIVE - A PRACTICAL AND PRACTICE-BASED DISCUSSION ON HEALTH AND WELLBEING AMONGST A SAMPLE OF BARRISTERS**

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## **I INTRODUCTION**

The particular set of stressors faced by barristers (as reported during counselling) often results in a private fear that they will *unravel* in some way. Typically the fear is experienced within the professional sphere and is accompanied, and exacerbated, by a hyper-vigilant stance towards their environment in a way not dissimilar to sufferers of post-traumatic stress. Barrister clients tend to be extremely self-critical. The threat of judgment is also of course a very real part of their professional life as is intense conflict. The combination of this professional reality with an over-utilized (at least in the personal domain) critical facility is detrimental to their wellbeing and psychological health. Unchecked, the continual interaction of these two factors can lead to levels of extreme stress. One of the contributors to this stress seems to be the experience of an impoverished ability to connect both to the self and to others. It is suggested that this impact on the relational domain may be connected to the over-use of a number of strategies originally adopted as protective in the face of inherently conflicting personal and professional demands. It has become increasingly clear that the relational domain is an area of particular need in the work with barristers who attend counselling and one of potential importance in the area of preventative health and wellbeing generally. The consideration of balance, both internal and external, is a critical factor in both the creation and management of these difficult issues.

The following is offered as a preliminary discussion of the proposition that the relational domain is an important component of barrister health and wellbeing. This discussion is by no means an exhaustive representation of the situations of barrister clients. The observations and insights that support this discussion are drawn from extensive professional practice experience with more than 150 barrister clients. Satisfaction levels<sup>1</sup> with the practice, and particularly the

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This paper is adapted from a talk delivered at the 2013 *National Wellness for law Forum*, University of Melbourne and is based on a content analysis of a sample of cases from the work of The Re-Vision Group in the provision of health and wellbeing counselling services to members of The Victorian Bar and their families over the period May 2009 to current. Author may be contacted at: bhealy@revisiongroup.com.au.

<sup>1</sup> Satisfaction levels of 82% and 95% were obtained in 'process evaluation' (see Keys 1993) surveys carried out for the 2010 and 2011 barrister client intakes respectively. Levels of 70 to 80% satisfaction rates are not uncommon for such surveys (see Keys 1993). However in many

evidence provided to support the validity of these obtained satisfaction levels, support the use of practice-based data in the following formulation.

The comments and practical suggestions are offered as potentially of interest for groups such as: barristers who are currently trying to make sense of their experience of work stress impacts, particularly in terms of their interactions with others; barristers interested in furthering their understanding of and ability to support colleagues who are experiencing interpersonal difficulties; and future researchers who are interested in applying a scholarly approach to the investigation of this health and wellbeing topic within the legal profession.

## II THE EXTERNAL ENVIRONMENT

A highly competitive arena characterised by conflict typifies the working environment of barristers. For many barristers the workload fluctuates between periods of little work and intense stretches of high workload. The nature of the work is isolating whether in peak periods or not. Reducing the isolation generally requires the individual barrister to deliberately seek out collegiate support or input. In other words, the structure of the work is such that no ongoing involvement with a group of colleagues is readily available. In addition, a proportion of the work must be done literally in the public domain, plus the work may attract criticism from both the judiciary and opponents as it is being done. It is quite a unique and stress-inducing professional pressure (particularly in the first few years) to regularly find oneself in a position where your work can be publicly criticized as you are in the process of doing the job.

## III THE INTERNAL ENVIRONMENT

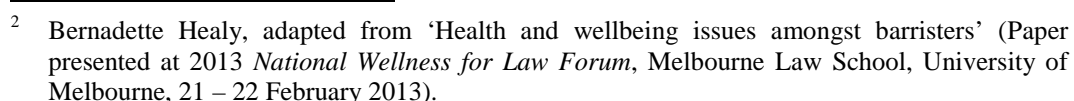
In terms of their internal environment, barrister clients routinely report experiences that are indicative of characteristics such as: independence, perfectionism, self-criticism, pessimism, achievement-orientation and highly developed rational thinking skills. In addition they are practiced or drawn to practice in the role of the expert. In addition to enabling the barrister to carry out

