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December 2023

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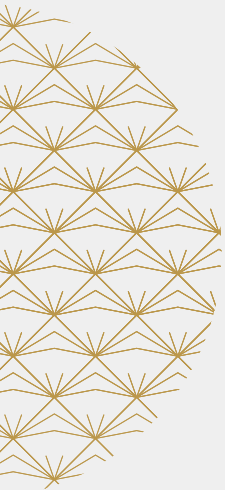
NEWS & LEGAL UPDATE

Mental Health
and Wellbeing
in the Legal
Profession



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BAR ASSOCIATION

Welcome back to Tokyo!



IPBA

TOKYO 2024
24-27 APRIL

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IPBA Annual Meeting and Conference 2024 in Tokyo

New World, New Wisdom

Date

April 24-27, 2024

Venue

The Okura Tokyo, JAPAN

IPBA2024 Secretariat

c/o JTB Communication Design, Inc.
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IPBA 2024 Tokyo

The Inter-Pacific Bar Association (IPBA) established in April 1991 at an inaugural conference held in Tokyo is an international association of business and commercial lawyers who live, or have a strong interest, in the Asia-Pacific region. IPBA 2024 TOKYO provides the collaboration of Inter-Pacific countries, seeing a more integrated approach of doing business and creating opportunities across and even beyond its reach.

Be part of this gathering of industry leaders and experts and discover why it's more fun in Tokyo, Japan!

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Editor Paul Davis

Editorial Kiri Cowie
Julie Yao

Design Ester Wensing

Advertising Sales

Jennifer Luk

E: jennifer@ninehillsmedia.com

Frank Paul

E: frank@ninehillsmedia.com

T: +852 3796 3060

**ninehills
media**

Ninehills Media Limited

Level 12, Infinitus Plaza,
199 Des Voeux Road,
Sheung Wan, Hong Kong
Tel: +852 3796 3060
Fax: +852 3020 7442

Email: enquiries@ninehillsmedia.com

Internet: www.ninehillsmedia.com

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The President's Message

Richard Briggs
President



Dear Colleagues, Members and Friends,

We have now forwarded to early December. The weather in Dubai is now cool and beautiful again and I can reflect on a busy autumn period.

As per usual for the autumn season, it was a time of travel and hosting for me, both on a personal and business level. The Rugby World Cup in France as well as my role as Chair of the Host Committee for the International Congress of Maritime Arbitrators ('ICMA') Conference in Dubai from 5 to 10 November ensured a hectic but entertaining schedule.

Of my IPBA highlights, the Mid-Year Council Meetings in Jakarta held at the Intercontinental Hotel Pondok Indah from 15 to 18 September were unique and much fun. The Aceh traditional dancing was a true highlight for me and a memorable experience.

In addition to making me feel 'Presidential', both in terms of my pre-dinner address on the stage at the spectacular Hutan Kota by Plataran, and in allowing us all to enjoy the police motor bike escort in getting there, the Mid-Year was hospitable and thoughtful throughout, with an excellent and well-attended Regional Conference entitled 'Capitalising on Indonesia's Imperative Capitals: the New Capital City, Human Capital and Investment Capital' on Monday 18 September.

If Indonesia's new capital has half of the planning and thought showed by our IPBA Indonesian Host Committee, I can only think that it will prove both visionary and a great success.

Having missed the IPBA Arbitration Day in Singapore on 30 August and the Indian Arbitration Week in

Bengaluru, Mumbai and Delhi in mid-October, I was keen to make amends by attending the IBA Annual Conference in Paris in late October/early November, where IPBA Secretary-General Jose Cochinyan and IPBA Chief Technology Officer Riccardo Cajola joined me in our meeting with the IBA President, Almudena Arpón de Mendivil, as well as with other legal organisations. The IPBA was, as always, well represented at the IBA, and my time as President has confirmed to me that our organisation is well known and respected internationally.

My last trip of the season was to Lawasia in Bengaluru, India, from 23 to 27 November, where I was proud to represent the IPBA as President and to enjoy the hospitality of Karnataka.

I will continue as best I can to promote the IPBA during my ongoing term, as well as encourage the others who have been doing so all around the world (I am just seeing the photos from the Latin America Regional Event in Lima, Peru, over the last weekend) and can already see all the good work that President-Elect Miyuki Ishiguro is doing to promote our upcoming Annual Conference in Tokyo next April.

Onwards to Tokyo we go ...

Yours sincerely,

Richard Briggs | President



The Secretary-General's Message

Jose Cochingyan III
Secretary-General



Dear Fellow IPBA Members,

Challenges to mental health among lawyers are viewed as work-related stress which one must overcome to be a good lawyer. Those who succumb to it run the risk of being deemed weak and are advised to look for alternative careers. Long hours, large and complex caseloads, and billing quotas are regarded as badges of pride for law firms and are irrelevant to the discussion of work-life balance. It has long been accepted as an integral part of the legal work culture and the essence of being a lawyer.

