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The Billable Hour and its Impact on Lawyer Subjective Wellbeing and Burnout

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The Billable Hour and its Impact on Lawyer Subjective Wellbeing and Burnout

by

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A THESIS

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Abstract

Many lawyers experience high workloads, challenging clients, and imposed expectations on the amount they bill, yet purport to have high job satisfaction. Therefore, the purpose of this study was to examine the impact of billable hours and practices on lawyer subjective wellbeing and burnout. Fifty-six lawyers responded to questions on the Copenhagen Burnout Inventory (CBI), the Personal Wellbeing Index (PWI), and a questionnaire developed by the researcher that examined lawyer job satisfaction, billing practices, and demographic information. ANOVAs and MANOVAs were used to determine whether levels of billing targets or types of billing practices were related to burnout or wellbeing while thematic analysis was utilized to examine job satisfaction. A correlation matrix was also created to examine the relationships between variables. Results demonstrated no statistically significant differences between levels of billing targets and scores on the PWI and CBI, however in comparison to other research studies, levels of burnout were significantly higher in the lawyer population. Burnout scores were also equally high across billing targets and practices. Lawyers had similar scores on the PWI as the Australian public, however rated health and community connectedness substantially lower. Correlations revealed that job satisfaction was significantly correlated with both burnout and wellbeing. Lawyers were also satisfied with their jobs, however thematic analysis suggested that lawyers desire changes in the industry and workplace to make their experience more positive. Results of this study suggest changes need to be made to both the culture of the professions and the milieu of the workplace.

Keywords: lawyers, subjective wellbeing, burnout, job satisfaction, billable hours

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Chapter 1: Introduction

The following is a commonly known joke about lawyers: A lawyer dies and goes to Heaven and tells Saint Peter, “There must be some mistake! I’m too young to die. I am only 55 years old.” Saint Peter shakes his head and says, “55? No, our calculations tell us you are 82”. The lawyer looks at Saint Peter and asks, “How did you get that number?” Saint Peter answers, “We added up your time sheets”.

It is a commonly held belief that lawyers work long hours, maintain a large caseload, and are often exhausted due to the nature of their work. The general public, as illustrated by the joke above, often has a perception that lawyers are greedy by nature, and as a result, overbill their clients (Moorhead, 2011). This perception is also exacerbated by the inherent tension between law as a helping profession and law as a business (Moorhead, 2011). However, regardless of this public perception, some lawyers are often overworked, and this trickles down into their personal lives (Fortney, 2000). This study examines the nature of this relationship between workload, such as required billable hours, and the impact of these expectations of lawyers, such as burnout and their subjective wellbeing. Therefore, this thesis intends to answer the question, “what kind of impact does the billable hour have on lawyer subjective wellbeing and burnout?”.

As noted above, similar to psychologists operating in private practice, lawyers have the mission of attempting to balancing being both a profession and a business (Derocher, 2005). This is especially relevant to the issue of billable hours. Billable hours, a type of billing practice where lawyers bill clients by the hour, are often seen as the culprit prohibiting lawyers from leading balanced lives, as much of a lawyer’s time is dedicated to attempting to meet their firm’s targets or expectations (Bergin & Jimmieson, 2014). Billable hours are also utilized to quantify

the lawyer's performance as opposed to the quality of their work, which can lead to some lawyers feeling defeated and considered a commodity (Fortney, 2000; Kaveny, 2001).

Lawyers are becoming increasingly dissatisfied with their work, and negative psychological consequences, such as excessive alcohol use and depression, are becoming more common in this population (Heekin, 2015). Previous research has demonstrated that lawyers exhibit high levels of burnout and occupational stress; however, the literature is lacking in the impact of burnout on their wellbeing (Tsai, Huang, & Chan, 2009). Lawyers work long hours, engage with difficult clients, and often have targets they need to meet, which sometimes results in a challenging work environment (Campbell & Charlesworth, 2012).

The topic of increasing lawyer wellbeing without sacrificing profit and lawyer income is not a new discussion or debate (Goldberg, 1989). Neither is the discussion around lawyers and burnout (see Cordes & Dougherty, 1993; Alfin & Van Vooren, 1995). Therefore, research has suggested expanding on these discussions by investigating the impacts of burnout on lawyers' social and health wellbeing (Tsai et al., 2009). Bergin and Jimmieson (2014) have also suggested examining wellness and stress in lawyers' personal and social relationships. Thus, lawyer wellbeing was considered one of the focuses of this study as it is unknown whether burnout, often associated with billable hours, impacts lawyers' wellbeing outside the work environment.

Despite the many adverse impacts the legal industry's work environments have on lawyers, they still appear to have fairly high job satisfaction (Bergin & Jimmieson, 2014). However, job satisfaction in lawyers has been linked to both burnout and wellbeing (Patel Rajderkar, & Naik, 2012; Daicoff, 2008) Therefore, many questions in this study were directed towards lawyers to better understand this discrepancy between the negative aspects of the law professions and how lawyers are experiencing their work overall.

Purpose of the Study

The purpose of this research is to determine whether billing practices affect lawyers' personal wellbeing and burnout. High levels of stress and burnout can impact individual psychological health and can lead to addiction and mental health issues, which has been demonstrated in lawyers (Leignel et al., 2014). The purpose of determining the detrimental impacts of billing targets is to potentially lead to changes to practice and industry culture that will instead emphasize lawyer wellbeing rather than monetary gain.

Rationale and Significance

For change to be implemented in the legal industry that emphasizes wellbeing, research results on this phenomenon need to demonstrate a need for a shift. However, lawyers are commonly dismissed as a privileged population being undeserving of investigation, leaving them ignored and often suffering. However, some lawyers are experiencing adverse effects, which can impact the execution of justice and our society at a larger systems level. As mentioned above, this research can provide insight into how to improve the legal profession, and thus the lawyer population (Bergin & Jimmieson, 2014; Tsai et al., 2009).

The attempt to balance profit and serving the client is not just unique to lawyers (Moorhead, 2011); it can be observed by psychologists in private practice. Thus, understanding the impact of professionals' motives to increase their income could potentially be generalizable to those outside the legal profession, and benefit individuals in a wide variety of careers. Therefore, the results of this research may not just benefit lawyers, but other professionals in similar industries.

Research Questions

The research questions of this study consist of the following:

(1) Do lawyers in Alberta who have higher billing targets suffer more from burnout than lawyers who have lower billing targets or other billing practices?

(2) Do lawyers in Alberta who have higher billing targets have lower subjective wellbeing than lawyers with lower billing targets or other billing practices?

Researcher Perspective/Assumptions

I graduated with the University Faculty of Law Class of 2016, then transitioned back into psychology after learning about the negative impacts of the legal profession have on individual wellbeing. I did not want to work in a profession where I would end up being psychologically, emotionally, or physically unhealthy. However, with many of my colleagues remaining in law, I did not want these concerns to be left unaddressed. This is why the focus of my thesis is on lawyer wellbeing and burnout; I would like to improve the profession for the better and ensure lawyers are being taken care of as much as professionals in other industries would be.

Organization of Thesis

This thesis will be divided into five parts. First, a literature review on lawyer billing practices, burnout, and wellbeing will be provided. In this review, there will be specific sections dedicated to the relationship of burnout and wellbeing with lawyers. Second, the methodology will be discussed, including participant eligibility, recruitment, measures, data collection, data analysis, and ethical considerations. After methodology, results will be presented as the third section. The results section will include both qualitative and quantitative analysis of demographic data, descriptive statistics, and Research Questions 1 and 2. Finally, for the fifth section, a discussion of the results, clinical implication, implications for legal practice, limitations, suggestions for future research, and a final summary conclusion will be provided.

Chapter 2: Literature Review

This chapter is divided into three main topics: lawyer billing practices, burnout, and wellbeing. Lawyer billing practices will cover types of billing practices, however will primarily focus on the billable hour and its purpose, impact on lawyers, and suggestions for alternatives. The section on burnout will introduce the topic of burnout, provide definitions and potential antecedents, and then discuss burnout in the context of the legal industry. Finally, wellbeing will be discussed both in general and in association with lawyers, including how wellbeing is associated with quality of life, variables that impact wellbeing, and, of course, wellbeing in lawyers.

Lawyer Billing Practices

Types and history. Billing practices often create an inherent conflict of interest between the lawyer and the client; lawyers are trying to maximize their income and clients want the best services for the lowest cost (Webb, 2010). Thus, there are numerous types of billing practices that attempt to balance these interests, however most of these practices favour the lawyer. One type of billing practice is a fixed fee. The fixed fee provides the overall cost to the client up front and is typically utilized when the amount and type of work is known and predictable (Webb, 2010). For example, this fee serves the client best when used for simple transactions (e.g., property/mortgages; Jones & Glover, 1998).

Conditional (or contingent) fees can take different forms, however mostly refer to the practice of billing based on successful outcomes (Webb, 2010). These are often seen in American commercials for lawyers who specialize in litigation, convincing the consumer that they don't have to pay anything unless they win the case. Another type of billing method, which

is more of a philosophy than an actual technique, is value billing, where the client sets the price based on how much they value the lawyer's time (Webb, 2010).

The last and most common (and which will be the focus of this research) is billable hours. Billable hours includes the calculation of time spent (hourly) on a particular file and then charging the client the lawyer's per-hour rate (Webb, 2010). The billable hour is controversial for numerous reasons, which will be discussed below, however it is considered the "easiest" for lawyers to utilize for tracking time and services (Hirshon, 2002). However, this results in higher bills for more complex files that take more of the lawyer's time.

Billable hours came into existence with the introduction of computers and large firms searching for some objective technique to track associate's (employees) hours without having partners (owners) to do it themselves (Kaveny, 2001). When billable hours came to fruition, it was during a time where demand (work) was high and supply (lawyers) were low, thus inefficiency then was uncommon (Jones & Glover, 1998). But by the 90s, the great majority of lawyers with billable hour practices were billing between 1800-2000 hours per year, being the primary complaint of reduced time with family due to long workdays (Alfini & Van Vooren, 1995).

Purpose. Billable hours are used to track employees and the target goals of the firm (Campbell & Charlesworth, 2012). Billable hours are also utilized to quantify the lawyer's performance as opposed to the quality of their work (Fortney, 2000). In other words, the billable hour translates into the value of lawyer's work as externalized, considered a commodity, and interchangeable with any given time the lawyer chooses to work regardless of the difficulty of the task or the client's demands (Kaveny, 2001). These factors can sometimes create a static,

mundane, or repetitive work schedule (Kaveny, 2001). Hirshon (2002) has (reasonably) asked the question, “as lawyers, do we sell our time or our skill?” (p. 10).

Employees who agree to working long hours may be viewed as more valuable than others (Landers, Rebitzer, & Taylor, 1996). Billable hours do have some advantages, though, and is why they are still being used in the legal profession. For instance, billable hours allow flexibility and discretion in billing, however, this results in the inability to provide an up-front cost for services to clients (Webb, 2010). On the other hand, it also provides clients with an inventory of what activities you completed and the cost of execution, so they are still fully informed of what they are paying for (Woolley, 2005).

Billable and non-billable hours do not always equate (Campbell & Charlesworth, 2012). For instance, lawyers who cannot bill to a file for whatever reason (e.g., pro bono work, training, research unrelated to a client, coffee breaks, firm meetings, etc.) have to make up for this time in billable hours, thus extending their workday (Campbell & Charlesworth, 2012; Kaveny, 2001). This can lead to long days and weeks, and sometimes to the detriment of further pro bono work or any personal time (Fortney, 2000).

Impacts. Opposed to the complexity of their work, lawyers often identify billable hours as the most stressful part of their job (Omari & Paull, 2014). Lawyers commonly work very long days, starting early in the morning and not returning home until 7-8 pm or bringing work home with them (Campbell & Charlesworth, 2012). Billable hours are sometimes inseparable from working these long days (Campbell & Charlesworth, 2012), and when billable hours increase, often does the impact on lawyers’ lives (Fortney, 2000). Some firms expect lawyers to bill 2000 hours per year, which equates to six days a week working 10 hours per day (Kaveny, 2001).

However, lawyers are sometimes reluctant to cut down on their hours because they worry it might impact how they are treated (or even promoted) in their workplace (Fortney, 2000). It is important to note when comparing the perceived role of working long hours and billable expectations in receiving a promotion, lawyers rate this much higher in significance than partners, illustrating that lawyers may (incorrectly) deem billable hours more important than partners do, and dismiss the quality and ethical value of the work, which many partners may actually appreciate more (Landers et al., 1996; Parker & Ruschena, 2011).

Lawyers who leave their law firms tend to do so when their new job promises reduced hours (Fortney, 2000). In fact, lawyers who are presented the options between reducing their billable hour expectations by 5% with no change in salary, keeping the billable hour expectations the same with a 5% increase in salary, or increasing billable hours by 5% and increasing their salary by 10%, lawyers will mostly choose the first option (reducing billable hours with no salary change), indicating that salary is not as important to lawyers as are reasonable work hours (Landers et al., 1996).

From a sociological perspective, some researchers propose that lawyers experience an “autonomy paradox,” where lawyers believe they have control over their hours and when/how they accomplish tasks, but are constantly under pressure to work and produce more (Campbell & Charlesworth, 2012). But, deadlines and workloads are actually under the control of the workplace, and which lawyers don’t have autonomy of (Campbell & Charlesworth, 2012). Furthermore, the role of choice and agency plays a role in the justification of time commitments and even identity of lawyers (Kuhn, 2006).

Ethical concerns. Some concerns have been raised over the ethical practices of billable hours and overcharging clients in order to meet quotas and expectations of firms (Campbell &

Charlesworth, 2012; Webb, 2010). It is unknown whether these concerns result in burnout or decreased job satisfaction, however these ethical concerns have been considered a “crisis in the profession” by some experts (Lerman, 1994, p. 651). One issue is that lawyers may not be able to balance the needs of their clients and the motive to make profits (Moorhead, 2011). Another issue is that billable hours are often divided into 10-minute units, so anything that is not divisible by six is sometimes rounded up (Webb, 2010). Lawyers sometimes also end up estimating their time, especially when their timesheets are not completed immediately (Webb, 2010; Woolley, 2005).

As bonuses are often given to lawyers when their hours are exceeding targets, lawyers are sometimes tempted to “pad” their hours (Fortney, 2000). Some lawyers have admitted to double-billing clients, particularly when they are lower income lawyers (Fortney, 2000). Other lawyers might bill the same time for two different clients, which is also unethical (Webb, 2010). This type of double billing can be illustrated by the lawyer that takes a three-hour flight for a legal matter, bills the client for the travel time, but also a second client for legal research the lawyer conducts or a document they draft on the airplane (Ricker, 1994).

Moreover, if the client is wealthy or unlikely to contest their bill, lawyers may be more inclined to overcharge or over-service the file (e.g., conduct excess research, even though it is not completely necessary to do so; Webb, 2010). According to Pardau (2013), lawyers overbill for a number of reasons, including:

- (1) Ignorance of acceptable standards of conduct;
- (2) professional insecurity;
- (3) the absence of a meaningful bond with the firm;
- (4) lawyers’ competitiveness;
- (5) compensation systems that directly reward a high number of hours billed;
- (6) an

almost adversarial approach to dealings with clients; (7) “greed and envy;” and even (8) mental illness and substance abuse (p. 17).

However, lawyers appear more reluctant to admit to their own unethical practice than to estimate the unethical practices of other lawyers (Lerman, 1994). In a 1994 study, 92% of lawyers indicated that other lawyers engage in unethical billing practices, however only 50% admitted to engaging in these practices themselves (Ricker, 1994). However, it is suggested that the culture of big firms convince their associates that high bills and leaving “no stone unturned” is in the best interests of the clients (Ricker, 1994). Thus, some lawyers may engage in unethical billing practices without intentionally doing so. For example, some research has suggested that lawyers tend to have overconfidence in the side for which they are advocating, encouraging their clients not to settle out of their own inherent biases (or perhaps in many cases, their experience) and thus as a result, increasing their client’s bill (Eigen & Listokin, 2012). Another example would be the lawyer who charges the first client in full for drafting a letter, and charging less for subsequent clients as only minor edits are needed (Jones & Glover, 1998). However, the opposite (charging subsequent clients more even if the work was not initially done for them) is also unethical, therefore it is a constant challenge for lawyers to balance fairness in billing practices (Jones & Glover, 1998).

It has been established in previous research that lawyers often do not understand ethical practice and believe that double billing is fine to do, even if the client is not informed (Lerman, 1994). In the same vein, when neither lawyer nor client understand what is in the best interests of the client or what is the most ethical decision, the lawyer may be more likely to take the more “expensive” step or one that is in the lawyer’s best interest (Moorhead, 2011). Unfortunately, this is sometimes done on purpose, going above and beyond what is needed for the file to

increase the client's bill or billing for services that were never even provided (Woolley, 2005). This may result in less cooperation and more time within the Court (Moorhead, 2011), creating even larger systemic issues.