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cases reported levels are not representative of the client pool. It is necessary to consider issues such as response and participation rates in order to claim conclusive evidence of satisfaction. It is uncommon -and increasingly so (see Kirk 2003) to obtain the very high response rates that were obtained for these surveys (86% and 96% response rates for the 2010 and 2011 studies respectively, all responses were collected via anonymous online survey). It has been suggested that response rates alone however are insufficient to enable the reader to judge the utility and validity of findings and that descriptions of participation rates also ought to be provided (see Morton 2012). In the case of the surveys, participation was sought from the entire eligible client population; the survey completion rates were the same as the response rates cited above; and the refusal rate, that is the percentage of participants who having been contacted, refused to participate, was zero. There is therefore, conclusive evidence of satisfaction levels and their representativeness of the client pool. The uptake rate of barristers to the service has grown from a starting point of less than 0.5% to more than 3%. The current figure is now within the industry standard, the 3% to 5% range representing the numbers of people who utilize Employee Assistance Programs (EAP). See for example, Y Keys, *National review of employee assistance programs*, (1993) Canberra: Commonwealth Government Australia; AB Kirk, *Employee assistance programs: a review of the management of stress and wellbeing through workplace counselling and consulting*, (2003) *Australian Psychologist*, 138-143; SB Morton, *In the 21st Century, what is an acceptable response rate?* (2012) 36(2) *Australian and New Zealand Journal of Public Health*.

#### IV A TYPICAL INTERNAL PRESENTING STATE

**Diagram 1: Representation of internal barriers to wellbeing<sup>2</sup>**



**Work** in the diagram above is indicative of the disproportionate amount of energy felt to be given to work compared with other life domains. This energy may be in terms of the number of hours spent at work and/or the amount of focus given to work which occurs even when the barrister is not actually in the process of doing the work. It is represented in red specifically to suggest the risks of this dominance over the long term, particularly to the relational domain.

**Family** refers to the family including partner, parenting responsibilities, and family of origin. During times of extreme stress it is not uncommon for family responsibilities to be grouped together and seen as one stressor. As the barrister makes progress in terms of lowering stress symptoms and gaining a greater sense of self-efficacy with regard to the management of their psychological state, they will begin again to interact in terms of individuals and in terms of separate family responsibilities.

**Friends** is represented as a small separate box without connection to anything else because it is quite common for barristers to lose contact with their friends or to see them relatively occasionally due to work pressure (particularly for those with young families). This does not equate to a lack of concern for friends but is suggestive of the way that work can take over many domains leaving the barrister feeling as if all they do is work, worry about whether or not they will get more work, or recover from work sufficiently to return to work. Unfortunately in chronic stress states, the disconnection from friends may continue even when the work pressure dissipates.

**Physical** refers to exercise, nutrition and other body-focused self-care practices. In this domain in particular the patterns are similar to other client groups. That is, some clients actively take care of this side of their lives even while suffering severe psychological distress. For others there is a pattern of intermittent physical self-care interspersed with periods of neglect. And yet others present for counselling having neglected their physical state for some time including substance abuse.

**Self** refers to the person or sense of who they are. Barrister clients typically report intermittent and insufficient self-care practices including very little time spent alone other than for the purpose of working, and a common experience of ever-decreasing involvement in hobbies and interest areas over time.

**Spiritual** is defined as a domain in which there is reflection on the meaning of life in a broad sense which may or may not incorporate a particular religious faith. Again many presenting barrister clients report neglect of this area over extended periods of time.

**Creative** refers to activities which allow for self-expression. It is rare for barristers who attend counselling to report that they are currently spending time actively involved in self-expression. Many barristers report that they have abandoned once much-loved creative pursuits. It is very common for barristers to re-connect with a previously enjoyed creative activity as the course of counselling proceeds. This occurs both via active encouragement of such activity and as a natural consequence of the “space” created by being involved in the counselling

process, for clients to give themselves permission to return to or try out creative pursuits.