We in the IPBA may need to take a pause and examine the environment that we work in, both structurally and on an individual basis. We need to review if enough is being done to address the mental health of our colleagues and our attitude towards promoting this. Let us take advantage of the warm atmosphere of the IPBA to speak the unspoken, to discuss and, most of all, to listen and understand. Mental illness among lawyers, or the potential threats of such illness, is a subject worthy of discussion. I am calling on the members of our Legal Practice, Legal Development and Training and Next Generation Committees to investigate this subject and propose some talking points. Our Program Coordinator, Sara Marchetta, has begun a mentoring program that could also be a venue to address this matter.

Meanwhile, as I write this I am in Valle Sagrado, Peru, after having just attended our Latin American Regional Conference. While there were several pre-conference events to warmly welcome a select number of international guests, the event officially began on 30 November 2023 with cocktails at the Rosa Nautica, which is a restaurant that juts out to the sea. The crowd that showed up at the cocktail event was a harbinger of the next day's sessions. In the end, there were a total of

70 delegates of which 35 were international attendees. The forum saw lawyers from 13 countries, namely: Argentina, Chile, China, Colombia, Germany, Mexico, Panama, Paraguay, Peru, Philippines, Singapore, United States and Uruguay. The forum was ESG-themed with three sessions on ESG landing in Latin America, arbitration in ESG, and finally, cybersecurity. The warmth that permeated the whole event was capped by an optional, but nevertheless well-attended lunch, which took place in a lovely setting in the countryside just outside Lima and included a 'caballos de paso' (unique Peruvian horses) show. There was excellent Peruvian food throughout and the delegates were introduced to pisco, a delicious Peruvian brew.

It is an event that has been organised with the work of many hands: Fernando Hurtado de Mendoza, our principal host and the Chair of the Ad Hoc ESG Committee; Luciano Ojea Quintana, At-Large Council Member for Latin America, who led the discussion on organising the content of the conference; and Augusto Vechio, Gabriel Kuznietz and Sergio Guzmán Zenteno, who organised the three ESG-themed sessions of the conference. Jean Paul Chabaneix, Claudia Martínez Zúñiga and Alonso Barreda were likewise instrumental to the success of the event. Special mention is also made of Lucero Diaz, an office staff in Lima, who helped make life comfortable for all the delegates. It has been such an enriching experience to engage with this group from so many countries to organise this regional meeting. They have done so with such enthusiasm that it was wonderful to behold.

How this regional conference came to be is a story by itself. It began as a casual suggestion to Augusto Vechio on the bus back from the farewell dinner at the Dubai Conference. A message was sent out to all the Latin American lawyers at the Dubai Conference and with

the kind assistance of Richard Briggs a session room was assigned to them to meet the very next day. We met as a group on the last day of the Dubai Conference after all the sessions ended. Immediately a plan was hatched, and in the succeeding weeks and months, conference calls were made crossing multiple time zones and international borders until the Latin American Regional Meeting was given its final touches. It is the international

friendship of the IPBA that made it possible to organise this so quickly and efficiently.

Of course, let us not forget that we will all see each other again in Tokyo in a few months. I look forward to seeing you all at the Tokyo Conference!

Jose Cochingyan III | Secretary-General

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We are pleased to accept articles on interesting legal topics and new legal developments that are happening in your jurisdiction. From time to time, issues of the Journal will be themed. Please send: (1) your article to both **James Jung** at jjung@collaw.edu.au and **Olivia Kung** at olivia.kung@onc.hk; (2) a lead paragraph of approximately 50 or 60 words, giving a brief introduction to, or an overview of the article's main theme; (3) a photo with the following specifications (File Format: JPG or TIFF, Resolution: 300dpi and Dimensions: 4cm(w) x 5cm(h)); and (4) your biography of approximately 30 to 50 words.

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Message to the Reader

Welcome to the December issue of the IPBA Journal. We have chosen Mental Health and Wellbeing in the Legal Profession as the focus of this edition as we perceived this as a modern-day issue of critical importance in our profession.

While lawyers carry out vitally important work on a daily basis, sometimes the pressures and stresses associated with that work can have a negative effect on one's mental health and wellbeing. The demanding hours and stressful work environments for lawyers can often have detrimental effects on them and they may struggle to balance severe stress and self-care. As a result, mental health problems may have an impact on businesses directly through increased absenteeism, negative impact on productivity and profits, as well as an increase in costs to deal with the issue. In addition, it may also adversely impact employee morale. For these reasons, mental health and wellness for lawyers need to be an essential consideration for law firms, law schools, bar associations and legal professionals.

In a rapidly changing legal environment which demands our focused attention and adaptability, how do lawyers maintain their wellbeing? How is this problem approached in the legal profession around the world? What are some strategies for wellbeing for lawyers? These questions are addressed in the articles relevant to this edition and we would like to express our gratitude to all the authors who have contributed to the Journal.

You will also find a Q&A interview with my good friend and long-standing IPBA member, Priti Suri, who is the past Chair of the IPBA Publications Committee. We have asked questions which go behind the professional persona to find out about her personal interests, background and passions. I have known Priti for many years, having served together on the Publications

Committee and the IPBA Council, but there were parts of her interview that were new to me. I am sure you will enjoy discovering about Priti and her amazing background and achievements as much as I did.