According to Lerman (1994), these deceiving billing practices discussed above to increase lawyer incomes:

Raises fundamental questions about the integrity of the profession. The expectation that lawyers should be scrupulously truthful in billing their clients is not naïve or unreasonable, but is absolutely basic to the establishment and maintenance of a relationship of trust and confidence between lawyer and client (p. 651).

However, even so, guaranteeing there is a balance between ensuring you have done everything possible for a client and being cost-effective is not easy to accomplish (Moorhead, 2011).

Alice Woolley, a professor at the University of Calgary Faculty of Law and recently appointed as a judge, described the problem of unethical billing as “the broken window of the Canadian legal profession” (2004). The window she is referring to comes from the car window in Zimbardo's 1969 experiment of abandoning a car on the street only to be untouched a week later. So, Zimbardo broke a window, shortly thereafter returned, and realized that the car was destroyed by vandalism (Woolley, 2004). This experiment reflects the lack of preventative (reducing the likelihood the window would be broken) or reactive (seeking the person responsible) policing that can increase lawlessness (Woolley, 2004). In the legal profession, the observation of others unethically billing and participating in these unethical practices without appropriate policing increases the likelihood of these practices occurring and reinforces the messages that it is okay to do so (Woolley, 2004).

Unfortunately, billable hours also reduce the amount of pro bono work and training a lawyer can engage in (Fortney, 2000; Hirshon, 2002). This presumably can lead to not only unethical behaviour discussed above, but reduce quality of services and ability to support those in need in the community, a reason why lawyers often enter law school in the first place. Perhaps this lack of meaningfulness in their work can result in lowered job satisfaction and overall wellbeing. Some high-profile Canadian lawyers have been accused of overbilling and making more money than the complainants (e.g., residential school cases), including one lawyer who billed 5,300 hours one year (2,000 is considered very high in the legal industry), which equates to 15 hours per day (Gatehouse, 2013, April 4). However, this lawyer argues that they barely sleep and eat, affording them more time to work on client files (Gatehouse, 2013, April 4).

Regardless, law culture tends to favour high billed hours, so lawyers who choose to be honest and/or reasonable about their billable hours then tend to be at a disadvantage both competitively and financially, resulting in ethical lawyers leaving law firms or the industry in general (Fortney, 2000). Lacking ethical lawyers in firms available to the public creates an obvious, and massive, problem for the execution of justice.

As a result of billable hour requirements and quotas, the workplaces of lawyers, whether it is in Court or at their respective law firm, can be competitive, toxic, and adversarial (Omari & Paull, 2014). Unfortunately, bullying often exists in law firms in the form of partners or senior lawyers assigning the “grunt” work to junior associates and accumulating wealth over their hard work (Omari & Paull, 2014). Billing has been considered “management control” and even likened to a pyramid scheme where lawyers are billing clients \$500,000 per year but only making \$150,000, while partners are making millions of dollars (Campbell & Charlesworth, 2012).

This power differential and abuse is also demonstrated in other ways, such as women being subjected to extra rules around their dress and conduct, focusing solely on the billable hours through assessing quality by quantity of hours billed, and ingrained discouragement (Omari & Paull, 2014). This is unfortunate due to the inherent advantageous qualities women possess that render them skillful in the legal industry, including effective communication, empathy, and conflict resolution (Patton, 2005). The authors of this research also found that bullying occurred less often in workplaces with anti-bullying policies, and thus suggest should be a requirement for law firms (Omari & Paull, 2014).

Suggested alternatives. Fortney (2000) has suggested creating different incentives in lieu of billable hours, such as focusing on quality of output by lawyers, emphasizing ethical behaviour, and developing firm, reasonable, and understandable policies around billing. Moorhead (2011) had similar suggestions with an emphasis on client decision-making whilst ensuring transparent billing practices and high quality of services. Webb (2010) has suggested creating some type of communication of the quality of services being provided to the client so they understand what they are being charged for and feel content about it. Moreover, having lawyers charge flat rates across the firm may increase efficient delegation to junior lawyers and reduce bills for clients (Webb, 2010).

Value billing and tariff billing, both historical and traditional forms of billing that were eliminated due to problems, have been suggested as modern alternatives (Woolley, 2005). Value billing refers to charging a client based on the value of service while tariff billing is calculated using a predetermined schedule of fees (Woolley, 2005). Tariff billing was problematic because the fee schedule reduced competition in the profession while value billing opened the doors to the same abuses as the billable hour, but Woolley (2005) argues that these traditional practices

still have merit and should inform the profession today. However, any billing practices should be implemented with caution, as they are not immune from abuse or unethical use (Parker & Ruschena, 2011)

Lerman (1994) suggests that for change to occur, the responsibility of questioning billing practices should not just stem from the lawyer, but clients, regulatory bodies, and investigative journalists. Clients who are paying by the hour will need to insist upon these changes (Hirshon, 2002). Legal ethics in law school should include education on ethical billing practices (Lerman, 1994). And, bar associations, first and foremost, should be addressing ethical issues around billing practices and their consequences, as this may address the other issues which result from unethical practice (e.g., negative work environment/legal culture; Fortney, 2003). Similarly to initiating psychological services, Moorhead (2011) suggests providing clients with informed consent so they are able to understand charges, what any alternatives are, and fully agree to the stipulations.

However, changes to billing practices does include accepting risk, but will likely also lead to increased efficiency and profits in the long term (Hirshon, 2002). This improvement may occur through the reduction of billable hour targets, and the consequence of clients being attracted to the focus on quality and less pressure on lawyers to bill them exponentially (Fortney, 2005). Perhaps an analogy to the uncommissioned salesperson is appropriate; this removal of “ulterior motive” would increase trust between the consumer and service provider. But, lawyers will also be paid less unless the business experiences growth as a result of increased productivity, clients agreeing to pay more, or downsizing (Jones & Glover, 1998).

Despite suggestions from experts to move away from the billable hour, which have been pushed since the 90s (Jones & Glover, 1998), the billable hour is “resilient” and likely here to

stay (Pardau, 2013, p. 18). Thus, it seems that it is best to acknowledge the billable hour's negative impacts on the industry and individual lawyers, and find ways to navigate around it.

The practice of billable hours and high workloads have been connected to burnout, lower quality services (including reduced empathy) with clients, and increased stress (Norton, Johnson, & Woods, 2016; Fortney, 2000). High billable hours have also been associated with lawyer mental illness in Australia (Kendall, 2011). The pressure itself around billable hours can lead to reduced physical health, healthy eating, and exercise (Fortney, 2000). Therefore, the next section will be a discussion around what exactly burnout is, how it impacts individuals, and the specific relationship of the legal profession and burnout. Then, the topic of lawyer wellbeing will be presented and discussed.

Burnout

Although a seemingly straightforward phenomenon, the concept of burnout historically has not been easily measured or defined. Christina Maslach is considered one of the pioneers and experts in the area of burnout, and has developed an inventory based on her empirical findings (Maslach, Schaufeli, & Leiter, 2001). Maslach et al. (2001) contended that burnout consists of three core features: emotional exhaustion, depersonalization (cynicism), and reduced personal accomplishment (inefficacy).

According to Maslach et al. (2001), exhaustion is the core symptom of burnout, as most people often cite this as the indicator of feeling burnt out. Maslach et al. (2001) contend that exhaustion is the cause of depersonalization and reduced personal accomplishment. In regard to depersonalization, Maslach et al. (2001) stated, “depersonalization is an attempt to put distance between oneself and service recipients by actively ignoring the qualities that make them unique and engaging people” (p. 403) and is a coping mechanism to deal with the demands at work. The

interaction between depersonalization and exhaustion leads to the third feature of burnout, reduced personal accomplishment (Maslach et al., 2001). Specifically, Maslach et al. (2001) suggest that the experiences of being exhausted or distancing oneself can inevitably cause individuals to feel ineffectual at work.

The job-person fit has been argued by Maslach and colleagues (2001) to be the underlying framework for the phenomenon of burnout. This means that when there is great disparity between the person and their job in terms of match/mismatch in six areas, burnout becomes more likely (Maslach et al., 2001). These areas include: community (support within workplace), values (ethics), fairness (treatment between colleagues), control (accomplishment or authority), workload (amount and type), and reward (form and amount; Maslach et al., 2001). However, employees may be able to tolerate different kinds and amount of mismatches, depending on the individual (Maslach et al., 2001).

Critique and other models. Burnout has also been historically conceptualized as a process; when workers start to feel exhaustion from work demands, they consequently remove themselves from others (depersonalization), then as a result, begin to feel ineffectual (Cordes & Dougherty, 1993). Burnout was also previously viewed as a type of stress, but evolved to be re-considered as a particular response to job stress (Cordes & Dougherty, 1993). There has also been some argument that burnout cannot be considered solely a work-related phenomenon as it is simply a result of chronic stress (Bianchi et al., 2014). Arguably, the lack of clarity around what burnout actually is still exists, as the definition is under contention by many researchers in the field (Winwood & Winefield, 2004). If Bianchi et al. (2014) are correct in that burnout is not restricted to the result of the work environment, the definition becomes much more complex,

difficult to navigate, and challenging to separate the impact of stress from an individual's work and their personal life.

There has been some critique that depersonalization and reduced accomplishment should be disregarded and burnout should be focused on the experience of exhaustion as these two variables result from exhaustion (Shirom, 1989; Kristensen et al., 2005) Maslach et al. (2001) has argued that the core feature of exhaustion is necessary but not sufficient; eliminating the other factors would be failing to consider components that are essential to the phenomenon of burnout. Further, there has been some debate to whether burnout should be considered a syndrome rather than a result of resource depletion (Shirom & Melamed, 2006). Resources and demands will be discussed further below.

Other definitions of burnout have included, "a state of physical and emotional exhaustion caused by long-term involvement in situations that are emotionally demanding" (Pines & Aronson, 1988, p. 9) and "a combination of physical fatigue, emotional exhaustion, and cognitive weariness" (Shirom, 1989, p. 33). Kristensen et al. (2005), the developers of the Copenhagen Burnout Inventory (CBI), acknowledge that exhaustion is at the center of burnout and have created their scale based on personal, work-related, and client-related burnout.

There have also been numerous other models of burnout, such the Conservation of Resources Model (where burnout results from resources being constantly threatened, stemming from work demands, loss of resources, or unequal returns), Job Demands-Resources Model (where job demands, which are the effortful actions of workers predict emotional exhaustion, and job resources, which refer to goal achievements or growth, disengagement or depersonalization), and the Demands-Control Model (where job demands and control interact with one another; Halbesleben & Buckley, 2004). Although there are many different models,

there are more similarities than differences and all acknowledge the negative impacts of work exhaustion resulting from job demands and diminished resources.

Risk factors. Burnout can result from both quantitative (i.e., work overload, large numbers of clients, time constraints, hours worked) and qualitative (i.e., role ambiguity, role conflict, and social support) job demands (Maslach et al., 2001). Role ambiguity is marked as uncertainty regarding the job, while role conflict is observed when demands are conflictual (Maslach et al., 2001). For example, a lawyer being unable to pick their own clients (such as a criminal law lawyer whose client committed a crime that violates the lawyer's values and boundaries) can lead to depersonalization and overall burnout (Norton et al., 2016).

Other factors, such as individual factors, job attitudes, and personality characteristics all may have an influence on experienced burnout (Maslach et al., 2001). For instance, employees who are younger, unmarried, and highly educated are considered to have an increased chance of experiencing burnout (Maslach et al., 2001). Employees with an external locus of control, neuroticism, passive coping styles, low hardiness and self-esteem, and high expectations of their job are also more likely to experience symptoms of burnout (Maslach et al., 2001; Shirom, 2003).

Organizational and occupational characteristics also have an influence on burnout (Maslach et al., 2001). For instance, previous research has suggested that industries where workers provide empathy to clients often leads to burnout, particularly when emotional dissonance is experienced by the employees (Zapf, Seifert, Schmutte, Metini, & Holz, 2001). This research highlights the great impact work with clients can have on burnout, particularly when the employee is expected to express emotions that are incongruent to their experience (Zapf et al., 2001).

In addition to individual and organizational factors, more systemic factors, such as the economy, can have drastic impacts on burnout (Shirom, 2003). For instance, the increase of consumer knowledge and empowerment can lead to burnout in the service industries (Shirom, 2003). As there is a wealth of information on law available to the general public (the consumers), this could very well impact lawyers as well. Moreover, the fluctuating economy which results in lack of job security and increased need for training in an advanced global economy and technological world also intensifies risk for burnout (Shirom, 2003).

As lawyers frequently experience these issues of burnout discussed in this section, the next section will exclusively focus on those involved in the legal profession.

Burnout in lawyers. Studying the legal profession was integral in the actual development of the construct of burnout (Cordes & Dougherty, 1993), which speaks to how prevalent and persistent this issue has been in law. Burnout in lawyers occurs at a higher rate than it does for the general population, and this burnout is stable throughout their careers (Alfin & Van Vooren, 1995). As a result, lawyers are more likely to experience problems with drinking alcohol (Alfin & Van Vooren, 1995), which often begins during law school (Anzalone, 2018) and may also be attributed to events encouraging students to “drink like a lawyer” (Austin, 2015, p. 827).

Previous research in Taipei has demonstrated higher levels of personal and professional burnout and occupational stress in lawyers compared to other working professionals (Tsai et al., 2009). Tsai et al. (2009) found that occupational stress (using instruments that measure demand-control-support and effort-reward imbalance) was related to burnout, potentially attributed to the longer hours and higher competition lawyers experience in the modern, globalized world. Further, another finding stemming from this research is that litigious lawyers more often

experienced burnout, particularly client-related burnout, than non-litigious lawyers, suggesting that certain lawyers experience increased emotional burden or investment when working with clients (Tsai et al., 2009). Based on their results, Tsai et al. (2009) have suggested law firms balance lawyer caseloads with their individual abilities.

There have been similar findings in other countries. For instance, research carried out by Samarasekara, Wira, Yajid, Khatibi, and Perera (2015) in Sri Lanka also assessed occupational stress in lawyers by examining job demand-control-support theory and burnout. Lawyers scored high on all variables, especially on personal client burnout. Further, lawyers who directly worked with clients experienced higher levels of burnout in comparison to lawyers who did not work with clients. However, lawyers who had higher levels of support from supervisors and colleagues demonstrated lower levels of work-related and client-related burnout, respectively. Not surprisingly, personal burnout was also related to the long working hours of lawyers. The researchers suggested that future studies examine the “ill-effects” that result from burnout and occupational stress (Samarasekara et al., 2015). Some of these “ill-effects” might include depression and anxiety, as it has been shown that lawyers experience these difficulties more than the general population in Australia regardless of area of law practiced (Chan, Poynton, & Bruce, 2014).

Lawyers who work at smaller firms may experience burnout more than lawyers who work in other professional settings; this may be because of the greater emphasis placed on billable hours at smaller firms (Alfun & Van Vooren, 1995). However, these findings are dated and it is unknown whether lawyers at small firms experience burnout differently than those in “big law”. Further, lawyers who have high billing targets experience more stress and demands

while having fewer resources to cope; however, despite these negative impacts, overall lawyers appear to have high job satisfaction (Bergin & Jimmieson, 2014).

Demands in lawyers included emphasis on profits, competitiveness, time pressure, emotional demands, role ambiguity and conflict while resources included pay satisfaction, job control, praise, job security, social value of work, and promotional activities (Bergin & Jimmieson, 2014). It is theorized that job demands interacts with individual or organizational differences to create work stress (Chan et al., 2014).

Perceived job demands have been established as a significant variable in predicting burnout and wellbeing, suggesting wellbeing can be improved through firms fostering work-life balance and job satisfaction through relationships, control, and social value (Chan et al., 2014). Burnout in Greek lawyers is also predicted by workload, role conflict, and supervisor behaviour (Platsidou, 2012). Work load and role conflict have also been associated with emotional exhaustion, while role conflict and barriers to decision making are related to depersonalization (Jackson, Turner, & Brief, 1987). The supportive behaviours of one's supervisor is also related to personal accomplishment in lawyers (Jackson et al., 1987). Therefore, it appears that these demands do not always outweigh lawyers' resources, which reflects the positive, yet strenuous, aspects of lawyers' work.

Research in Estonia has also revealed that job satisfaction in lawyers is related to work load, work environment, hassles, recognition, and relationships (Teichmann, Kattell, Murdvee, & Kerikmar, 2015). Patel et al. (2012) have found that job satisfaction is negatively correlated with burnout and stress lawyers in Sangli, India. However, similar to Bergin and Jimmieson's (2014) findings, although occupational pressure increases over time, lawyers are still mostly very satisfied with their job and utilize healthy coping strategies (Teichmann et al., 2014). However,

job satisfaction also may be experienced by genders differently. For instance, Hall (1995) found that female lawyers valued workload and advancement while male lawyers valued prestige and supportive peers.