## V ISSUES IN THE RELATIONAL DIMENSION

When a barrister client is suffering the sort of internal imbalance represented by diagram 1, a number of troubling features are typically reported as occurring within the relational domain. The relational domain is comprised of both the barrister's interpersonal interactions, including with their partner and their child/ren and the intrapersonal or relationship with the self. These troubling features include:

- Transactional nature of relationships;
- Risk of transfer of court-room communication style to home;
- Lost opportunities for connecting forms of communication with children;
- Cost of ongoing transactional communication at expense of process orientation; and
- Repeated cycles of increasingly narrow transactional communication leads to loss of joy.

A description of these features is presented below together with a sample of strategies that have been found of use in dealing with these situations.

### A *Transactional nature of relationships*

With partners the imbalance is likely to present as a decrease in the sharing of experience particularly about feelings, with conversation tending to be more dominated by discussion of the logistics of running the household.

This transactional form of relating may continue over the duration of an intense work period. The form of relating may not even be noticed during peak workload times. However the continuation of this behaviour over long periods of time leads to a sense of detachment not only from others but also from the self. The barrister may have a sense of loneliness at home and perhaps an awareness that home life is going on seemingly independent of them and a sense perhaps of not being part of it all or not knowing where they fit in. Alternatively they may have a sense of never having the time to be how they would like to be in the family with associated feelings of disappointment, regret, guilt, and frustration at the compromised position they may feel they are occupying in one or other or even both domains. These feelings may prevent them from discussing the situation with their partner thereby continuing the transactional form.

Use of a purely transactional form of relating with a partner can result in a decrease in intimacy which in turn increases the likelihood that a purely transactional form of relating will continue. A lack of physical intimacy can also impact a relationship negatively. These negative impacts will be exacerbated where it occurs simultaneously with a general lack of intimacy. Physical intimacy may lead to an increase in general intimacy or it may offset the lack of general

intimacy, but it will tend to be insufficient in the long term to develop a sustainable sense of connectedness for both partners.

### **Possible Strategies**

#### *1 Collaborate and communicate about work demands*

Realistic and ongoing conversation with family regarding work demands including the collaborative development of a set of “guiding principles”. These principles would ideally distinguish between core and non-core partner and family time and incorporate scope for flexibility in planning accordingly. Collect data about actual time commitment for various pieces of work and incorporate into conversation and planning with family to ensure a strong reality base to the collaboration. Review on an ongoing basis.

#### *B Risk of transfer of court-room communication style to home*

Seriously noticing and reflecting on the presence of strong emotional reactions in particular situations (for example as a result of exposure to a very difficult case), will also tend to be absent. Instead, the stressed barrister will typically try and hurry home from a long and difficult day (perhaps with a sense of guilt that they have not arrived earlier) and unthinkingly bring the leftovers of the day (exacerbated possibly by the realization that more work needs to be done later that night) to their demeanour on arriving home. This may include: questioning; excessive irritability; avoidance, including through the use of alcohol; picking up on issues of logic in conversation; and impatience with a less than erudite delivery from family members. They may therefore be at risk of bringing a court room style to their communication at home.

Often being in the expert role within a profession with high social status and influence, such as that of a barrister, may inadvertently lead to a situation at home in which the professional overestimates the value of their opinion relative to other family members. Most occupations would have the potential for some sort of negative impacts on family life - the danger is not in the work but in a lack of reflection about how the work may be impacting both you and your family, and also a lack of preparedness to consider ways of accommodating your style to suit the situation.

### **Possible Strategies**

#### *1. Create transition rituals*

Think about the various transitions in your day. Most importantly consider the transition between work and home, and build in a ritual to close off from work before entering the home. Mindfulness practices are perfect for this kind of purpose. Do the same for the return journey. Consider other transitions during the day and reflect on ways for creating closure from one task to another. Even a simple reminder to yourself as you put down the phone after a difficult conversation with someone:

that call/task is finished, there are a few aspects that I need to re-visit at some stage but I am about to start work on another task now and that task deserves my full

attention, free of any pollution from the difficult aspects of the previous task.