As always, Olivia and I are very grateful for the continued proactive responses and support from our members. We hope that all readers enjoy what is yet another issue of the Journal replete with many interesting and informative articles from contributors covering a wide geographical span. We encourage all members to continue submitting articles for consideration for publication in future issues of the IPBA Journal. We wish you all much happiness and prosperity in the year ahead.

Yours sincerely,

James Jung | Chair, Publications Committee

IPBA Upcoming Events

Event	Location	Date
IPBA Annual Meeting and Conferences		
32nd Annual Meeting and Conference	Tokyo, Japan	24–27 April 2024
33rd Annual Meeting and Conference	Chicago, IL, USA	1st Quarter 2025
IPBA Local and Regional Events		
Doing Business with Asia: IP, Trade, and Investigations	Los Angeles, CA, USA	1 February 2024
Hong Kong: Back to Business	Hong Kong	1 March 2024
The Impact of Cultural Differences on Resolving International Construction Disputes: Myth or Reality?	Riyadh, Saudi Arabia	3 March 2024
IPBA Tokyo 2024 Promotional Tour		
Recognition and Enforcement of Arbitration Award	Ho Chi Minh, Vietnam	10 January 2024
Cocktail Reception at CMS	London, UK	15 January 2024
Dinner in Paris	Paris, France	16 January 2024

More details can be found on our website: <https://ipba.org>
The above schedule is subject to change.

Join the Inter-Pacific Bar Association

Since its humble beginnings in 1991 at a conference that drew more than 500 lawyers from around the world to Tokyo, the IPBA has blossomed to become the foremost commercial lawyer association with a focus on the Asia-Pacific Region. Benefits of joining the IPBA include the opportunity to publish articles in this IPBA Journal; access to online and printed membership directories; and valuable networking opportunities at our Annual Meeting and Conference as well as 10 regional conferences throughout the year. Members can join up to three of the 24 committees focused on various commercial law practice areas, from banking and finance, to insurance, to employment and immigration law, and more. We welcome lawyers from law firms as well as in-house counsel. IPBA's spirit of camaraderie ensures that our members from over 65 jurisdictions become friends as well as colleagues who stay in close touch with each other through IPBA events, committee activities, and social network platforms. To find out more or to join us, visit the IPBA website at <https://ipba.org>.



Inter-Pacific Bar Association (IPBA) Mid-Year Council Meeting and Regional Conference 2023 in Jakarta, Indonesia



The Inter-Pacific Bar Association (IPBA) recently hosted its Mid-Year Council Meeting and Regional Conference in Jakarta, Indonesia—the first IPBA event in Indonesia in 18 years since the Annual Conference in Bali in 2005. The council meetings took place from 16 to 17 September, attended by over 50 IPBA officers and council members from various jurisdictions. This was followed by the IPBA Regional Conference on 18 September, themed 'Capitalising on Indonesia's Imperative Capitals: The New Capital City, Human Capital, and Investment Capital'.

The Conference opened with remarks from IPBA President Mr Richard Briggs, and keynote speeches by His Excellency Luhut Binsar Pandjaitan, Indonesia's Coordinating Minister for Maritime Affairs and Investment. The event featured three distinct segments, each presenting panellists from diverse backgrounds, including government officials and leading lawyers from multiple jurisdictions.

The first panel discussion, 'Investing in the New Capital City (IKN): Fortune Favours the Bold', included insights

from M Naufal Aminuddin (Deputy Director for Funding, IKN Authority), Todung Mulya Lubis (Founding Partner of LSM Law Firm), Matt Takeshi Komatsu (Partner of Mori Hamada & Matsumoto) and Wai Ming Yap (Partner, Morgan Lewis Stamford LLC).

The second session, titled 'Safeguarding the Ease of Investment in IKN and Indonesia', featured Dendy Apriandi (Director of Investment Deregulation, Ministry



of Investment/BKPM), Ira A Eddymurthy (Founding Partner of SSEK Law Firm), Dhinesh Bhaskaran (Managing Partner of Shearn Delamore & Co) and Jack Li (Founding Partner of Jin Mao Partners).

The third panel, 'A Labour-Friendly Indonesia: Labour-Related Facilities in IKN and Indonesia', included discussions led by Haiyani Rumondang (Director General of Labor Supervision Development, Occupational Safety and Health, Ministry of Manpower), Silmy Karim (Director General of Immigration), Kemalsjah Siregar

(Founding Partner of Kemalsjah & Associates) and Carolyn A Knox (Partner, Ogletree Deakins).

The Regional Conference attracted more than 150 participants from the Asia Pacific region, keen on learning about policies and challenges related to relocating Indonesia's capital city. This notable event facilitated a deeper understanding of Indonesia's strategic shifts that provides valuable information on investment opportunities, regulatory landscapes and labour considerations in the new capital and surroundings.