Lawyer risk factors. It appears that lawyer stress is the result of workplace conditions rather than the work itself a lawyer engages in (James, 2008a). Lawyers identify that the source of their stress is attributable to billing expectations, lack of leadership and mentorship, management problems, and long work days (James, 2008a). Moreover, in Bergin and Jimmieson's (2014) research, they found a high percentage of lawyers reporting that their workplace had great emphasis on profits and experienced psychological distress as a result. Bergin and Jimmieson (2014) also discovered that lawyers were experiencing lower social value in their work because they felt they did not have control to help those who needed it.

Stress from being a lawyer can have long-term impacts on the brain, including problem-solving, concentration, language, and memory (Austin, 2015). Further, lawyers often self-medicate with numerous substances, including alcohol, nicotine, caffeine, cannabis, cocaine, amphetamines, benzodiazepines, and/or food (Austin, 2015). These impacts on neurological function can have long term impacts on both lawyers' personal and professional lives.

Young lawyers may be experiencing the stress of the job differently than more seasoned lawyers. Research suggests that lawyers who have practiced longer have higher job satisfaction than newer lawyers (Organ, 2011). However, there may be explanations for this trend. For instance, junior lawyers are more likely to work at criminal or family law firms, which also often leads to burnout due to the stressful nature of the job and its clients (Heekin, 2015). Experienced lawyers also tend to be in a job better suited for them than junior lawyers (Organ, 2011). Moreover, millennials, who are known to value work-life balance more than other generations,

may be more likely to open their own practice to strive for this balance, but this inevitably still poses challenges for them (Heekin, 2015). There also has been some indication that lawyers in supervisory positions experience burnout at a higher rate than junior lawyers or associates, but this could be due to managing burnt out employees (Jackson et al., 1987).

Lawyers who are solo practitioners are more likely to suffer from psychological stress and its consequences (Heekin, 2015). Other research on solo practitioners echo these statements. For instance, Schonfeld and Mazzola (2015) conducted a qualitative study on self-employed individuals and found that stressors for solo practitioners included financial uncertainty, high workloads, and reputation of themselves and their business. Consistent with the previous literature, self-employed individuals exhibit greater stress and worry around their job (Schonfeld & Mazzola, 2015). Moreover, research by Leignel, Schuster, Hoertel, Poulain, and Limosin (2014) have found that half of their sample of self-employed lawyers and pharmacists reported issues with their mental health; the level of mental health issues and amount of drinking was significantly more for the lawyer group.

Risk factors for this lawyer psychological distress includes being widowed/divorced, female, a smoker, or taking anti-anxiety medications (Leignel et al., 2014). Teichmann et al. (2015) also found that female lawyers experience stress more than male lawyers. These gender differences could potentially be attributed to the high expectations of women to continue working yet be the primary caregiver in the family, placing even more stress on female lawyers trying to balance their lives.

Burnout does not seem unique to the experience of lawyers in the legal profession; it also is observed amongst judges. In a research study on immigration judges, Lustig et al. (2008) discovered that judges suffered from significant rates of burnout, particularly in regards to

personal and work-related exhaustion (but, surprisingly, not client-related burnout). Further, in this study, female judges experienced burnout more than male judges, and all genders experienced burnout higher than other professions, such as prison wardens and doctors (Lustig et al., 2008). As concerns arose around judges' ability to effectively and fairly hear a case while experiencing burnout, the authors made numerous suggestions at a systemic level, such as increasing the number of judges, support staff, and networks, reducing caseloads, and increasing time frames to complete work (Lustig et al., 2008). Perhaps these suggestions would be generalizable and effective for lawyers as well.

Potential causes of lawyer burnout. Some research has suggested that the higher rates of burnout in lawyers could be attributable to the inherently taxing nature of their work and the lack of education and training on how to protect themselves from the negative impacts of the profession (Norton et al., 2016). Further, the authors of this research also propose that the adversarial nature of the legal system trickles down into the workplace, which leads to less cooperation and collaboration, aspects fundamental to being human and part of a community (Norton et al., 2016). In the same vein, Chan et al. (2014) found that Australian lawyers in their study consistently expressed concern over their employers not promoting healthy initiatives seriously enough.

Lawyer distress may also originate in law school as some studies suggest that law student psychological concerns are significantly higher in this population in comparison to the general population and medical students (Hall, 2009). Law schools have been criticized for not adequately preparing their students for the realistic and unfortunate impacts of the profession (James, 2008a). Hall (2009) has asserted that law students begin to struggle within their first couple years of law school, then consistently suffer throughout their academic and professional

careers. Similar to Norton et al. (2016), Hall (2009) suggests that this distress stems from “student workloads, the impersonal nature of legal education, the isolation of law students, and the emphasis on linear over creative thinking” (p. 3). In addition, the dreaded grade (“B”) curve (where assignment and exam grades are given based on a normal distribution of the class) also contributes to law students stress (Austin, 2015). Norton et al. (2016) speculate the training in law school encourages competition through the system of grading and learning with very high workloads. Perhaps this is the catalyst to the adversarial work environment and legal profession, as lawyers are trained to be competitive and independent from the moment they start school. But, we cannot fully blame law schools as they are merely preparing students not to get figuratively “eaten alive” by cutthroat lawyers in the profession.

Suggestions for improvement. To combat this, Heekin (2015) has suggested incorporating resilience training and positive psychology into legal education. Furthermore, as possessing the trait of emotional intelligence (particularly appraisal of one’s own emotions, understanding of others’ emotions, and overall emotional regulation) predicts burnout, Platsidou (2017) has suggested law schools support the development of emotional intelligence in junior lawyers. Platsidou (2017) argues for incorporating emotional intelligence into legal education because schools are the primary and initial sources of knowledge for students and influences their future practice. Even providing law students with the general skills needed to work in the competitive and adversarial workforce could potentially buffer the negative effects of working as a lawyer (Omari & Paull, 2014).

Huang (2017) states:

Indeed, many law professors often repeat a common refrain stating the purpose of law school is to teach law students how to think like lawyers. Interestingly, medical school

professors typically do not say the purpose of medical school is to teach medical students how to think like physicians...Instead, most professional school professors would most likely say the purpose of their professional school is to teach their students to be or become professionals...So in addition to helping law students learn to think like a lawyer, law professors also should help law students feel like a lawyer (p. 150).

This quote from Huang (2017) represents the restrictiveness of the legal industry in teaching lawyers real skills, such as empathy, active listening, and resilience and instead focusing legal education on the analytical and adversarial aspects of the profession. However, there is some validity to the argument that building individual skills, such as resilience, is not sufficient nor sustainable enough in comparison to making fundamental changes to the profession itself (Chan et al., 2014). But, with senior lawyers in the profession who have established the current culture, this may not prove to be as easy accomplishment.

There may also be cognitive dissonance at play with lawyers in their high job satisfaction and burnout levels, which may initiate in law school (Hall, 2009). For instance, Hall (2009) suggests that law students do not critically consider what they are taught because they work extremely hard and justification for disagreement would be uncomfortable. Therefore, any comparison to current versus previous learning may result in a disregard of the previous knowledge (Hall, 2009). Law students can also justify and rationalize the struggles of law school by arguing that everyone is experiencing the same thing and it is necessary (and expected) to survive those years of education (Hall, 2009). Perhaps these same processes occur when students become lawyers and justification is needed for similar struggles.

Further, Heekin (2015) proposed that lawyers should determine their individual strengths through an appropriate inventory, which can then be incorporated into their daily work. Further,

Heekin (2015) recommended having weekly lawyer meetings at the firm to discuss accomplishments, pro bono cases, challenges/mistakes (as a learning opportunity), and any gratitude the lawyer wishes to share. Heekin (2015) submitted that these ideas could increase resilience, reduce psychological stress, and bolster a sense of support amongst lawyers.

Similarly, researchers have suggested the following to reduce burnout: personal support networks, hobbies outside of work, time off, reasonable expectations of self, self-care, demonstrating value for employees' wellbeing, training in collaboration, resilience resources, and increasing connection and appreciation in the workplace for lawyers (Norton et al., 2016). The healing, anti-stress, anti-depressive, anti-drug benefits of exercise has also been emphasized by Austin (2015) who suggests healthy lifestyles can bolster wellness and cognitive function in lawyers. Norton et al. (2016) also emphasize the increasingly positive changes the legal industry is observing, such as encouragement for mediation and collaboration to solve problems.

While supports are available to lawyers (e.g., lawyer assistance programs), they implement a reactive rather than proactive approach (Heekin, 2015). The response to burnout typically occurs on an individual level, even though systemic influences (i.e., organizational factors) are usually more impactful (Maslach et al., 2001). Although the legal profession currently remains overall unchanged, a combination of reactive strategies (such as increasing well-being in work environments and addressing current burnout) and proactive strategies (such as implementing resiliency training and increasing cooperation in legal education) may be the most effective approach. Thus, the next section will discuss wellbeing/quality of life in general and applied to lawyers, as this is an important piece of the puzzle to ensuring happiness of lawyers.

Wellbeing / Quality of Life

Wellbeing refers to the “state of being happy, healthy, or prosperous” (Anzalone, 2018, p. 44). Wellbeing has also been described as the “satisfaction with one’s work. Feelings of well-being and happiness have also been explained as engagement with one’s work to the point of achieving a state of flow” (Anzalone, 2018, p. 45). Thus, it appears that job satisfaction is deeply connected to individuals’ wellbeing. Although wellbeing and burnout are inevitably intertwined, an attempt to discuss the subject matter of wellbeing independently will be made.

As the two variables do not always correlate with one another, quality of life can be divided into subjective and objective wellbeing (Hagerty et al., 2001). For instance, one may have high objective wellbeing (e.g., have a high income and live in a safe, upper-class neighbourhood) but have low subjective wellbeing (e.g., be dissatisfied in their relationships; Hagerty et al., 2001). On the contrary, one with high subjective well-being (e.g., have positive, supportive and/or healthy relationships) may live in poverty and have poor health, therefore have lower objective wellbeing (Hagerty et al., 2001). This notion is demonstrated by the fact that well-being and income are not strongly correlated with one another (Diener & Biswas-Diener, 2002).

Subjective wellbeing was first investigated in a well-known study by Brickman, Coates, and Janoff-Bulman (1978). These authors compared recent paraplegic and lottery winners in their life satisfaction, which was vastly different right after the positive/negative event occurred. However, these groups were very similar in terms of life satisfaction one year later, illustrating the resilience and adaptation of people regardless of their circumstances.

The important thing to note is that wellbeing consists of the perception of disparity between one’s reality and preferred experience, which invokes a psychological response

(McAlinden & Oei, 2006). This disparity is studied in experimental psychology with constructs including self-esteem (McAlinden & Oei, 2006) and utilized to enhance client's lives through therapy (Frisch, 2013). Quality of life is also considered an integral variable to determine whether clinically significant changes have occurred in counselling clients and is often synonymous with life satisfaction (Frisch et al., 2005). Quality of life measures may also predict psychological and physical health, including addiction or problems in relationships (Frisch et al., 2005).

In Western countries, working long hours is related to work-family pressures while this is not necessarily the case in Eastern countries and South America (Spector et al., 2004). Spector et al. (2004) have speculated that this may be because those in Western countries have steadier and higher income than other countries, therefore working long hours is not felt to be necessary and creates guilt when folks choose to work over being with their family. In this research, work-family pressure was highly associated with wellbeing, particularly mental wellbeing (Spector et al., 2004). Spector et al. (2004) also found that women in China report lower wellbeing than women in Western countries and South America.

Spector et al. (2004) also discovered that for Western workers, marriage and strain have no significant relationship, but South American and Chinese workers actually experience less strain when they are married. Further, the researchers discovered that having children in Western society was associated with lower stress, but in South America and China, having children was the opposite. Based on these results, Spector et al. (2004) suggest that attention should not just be focused on job satisfaction but to factors outside of work.

Similar to the impact of job demands and resources have on burnout as discussed above, these constructs also impact wellbeing (Valcour, 2007). Specifically, work hours can have

significant negative impacts on work-family balance satisfaction, but these impacts are moderated by lack of perceived control over these work hours (Valcour, 2007). As lawyers are the focus of this thesis and often experience this lack of control over work hours (Campbell & Charlesworth, 2012) in addition to many of the other issues listed above, the next section will be specifically dedicated to wellbeing in lawyers.

Wellbeing in lawyers. The issue of how to increase quality of life without sacrificing income and profit in lawyers has been a topic of discussion and debate for countless years (e.g., Goldberg, 1989). Billing hours, and not the actual legal work required in the industry, have been blamed for reducing well-being in lawyers and even possibly reducing the connection to family and community (Bergin & Jimmieson, 2014). One theory that has been proposed is that the impact on lawyer well-being is not the nature of the work nor how much the lawyer works, but how they account for these hours (i.e., billable hours; Kaveny, 2001). Further, these billable hours “presupposes a distorted and harmful account of the meaning and purpose of a lawyers’ life, which, after all, is lived in and through time” (Kaveny, 2001, p. 175).

Factors influencing lawyer wellbeing. Seligman, Verkuil, and Kang (2002) propose three psychological explanations for unhappiness amongst lawyers. The first is pessimism, which refers to the tendency to view negative occurrences in permanent, internal, and constant manners (Seligman et al., 2002). In contrast to other professions, individuals with the pessimism trait actually tend to succeed in law, thus the authors redefine this attribute as “prudence” (Seligman et al., 2002). However, this success in law does not necessarily translate to well-being or happiness in life and may contribute to difficulties in lawyers’ personal lives or their worldviews (Seligman et al., 2002).

The second explanation is referred to as “low decision latitude” (Seligman et al., 2002). Similar to Campbell and Charlesworth’s (2012) “autonomy paradox,” where lawyers believe that they have control over their hours and when/how they accomplish tasks but are constantly under pressure to work and produce more, low decision latitude refers to the amount of agency or control an individual perceives they possess (Seligman et al., 2002). Seligman et al. (2002) suggest that lawyers do not have high decision latitude over their work or hours. Thus, individuals who experience low decision latitude along with high job demands (i.e., lawyers) are at higher risk for health issues and lower happiness/well-being (Seligman et al., 2002). The authors therefore suggest teaching lawyers about how to think more flexibly and optimistically and providing them with more agency in decision making.

The third is the “zero-sum game nature of the job.” Seligman et al. (2002) are referring to the competitive nature of the job and the subsequent “winners” and “losers” of cases. This zero-sum quality of law can be demoralizing and associated with negative emotions of anger, sadness, and anxiety, as the zero-sum game is the opposite of cooperation and focusing on the social good of the legal system (Seligman et al., 2002). To highlight the unnecessary quality of the zero-sum game in law, Seligman et al. (2002) asks, “what does zealous representation add to competent representation?” (p. 62). Although mediation is strongly encouraged over litigation for clients due to time and expense, litigation still is a large part of the legal system and, by nature, highly and inherently adversarial.

Almost a third of lawyers surveyed in 1988 indicated that they have considered switching careers, and an additional third reported that given the opportunity, they would not go through the process of becoming a lawyer again (Derocher, 2005). In another experiment, 85% of lawyers in a longitudinal study had switched jobs minimum one time within 17 years (Monahan

& Swanson, 2009). Moreover, 25% of their sample were no longer working as lawyers (Monahan & Swanson, 2009).

As mentioned in the previous section, lawyers and law students often suffer from depression, anxiety, and substance misuse/abuse (Anzalone, 2018). Lawyers have reported that their substance misuse initiated during law school (Anzalone, 2018) and they often self-medicate to reduce their depression and anxiety (Austin, 2015). Law students are taught to drink with other lawyers at events, sometimes initiating substance misuse or self-medication (Austin, 2015). Clearly some changes need to be made in the legal industry, starting with law schools and their expectations of students.

As also discussed in the previous section, legal education has been under criticism in recent years around how students are taught (Anzalone, 2018). Although students are still subjected to the Socratic method, as seen in the movies *The Paper Chase* or *Legally Blonde*, at Canadian law schools, professors have been moving away from this technique of teaching (Anzalone, 2018). Further, difficulty for students may stem from the adversarial and competitive nature of the program and industry (Anzalone, 2018). In particular, grades and finding employment are especially difficult when students originate from an environment or preference for collaboration and teamwork (Anzalone, 2018). It can be speculated that some students from cultures outside the Western individualistic culture may struggle with this milieu of constant conflict and competition.

In an Australian research study on law student stress, Bergin and Pakenham (2015) found higher levels of depression and anxiety and lower levels of life satisfaction in students who were socially isolated or did not have a great study/life balance. Adjustment was predicted by social isolation and lack of social connectedness, illustrating the significance of social support

in stressful environments (Bergin & Pakenham, 2015). However, the majority of participants expressed distress in connection with their academic demands (Bergin & Pakenham, 2015). Law students demonstrated lower life satisfaction than the average Australian, but students felt satisfied with their purpose in life and growth and dissatisfied with self-acceptance and mastery (Bergin & Pakenham, 2015). Perhaps these results reflect the defeating nature of the law school environment.