If you have had a difficult day and arrive home feeling at risk of misplacing your feelings of stress, allow yourself 15 minutes privacy after first announcing the need, for example:

I am home and will be with you shortly but I need a few minutes to myself first as it has been a difficult day

Putting a timer on can assist little children who are waiting for you.

## *2 Review work practices*

Review the ways in which work is approached and importantly develop systems and processes which are designed to fit the personality preferences and work style of the individual rather than the other way around. The reality that barristers are often spending large chunks of time working alone can be a risk factor during times of extreme stress. Think about some safeguards that you could put in place in readiness for stressful times (for example, make a regular time for a coffee catch up with a colleague with a view to this becoming a habit). Support will then be available during difficult times. Pay attention to the activities that both deplete and energize and adjust during stress peaks.

## *3 Collect data about “good enough” standards for non-work responsibilities for use in times of peak work-load*

Quantify minimum requirements for non-work activities and set as basis for *core* activity levels during peak work load. Do this in collaboration with family and friends and prepare them for times when the minimum standard is about to be employed. Review regularly.

## *C Lost opportunities for connecting forms of communication with children*

Where there are children, an outcome-focused approach may dominate in which conversation with them is also emotionally uninvolved; primarily about what has or has not been accomplished including homework, practice, behaviour, scheduled extra-curricular activities for example. This approach does not include simple “being with” children which is characterised by active efforts on the parents’ part to orient their approach and to fit with what seems to be going on for the child. For example, the parent might try and feel the same sort of energy and affect that the child is displaying and suggest or ask about an activity that fits with what has been felt and observed. This will create the space for children to express how things are for them. As with partners, sharing this kind of experience fosters connection.

## **Possible Strategies**

### *1 Mindfully engage with your children*

Regular and authentic mindful approaches to being with one’s children will lead to increased levels of connection. For example, begin by physically positioning yourself at the level of the child (such as sitting on the floor), concentrate your

whole attention on them, turning off phones and putting away screens before being with them, invite them to lead you in some sort of game or activity and then give your full attention to them and that activity. (Setting a timer for the activity can help orient a young child and establish an expectation of boundaries and enable that child and sibling/s to have method to ensure “fair” distribution of parental attention).

## *2 Avoid controlling by threat of loss*

Consider your use of reward versus punishment. Do you discipline by threat of loss or by rewarding desired behaviour (including actions that are heading in the direction of the desired behaviour rather than only rewarding the achievement of something)? In general, strengths based approaches are more effective forms of behaviour modification than punishment. Reliance on the threat of loss to control undesirable behaviour tends to lead to the child focusing more on the thing that they fear losing making it even more desirable (for example threat of loss of screen time can lead to a pre-occupation with the screen time). In addition it can instil fear in the relationship and diminishes the number of potential opportunities for you as a parent to be having a positive conversation with your child/ren.

### *D Cost of ongoing transactional communication at expense of process orientation*

The absence of process-centred conversation within the self (for example, self-talk which moves beyond a judgement or outcome focus) is another indication of the disruption of the relational dimension, particularly during times of extreme stress. Typically there are very high levels of rumination on past events and concern for warding off future threats, but little in the way of reflection on experience for the purpose of making sense or finding meaning; the latter being characteristic of a process-centred conversation with oneself.

Process-centred conversations related to work (such as discussing the personal impact of a very serious and negative outcome for a client which often produce feelings of trauma, fear and vulnerability), may be avoided due to a desire to protect a loved one or perhaps it is avoided because it will be thought to protect the individual from re-living the difficult moment. However the tendency to withhold significant moments of experience from loved ones (regardless of the motivation), tends to lead to increasing levels of withholding of emotional material in general, which tends to lead to feelings of isolation and decreased intimacy. As described above an increasing focus on the external practical business of family life will then dominate and the cycle will continue.

## **Possible Strategies**

### *1 Mindfulness*

Mindfulness involves paying attention to what is experienced in the present moment, with a non-judgemental and non-reactive attitude. Mindfulness practices provide a counterbalance to excessive rumination and anxiety both of which are common presenting issues for barristers. In addition to the use of meditation-type mindfulness practices, we have found that teaching barristers how to incorporate



mindfulness into an existing (albeit perhaps long-forgotten) interest area can have a number of stress-reduction benefits. These benefits include the commonly reported decrease in levels of reactivity and increased levels of joy and engagement, but also include increased creativity and freedom and a renewal in terms of positive self-regard.