A Guide to the 10 BEST things to do in Tokyo around the JR Yamanote Line



Shinjuku Gyoen National Garden

Shinjuku Gyoen National Garden is one of Tokyo's largest and most famous parks. It covers approximately 58 hectares and is adorned with more than 10,000 trees. During spring, it is one of the best places to admire cherry blossoms.

Shinjuku Golden Gai

Shinjuku Golden Gai is a nightlife district composed of a mesh of six narrow alleys connected by even narrower passageways, each just wide enough for one person to pass through. The area is crammed with more than 200 small bars, clubs and eateries.

Ueno Park

Ueno Park is one of the five oldest parks in Japan. It is also famous for its many famous museums, including the Tokyo National Museum, the National Museum of Western Art, the Tokyo Metropolitan Art Museum and

the National Museum of Nature and Science. It is also connected to Ueno Zoo; Japan's first zoo where you can meet pandas.

Tokyo National Museum

The Tokyo National Museum is the oldest and largest museum in Japan. It consists of several buildings, each of which is like an independent museum. It houses the largest collection of national treasures and important cultural properties in Japan.

Ameyoko Shopping Street

Ameyoko Shopping Street, once Tokyo's black market following the Second World War, is still a haven for bargain hunters. A wide variety of goods is sold along this market street, including clothes, bags, cosmetics, fresh fish, dried fish and spices. Many stores open around 10:00 am and close around 8:00 pm, but are closed on Wednesdays.



Senso-ji Temple and Asakusa

Senso-ji Temple is the oldest Buddhist temple in Tokyo and one of the most colourful and popular temples located in the Asakusa area. Asakusa is a traditional downtown area of Tokyo and home to many world-famous tourist attractions.

Tokyo Skytree and Skytree Town

At 634 metres high, Tokyo Skytree is the tallest tower in Japan. From the observation deck, visitors can enjoy a panoramic view of the Kanto region and, on clear days, Mt. Fuji. In the evenings, visitors can enjoy Tokyo by night while also marvelling at the beautiful lighting of Tokyo Tower.

Meiji Jingu Shrine

Meiji Jingu Shrine is located in the middle of Tokyo's metropolis and has a vast forest of about 70 hectares. Once you step inside, you will forget the hustle of the city and be surrounded by lush greenery and traditional Japanese charm.

Shibuya Crossing and Hachiko

Shibuya Crossing is the busiest pedestrian crossing in the world, with as many as 3,000 people passing through at a time. The statue of Hachiko, located between the station and the intersection, is a common meeting place that is always crowded.

Akasaka and Roppongi

Roppongi stands as Tokyo's dynamic and foreigner-friendly hub for dining and nightlife. Akasaka is characterised by its sophisticated mix of upscale bistros, luxury hotels and corporate headquarters.

Tokyo Tower

Soaring 333 metres above the centre of Tokyo, Tokyo Tower was the tallest structure in Japan from its completion in 1958 until it was surpassed by Tokyo Sky Tree in 2012. Because of the Tower's central location, visitors can enjoy a panoramic view of Tokyo from the observation decks.

Zojo-ji Temple

Zojo-ji Temple is the head temple of the Jodo sect of Buddhism in the Kanto region. Adjacent to Tokyo Tower, the temple grounds include impressive structures as well as a mausoleum of the Tokugawa family and a small museum.

Tokyo Railway Station, the Imperial Palace Gardens and Ginza

Tokyo Station is Japan's largest and busiest railway terminal with more than 3,000 trains departing, the station supports the movement of more than 400,000 passengers each day. The outer gardens of the Imperial Palace are home to beautiful gardens and many historical sites, offering a taste of Japan's Edo period history. Ginza is Tokyo's most famous upscale shopping district, with an array of restaurants and entertainment venues.

Akihabara Electric Town

Akihabara is located in the centre of Tokyo and is famous for its many electronics stores. Akihabara also has many shops and establishments specialising in anime and manga dotted amongst the stores selling electronics.



10 BEST things to do in TOKYO

around Yamanote-line

1 Shinjuku



Shinjuku Gyoen National Garden



Shinjuku Golden Gai

5 Harajuku



Meiji Jingu Shrine

6 Shibuya



Shibuya Crossing and Hachiko

2 Ueno



Ueno Park, National Museums, Ameyoko Shopping Street

3 Asakusa



Senso-ji Temple and Asakusa area

From Ueno, take Ginza line to Asakusa

4 Oshiage



Tokyo Skytree and Skytree town

From Tokyo (Otemachi), take Hanzomon line to Oshiage Skytree mae



Things to Do in TOKYO

Which station of Yamanote-line is the closest?

7 Akasaka and Roppongi area



From Shinbashi, take Ginza line to Tameike Sanno

8 Hamamatsuchō



Tokyo Tower and Zojo-ji Temple

10 Akihabara



Akihabara Electric town

9 Tokyo



Tokyo Railway Station, the imperial palace gardens and Ginza



Lawyers, Being Human in the Legal Profession



This article addresses the state of lawyer wellbeing in Australia and proposes a human-centred approach to address wellbeing concerns. It is intended to provoke conversations rather than prescribe solutions, noting the diverse range of lawyers and legal practices, with their specific cultures and modi operandi.