The American Bar Association identified the following issues that reduce lawyer quality of life: lack of communication within the firm around expectations, management, and allowing expression of lawyer needs; unequal opportunities and environments for marginalized groups; an emphasis on sacrifice rather than dedication; pay based on quantity over quality; and inability to delegate effectively (Alfini & Van Vooren, 1995). Some of these issues can be easily addressed, yet it seems that many firms ignore these problems, as these are common complaints in other research studies (e.g., Omari & Paull, 2014; Teichmann et al., 2014).

Law students tend to start their career at larger firms, but about half leave for another workplace; the half that remain at the large firms have lower life and job satisfaction than the average lawyer (Monahan & Swanson, 2009). As a result of these issues, many years later, lawyers are still choosing to leave large firms in the cities (such as New York) and move to smaller firms which offer shorter commutes and working days (Mancini, 2003, October 3). Partners at firms can recognize that a lawyer's wellbeing is low if they observe irritability, isolation, impatience, mood swings, activity changes, increased substance use, and worthlessness (Vann, 2018 as cited in Anzalone, 2018). Partners should then act appropriately if they want to keep that lawyer.

The expectation for lawyers is to keep their personal and professional lives separate; however this is near impossible to do considering the values, biases, and experiences that filter through an individual, particularly when representing a client that is contrary to what the lawyer believes in (Cherminsky, 1980). Further, dichotomizing a lawyer's life could lead to difficulties in mental health (Cherminsky, 1980). This has also been highlighted in research, where separating expression of emotions with actual felt emotion can lead to burnout (Zapf et al., 2001). Presumably, this would be especially challenging for certain lawyers, such as criminal law lawyers, who are expected to represent some of the most complex clients with an unbiased, unemotional stance.

Not surprisingly, separating the personal and professional can also be particularly difficult for female lawyers who choose to have families, as firms are not always so accommodating with billing targets and flexibility of schedules (Derocher, 2005; Rhode, 2002). This inflexibility and pressure on women inevitably results in reduced quality of life and satisfaction with personal/family relationships (Rhode, 2002; Monahan & Swanson, 2009). This demand also decreases the likelihood of a part-time female lawyer with a family to make partner or be as respected as her male counterparts (Rhode, 2002). Not to mention the persistent issue that female lawyers consistently make less than male lawyers (Monahan & Swanson, 2009).

Another factor that can influence wellbeing in lawyers is age. Millennial professionals value a work-life balance and seem to be more likely open an independent practice due to this preference (Heekin, 2015; Derocher, 2005). However, as lawyers enter the profession, they promise themselves they will be unlike their predecessors and work fewer hours, however with student loan debt and increasing firm and client demands makes this close to impossible for some (Derocher, 2005). This had led to many lawyers deciding to switch careers due to the

unwillingness of the profession to offer them this much needed flexibility (Derocher, 2005). One of the major issues is that there is a lack of young lawyers in positions where they can make these types of decisions and changes within the profession (Derocher, 2005).

Job satisfaction. Despite the adversity and stress lawyers experience, they are often still very satisfied with their work, which can potentially be attributed to justification or denial of their difficulties (Dinovitzer & Garth, 2007; Fortney, 2000). Either way, this is good news, as lawyers' satisfaction with their work has been linked in a positively correlated manner to their wellbeing (Daicoff, 2008). Lawyer satisfaction is also linked to income; higher income earners are typically more satisfied with their job than lower income earners (Fortney, 2000). However, there has been some suggestion that lawyers who work in public settings such as government, are more satisfied than those in private practice, indicating that income is not necessarily the key to satisfaction (Dinovitzer & Garth, 2007).

Satisfaction is a result of lawyers' backgrounds and expectations of their career, stemming from the law school which they attended (Dinovitzer & Garth, 2007). However, lawyers' *alma mater* is inevitably connected to their social class (particularly in the United States), which then impacts job satisfaction (Dinovitzer & Garth, 2007). For instance, Dinovitzer and Garth (2007) discovered that lawyers who attended top tier schools were the most dissatisfied in their jobs and most likely to seek new employment. Top law schools tended to value prestige, while lower tier schools valued client services and the accomplishment of becoming a lawyer (Dinovitzer & Garth, 2007). Thus, Dinovitzer and Garth (2007) found that the satisfaction might not solely be a result of the law school one graduates from, but the subsequent workplace they end up in, which is likely in the corporate realm for the top tier schools, working long, unrewarding hours.

Although lawyers may have high job satisfaction, personal/life satisfaction is in a different realm. Work requirements have also been associated with reduced physical health, increased stress, and less time for friends/family (Fortney, 2000; Kaveny, 2001). Some lawyers will even feel the need to sacrifice their personal lives if it results in partnership at their firm (Fortney, 2000). This sacrifice has resulted in high divorce rates amongst lawyers (Alfini & Van Vooren, 1995). However, it should be noted that many lawyers are highly satisfied with their personal lives (Monahan & Swanson, 2009).

It is possible, as discussed above, that some lawyers engage in cognitive dissonance to make sense of their commitment to an industry that can be exhausting and overwhelming (Hall, 2009). One type of cognitive dissonance, called counter attitudinal advocacy, has been reported in lawyers and is highlighted by lawyer beliefs and attitude changes through the act of persuasion towards others (Chemerinsky, 1980).

Some researchers have argued that this cognitive dissonance is an obstacle to law student wellbeing because it results in the justification and rationalization of the difficulties students face while in school (Hall, 2009). As a result, Hall (2009) suggests validating students in what they are experiencing, especially in regards to attempting to navigate and balance their previous beliefs and what they are currently being taught.

However, this cognitive dissonance would potentially conflict with Fortney's (2000) findings; instead, one would find that lower income earners require more justification for their dissonance and thus should have higher job satisfaction. But, regardless of dissonance theory, it seems fairly reasonable that lower income earners, if they are working as hard as the higher income earners and not receiving the benefits of doing so, would be less satisfied. The question

is, why are some lawyers more dissatisfied than other professionals working the same amount of hours? (Kaveny, 2001).

Suggestions to increase lawyer wellbeing. To increase wellbeing in lawyers, stress relievers such as exercise, can only help so much; instead, change should be instituted on a systems level by firm partners (Alfini & Van Vooren, 1995). For instance, Alfini and Van Vooren (1995) suggested that law firms should emphasize the work-life balance of lawyers, however recognized this may not always be feasible due to the potential lowered income that would result from this shift. Therefore, these authors instead emphasized the importance of regulating bodies and educational institutions in implementing this change. Ensuring lawyer wellbeing would also reduce the likelihood of unethical or illegal practice within firms and increase quality of output (Alfini & Van Vooren, 1995). Thus, well-being should be monitored and enforced by committees, taught in law schools, and developed by policy makers in bar associations (Rhode, 2002; Menkel-Meadow, 1994).

To further build well-being into the legal profession's culture, Menkel-Meadow (1994) suggested incorporating cultural awareness programs; implementing policy that is firm against discrimination of clients; providing junior lawyers with mentors from the same gender or culture; increasing generalization of practice to diversify and widen the lawyer's outlook on problems; establishing policy around mandatory training, conferences and/or workshops; reducing work hours; allowing "lawyer substitution" so lawyers can continue each other's work when needed; shifting partners' outlooks of lawyers as long term investments by ensuring their health and wellbeing is a priority; increasing flexibility on how lawyers spend their time including allowing more time outside the office for pro bono work and family/leisure time; potentially unionize; implementing different types of billing practices; and de-centralizing the law firm by eliminating

partnerships. Although some of these practices seem excellent on paper, actually developing and enforcing policy is another obstacle to overcome, particularly when big money is involved.

Lawyer assistance programs are also available as a resource for lawyers who need confidential services to discuss any of their difficulties, including mental health and substance misuse (Vann, 2018, as cited in Anzalone, 2018). These programs recognize the wide array of lawyer struggles and are not limited to any specific concerns (Derocher, 2005). Further, lawyers who choose to utilize one of these programs are often connected to a more senior lawyer (Derocher, 2005). Although these are not necessarily mental health professionals answering their call, in some places, like California, lawyers are able to access a therapist for three free sessions (Derocher, 2005).

Stress management and tools to increase wellbeing should be implemented in law schools (Bergin & Pakenham, 2015). Some authors suggest incorporating mindfulness training in legal education to provide students with the skills of focusing and working effectively while increasing physical health (Lewinbuk, 2015). Mindfulness could be the path to increase students' worth, "giving them permission to seek happiness and balance in their lives, even while studying the law" (Brostoff, 2017, p. 170).

Mindfulness is also suggested to reduce lethargy, stress, and increase relationships with clients through increased empathy and ability to problem solve creatively (Lewinbuk, 2015). However, more research is needed, particularly in regard to whether mindfulness can have the same impact on lawyers as it can with the general population (Huang, 2017). Some uncertainty exists due to the analytical, logical, and critical tendencies of lawyers, but some literature still suggests the legal industry adopt these practices (Huang, 2017). It should be noted that in the

past, certain professors at the University of Calgary Faculty of Law instructed yoga over the lunch hour.

In addition, law schools should:

Recognize the significance of emotions in legal education and training, to inform students of the risks of legal practice and to ensure curricula include exposure to integrated, supervised and reflective clinical practice. That would help many students begin to develop the self-awareness, interpersonal skills, confidence, and integrity they need to endure as legal professionals, who in turn might initiate the next step in reforming the profession (James, 2008b, p. 97).

It has also been suggested that the law library and librarians may be the key to ensuring law student well-being by providing resources and information on well-being, allowing meditation and yoga practice in free space, have fun and free events for students, schedule visits from therapy dogs, or simply provide a listening ear or empathy to those who need it (Anzalone, 2018). The need for connectedness is clearly important in regard to law student well-being, therefore this should be emphasized, along with resilience training and offering other strategies to support developing lawyers (Bergin & Pakenham, 2015). Moreover, Hall (2009) also argues for law schools to be open to discussing how law students can cope with anxiety, depression, and competition in the industry and school while encouraging students to better understand the impact of these environments on their wellbeing.

Generally, positive psychology should be incorporated more into the legal system and its agents (Seligman et al., 2002). This includes increased civility amongst lawyers and increasing cooperation (Seligman et al., 2002). Although some of these changes discussed above would not

lead to a perfect profession, it has the potential to make the lives of those in it exponentially better.

Conclusion

Although many strategies are provided in the scientific literature on how to increase wellbeing and decrease burnout, these suggestions are not always being implemented in lawyers' workplaces. Therefore, this study intends to demonstrate the level of burnout and wellbeing of lawyers as a basis for advocating for these strategies to be incorporated into workplaces. Exploration into what causes burnout and lowered subjective wellbeing in lawyers provides understanding and incentive to implement direct changes to the causes.

Chapter 3: Methodology

Participants

Eligibility criteria. Only current members of the Law Society of Alberta, including students-at-law (articling students) were eligible to participate. It was important that lawyers were practicing in Alberta to ensure consistency of billing practices in comparison to the diversity of other provinces. As lawyers are self-regulated under provincial bodies, provinces may contain different policies and procedures around lawyer wellness and billing practices.

Lawyers could be of any age, practice, or gender. This eligibility requirement was established so the data retrieved would be an accurate representation of Calgary lawyers' current functioning. Lawyers who were disbarred, retired, or on leave may have different perspectives that could potentially skew the data. However, these groups of lawyers should be studied in the future to determine whether there are any differences between them and currently employed/working lawyers. Judges were also ineligible to participate; again, although their perspectives on well-being and burn out would be important to take into consideration, they do not utilize billing practices while on the bench.

It was expected about 100 lawyers, 50 females and 50 males would participate. With the survey reaching a large population of lawyers in Alberta, a 25% return rate was reasonable and expected. A larger sample size was preferred to increase statistical power and greater generalizability to Alberta lawyers. A power analysis was conducted using the statistical software G*Power for both the MANOVA and ANOVA using a two tailed test, medium effect sizes, and .80 power. This analysis revealed the required sample size for the ANOVA was 170 participants and 80 for the MANOVA. However, only 79 lawyers total participated in the study. Limitations regarding sample size will be discussed later in this section.

Recruitment. Participants were recruited in a number of ways. First, information with a link to the survey was posted on two social media (Facebook) pages geared to lawyers. These social media pages were previously student run, private groups that were developed for the Faculty of Law graduating classes of 2016 and 2017. There were over 250 members for each of the groups (with some overlap of members being part of both groups), and the researcher was not able to determine who had viewed the post or clicked on the link on the recruitment poster.

Second, participants were recruited via email. Some participants were former colleagues or current friends of the researcher that were lawyers. Again, the researcher was not able to determine whether the potential participants that were contacted participated in the study. A snowballing sample strategy was also used in email recruitment, asking participants, if they felt comfortable, to distribute to lawyers within their own firms or to lawyers at other firms that may be interested. Emails were also circulated to lawyers at numerous firms in Calgary, Edmonton, and surrounding areas. These firms consisted of single specializations (e.g., criminal law) and firms with multiple specializations such as wills and estates, civil litigation, real estate, and business law.

Third, the Canadian Bar Association (CBA) – Alberta Chapter also included a blurb and a link to the survey in their monthly newsletter, which was circulated to lawyers via email. Lawyers who had received the email would have been subscribed to the CBA – Alberta Chapter newsletters, and it is undetermined how many lawyers this was sent to. It is important to note the difference between the CBA and Alberta Law Society, who could not distribute the survey: the CBA is a voluntary association while the Alberta Law Society is a regulatory body.

Measures

Participants were asked to complete three separate questionnaires in relation to this thesis: Demographic Information, Job Satisfaction, and Billing Practices Questionnaire; the Copenhagen Burnout Inventory; and the Personal Wellbeing Index. Participants also completed an additional survey on vicarious trauma, however the results are not reported here as the data was collected primarily for another research project. It was expected it would take participants thirty minutes to complete all four questionnaires. However, halfway through data collection, a modification was submitted to ethics and subsequently approved to change recruitment documents as participants took on average less than ten minutes to complete the survey.

Demographic Information, Job Satisfaction, and Billing Practices Questionnaire. The Demographic Information, Job Satisfaction and Billing Practices Questionnaire was adapted from a survey developed by Susan Saab Fortney (2000) for research on billing practices in the United States. In this survey, participants were asked to provide basic demographic information, such as age, gender, description of workplace, job position, length of time practicing law, and primary area of practice.

Lawyers were also asked about their firm/workplace's billing practices, such as "what type of billing practice does your workplace utilize?" and "does your workplace have a monthly or annual billing target?" Participants were then able to elaborate on what their targets are, how much they had billed in the last month, and whether they had any concerns around their workplace's billing practices. The purpose of understanding concerns around their workplace's billing practices was to potentially connect this variable to job satisfaction, and to provide a holistic view of lawyer experience of billing clients.

For this questionnaire, participants were also asked their job satisfaction, any interest in finding new employment or what they would change about their current job. These questions were qualitative and created to enable participants to elaborate and explain their job satisfaction or other experiences in the “any final comments” box.

Copenhagen Burnout Inventory. To measure level of burnout, the Copenhagen Burnout Inventory (CBI; Kristensen, Borritz, Villadsen, & Christensen, 2005) was used. The CBI is a 19-item questionnaire that measures three components of burnout: personal, work, and client-related burnout. The focus of the CBI is to measure level of exhaustion in these three different components (Kristensen et al., 2005). Kristensen et al. (2005) define personal burnout as, “...the degree of physical and psychological fatigue and exhaustion experienced by the person”; work-related burnout as, “the degree of physical and psychological fatigue and exhaustion that is perceived by the person as related to his/her work”; and client related burnout as, “the degree of physical and psychological fatigue and exhaustion that is perceived by the person as related to his/her work with clients” (p. 197).

In the CBI, participants are to rate their responses to questions, such as “how often are you emotionally exhausted?” (personal burnout), “does your work frustrate you?” (work-related burnout) and “are you tired of working with clients?” (client-related burnout), on a five-point Likert scale from “never or almost never to a very low degree” to “always or to a very high degree” (Kristensen, et al., 2005). The personal burnout domain consists of six questions, the work-related burnout domain has seven, and the client-related burnout domain has six.

In terms of reliability and validity, it has been established that the CBI consists of high internal reliability (Cronbach’s alpha of .85-.87), face validity, convergent validity, divergent validity, concurrent validity, and predictive validity (Kristensen et al., 2005; Lustig et al., 2008).

Similarly, other research suggests Cronbach's alpha is between .73 and .93 (Winwood & Winefield, 2004).