2 *Resist the urge to predict partner's responses*

Practice two-way respectful conversation and resist “mind reading” your partner; that is, ensure that a conversation is had even when the barrister thinks that they know what the other will say and what the outcome will be.

*E Repeated cycles of increasingly narrow transactional communication leads to loss of joy*

One of the common impacts of long-term stress is the experiencing of high levels of irritation. This is particularly likely for individuals who are highly self-critical. When this side of the self is not acknowledged or understood it is quite likely that the person will also be highly critical of those around them. When this behaviour is displayed within a transition stage (such as the recent return to home from work), it is likely to lead to escalation. The displaying of this kind of behaviour does not equate to liking the behaviour. Rather an individual will commonly express a sense of feeling out of control with their behaviour and a sense of playing out a pattern at home with their loved ones in which they feel trapped and dislike how they are being. Over time the playing out of these roles leads to a rigidity in the family dynamic and a lack of authenticity, spontaneity and joy. The sense of having fun in one's life feels as if it is lost and when prompted to tell the psychologist of recent fun times, it is not uncommon to hear the answer – ‘I really can't remember any.’

**Possible Strategies**

1 *Establish a routine sharing daily positive experiences*

Starting during a holiday period, build in a positive feedback conversation to your daily routine with your partner and children (such as focusing on a couple of things that went well that day). The more habitual this becomes the more likely you will be able to continue to use it when feeling stressed and as the practice becomes established you will be able to prompt each other at times of decreased energy for any one family member.

2 *Engage in a broad range of activities*

Allocate regular time for reflection, personal time and participation in creative and leisure activities. Watch for feelings of stagnation and lack of laughter as these suggest that your experience is becoming too confined and that some expansiveness is required. Resist the pressure to abandon interest areas.

3 *Ensure collegiate contact*

Regular or scheduled collegiate time, possibly with someone outside the technical domain of the barrister to remove any concerns with regard to competition.

4      *Build healthy relationships with friends outside of the legal sector*

Regular or scheduled contact with friends outside the legal sector which help to provide a reality check against the risk of “groupthink”.

VI      KEY PREDISPOSING FACTORS FOR EFFECTIVE INTERVENTION

Making a change in one’s life is of course no easy matter. It takes courage to recognize and acknowledge that some sort of action is required because ones mental health and wellbeing are suffering. There are a number of factors that increase the likelihood that one will be able to successfully carry out a change program and a number of these are described below.

A      *Taking responsibility*

In order for personal change to occur, it is essential that a person is able to take responsibility for their choices and decisions. Learning to be totally honest with oneself is a long journey for most of us and it is important to be mindful of tendencies to explain decisions in terms of others, either for the sake of others or blaming others for the need to make a decision in a particular way.

B      *Timing*

The barrister needs to be ready to seriously reflect on their interpersonal life and be prepared to expend targeted effort. This can of course be done alone. If counselling is sought as part of this process, one ought to expect to work both within and outside of the counselling room if maximum benefit is to be gained. The therapeutic relationship provides the rare opportunity to explore the ways in which one is impacting another individual without fear of criticism, judgement or rejection. Within such a context, one can practice new ways of interacting and the new skills can then be transferred to relationships outside the counselling domain. The tendency of barristers to seek help at a late stage provides an urgency which can increase readiness to focus effort and make change.

C      *Readiness to learn self-reflexivity*

The first place to start when faced with any situation, in which you have recognized the need to create some personal change, is to learn to practice self-reflexivity. Self-reflexivity is the ability to reflect upon and process one’s own thoughts, feelings and experiences and to take a curious stance with regard to the way that one operates in the world, including how one’s values and underlying beliefs impact experience. In the relational domain, self-reflexivity must incorporate experiential data about interpersonal interactions. That is, you need to learn to observe yourself in the process of being with people and to use this experience as data for reflection and analysis. The focus for change can then be identified and a change program begun.