Introduction

The 2009 report 'Courting the Blues'¹ first brought to light the state of psychological distress of lawyers in Australia and was the catalyst for transdisciplinary studies of mental health issues within the legal profession. It is now well documented that lawyers experience mental

health concerns at a significantly higher rate than the general population in Australia, which likewise disproportionately impacts their health and wellbeing.² In the last 10 years, numerous research studies have been undertaken on the contributing factors to this ongoing phenomenon.³



To say much has happened to and within the legal profession in the past five years would be a gross understatement. The rise of computer technology and artificial intelligence, which accelerated exponentially during the COVID-19 pandemic, has drastically changed the way we work. Understandably, these phenomena have implications to the wellbeing of legal professionals.

The State of Play in a Nutshell

In late 2018, top-tier legal firms King & Wood Malleons and Gilbert + Tobin were the subject of respective investigations by WorkSafe Victoria and Safework NSW for overworking lawyers and staff in their Melbourne and Sydney offices to meet punishing deadlines. In an interview with the Australian Financial Review,⁴ Gilbert + Tobin co-founder Danny Gilbert rejected the complaints but interestingly acknowledged that some lawyers struggle to manage the 'pressures of sustained hard work'. This suggests the normalisation of high pressure, excessive workload as 'hard work' and that perhaps the problem lay with 'some lawyers'.

Albeit these are top-tier firms, smaller law firms are not likely to fare better because they also face challenges in resources and other commercial and competitive pressures. In 2019, the Fair Work Commission approved regulations that required law firms⁵ to log the number of hours worked by graduate lawyers and paralegals to ensure that young staff are being appropriately remunerated.⁶ This came after an 'audit' of a number of law firms⁷ showed underpayment for long hours worked. Of course, it should be noted that this is not synonymous with ensuring the wellbeing of these young lawyers.

An Australian survey of 200 lawyers⁸ undertaken in 2019 reported that 85 per cent of respondents answered 'yes' to the question 'In your career have you or someone close to you in the workplace ever experienced anxiety?' and 60 per cent responded 'yes' to a similar question about depression.

In its 2022 Legal Industry Report,⁹ the Australasian Legal Practice Management Association ('ALPMA') reported on a survey of 175 legal professionals across Australia and New Zealand, which concluded that only 33 per cent of the respondents believed that Australian legal professionals have a healthy work-life balance. A persisting high level of stress in a lawyer's working life is seemingly still a norm.

In October 2023, Court Services Victoria was convicted over a 'toxic workplace culture' that had contributed to the suicide of one worker and psychological injury to numerous others at the Coroners Court of Victoria.¹⁰ Excessive workload, exposure to traumatising materials and inappropriate workplace behaviours were some of the subjects of complaints made.

The above is not intended to be representative of the diverse legal environments in which lawyers work. Instead, it is indicative of the distance the legal profession still has to go to ensure lawyer wellbeing.

Since the 2009 'Courting the Blues' report, the legal profession has responded to the call to address these concerns. Workplace mental health practices were put in place by some law firms, predominantly in the likes of Employer Assistance Programs consisting of limited counselling services and support information, wellbeing and resilience training and workshops, and team building exercises.

The 2022 ALPMA survey¹¹ asked respondents if their law firms were investing in workplace mental health practices or education techniques to provide better support to staff. Disappointingly, 51 per cent answered in the negative. This quantitative report did not invite reasons for the response. The possibilities could be that few steps were taken to address wellbeing or those steps taken were not deemed to be supportive by the respondents. Neither possibility bodes well.

If the statistics are any indication, it is clear that attempts made to ameliorate these harmful impacts are not generating the desired positive effect on lawyer wellbeing.¹² Some may even produce contrary effects. For example, in response to the 2018 psychological safety investigation, King & Wood Malleons informally installed 'people champions' in its offices in mid-2019. These 'people champions' were tasked with observing any potential issues in employee wellbeing and pressure. However, this risks being perceived as increased scrutiny and creating additional pressures to some.

This situation has the potential to worsen post-pandemic, while remote and hybrid working are being debated, as attempts to regain control or some semblance of 'normal' potentially lead to increased monitoring and micromanaging.¹³ Remote working brings its own challenges to individual wellbeing.¹⁴

The common approach to addressing a decline in lawyer wellbeing has been to identify the contributing factors and to take steps to manage these factors, separately or in combination. These are often structural or process solutions and are without doubt multi-faceted and complex. Asking questions like 'what are the causes?' and 'how do we fix this?' seems logical and makes sense.

But if this is a problem about people, then the core of any solution must be human-centred, instead of looking at this from a problem-saturated perspective. To quote the Chief Justice of the Supreme Court of NSW in a recent Admission Ceremony for New Lawyers:¹⁵

[T]he practice of law has a human nature and human reaction at its core. An essential part of being a good lawyer is understanding people, how others react to different situations perform under pressure and deal with each other.