The CBI was used as opposed to the better-known and more widely used Maslach's Burnout Inventory (MBI; Maslach, Jackson, & Leiter, 1996) for a number of reasons, many the same as Kristensen et al.'s (2005) arguments for developing a new inventory in the first place. The first reason was technical; the MBI has been criticized for a number of reasons, including "mix[ing] individual state, coping strategy, and effect of burnout syndrome", using the example of depersonalization in Maslach's model (Samarasekara et al., 2015, p. 15; Kristensen et al., 2005). Kristensen et al. (2005) have also argued that the MBI is restricted to human services jobs, where professionals are in direct contact with clients. This would make the MBI irrelevant to the present study, as many lawyers (e.g., corporate) do not work directly (face to face) with clients but spend the most time in their offices drafting affidavits, contracts, and other orders. The CBI does include client-related burnout, however this does not require direct contact.

Further, the MBI measures the three dimensions of burnout: depersonalization, emotional exhaustion, and reduced personal accomplishment; however, factor analysis has established that these domains should not be combined and are distinct from one another (Kristensen, et al., 2005). Therefore, as a result, scores are indicative of three, separate measures, instead of one total score, which the CBI provides (Kristensen et al., 2005). Further, the CBI consists of three types or causes of burnout that can translate into overall level of burnout (Kristensen et al, 2005). Generally, researchers have found the CBI more straightforward in measuring burnout than the MBI (Tsai et al., 2009) and have highlighted the importance of including stressors related to clients when considering burnout in general (Zapf et al., 2001).

In addition, there has been some research indicating some psychometric problems and issues with participant reactions. For instance, research has demonstrated that participants criticize some of the questions, feeling the MBI is too Americanized in terms of focusing too much on accomplishment (Kristensen et al., 2005). Kristensen et al. (2005) also found that the depersonalization domain elicited negative emotions from participants. Thus, research comparing the CBI and MBI have questioned the necessity of the MBI's subscales of depersonalization and personal accomplishment (Winwood & Winefield, 2004). In regard to psychometric properties, Winwood and Winefield (2004) discovered that MBI subscales demonstrated lower alpha values in comparison to the CBI, while other psychometric properties were quite similar.

The second main reason for using the CBI over the MBI was more practical; the CBI was available for public use while the MBI required purchasing a license and was not in the public domain. The creators of the CBI considered this issue with the MBI as one of the reason for developing a new inventory; their inventory was developed using public money therefore they were required to make their questionnaire available (Kristensen et al., 2005).

Kristensen et al.'s (2005) critiques of the MBI and its measurement of burnout itself has also been criticized by supporters and contributors of the MBI, Schaufeli and Taris (2005). Although Schaufeli and Taris (2005) agreed that the MBI can elicit negative emotions in participants and the questionnaire is not publicly available, they disagreed that measurement of burnout should only consist of one overall score and that their definition of burnout is unclear. However, in Schaufeli and Taris's (2005) rebuttal to Kristensen and colleagues (2005) work, Schaufeli and Taris (2005) state

...We do not believe that the results of studies on work stress using the CBI would differ strongly from studies in which the MBI – or any other burnout measure – is used, at least as far as exhaustion is concerned; in that sense, we are certainly looking forward to new work by Kristensen and his colleagues using their CBI. (p. 261)

Therefore, Schaufeli and Taris's (2005) main critique of the CBI is its equating burnout to exhaustion, rather than their definition of burnout, which relates to work-related withdrawal and fatigue. However, as discussed in Chapter 2, burnout can be defined in different ways but the main symptom revolves around exhaustion (Pines & Aronson, 1988; Shirom, 1989) and even according to Maslach et al. (2001), exhaustion is the core symptom of burnout, leading to depersonalization and reduced personal accomplishment. Thus, centering a burnout inventory around exhaustion does not seem as problematic as Schaufeli and Taris (2005) report.

Personal Wellbeing Index. To measure quality of life, participants were also asked to answer questions from the Personal Wellbeing Index (PWI; International Wellbeing Group, 2013). The PWI was created in response to a lack of instruments to measure quality of life in the general population (as opposed to subsets with medical conditions, disabilities, or other health concerns) and inability for other measures to distinguish the subjective and objective components to quality of life (PWI; International Wellbeing Group, 2013). The PWI, therefore, measures the subjective component of quality of life (subjective well-being; International Wellbeing Group, 2013).

The PWI was selected as an instrument as it was believed subjective wellbeing was the more significant component to understanding quality of life in lawyers as opposed to the objective dimension. This was because the objective component of quality of life is comprised of variables such as health, standard of living, income (Hagerty et al., 2001) and on a wider scale,

gross domestic product (GDP) and gross national product (GNP; Cummins, Eckersley, Pallant, Van Vugt, & Misajon, 2003). It can be assumed that Alberta lawyers already have an objectively high quality of life, living in a developed country with livable income. Further, previous research has suggested measuring strain in the context of personal and social relationships for the legal community, especially since lawyers typically express high job satisfaction (Bergin & Jimmieson, 2014).

It is worth mentioning that mediating variables might bridge the gap between subjective and objective quality of life. For example, the PWI Manual suggests that locus of control might be responsible for an individual with medical issues (objective quality of life) having a high satisfaction with their health (subjective quality of life); therefore, each domain in the PWI consists of indicator variables as opposed to causal variables (International Wellbeing Group, 2013).

The PWI consists of seven items; each item relates to a domain related to quality of life, including health, achieving in life, community-connectedness, future security, standard of living, and safety (International Wellbeing Group, 2013). These questions ask, “how satisfied are you with...[your standard of living, your health, what you are achieving in life, your personal relationships, how safe you feel, feeling part of your community, your future security]?”. Each question allows the participant to rate their satisfaction on an 11-point Likert scale from 0 (no satisfaction at all) to 10 (completely satisfied).

An additional global satisfaction question may be included in the PWI (“thinking about your own life and personal circumstances, how satisfied are you with your life as a whole?”) and is the theoretical basis for the seven quality of life domains, meaning when regressed against this this global satisfaction question, each domain provides unique variance (International Wellbeing

Group, 2013). Similar to the seven domain items, this question prompts a response for an 11-point Likert scale from 0 (no satisfaction at all) to 10 (completely satisfied) and should be asked prior to the seven domain questions to reduce response effects (International Wellbeing Group, 2013). This item was included in the PWI to understand respondent's global life satisfaction, then compare to their overall score from the seven domains, which do not specifically include work or career satisfaction. Although job satisfaction was queried in the demographics survey, a discrepancy between overall life satisfaction and the score for the seven domains might be an indicator of reduced or increased satisfaction in another area of the participants' lives.

It should also be noted that the PWI also allows an option for an additional question, "how satisfied are you with your spirituality or religion", however it was decided to omit this question as not everyone places high importance on spirituality or religion. Further a test on construct validity demonstrated this domain did not add any unique variance in Australia, but did in one South American country (Columbia; International Wellbeing Group, 2013).

The PWI has respectable psychometric properties. First, the seven domains explain between 40-60 percent of the unique and shared variance of the global satisfaction question (International Wellbeing Group, 2013). Although the safety domain is questionable in terms of contributing to variance, research in certain countries outside of Australia have suggested it does in fact contribute, therefore it has been kept as a domain in the questionnaire (International Wellbeing Group, 2013). However, lower levels of personal wellbeing may be observed cross-culturally potentially due to cultural differences in expectations and understanding of wellbeing (Lau, Cummins, & McPherson, 2005).

Moreover, The PWI appears to have robust convergent validity (a .78 correlation with another quality of life survey, the Satisfaction with Life Scale), reliability (Cronbach's alpha is

between .70 and .85), and sensitivity (International Wellbeing Group, 2013). Test-retest reliability is 0.84 and item-total correlations are equal to or greater than .50 (International Wellbeing Group, 2013).

Data Collection

Participants recruited via email and social media were provided a link to the online survey, hosted on the platform Qualtrics. The survey was active on February 12, 2019 and subsequently terminated on April 8, 2019. Participants had the option to skip any questions that were not applicable to the participant or questions the participant preferred not to answer (with the exception of consent). Participants who answered that they were not members of the Law Society of Alberta were directed to the end of the survey and thanked for their participation.

Social media recruitment and online survey data collection are frequently used in psychological research and reduce previous problems of data entry error, excessive time needed, and high cost/manpower of non-online research (King, O'Rourke, & DeLongis, 2014). According to King et al. (2014), online research has many benefits in addition to those listed above such as increasing reach to inaccessible participants, creating larger sample sizes, and being extremely efficient. King et al. (2014) suggested that online research and recruitment be used whenever possible, however there are limitations, including reduced generalizability.

Data Analysis

Descriptive statistics. Descriptive statistics, such as frequencies, were used to interpret demographic information. This included gender, age, workplace, type of law practiced, years of experience, job position, average hours worked per week, billing practices, and job satisfaction. For some descriptive statistics, the mean and standard deviation (e.g., for age and years practiced) were calculated to provide a better picture of the sample of lawyers who chose to

participate. The means and standard deviations of the CBI and PWI scores were also utilized for comparison of burnout rates and level of wellbeing across studies.

Quantitative analysis. The first step to any quantitative analysis is data cleaning and screening. Participant responses that were incomplete or partially incomplete were removed from the dataset. This decreased the original sample of 79 to a sample of 56.

To examine whether the level of billing targets had an impact on lawyer wellbeing and burnout, a one-way analysis of variance (ANOVA) was conducted. An ANOVA was also conducted to determine whether there was a difference between lawyers who had billing targets and lawyers with other billing practices (billable hour, contingency fee, fixed fee, no billing practice). ANOVA calculates the variance both between groups and within groups (Stevens, 2007). When the variance is vastly different across and within groups, it can be assumed these differences are not due to error and you can reject the null hypothesis (Tabachnick & Fidell, 2012). ANOVA is calculated using an *F* critical score, which is the ratio of variances depending on the degrees of freedom (Tabachnick & Fidell, 2012) ANOVAs can be used when there are more than two levels for the independent variable (billable targets) and when the dependent variable is continuous (burnout and wellbeing scores; Pelham, 2013).

Billing targets were divided into four groups (percentiles) as categorical variables based on distribution. As participants had the option of inputting their hours per year, hours per month, dollars per year, and dollars per month, these four options were divided into four quartiles. Hours per year were divided into 0-1325, 1326-1475, 1476-1787, and 1787+; hours per month were divided into 0-100, 101-117, 118-142, and 143+; dollars per year were dividing into 0-\$243,500, \$243,501-\$378,000, \$378,001-\$472,500, and \$472,501+; dollars per month were divided into 0-

\$26,437, \$26,438-\$33,250, \$33,251-\$35,000, and \$35,001+. Depending on the quartile, participants were assigned a number 1 through 4 for both the ANOVA and MANOVA.

To examine whether there were differences between work-related, personal, and client-related burnout, a multiple analysis of variance (MANOVA) was also conducted. MANOVA was also utilized to determine if there was a difference between types of billing practices (billable hour, contingency fee, fixed fee, no billing practice). MANOVA is similar to ANOVA, however MANOVA allows for more than one dependent variable (i.e., different types of burnout) and thus the examination for the differences between dependent variables, typically through post-hoc analyses (Tabachnick & Fidell, 2012).

All assumptions for ANOVA and MANOVA were met for this study (i.e., normally distributed data, equal variance, and independent observations; Stevens, 2007). A visual inspection of histograms was completed and the data appeared normal. PWI scores were slightly positively skewed as expected, however still within normal range. Q-Q plots also appeared normal. Skew of less than two was observed amongst all dependent variables. Box's test was not significant ($p = .59$), indicating homogeneity of co-variance. Levene's test based on means was not significant for any of the variables: burnout ($p = .24$), wellbeing ($p = .23$), client-related burnout ($p = .99$), work-related burnout ($p = .13$) and personal burnout ($p = .05$). Non-significant Levene statistics means the error variance of the dependent variable is equal across groups (homogeneity is met because variance is equal amongst groups). Personal burnout was approaching significance but still over .05.

Further, to create a general understanding of the relationship between variables commonly observed in the literature on lawyers, a correlation matrix was created. The

correlation matrix included the following variables: age, burnout, wellbeing, job satisfaction and level of billing targets.

Qualitative analysis. Thematic analysis was used to examine participants' qualitative responses to open ended questions on their job satisfaction, whether they were interested in finding new employment, what their preferred job was, what they would change (if anything) about their current job, and any other comments they wanted to share. The reason this variable was investigated in such depth was because previous quantitative research consistently suggests that lawyers have high job satisfaction despite reported high levels of burnout. Job satisfaction was a potential window of insight into these discrepancies and to better understand lawyer experience and burnout. Thus, the qualitative data was integrated to better understand lawyer experience in the workplace and to provide examples of aspects lawyers appreciated and disliked about their jobs. These examples were used to help interpret and enrich the quantitative data.

Braun and Clark (2006) provide a six-step approach to thematic analysis. The first step consists of familiarizing yourself with the data. This includes reading through the data at least once and taking notes. The second step is where the researcher generates initial codes. According to Braun and Clark (2006), initial codes are applied to data that stand out to the researcher. The third step is to search for themes based on the coding you conducted in the previous step. However, some codes may be formed into sub-themes within the overarching theme. Braun and Clark (2006) define a theme as capturing "something important about the data in relation to the research question, and represents some level of patterned response or meaning within the data set" (p. 82). As thematic analysis does not have the same rules as quantitative analysis, there are no specific rules for how often themes need to be observed to actually be considered a theme (Braun & Clark, 2006).

The fourth step in thematic analysis proposed by Braun and Clark (2006) is reviewing the themes you developed and refining them by re-examining the codes and the data overall. The fifth step is defining and naming themes, which consists of providing an analysis of each theme and the significance of these themes. This step also includes the inclusion of sub-themes. The final and sixth step is producing the report of your analysis (Braun & Clark, 2006).

To increase trustworthiness in qualitative research (i.e., credibility, transferability, confirmability, authenticity, coherence, sampling adequacy, ethical validation, substantive validation, and creativity, Hays and Singh (2011) suggest multiple strategies. As research was conducted online, member checking, field notes, prolonged engagement, persistent observation, simultaneous data collection/analysis, and negative case analysis were not possible (Hay & Singh, 2011). Further, as this study was completed by one researcher and was primarily quantitative, triangulation of investigators/peer debriefing was not completed (Hay & Singh, 2011).

As suggested by Hay and Singh (2011), some strategies to increase trustworthiness were completed: Triangulation of data sources was observed through the diversity of participants; triangulation of data methods was met through the mixed methodology of the study; thick description of process and findings was presented through detailed methods, results, and discussion sections; an audit trail was kept by storing the qualitative data online and the analysis in physical storage; and referential adequacy was met by comparing the results to previous literature.

Paradigm assumptions. According to Socholotiuk, Domene, and Trenholm (2016), there are four paradigms which define scientific inquiry: post-positivism, critical approaches, constructivism, and Indigenous approaches. The paradigm that guided my data collection was

primarily post-positivism (Socholotiuk, et al., 2016). Ontologically, I believe an objective reality exists and through scientific research, we become closer to understanding this reality.

Epistemologically, as described by Socholotiuk et al., 2016, I believe that research requires objectivity and distance between the participant and researcher, which was attempted in this study through online data collection and standardized methods (despite potential previous relationships between the participants and I; Socholotiuk et al., 2016). Axiologically, although I agree that the background, beliefs, and values of researchers have no role in the inquiry process, I believe it's impossible to fully remove the person behind researcher at all stages of the research process (Socholotiuk et al., 2016). My experience working in the legal industry and interest in the area guided my research questions and methodology (i.e., recruitment, measurement).

Further, my own biases could have influenced the interpretation of the qualitative data. However, utilizing quantitative methods, standardized questionnaires, and a six-step qualitative approach by Braun and Clark (2006) helped bolster my objectivity in the process.

Ethical Considerations

The Interagency Advisory Panel and Secretariat on Research Ethics (2008) has recognized the importance of the internet for data collection. This panel asserted that online research, such as the current study, still requires ethical review and must meet the same ethical requirements and possess the same procedures as non-online research, including confidentiality, consent, and protection of data.

Further, because the current research contained human participants, ethical review and approval was obtained for this study. The University of Calgary Conjoint Faculties Research Ethics Board approved the application to conduct this study and the supporting documents listed above (i.e., recruitment poster, letter of contact, informed consent, and questionnaires). Informed

consent stated that there was no anticipated risk (other than potential discomfort with questions on the vicarious trauma scale) nor direct benefits to participants.

As many of the participants were former colleagues or current friends of the researcher, it was made clear through recruitment materials and informed consent that it would be unbeknownst to the researcher whether the participant decided to take part in the study. Further, the researcher did not approach any of the potential participants who were former colleagues or current friends more than once to ensure there was not any pressure or undue influence to participate. This was also managed in data analysis by separating the qualitative and quantitative data and refraining from interpreting/viewing individual responses.

No identifying information was asked for by the researcher. Demographic information such as gender, age, and description of practice and workplace was only asked to be provided by participants. The lack of identifying information was important to ensure participants felt safe that their responses were kept anonymous and confidential especially if they feared repercussions of providing their honest opinion about their workplace's billing practices. Moreover, no individual/identifying data was to be published to further protect participants' confidentiality.