D      *Taking charge of the inner judge and critic*

As discussed above, many barrister clients are highly self-critical and often report thoughts and opinions about themselves which suggest the existence of a nasty and punitive inner-judge. In order for a personal change process (alone or via

counselling) to be effective, barristers need to let go somewhat of their critical stance and learn how to foster a kinder attitude towards themselves. In the relational area, this kindness is essential to allow self-forgiveness (for example, when there is recognition of having behaved in destructive ways in relationship or having allowed oneself to be treated in destructive ways). The self-forgiveness process needs to begin before new ways of relating can most effectively be practised. (The outcomes of these strategies are commonly reported to be: increased engagement in one's own life; greater personal effectiveness including at work; decreased criticism of self and others; and increased availability to others)

#### *E Patience with the change process*

Even small shifts in focus require time and effort and patience is required with any change effort. There will be times of great frustration. This will particularly be the case where tolerance for frustration is low (a not uncommon phenomenon and particularly common amongst those high-achieving people who have been used to succeeding relatively quickly and have done so from an early age. That is, they have had relatively less practice than most of us learning to tolerate their own frustration during pre-mastery stages). Anxiety is often experienced simultaneously with low tolerance levels. It is regularly observed that staying with something (that is, the uncomfortable feeling) rather than running away or seeking to lower the frustration levels via unhealthy means such as through alcohol abuse, over-use of prescription medication, avoidance of social interactions for example, leads to sustainable change and increased levels of personal mastery and satisfaction.

A number of simple practices can easily be taught to assist with learning to tolerate frustration. In the relational domain, it is common to hear that troubling relationship issues have been around for a very long time. It is important to be realistic about changing such long-standing issues and to begin the process by learning some strategies for dealing with the inevitable frustration of the change process.

#### *F Courage to share with loved ones so that they are part of the journey*

In order to create change within the relational domain, the barrister needs to move to the point where they can share key aspects of the counselling process with their partner. Many barristers who are having difficulty in the relational area may take quite a while before they feel able to talk about the counselling experience, particularly the times in which they experienced greatest vulnerability. Although it is obviously not necessary to share all aspects, it is very important when the barrister has a partner, that the emotional aspect of the process is shared. It is important in that: the partner's knowledge of the other will be based on the current experience rather than the past; the partner is a very important "other" to validate the work done during counselling; there is potential for progress and healing just from the action of having one's partner "witness" the story told in counselling; and the sharing of vulnerability with one's partner offers the possibility of both healing past injuries and increasing feelings of intimacy and connection. This takes significant courage particularly if the notion of sharing feelings and the expression of feelings was discouraged while growing up or if

one experienced any kind of abuse towards expression of vulnerability. Emotion is a marker of meaning; that is, the experience of emotion signifies to the self that something which holds personal meaning is occurring (this does not mean that action is necessarily required). If such moments are not shared with ones partner, there is a risk of them missing out on learning something meaningful to you and of creating further distance between you.

## VII CONCLUSION

Drawing on clinical observations with barrister counselling clients, this paper suggested that the relational domain of barristers is particularly vulnerable to impacts of work stress. It was suggested that the impacts of periods of peak work load can result in a sense of internal imbalance in which the barrister feels as if the experience of the work dominates their internal landscape, even when not at work. It has further been suggested that the impacts of this imbalance can be seen in a number of different aspects within the relational domain. Various strategies were suggested as being of potential benefit in addressing these impacts. Strategies commonly agreed on include a range of best-practice therapeutic interventions and techniques; mindfulness in particular is of great potential benefit for this client group. In addition many individual strategies have been developed to target: the impacts of stress on work practices; internal balance; increased meaningfulness in one's life; and most importantly, improving the ability to form connections.

Factors contributing to the efficacy of individual change programs were identified and discussed including the potential role of the therapeutic relationship and the importance of sharing the experience of vulnerability during the change process with one's partner. It is recommended that research be conducted to investigate and develop the concepts: internal imbalance; relational domain; and the relational self as alternative entry points for discussion of health and wellbeing issues within the legal profession.