The question then becomes, 'What does a lawyer, a human being, need to be well?', and then creating an environment conducive to this. As the preamble to the Constitution of the World Health Organisation ('WHO') states, '[H]ealth is a state of complete physical, mental and social wellbeing and not merely the absence of disease or infirmity' (emphasis added).

Wellbeing

We experience optimal wellbeing through a combination of high subjective wellbeing and psychological wellbeing. Subjective wellbeing is often the experience of a high level of positive affect, a low level of negative affect and a high degree of satisfaction with one's life. Psychological wellbeing is the ability to function positively in aspects of our life (including our professional life). We need to recognise that the profession as a whole is unwell when a significant proportion of lawyers are not functioning optimally, when their wellbeing is compromised.

The legal profession has been seeking solutions for this ill for some 15 years and there has not been any notable improvement. The approaches and strategies employed must evolve, particularly in the context of a rapidly changing legal profession. There is a need to re-evaluate what we have been doing. Structural and process changes must be accompanied by culture change. A 2019 report published by the Victorian Legal

Services Board and Commissioner¹⁶ identified culture as the primary barrier to lawyer wellbeing, as lawyers are acculturated to overwork and stress as norms.

Crucial to the change of culture is to get to the crux of the matter, which is to put our heart into, and commit to, human-centred solutions. How we perceive and construct the problem necessarily takes account of broader elements of humanity.

Necessary Conditions for Wellbeing Belonging and Connection

Humans are inherently and biologically social beings. Our bid for connection enhances our belongingness to a group, which in turn is protective. They keep us safe with our 'tribe' and maintain emotional wellbeing,¹⁷ as well as support cultural transmission. Sense of belonging refers to 'the subjective feeling of deep connection with social groups, physical places, and individual and collective experiences'.¹⁸ Human connection is the experience of engaging in interactions where each person is heard, seen, known and valued. Belonging and connection are fundamental human needs.¹⁹

When we spend at least one-third of our lives working, then belongingness must happen at the workplace too. It is not possible, or at least not healthy, to excise that part of ourselves or to numb our sense of belonging whenever we step into our workplaces. A lack of sense of belonging and connection makes one an outcast or intruder; it isolates and impedes wellbeing.

While the sense of belonging and connection is subjective, their indicators are observable in the workplace such as when different views and perspectives are expressed without fear or favour, when disagreements can be resolved without negative repercussions, when conversations are not evasive, placating or conforming, and when people can interact with candour. The lack of belonging and connection is also observable if sufficient attention and time are given to this.

Young lawyers, predominantly Gen Z, are experiencing this lack acutely. Quiet quitting is reportedly taking hold in the law.²⁰ This Gen Z 'trend', one of many that has emerged in recent years, needs to be understood as a strategy to cope with the demands and stresses of the legal workplace and signals clearly the needs of young lawyers.

Gen Z currently represents approximately 20 per cent of the Australian workforce. Their representation in the legal profession will grow and it is critical that recognition be given to the difference in values and approaches to work between young lawyers and more experienced lawyers.²¹ Experience is historical, informational and is potentially, but not necessarily, instructive. As young lawyers are the future of the profession, it behoves us to listen and support them as they craft a future belonging to them and in which they feel belonging and connection.

When we fail to listen and be inclusive, not merely of young lawyers but also of the diverse lawyers in the profession, the disconnection leads to misunderstanding and conflicts, mismatched expectations and approaches, and creates immense stress to all concerned. Stress, or to be precise, distress is our reaction to perceived 'danger', usually in our environment, and is felt as emotional or physical tension. The 'danger' can be in the form of change, challenges or demands where adjustment is required. Stressful situations can arise from interpersonal conflict, excessive workload or intense time pressures. That stress being a subjective experience is a critical consideration when devising wellbeing solutions.

Meaning and Purpose

Another fundamental human need, and supportive of wellbeing, is the sense of meaning and purpose in life,²² and by extension, in our work. Meaning in common vernacular is the knowing and feeling that 'life makes sense', that 'we matter' and that we have clear long-term goals and purpose. Situational meaning is about understanding our relationship to our world and navigating daily life. It is context-dependent in that it is 'subjectively constructed based on one's personal history and idiographic way of experiencing the world. At the same time, the ways that we understand our world and ourselves are also shaped by culture, language and ongoing relationships'.²³ It also requires us to engage with our values, that is, to reflect, evaluate and live our values over time.

Meaning in our work situation involves 'meaning-seeking' and 'meaning-making'. Meaning-seeking²⁴ is perhaps more accessible for some, to perceive legal work and the profession to serve a greater good or higher purpose. This serves as a compass. Meaning-making,²⁵ that is, understanding and crafting significance and meaning in our daily work to align with our values, however, can seem unattainable, particularly in difficult

and stressful contexts. It leads us to ask, 'what is the point of this?' For example, for young lawyers, endless drafting and revising contracts can mean 'paying my dues so I get promoted' or 'learning to pay attention to details which helps me in future work' or 'doing what I need to in this job', etc. The meaning we make serves to inform our purpose and contributes to our wellbeing.