As the survey was hosted on an online platform, ethical review suggested the participants provide a 5-digit alphanumeric code in the event they wanted to withdraw from the study. Participants could then contact the researcher with their code to delete their data. Participants were able to exit the survey at any point if they wanted to withdraw their data, as incomplete data was set to delete at one week from the last time the participant was active on the survey.

Participants were also able to save their progress and continue at a later date. They also were provided the option to go back to previous questions or to restart the survey. If participants wanted to restart the questionnaires once they had submitted the survey in full, they were able to

do so by contacting the researcher with their 5-digit alphanumeric code and the researcher would provide them with a new link to the survey.

Chapter 4: Results

In this section, the results from the survey instruments (the Demographic Information, Job Satisfaction, and Billing Practices Questionnaire, The Copenhagen Burnout Inventory, and The Personal Wellbeing Index) will be provided. First, a discussion of demographic characteristics, then job satisfaction (both from the Demographic Information, Job Satisfaction, and Billing Practices Questionnaire) will be presented, followed by the results of lawyer billing practices (also from the Demographic Information, Job Satisfaction, and Billing Practices Questionnaire and used in the analysis for Research Questions 1 and 2). Then, the results from Research Questions 1 and 2 will be presented. Correlations of variables will also be provided.

Demographic Characteristics

Data for demographic characteristics was collected through the Demographic Information, Job Satisfaction, and Billing Practices Questionnaire (refer to Table 1). After participants were removed for incomplete and partial responses, a total of $N = 56$ participated in the study. Of these 56 participants, lawyers ranged from 26 to 71 years old ($M = 38$, $SD = 10.50$). There was a total of 37 females (66.1% of the sample) and 19 males (33.9%). No participants identified other than male or female.

Table 1.

Demographic Characteristics

Demographic	Frequency (%) or Mean (SD)
Age	38 (10.50)
Years Practiced	10.50 (10.43)
Gender	
Male	19 (33.9%)
Female	37 (66.1%)

Practice	
Family Law	20 (35.7%)
Civil Litigation	19 (33.9%)
Criminal Law	8 (14.3%)
Corporate	5 (8.9%)
Real Estate	3 (5.4%)
Environmental	1 (1.8%)
Other	6 (10.8%)
Workplace	
Small Firm	13 (23.2%)
Medium Firm	16 (28.6%)
Large Firm	12 (21.4%)
Government	7 (12.5%)
Sole Practitioner	4 (7.1%)
In-House	2 (3.6%)
Other	2 (3.6%)
Position	
Associate	30 (53.6%)
Partner	8 (14.3%)
Other	18 (32.1%)

Participants practiced in a wide range of areas, and were provided the option to select more than one area of primary practice. Twenty participants practiced in family law (35.7%), 19 in civil litigation (33.9%), eight in criminal law (14.3%), five in corporate (8.9%), three in real estate (5.4%), one in environmental (1.8%), and six classified their practice as something other than these areas. These other areas included administrative law, child law, child welfare, estates, and policy. No lawyers identified as working in international, human rights, or tax law.

Lawyers also specified whether they practiced in any further specialization, department, or unit. These included health law, employment law, construction law, energy, insolvency, insurance, intellectual property, public interest, personal injury, appeals/education/public policy, child representation, criminal driving prosecutions, professional discipline, prosecutions, summary conviction appeals, and animal abuse.

The majority of participants indicated that they worked at a medium-sized firm ($n = 16$; 28.6%), while the rest worked at a small-sized firm ($n = 13$; 23.2%), a large sized firm ($n = 12$; 21.4%), in government ($n = 7$; 12.5%), as a sole practitioner ($n = 4$; 7.1%), in-house ($n = 2$; 3.6%), or other ($n = 2$; 3.6%). The other two participants indicated that they worked at either a not-for-profit or a sole-practitioner in a cost sharing environment.

Further, the majority of participants (53.6%) stated that they were an associate of their respective firm or workplace ($n = 30$), while 14.3% indicated that they were a partner ($n = 8$). Eighteen lawyers (32.1%) reported that they were something other than an associate or partner; these included counsel, executive director, independent contractor, lawyer, government lawyer, owner, prosecutor, self-employed, senior counsel, sole practitioner, or staff lawyer. Years of experience also varied from less than one year to 48 years, including their articling year ($M = 10.50$, $SD = 10.43$).

Job Satisfaction

Data for job satisfaction was also collected through the Demographic Information, Job Satisfaction, and Billing Practices Questionnaire. When asked about job satisfaction on a five-point scale from “very dissatisfied” to “very satisfied” the majority of participants indicated that they were “somewhat satisfied” with their job (53.6%). The next greatest number of participants stated that they were “very satisfied” (28.6%), then with 7.1% reporting that they were “neutral,” 7.1% were somewhat dissatisfied, and 3.6% very dissatisfied.

Participants, therefore, mostly indicated that they were not interested in finding new employment (60.7%). However, 21.4% of participants reported that they were interested in finding new employment. Of participants, 14.3% indicated that they were unsure. Two participants (3.6%) selected “other” and elaborated that their interest in finding new employment

fluctuates or that they are not actively seeking a new job, but feel it's in their best interest to know what is available.

Qualitative analysis on seeking new employment. Participants also provided written responses indicating why they would or would not want to seek new employment, therefore a thematic analysis was conducted on these responses (Table 2). The main themes emerging from this data included the lawyer's perceived negative or positive work environment. Whether the participant was describing why they would seek new employment or why they would stay, the consistent themes across the data was related to their work environment.

There were also numerous subthemes emerging from the major theme of perceived positive/negative work environment. For the perceived positive work environment, these subthemes include mentorship/leadership (mentorship from superiors and support from colleagues), quality of work (meaningful, enjoyable, a good fit), quality of clients (positive relationships), salary (reasonable or acceptable pay), comfort (unlikely to find new employment due to age, non-transferable skills, feeling their workplace cannot get any better than their current one, stability, lack of desire for re-training), billing practices of the workplace (no pressure, reasonable billing practices and hours), and autonomy (participants appreciated the flexibility their firm allowed and how this resulted in a work-life balance). It should also be noted that a few participants expressed satisfaction with their workplace and indicated that they have not experienced burnout, however acknowledged that this is not usually the case for lawyers in general.

For perceived negative work environment, the same subthemes emerged, however were opposite to those who perceived a positive work environment and did not want to change jobs. Mentorship/leadership emerged as a theme, however it was in the context of lacking this vital

factor in addition to experiencing sexism, privilege, and injustice within their firm. Participants also reported that their work was boring or unrewarding. Further, working with clients made them feel underappreciated and sometimes stressed. These participants also indicated that they felt they were not compensated enough or their billing practice expectations were too high.

Under the theme of comfort, lawyers expressed how they did not feel comfortable at their firm; for instance, they felt there were little to no opportunities to advance or they preferred a new challenge. Some participants also listed that they were far away from their friends and family, thus having little support nearby. Finally, autonomy emerged as a theme as many participants felt like they were constantly under pressure by management to work or be available at all times to respond to clients or work on files. Some lawyers felt like they were too busy, had too many files, or just generally preferred to be the boss as opposed to an employee.

Table 2.

Themes Emerging From Participant Responses Regarding Why/Why Not They Would/Would Not Want to Seek New Employment

Theme	Subtheme	Summary/Key Points
Perceived positive work environment	Mentorship/leadership	Positive mentorship from superiors; support from colleagues; ability to volunteer
	Quality of work	Meaningful work; work is enjoyable; good fit for the lawyer
	Quality of clients	Positive relationships with the clients
	Salary	Reasonable/acceptable/well-paying position
	Comfort	Unlikely to find new employment; non-transferable

		skills; “can’t get any better”; stability; no retraining;
	Billing practices	No pressure; reasonable work/billing practices
	Autonomy	Flexibility; owned the firm; work-life balance
Perceived negative work environment	Mentorship/leadership	Lack of leadership; privilege; sexism; injustice
	Quality of work	Boring; unrewarding
	Quality of clients	Underappreciated; stressful
	Salary	Unreasonable pay
	Comfort	Inability to advance; lack of support system nearby; prefer new challenge
	Billing practices	Billable hour expectations too high
	Autonomy	Pressure; prefer to be owner; too busy; too many files; expected to be available at all times (lack of developing own schedule)

Lawyers appeared to have extremely different experiences within their workplace and in the legal industry. For instance, one participant stated in the additional comments section of the survey:

“I have found private practice extremely stressful, both in terms of the amount of work and the stress of the work. I am uncertain whether I will be able to work in private practice without it taking over my emotional energy and time.”

While another participant expressed:

“I love where I work. If I am down a few hours one month, I can make it up the next and it’s not a big deal. The lawyers I work with are wonderful and supportive and I cannot imagine a better place to work.”

Qualitative analysis on preferred jobs. Lawyers were also asked what their preferred job would be, if they had one. From thematic analysis, four major themes emerged with subsequent subthemes (Table 3). The first theme was to stay at their current job. The second theme was to stay at their current job, but with certain stipulations or preferred changes. These stipulations formed the subthemes, and included: less hours, better work environment, more teaching, less stress, higher pay, and without the business side of law. The third theme was to find a new job altogether. Examples of new jobs from this category included university professor, arbitrator, judge, not for profit, psychologist, “trophy wife,” “solution finder,” entrepreneur, partner, government, in-house counsel, remaining in the same area but in a different specialization, or a different area of law altogether.

Table 3.

Themes Emerging from Preferred Jobs of Lawyers

Theme	Subtheme	Summary
Stay at current job	N/A	Lawyers felt content with their current job position and were not planning on finding new work.
Stay at current job, but with stipulations	Less hours	Lawyers that fell under this theme expressed overall satisfaction with their job, however had preferences to make their job better.
	Better work environment	
	More teaching	
	Less stress	

	Higher pay	
	Without “business side” of law	
Leave current job and find a new job	N/A	Lawyer responses gathered from this theme demonstrated a wide variety of jobs the participant preferred over working in law long-term. Although many of these jobs were still in the area of law (government, in-house counsel, judge, university professor, partner, finding a different area of law or specialization within their same area), some lawyers expressed desire to leave the legal field altogether and become an entrepreneur, psychologist, cardiologist, or “trophy wife.”

Qualitative analysis on current job changes. Participants provided written responses regarding what they would change about their current job. The results from this section were similar to participant responses from the previous question around what lawyers’ preferred jobs were and the theme of staying with their current job but with stipulations. From thematic analysis, two main themes emerged (Table 4). The first theme was a wish for a culture shift in the industry. There were numerous subthemes related to this predominant theme. Some participants wished that there was more ethical conduct in their industry, and other would like to see an easier road to advance in their career. Participants expressed a desire for increased respect between lawyers, as some believed that attitudes between lawyers needs to change.

Similarly, some participants expressed that they would like a decrease in the adversarial nature of the profession, both between opposing counsel and with the nature of the job. Increased support was also a subtheme, with one participant wishing for:

“A readily accessible community. I have previously always worked with others so I miss that but I do not want to work at a firm or return to a full practice.”

Another subtheme was a desire to shift the focus on learning. To illustrate, one participant expressed:

“I’d like to receive compensation for work that I bring in as opposed to just hours that I bill [this related to the subtheme of compensation]. I would also like there to be a distinct culture change from “are you busy” to “are you learning.”

The second predominant theme to emerge was a desire to see a culture shift in their workplace. The subthemes related to this primary theme, as mentioned above, were quite similar to the previous analysis/question. Some subthemes that emerged were an increase in quality of mentorship/leadership, compensation, job security/stability, and autonomy.

Further, lawyers wanted to see a reduction in stress for themselves and their employees. For example, one participant stated:

“I would provide sabbaticals/leaves to prevent folks from leaving the profession entirely when burnt out.”

Other participants also wanted to see a reduction in billing expectations and amount of hours they were working. One participant related this directly to vacation hours, which actually likely causes more stress than it relieves. They stated that they wanted a:

“reduction for hourly targets to reflect vacation time given (i.e. giving 3 week vacation with an 1800-hour target just means I have to work more in a shorter period of time.”

Another participant stated,

“This is so hard to define. My dissatisfaction likely stems from my Type A attributes and my desire to continually produce good work. I will not settle for low quality work and I do my best to give the clients the representation I feel they deserve. I have often said that most cases can be won simply by outworking the other lawyer. This requires time and effort which are difficult to come by when also raising a young family and managing your own office. It is the pressures we put on ourselves that become difficult to manage.”

Table 4.

Themes Emerging from Lawyer Responses on What They Would Change About Their Current Job

Theme	Subtheme	Summary
Culture change of industry	Respect	Some participants felt like they were not respected by senior lawyers or individuals in managerial positions and also wished attitudes between lawyers would improve
	Less adversarial	Participants indicated that they do not enjoy the adversarial nature of their work and prefer to spend less time with adversarial counsel
	Ethics	Participants expressed that they would enforce Codes of Conducts more often and increase fairness
	Increased support	Some lawyers indicated that they wanted more support from others in their industry without having to return to a firm

	Focus on learning	Some participants wished for shift from a focus on being busy to a focus on learning
	Advancement	Participants expressed a desire to more easily advance in their position. One participant expressed dislike for the type of individual that becomes management (“selfish”)
Culture change of workplace	Mentorship/leadership	Participants indicated they wanted more/better mentorship and leadership within their firm. Some wanted more training opportunities, and others wanted to see improvement in management. Participants also wanted recognition for their hard work.
	Compensation	Many participants indicated that they wanted to receive higher pay, increased commission or compensation for work outside the billable hour.
	Stress	Many participants reported that they wanted to reduce their stress. One individual indicated that they wanted to provide sabbaticals to employees to prevent burnout. Other participants indicated that better policies around vacations would be beneficial.
	Amount of work	Participants generally wanted to reduce their workload, and many problem-solved in their comments around how this might be possible, such as

increasing staff. Participants still wanted to produce quality work and focus on areas they enjoy, but do less managerial or administrative tasks. Some participants expressed that they would be content to charge clients less if they could work less.

Security

Many participants wished for increased job security and stability.

Billing practices/hours

Many participants reported that reducing billing expectations and pressure would be beneficial

Autonomy

Participants indicated that they wanted more flexibility so they could spend more time with their families or in their personal lives.

Finally, participants were able to provide any additional comments they felt necessary.

The major theme emerging from this data was the need for fundamental changes to occur within the legal system. Participants expressed that legal fees and billing practices were problematic.

For instance, one participant stated:

“no matter what you do, there is always someone challenging your work – whether client, opposing counsel or the courts. This does not breed confidence. No one is ever really grateful for your work even if you win the case because the legal cost is still so high.”

Another said:

“charging money for legal services is not consistent with legal services being integral to a functioning justice system.”

Similarly, a participant expressed concerns around the ethics of the billable hour as it:

“provides an incentive to be inefficient and slow. It also provides an incentive for immoral lawyers to raise the stakes, increase conflict, and avoid resolution because more litigation means more billable hours.”

One participant expressed disdain for the larger firms, indicating that:

“the big firms are destroying the legal profession. They recruit so aggressively out of law school that students don’t even have time to figure out what they’re passionate about, and the ‘top talent’ gets plunked into a fancy office, taken out for fancy dinners and then driven to bill as many senseless hours as humanly possible so that firms can ‘keep the lights on’ as they like to say. Law schools should do a much better job at expanding their students horizons beyond simply working a one of the ‘big firms’. Law is about helping people, not padding lazy, senior partners wallets – something that seems to be largely forgotten in the big firms.”

One participant eloquently stated that:

“this is a tough business to be in. It is hard to pull back from what others expect of you and instead operate on the basis of what you know to be both right and good for oneself. I have been largely successful in doing that, but it is a task that has to be attended to daily, so it is not easy. I know many people you hear from will be in worse situations than I am in. I have been in similar work circumstances and know how hard it is. I wish you good luck in this study and hope the results can help our profession and our society. I am so proud to be a lawyer, and I know good lawyering can make the world a better place however much more cynical views would hold otherwise.”

Summary of key patterns. Thus, from the qualitative data, I identified three key patterns that emerged from the themes. The first key pattern includes a heavy emphasis on the importance of a positive work environment. This positive work environment includes autonomy, quality of clients and work, leadership/mentorship, fair pay, and comfort with the work.

The second key pattern was that lawyers who experience a negative/toxic work environment were more inclined to be dissatisfied with their work and desired a new job. The subthemes of a negative work environment consisted of the opposite subthemes of a positive work environment: high stress, poor quality of work/clients, lack of leadership and autonomy, and unfair pay.

Finally, the third key pattern is that a culture change of the legal industry and workplace may be warranted. Lawyers expressed a desire for an industry with an increased focus on ethics, learning, advancement, cooperation, support, and respect. Lawyers also wished to make their workplace better with the same themes from the positive work environment theme: less stress and work, better pay, and increased autonomy, security, and leadership.