With the rapid changes that have occurred in recent years, it is questionable whether we as a profession and individually have had the opportunity (or perhaps the privilege) to reflect, to find or make meaning of our work. Now is the time to invest time to this important venture. This is perhaps an existential question of the legal profession for human lawyers. It is an exercise of our autonomy, agency and will to pause amidst the compulsion and pressure to keep going, to catch up or to chase. This is necessary to re-envision what we as lawyers and what the legal profession is about. What are the meaning and purpose of our work, of the legal profession? The answer provides us with direction.

Specific to the individual lawyer, the key to our wellbeing is to determine what our values are, as well as what and how our work aligns with our values—these will inform our future actions. Engagement in activities that facilitate meaning-making is essential for happiness, wellbeing and improved human conditions;²⁶ for instance leisure or creative activities, socialising, connecting with colleagues, and getting involved in pro-bono legal services.

These may also translate to approaches that prioritise self-care, more frequent and regular evaluation of our work and workplaces, selecting workplaces with aligned values, and providing meaning and purpose. Again, these have implications to the legal workplace and the profession.

Compassionate Environment

Compassion is an 'awareness of someone's suffering, being moved by it (emotionally and, according to some definitions, cognitively), and acting or feeling motivated to help'.²⁷ It is empathy in action. It involves a sense of connection with others, a recognition of our shared humanity, and a desire to contribute positively to the wellbeing of individuals and communities.

To improve lawyer wellbeing is a journey of healing for the profession and the necessary conditions

for wellbeing are subjective. Applying a long-term perspective, this journey has direction with no defined goals. It is imperative to continuously pay attention, measure and evaluate, to adapt and respond to the needs of the increasing diverse cohort of lawyers in a rapidly evolving profession.

And we have begun. Open conversations and education on wellbeing and the strategies employed to date have somewhat destigmatised mental illness, giving space for many to voice concerns about factors that impact on lawyer wellbeing and give permission for lawyers to prioritise their health and self-care as they pursue a sustainable successful legal career. As we progress, we have to pay particular attention to the young lawyers entering the profession and be mindful of the current structure, systems and processes requiring adaptation and innovation in order to foster a healthier culture.

With a multi-generational workforce—Boomer, Gen X, Gen Y, Millennial and Gen Z—the presence of a clash of generational cultures and values pertaining to meaning and purpose is not surprising. The indicia for belonging and connection are also different among the different generations; for example, the manner of community engagement, representation of identity, mode of communication and sharing of experiences, and pursuit of social bonds. Digital technologies underpin all of these for Gen Z. Generally, there is a disenchantment with the traditional legal workplace, eschewing of power, status and money as primary motivators, replaced by a keen interest to establish proper personal and work boundaries and a particular attention to sustainability, diversity and inclusion.²⁸

Operating within a diverse profession (not just in age) and in what anthropologist Jamais Cascio termed a brittle, anxious, nonlinear and incomprehensible ('BANI') environment²⁹, we need systems and processes that build and support a compassionate environment characterised by empathy and kindness. It is inclusive, where people within it are treated with respect and dignity. It encourages open and candid communication. Expectations and norms are set for interactions and decision-making to be human-centred, instead of process-driven. The systems and processes are sufficiently robust to allow exploration and mistakes to occur without dire repercussions such as blame, judgement or ridicule. They demonstrate an ethos of care for the people.

Studies have shown that being in compassionate environments increases overall wellbeing and mental health.³⁰ When people are valued and supported, they are more engaged and motivated, leading to better performance. A compassionate environment also enhances collaboration, creativity and innovation in the workplace leading to greater job satisfaction, which is supportive of wellbeing. When people feel they are valued, accepted for who they are and included, that leads to a sense of social and relational connection and belonging.

It is in this context of 'we matter', that wellbeing strategies are to be considered, designed and implemented.³¹ Being compassionate does not occur overnight. It is cultivated through parenting, socialisation and cultural norms. The latter two apply to the profession—asking ourselves, 'How do we socialise our lawyers, especially the new entrants, to our work culture?' and 'What are the explicit and implicit norms attending the legal workplace?'. As mentioned earlier in this article, culture change must attend any structural and process change to improve wellbeing in the legal profession.

Compassion is interpersonal and requires the people, over time, to demonstrate and model compassion—by taking time to understand with openness and respect, to listen and show empathy, to acknowledge and accept the emotionality of a situation, and to be kind in our words and to respond appropriately. Often, we do not get to directly 'fix' these problems as wellbeing and healing is personal and subjective; rather, we create optimal conditions and offer the necessary support.

Self-compassion is also an important aspect of psychological wellbeing.³² It is turning compassion towards our own self, treating ourselves with kindness and understanding, particularly in the face of personal failures or difficulties. Self-compassion is active with the desire to alleviate our own suffering and to soothe and comfort ourselves. It requires us to engage with strategies that work for us in our personal circumstances. The second component to self-compassion is the awareness that our experience is not isolated to us or abnormal, that we share a common humanity. Experiences of rejection, loss, feeling not good enough, shame, etc., are part of our shared humanity. That is what being human is. This awareness also carries the deep knowing that life is imperfect, as are we as individuals. The final

component of self-compassion is to be mindful of our feelings, to acknowledge we are suffering and to be with the suffering. If we choose to avoid or dismiss our suffering, then we miss the opportunity to see what it is and to devise ways to comfort ourselves.