Billing Practices

The data in this section was also collected through the Demographic Information, Job Satisfaction, and Billing Practices Questionnaire and was used to answer Research Questions 1 and 2. The data has been compiled into Table 5. Participants reported that they worked between 15 to 80 hours per week ($M = 48.63$, $SD = 11.22$). Only 5.8% of participants reported that they worked under 40 hours per week, with 28.6% of participants indicating that they worked a regular 40-hour work week. Of participants, 26.9% worked between 41 to 50 hours per week, 25% worked between 51 and 60 hours per week, and 7.2% worked between 61 to 80 hours per week.

A total of ten participants reported that they spent time on CPLED (The Canadian Centre for Professional Legal Education Program), which is the course for Alberta bar admission, every week. It is important to note that these participants may not necessarily be students, but principals of student-at-laws/articling students that are supporting their supervisee with requirements. Half (50%) of these ten participants reported that they spend 2 hours working on CPLED requirement, while 4 participants (40%) spend one hour and 1 participant (10%) spends 5 hours.

The majority of participants (55.4%) utilizes billable hours in their practice and 21.4% uses some type of combination of billing practices, but still uses billable hours in some instances. Only one participant reported that their firm uses contingency fees (1.8%) while 5.4% of participants bill using a fixed fee. Of participants, 16.1% stated that their workplace does not utilize any type of billing practice.

Regardless of billing practice, the vast majority of participants indicated that they have a monthly or annual billing target (60.7%) and 30.4% indicated that they did not have any type of target. Some participants (8.9%) selected other and elaborated that either they set their own requirements/targets, their workplace sets targets only for associates, their firm has soft targets that allows for bonuses after certain amounts have been reached, or unofficial billings that cover costs and lawyer salaries.

Annual targets ranged from 1,000 to 1,850 hours ($M = 1,500$, $SD = 258.2$) and \$187,000 to \$525,000 ($M = \$362,000$, $SD = 127,139.69$) per year. Monthly targets ranged from 60 to 150 hours ($M = 117.90$, $SD = 27.28$) and \$24,750 to \$35,000 ($M = \$31,562.50$, $SD = \$4,832.08$) per month. In the past month, lawyers reported that they billed between 73 to 200 hours ($M = 138.86$, $SD = 34.54$) and between \$2,500 to \$45,000 ($M = 23,686.25$, $SD = \$13,504.96$).

When asked whether participants had any concerns about the billing practices at their workplace, 32.1% indicated that they did have concerns while 51.8% reported that they did not have any concerns. Of participants, 5.4% were unsure whether they had concerns and 1.8% selected “other” and elaborated that “cashflow is not consistent enough”.

Participants were then able to select which concerns applied to them. Only 8.9% selected that billing practices were unethical while 17.9% indicated that expectations were too high at their firm. A large percentage of participants, 37.5% selected that their billing practices interferes with their personal lives, but only 7.1% stated that inflexibility of hours were a concern. Less time for professional development was a concern for some, with 14.3% of participants selecting this option, and 10.7% indicated that they have less time for pro bono work. Some of the other concerns that arose included that the flat fees utilized by their firm do not compensate for the lawyer’s work, that balancing work and administration is stressful, that their billing practices were not an effective/efficient model for learning, and that their workplace does not have clear expectations around billing practices.

Table 5.

Billing Practices of Lawyers

Variable	Frequency (%) or Mean (SD)
Hours Worked/Week	48.63 (11.2)
Under 40 hours	3 (5.8%)
40 hours	16 (28.6%)
41 to 50 hours	15 (26.9%)
51 to 60 hours	14 (25%)
61 to 80 hours	4 (7.2%)
Billing Practices	
Billable hours	31 (55.4%)
Contingency fee	1 (1.8%)
Fixed fee	3 (5.4%)
None	9 (16.1%)

Combination	12 (21.4%)
Target	
Yes	34 (60.7%)
No	17 (30.4%)
Other	5 (8.9%)
Target Amounts	
Annual (hrs)	1,500 (258.2)
Annual (\$)	\$362,000 (127,139.70)
Monthly (hrs)	117.9 (27.3)
Monthly (\$)	\$31,562 (4,832.10)
Billable Hour Concerns	
Yes	18 (32.1%)
Unethical	5 (8.9%)
Expectations too high	10 (17.9%)
Interferes with personal life	21 (37.5%)
Inflexibility of hours	4 (7.1%)
Less time for pro bono	6 (10.7%)
Less time for professional dev.	8 (14.3%)
Other	4 (7.1%)
No	29 (51.8%)
Unsure	3 (5.4%)
Other	1 (1.8%)

Research Question 1

To answer Research Question 1, whether lawyers in Alberta who have higher billing targets suffer more from burnout than lawyers who have lower billing targets, a one-way ANOVA was performed. The ANOVA, $F(3, 28) = 0.31, p = .82, \eta^2 = .03$, revealed that there were no statistically significant differences between levels of billing targets and burnout. A one-way ANOVA was also utilized to determine whether lawyers with billing targets suffered more from burnout than lawyers with other billing practices. The ANOVA, $F(4, 50) = 1.38, p = .26, \eta^2 = .10$ demonstrated that group means between billing practices were not significantly different,

however a medium to large effect size was observed. This effect size suggests that 10% of the variance is accounted for by billing practice group.

A MANOVA was also conducted to see if there were differences between each type of burnout (personal, work-related, and client-related) as assumptions were met (i.e., normality/homogeneity of variance). The MANOVA revealed there were no differences between types of burnout, $F(9,63.43) = 1.21$, $p = .30$, Wilk's $\lambda = 0.68$, $\eta^2 = .12$. To examine whether there were differences between types of billing practices and the three types of burnout, a MANOVA revealed there were no significant differences, $F(12, 127.29)$, $p = .16$, Wilk's $\lambda = 0.71$, $\eta^2 = .11$. Both these analyses also revealed medium to large effect sizes. These effect sizes suggest that 12% and 11% of the variance, respectively, is explained by group membership (billing levels and practices).

Borritz et al.'s (2006) research on human services workers in Denmark and Winwood and Winefield's (2004) study on dentists in Australia provided means and standard deviations for CBI scores and are used as a comparison for this study (see Table 6).

Table 6.

Comparison of CBI Sub-Scale Score Means Across Studies

CBI Subscale	Borritz et al. (2006)		Winwood & Winefield (2004)		Current Study	
	<i>M</i>	<i>SD</i>	<i>M</i>	<i>SD</i>	<i>M</i>	<i>SD</i>
Personal	35.7	16.5	40.9	19.9	55.06	20.88
Work-related	33.0	17.5	36.6	20.3	48.31	18.44
Client-related	29.9	17.9	33.3	20.1	41.29	25.23

Note. Maximum possible score for the CBI subscales is 100.

Taken together, the lack of significant differences, high p -values in both ANOVA and MANOVA, and the high CBI scores in comparison to previous studies, suggests that lawyers have the same (high) level of burnout across groups. Table 7 below displays the means across billable hour groups.

Table 7.

Comparison of CBI Score and Subscale Score Means Across Billable Hour Groups

Billable hour level	CBI total score		Personal Burnout		Work-related burnout		Client-related burnout	
	<i>M</i>	<i>SD</i>	<i>M</i>	<i>SD</i>	<i>M</i>	<i>SD</i>	<i>M</i>	<i>SD</i>
1	57.46	18.02	61.11	14.73	56.75	19.10	54.63	24.60
2	52.96	22.54	57.81	25.24	50.00	18.99	51.56	28.08
3	48.87	18.00	56.55	20.81	56.12	16.07	32.74	27.68
4	53.13	10.73	64.06	8.01	53.57	8.75	41.67	26.73

Note. Groups were divided into the percentiles based on their hours per year and month and dollar amounts per year and month. Group one: 0-1325 hours/year, 0-11 hours/month, \$0 - \$243,500/year, \$0 - \$26,437/month. Group two: 1326-1475 hours/year, 101-117 hours/month, \$243,501-\$378,000/year, \$26,438-\$33,250/month. Group three: 1476-1787 hours/year, 118-142 hours/month, \$378,001- \$472,500/year, \$33,251 - \$35,000/month. Group 4: 1787 hours/year, 143+ hours/month, \$472,501+/year, \$35,001+/month.

Research Question 2

An ANOVA was also conducted to answer Research Question 2: Do lawyers in Alberta who have higher billing targets have lower subjective wellbeing than lawyers with lower billing targets or other billing practices? The one-way ANOVA, $F(3, 28) = 0.44, p = .80, \eta^2 = .03$ revealed there were no significant differences between levels of billing targets on wellbeing.

Again, a one-way ANOVA was used to determine whether lawyers with billing targets experienced different levels of wellbeing than that of lawyers with other billing practices. The

ANOVA, $F(4, 51) = .88, p = .48, \eta^2 = .07$, revealed there were no significant differences between lawyers of different billing practices, but still a medium effect size exists for this relationship.

Normative data for the PWI in the Western world has a $M = 70 - 80$ (International Wellbeing Group, 2013). The mean of this data set was $M = 71.45$. In comparison to Australian norms for each survey item, the current sample scored lower (Table 8).

Table 8.

Comparison of PWI Normative Data with Current Sample

PWI Domain	Australian Norms ^a		Current Study	
	<i>M</i>	<i>SD</i>	<i>M</i>	<i>SD</i>
Standard of living	79.4	17.5	78.8	16.7
Health	73.2	20.0	62.9	19.8
Achieving in life	72.6	19.8	68.9	22.7
Relationships	78.6	22.7	70.4	20.0
Personal safety	80.3	18.6	83.6	14.9
Community connectedness	72.4	20.2	63.0	24.5
Future security	71.2	21.1	72.7	20.3
Total PWI score	75.5	13.9	71.5	13.7
Life as a whole	75.9	18.3	72.0	15.7

Note. Maximum possible score for the PWI domains is 100.

^aData is extracted from Capic et al. (2017).

Correlations

Correlations were used to examine the relationship between age, burnout, wellbeing, job satisfaction, and billable hours (Table 9). Billable hours were not correlated with any of the variables. However, burnout was moderately and negatively correlated with wellbeing ($r = -.44$, $p < .01$). Job satisfaction was negatively correlated with burnout ($r = -.56$, $p < .01$) and positively correlated with wellbeing ($r = .42$, $p < .01$). Age was slightly negatively correlated with personal burnout ($r = -.30$, $p < .05$) and work-related burnout ($r = -.34$, $p < .05$).

Wellbeing was most highly (negatively) associated with personal burnout as opposed to the other sub-scales of burnout ($r = -.47$, $p < .01$). Personal burnout was also negatively related to job satisfaction ($r = -.47$, $p < .01$). Not surprisingly, job satisfaction and work-related burnout were also highly negatively associated with one another ($r = -.63$, $p < .01$).

Table 9.

Summary of Intercorrelations between Age, Burnout, Wellbeing, Job Satisfaction, and Billable Hours

Variable	1	2	3	4	5	6	7	8
1. Age	-							
2. Burnout	-.27	-						
3. Wellbeing	-.20	-.44**	-					
4. Job satisfaction	.09	-.56**	.42**	-				
5. Billable hours	-.33	-.12	-.12	.04	-			
6. Personal burnout	-.30*	.89**	-.47**	-.46**	.05	-		
7. Work-related burnout	-.34*	.92**	-.35**	-.63**	-.03	-	-	

8. Client-related burnout	- .11	.88**	-.32*	-.41**	-.25	-	-	-
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Note. Personal, work-related, and client-related burnout (in bold) are sub-scales of burnout as measured by the CBI. Correlations between subscales were omitted.

* $p < .05$, two-tailed

** $p < .01$, two-tailed

Chapter 5: Discussion

This section will provide a summary and discussion of the results from demographic characteristics, job satisfaction, billing practices, Research Question 1, Research Question 2, and correlations presented in Chapter 4. Limitations will then be presented, along with clinical implications and implications for legal practice. Next, suggestions for future directions will be discussed, then a conclusion to summarize this section.

Demographic Characteristics

Lawyer participants were fairly diverse in practice, position, firm size and type, and years working in the profession. Lawyers ranged from being junior lawyers at 26 years old to more senior, at 71 years old. The majority of participants were either family law lawyers or worked in civil litigation. Regardless of practice, most lawyers worked at medium-sized firms, however the sample was fairly evenly distributed across firm sizes. Most lawyers were associates, however many identified as something other than a partner or associate, demonstrating the diversity in the sample. It should be noted, however, that the majority of participants were female.

Job Satisfaction

Despite the work hours and effort law requires, the vast majority of lawyers (82%) indicated that they were satisfied with their job, with only 10% of participants selecting some level of dissatisfaction. Thus, consistent with previous research (e.g., Bergin & Jimmieson, 2014) lawyers appeared to be fairly satisfied with their work, despite reporting many stipulations that would make their workplace better. Some of these stipulations included a culture change in the industry where respect, ethics, support, advancement, and learning are more valued while the adversarial nature of the profession would be less emphasized. Lawyers wanted an improvement

in the workplace, including better mentorship/leadership, compensation, job security, and autonomy with more reasonable billing practices/hours, amount of work, and less stress.

Having a positive, supportive work environment from coworkers and supervisors was very important to lawyers, and was the first key pattern. Those who worked as sole practitioners missed this aspect of their work and desired this support without having to return to a firm. Further, desiring increased mentorship and leadership was observed across many responses, in addition to suffering from injustice or privilege within the firm.

It would be expected that since lawyers were satisfied with their work, they would not be interested in finding new employment, however over 20% indicated they were interested in a change. In their written responses, participants attributed their desire to stay or leave based on their perceived negative or positive work environment, including the leadership/mentorship they receive, the quality of the work, quality of the clients, salary, comfort with their position, satisfaction with billing practices, and amount of autonomy allowed for the individual lawyer. A negative work environment may be a catalyst for a lawyer to seek new employment, and was the second key pattern.

These results are consistent with Teichmann et al.'s (2015) research in Estonia, where their study revealed that job satisfaction in lawyers is associated to work environment, hassles, recognition, relationships and workload. Further, the results are consistent with Hall's (1995) research on gender differences on job satisfaction in lawyers in that female lawyers valued workload and advancement while male lawyers valued prestige and supportive peers.

While some participants indicated that their preferred job would still be in the area of law, but in a different position (e.g., judge, arbitrator, professor, not-for-profit, partner, government, in-house counsel) or area of specialization, other participants reported that their

preferred jobs consist of careers outside the area of law, including a psychologist or cardiologist. However, it is unknown whether these lawyers would seek out these professions or whether it is just a fantasy.

These results could also be indicative of Maslach et al.'s (2001) proposed job-person fit which emphasizes mismatch in the workplace (control, workload, community, reward, fairness, and values). Many of the subthemes that emerged around having a positive work environment align well with the variables in Maslach et al.'s (2001) theory. It is possible that lawyers, although are satisfied with some aspects, find some mismatch in others.

Finally, lawyers expressed a desire to observe a shift in the legal industry, which represents the third key pattern of the qualitative analysis. Participants shared they would like to see a less adversarial system with increased cooperation, support, and respect between lawyers. Participants also wanted more of an emphasis on learning, ethics, and advancement in the industry. These subthemes demonstrate the importance of larger systemic influences on lawyer job satisfaction, and may have a larger impact on lawyer wellbeing and burnout than we previously believed. It should be noted that to the researcher's knowledge, no recent, North American qualitative research has been conducted on lawyer job satisfaction, thus these unique results contribute to the scientific literature by adding to the understanding of subjective lawyer experience.

Billing Practices

There was also a range of hours worked per week; however the majority, not surprisingly, indicated they worked more than the typical 40-hour work week. Although it should be noted that almost a third of respondents indicated they worked 40 hours per week, it is unknown whether these were lawyers who worked outside of a firm. Most of the participants used billable

hours in their practice and thus had billing targets they were expected to meet, but only a third of those participants had concerns about these billing practices. These concerns revolved mostly around the amount of work expected from them and the interference with their personal lives.

Similar to the commentary in research around billing practices (e.g., Moorhead, 2011; Lerman, 1994; Woolley, 2005), some participants felt that billing practices were directly conflictual with a functioning justice system and with what should be ethical conduct (provides incentive to be inefficient and increase conflict). Thus, a pattern emerged in that lawyers appeared to enjoy the legal work, however some did not enjoy the consequences of the business side of law, including billing practices. The desire to increase learning, experience better leadership/mentorship, and reduce focus on billing and the amount of work reflects some of what the research literature purports: that lawyers desire a shift from the emphasis of the quantity of their work to the quality.

Research Question 1

The analysis revealed that lawyers in this sample who have higher billing targets do not suffer more from burnout than lawyers who have lower billing targets or other billing practices. It should be noted that although no significant differences were found, effect sizes were in the medium range, likely reflecting the detriment of the small sample size. The medium effect size suggests that if this research was replicated with an adequate sample size (as informed by the power analysis), results may look different. Thus, interpretation of *p*-values need to be made with caution as the non-significance is not definitive of group differences of lawyers in Alberta.

Although statistical analyses suggest no significant differences between groups, burnout scores across all billing targets were considerably higher in comparison to samples from other research, including Borritz et al.'s (2006) study on human services workers in Denmark and

Winwood and Winefield's (2004) study on dentists in Australia. These consistently high scores suggest that lawyers score high on burnout despite their billing practices, but something is differing lawyers from other professionals. However, it should be noted that these are not Canadian norms and thus may not be comparable to Canadian professionals.

Thus, it could be that it is not the billing targets that are associating lawyers to experience burnout, but another variable. These variables will be discussed in more detail in the correlation section, however it is possible that wellbeing and job satisfaction play a role in lawyer burnout. It is also possible that billable targets are more of a reflection of the type of work (civil, criminal, family, etc.) which may be more associated with burnout than actual hours billed. For lawyers to have consistently high scores of burnout across all billing practices and targets suggests there is some common variable to all lawyers which inevitably results in increased burnout scores.

However, interestingly, all CBI total and subscale score means (with the exception of work-related burnout) appear to actually *decrease* as the billable hour target levels get higher, until billable hours are at its highest level, where then burnout increases again. These trends are the opposite of what was expected: as billable hour targets increase, it was assumed burnout scores will also increase. Further, lawyers billing at the lowest rates also have the highest burnout scores among CBI total and subscale scores, except for personal burnout. Thus, it is possible that something related to, but not caused by, billable hours is causing this pattern. Perhaps cognitive dissonance is at play, where the higher targets require greater justification that this practice is enjoyable or acceptable for the lawyer and not a detriment. Or, again, this level of billable hour target is related more to law firm size or type of law practiced as opposed to the hours worked or expected. Cognitive dissonance could also provide explanation for high job

satisfaction, as high burnout scores and qualitative answers point to many improvements that could be made in law.

Research Question 2

The analysis revealed that lawyers in this sample who have higher billing targets do not have lower subjective wellbeing than lawyers with lower billing practices or other billing practices. Again, as discussed with Research Question 1, medium to large effect sizes were observed, suggesting the low sample size impacted the analysis. Replication is needed with a larger sample size as interpreting significance values in this research needs to be done with great caution.

Wellbeing scores from this study were slightly lower than Australian norms, however were still within the range for PWI norms in the Western world. For PWI scores that were lower than Australian norms, again, it is possible that other variables may be more influential in impacting lawyer wellbeing than billing practices.

There were a few subscale scores substantially different from the Australian norms. For instance, health and community connectedness amongst Albertan lawyers was substantially lower than those of the Australian public. It cannot be established that lawyers experience lower health and connection to their community due to their job, however the disparity between the lawyer group and Australian public suggests this is where the differences lay. Perhaps due to the long hours lawyers work, the first areas sacrificed are exercise, healthy eating, and community participation.

Satisfaction with achieving in life and satisfaction with relationships were also slightly lower for Albertan lawyers than the Australian public. These results are consistent with previous research on lawyers, as work requirements have been associated with increased stress, reduced

physical health, and less time for friends/family (Fortney, 2000; Kaveny, 2001). Relationship satisfaction could be a direct result from working long hours, as it detracts from the lawyers' personal life.

However, a lower score for satisfaction with achieving in life is certainly surprising, especially since lawyers have expressed high job satisfaction. As one lawyer wrote that their dissatisfaction stems from their "Type A attributes" and desire to produce high quality work, it is possible that the same disposition (tenacious, competitive, ambitious, perseverant) that increases the likelihood that a person will become a lawyer also causes discontent in what the lawyer is achieving as their current status is never enough. Again, this may conflict with lawyers' listed job satisfaction, however perhaps lawyers are satisfied with their work yet feel the need to work towards something else and accomplish more.

Future security and safety were rated higher amongst Albertan lawyers than the Australian public. High degrees of safety could be attributed to the perception of Alberta being a safe place to live. Further, future security could reflect the confidence lawyers have in their job stability and security, as many areas of law are considered "recession-proof", particularly criminal and family law.

Life as a whole was only around three points lower than Australian norms, despite some subscales scoring substantially lower. As mentioned in Chapter 2, humans are incredibly resilient as illustrated by the study examining lottery winners and victims of accidents (Brickman et al., 1978). It is possible that lawyers have simply adjusted to their life circumstances for their subjective wellbeing to remain fairly high, rather than only cognitive dissonance at play.

Correlations

One interesting finding stemming from the correlation table was that there was no relationship between billable targets and job satisfaction, wellbeing, or burnout. This, as discussed in the Research Questions 1 and 2 sections, may be an indication that billable targets are not impacting lawyer job satisfaction, burnout, or wellbeing at all, rather there are other factors influencing a lawyer's happiness. Qualitative analysis suggests that lawyers appreciate the positive aspects of their workplace, such as good mentorship/leadership, a supportive work environment, quality of work/clients, and autonomy. Although billing practices were included as a subtheme, perhaps this relates more to workplace dynamics than billable hour requirements themselves. For instance, perhaps lawyers who view the billable hour as unethical tend to experience lower job satisfaction and higher burnout. Or, lawyers who experience a lack of autonomy see the billable hour more negatively as they have less control over their schedule.

These results align with James's (2008a) findings, where lawyer stress is the result of workplace conditions rather than the work itself a lawyer engages in. In James's (2008a) study, lawyers identified that the source of their stress was attributable to billing expectations, lack of leadership and mentorship, management problems, and long work days. These sources of stress are similar to the concerns lawyers expressed in the qualitative data.

It is worth noting that there was a moderate, yet significant, negative correlation between age and personal and work-related burnout, suggesting that older lawyers scored lower on these subscales and younger lawyers scored higher. This trend is consistent with previous research (e.g., Heekin, 2015) indicating that young millennial lawyers crave that work-life balance more than older lawyers. It is also possible that older lawyers are in more senior positions that offer the

flexibility younger lawyers desire. However, in contrast to Organ's (2011) assertions, job satisfaction and age were not related to each other.

Consistent with research by Patel et al. (2012) and Daicoff (2008), job satisfaction is moderately and significantly correlated with both burnout and wellbeing scores. Thus, job satisfaction could play a larger role in lawyer overall wellbeing rather than billing practices alone, especially considering job satisfaction and billable hours demonstrated no relationship with each other. The relationship between wellbeing and job satisfaction should not be entirely surprising, however, as previous definitions of wellbeing has been connected to one's work (e.g., Anzalone, 2018) and research has established a link between these two variables (Daicoff, 2008). The PWI does not measure any work-related wellbeing (other than perhaps future security and accomplishing in life), thus this result may reflect the importance of the impact of one's job satisfaction on their wellbeing or their wellbeing impacting their job satisfaction (or some other variable impacting both these relationships). Regardless of the direction of causality, knowing that wellbeing and job satisfaction are somehow intertwined provides incentive to simultaneously ensure wellbeing of lawyers and their satisfaction with their jobs.

Similar to Patel et al.'s (2012) findings, burnout and job satisfaction also demonstrated a moderate and significant negative correlation, particularly between the subscale of work-related burnout and job satisfaction. However, both personal and client-related burnout are both moderately and negatively correlated with job satisfaction as well, demonstrating that these factors additionally play a role. It is unknown, however, the direction of the relationship, i.e., whether burnout causes low job satisfaction, low job satisfaction causes burnout, or some other variable is impacting both. Either way, job satisfaction appears to include those qualitative aspects listed above revolving around a positive (or negative) work environment. These results

align with Maslach et al.'s (2001) theory of job-person fit where mismatch between the lawyer and their preferred experience (job satisfaction) results in increased burnout.

Of course with any correlational research, and as discussed above, it is worth mentioning again that results are not indicative of a causal relationship. Perhaps job satisfaction, burnout, and wellbeing are so intertwined it is incredibly difficult to know the nature of the relationships. Regardless, understanding these variables are related provides a strong argument that they carry significance in lawyer experience.

Limitations

As discussed above, the sample size of lawyers was a great limitation to the study. This small sample size reduced the statistical power and generalizability of the analysis and results. Thus, any results in this study need to be interpreted with great caution. Only 79 lawyers participated in the survey; 23 of these participants were deleted due to incomplete or partial responses. It can only be speculated upon why there was so little interest in completing the surveys. One possible reason is that lawyers themselves were too busy (or burnt out) to participate. If this was the case, there would be a large discrepancy of what lawyers reported and what the majority of lawyers were actually experiencing, even though the majority of lawyers did score high on burnout. Thus, another possible reason is that lawyers who chose not to complete the survey were actually not burnt out, thus felt the survey was not applicable to them. This would also result in a response bias, leaving the sample scoring higher on burnout than the average lawyer.

There also could have been a lack of interest in the subject matter or even a difficulty around discussing these issues. There might even be a sense of shame describing dissatisfaction in a job that one has worked very hard to attain and challenging to explain or justify why they

still work in that industry. However, there is not enough evidence to determine which of the possible answers might explain the lack of interest or participation in this study.

The participants that did participate, however, may have been motivated to do so because they were feeling burnt out and wanted their voices heard, or because they were recruited by someone they knew. This is another consideration of response bias of participants. Many participants were known to the researcher so were more motivated to respond than strangers. The possibility of undue influence was managed by ensuring participants were not followed up with after they were provided a link to the survey and having them remain anonymous to the researcher.

Another possible limitation was that data collection was conducted during the winter months, where exhaustion of participants could have been attributed to the lack of sun and the extremely cold weather Alberta was experiencing at the time. Further, limiting the participant group to Alberta may not be representative of lawyer experiences in other provinces. Similarly, using CBI and PWI norms from other countries may not be generalizable to Canadian norms, thus comparisons should also be taken with caution.

Finally, as some strategies to increase trustworthiness of qualitative research were not completed (i.e., member checking, field notes, prolonged engagement, persistent observation, simultaneous data collection/analysis, negative case analysis, triangulation of investigators, and peer debriefing; Hay & Singh, 2011), this could have impacted the integrity and validity of the qualitative analysis.

Implications for Legal Practice

Focusing on the six areas of mismatch in the workplace (control, workload, community, reward, fairness, and values) appears to be more promising than focusing on changing the

individual (Maslach et al., 2001). In accordance to Maslach and colleagues' understanding of causes and impacts of burnout, it would make more sense to target the legal profession's organizational structure and within law firms, by ensuring lawyers are treated equally, their workload is reasonable, support is available, etc. Even if the workload is manageable, ensuring these other areas are matched to the employee may decrease the likelihood of burnout.

Further, ensuring that lawyers have a professional support network may also be key to fostering wellbeing which has been reflected in previous research (e.g., Bergin & Pakenham, 2015). Lawyers working as sole practitioners desire this connection, thus the law society should consider developing a program so these lawyers feel connected and supported. Perhaps increasing feeling of community between lawyers would also shift the adversarial culture to increased cooperation.

There should also be an increased focus on wellbeing of lawyers. From the qualitative data, it appears that vacation time is not always honoured for what it is, and lawyers are expected to make up the time lost. Lawyers admit to feeling stressed due to clients, and feel they lack recognition in their workplace. Some lawyers want an increased focus on the quality of their work over the quantity, and many feel that changes to billing practices would uphold the integrity of the legal system. Moreover, as job satisfaction and wellbeing are intertwined, guaranteeing both these needs are met may improve quality of life of lawyers. Taken altogether, ensuring lawyers are living balanced lives and feel content with the output of their work is integral to increasing wellbeing in the legal profession (and perhaps, inadvertently, their job satisfaction) and thus the quality of service they provide.

Increasing the wellbeing of lawyers may be as simple as listening to their requests. This research demonstrates that lawyers want to see a shift in the cultures within their workplace and

in the legal profession in general. Lawyers in this study asked to see very specific and realistic changes. These changes can only be made with lawyers and other professionals advocating for what they need on the micro- and macro- level of systems.

Clinical Implications

The results of this research may possess utility for clinical applications for working with lawyers. Having an understanding that lawyers (or any professional) may be satisfied with their jobs but still suffer from burnout and possess lower subjective wellbeing can be useful to understanding lawyer life experience. Factors such as lowered satisfaction with health, relationships, what they are achieving in life, and their community connectedness may be areas for improvement when working with this population. Thus, clinicians should have some emphasis on self-care and understanding that this is a population that may require psychological services and compassion regardless of their privileged status in society.

Future Directions

As lawyers had consistently high burnout scores across billing practices and targets, this suggests there is a common variable that is experienced by lawyers which causes these high levels of burnout. Further investigation into these variables, including exploration of protective and risk factors to lawyer burnout, is warranted. Further, more in-depth investigation is needed around wellbeing for lawyers and why some of the subscale scores differ substantially from the Australian public. For instance, why lawyers feel the need to score their health and community connectedness lower on the PWI and how their jobs impact their wellbeing. In fact, there is some benefit for more qualitative research on lawyer wellbeing and how their jobs interfere with their happiness, subjective wellbeing, and burnout as this study suggests billable hours are not responsible for these phenomena.

Thus, more research on job satisfaction is also needed as this variable appears to be related wellbeing and burnout in lawyers. Of course, wellbeing and burnout may be influencing job satisfaction as well, therefore more investigation into this relationship needs to be completed to increase understanding on lawyers' mental health and find appropriate targets for improvement.

As this study was primarily focused on burnout (i.e., job demands), it would be interesting to investigate how lawyers experience the opposite of burnout, such as job engagement, as it is related to job resources (Maslach et al., 2001). As many lawyers reported high satisfaction with their work, examining other factors, such as resilience, dedication, perseverance, ambition, and motivation could be variables worth investigating in more depth.

As one theory that emerged was cognitive dissonance, this may be a direction for future research, particularly for determining why there is a difference between amount of hours worked, burnout, and personal wellbeing. This could be done using scales that can spot cognitive dissonance and with a qualitative methodology (D. Nordstokke, personal communication, March 22, 2019).

Comparing lawyers across Canada (or even internationally) will capture a more accurate picture of the experiences of lawyers, along with increasing participant responses. Participant response rates were a great issue for this research, therefore future studies should do what they can to increase their sample size whilst considering factors which prohibit lawyers from wanting to participate in this sort of research. Further, comparing lawyers with other professionals may also offer insight into the unique experience of attorneys.

Conclusion

Regardless of billing practice or targets, lawyers across all groups demonstrated equal and high scores of burnout. These results suggest that, in this sample, billing practices/targets do not have any impact on CBI overall or subscale scores. However, with a medium effect size, caution must be exercised when interpreting these results. Although, the high burnout scores in comparison to other professionals do suggest some unique aspect of lawyer experience is influencing these burnout rates.

Similarly, billing practices/targets did not have any relationship with or effect on lawyer wellbeing in this study. Again, with medium to high effect sizes, these results need to be interpreted with caution. In comparison to norms, it was demonstrated that lawyers have different wellbeing scores than the Australian public, particularly with health, relationships and community connectedness. These results encourage further research to understand these differences, particularly with what make lawyers unique to other professions and the general population to create distinctive scores in comparison to them.

This research is needed because it appears the relationship between lawyer burnout/wellbeing is complex. This complexity is exemplified by the consistently high job satisfaction demonstrated across all lawyer participants. Job satisfaction may play a large role in lawyer wellbeing and burnout, which appears to include many aspects of one's workplace, including supportive colleagues, positive leadership, autonomy, and quality of work/clients. Job satisfaction may also include the larger systemic influences, including a culture that emphasizes respect, ethics, support, advancement, and learning. The adversarial nature of the law profession may also play a role in job satisfaction.

Thus, the qualitative portion of this research suggests there are some individual differences in what lawyers find satisfying and rewarding about their work. Perhaps a statement could be made for when there is a discrepancy between lawyer desire/expectation of their workplace and actual experience, job satisfaction is lower. Or, when lawyer desire/expectation and actual experience align, job satisfaction is higher. This statement would bolster the idea stemming from the results that lawyer billing practices and working hours do not predict wellbeing or burnout, but their perception of their workplace is a more significant variable in this relationship. For instance, perhaps lawyers enter the profession with the expectation of billing practices and long working hours, thus there is no discrepancy in this domain. Or, cognitive dissonance creates attitude change towards lawyers' job satisfaction when there is a discrepancy between experience and values. It is also possible that job satisfaction is a buffer for lowered wellbeing and high burnout.

Therefore, the relationship between burnout/wellbeing and job satisfaction suggests the qualitative aspects of job satisfaction or perception of the work environment, but not billable hours or practices, are acting as a mediating or moderating variables. More investigation is needed into this relationship in order to be able to target and improve lawyers' work environments, level of burnout, and their overall wellbeing.

Overall, the results of this study point to one thing: that despite any burnout, level of wellbeing, or long hours they work, lawyers are resilient. While we need to appreciate this resilience, hard work, and love lawyers have for their job, we also need to recognize that lawyers' experience is not always healthy, positive, and meaningful. As being central agents to the execution of justice in our society, we need to support lawyers and ensure we are striving and advocating for the betterment of their profession.

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