A compassionate environment necessitates its members to exercise compassion, with ourselves and with each other, and to create systems and processes that prioritise the people and are underpinned by compassion and for leaders in the profession to model this.³³ Within a compassionate environment, people will experience a sense of belonging and connection.

A compassionate environment also provides time and space for people to reflect upon and engage with what is meaningful in their lives. This calls for leadership and management models that offer greater agility and adaptability. What reduces meaningfulness at work includes a lack of value congruence, for example: when lawyers speak of prioritising profits instead of helping clients; when people are being taken for granted or disempowered through not being listened to or have their better judgment overridden; or when people feel disconnected from supporting relationships or are put at risk of physical or emotional harm. An environment that seeks to redress these will be conducive to lawyer wellbeing. 'In experiencing work as meaningful, we cease to be workers or employees and relate as human beings, reaching out in a bond of common humanity to others'.³⁴ This has positive implications to the organisation and the profession to grow sustainably.

Conclusion

Lawyers are humans first, before they are lawyers. The legal profession is about humans and involves humans. A commitment to a human-centred approach when evaluating and implementing solutions to improve wellbeing in the legal profession is thus an imperative.

The road to being a compassionate profession begins with the willingness to engage with concepts and theories not commonly addressed in the legal profession, with an openness to learn and adopt strategies that may be alien to the profession.

Notes

¹ R Brockman, BK Jago & B McKenna (2009), 'Courting the Blues: Attitudes Towards Depression in Australian Law Students and Lawyers', Brain & Mind Research Institute.

² J Feyder (17 March 2023), 'Aussie Lawyers are (Almost Certainly) Exhausted. What Can be Done?', Lawyers Weekly; available at www.lawyersweekly.com.au/biglaw/36914-aussie-lawyers-are-almost-certainly-exhausted-what-can-be-done; K Beioley (4 January 2022), 'Junior Lawyer Burnout: High Pay Can't Stop Exit From Elite Firms', Financial Review; available at www.afr.com/companies/professional-services/junior-lawyer-burnout-m-and-a-boom-accelerates-exit-from-elite-firms-20220104-p59loc.

³ J Anker, & PR Krill (2021), 'Stress, Drink, Leave: An Examination of Gender-specific Risk Factors for Mental Health Problems and Attrition Among Licensed Attorneys', PloS one, 16(5), e0250563; available at <https://doi.org/10.1371/journal.pone.0250563>; D Muca (28 November 2019), 'Elevated Incidence of Mental Illness in the Legal Profession', McGill Journal of Law and Health; available at <https://mjlh.mcgill.ca/2019/11/28/elevated-incidence-of-mental-illness-in-the-legal-profession/>; J Chan, S Poynton & J Bruce (2014), 'Lawyering Stress and Work Culture: An Australian Study', University of New South Wales Law Journal, 37(3), 1062; available at <http://classic.austlii.edu.au/au/journals/UNSWLawJl/2014/39.html>; Victorian Legal Services Board + Commissioner (14 July 2022), Why is Poor Wellbeing So Common in the Law?; available at <https://lsbc.vic.gov.au/lawyers/practising-law/lawyer-wellbeing/wellbeing-resources/why-poor-wellbeing-so-common-law>; Actionstep (14 February 2023), Lawyer Mental Health and Wellness Part 1, Australasian Legal Practice Management Association; available at www.alpma.com.au/blog/lawyer-mental-health-and-wellness-part-1-burnout-and-platform-fatigue/.

⁴ E Fowler & N Gillezeau (19 February 2019), 'Untruths: Gilbert + Tobin's Danny Gilbert rejects overwork culture', Financial Review; available at www.afr.com/companies/professional-services/untruths-gilbert--tobins-danny-gilbert-rejects-overwork-culture-20190215-h1bbnq.

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Florence Thum
Lawyer and Lecturer, The College of Law Australia, Sydney

Florence is a psychotherapist, lawyer, educator and coach in private practice. Florence is a lecturer and Assistant Director at the College of Law Australia and in her area of law specialises in litigation and alternative dispute resolution. She holds post-graduate qualifications in law, psychotherapy and education.

You Are Your Greatest Problem and Your Only Solution



Introduction

As I collapsed onto the summit of Mt Rinjani in Lombok Indonesia, I breathed the fresh mountain air and embraced the rose-gold sunrise, allowing my tears to run freely. Watching the sunrise through these tears, I realised how exhausting it had been to be a perfectionist, to be so hard on myself in every aspect of life, be it personal or professional, to always have to be in control. I allowed the wave of emotions to flood me: guilt over having been tough on myself; relief to have reached the summit without injury; and pride that I had accomplished what I had set my mind to. I had conquered Mt Rinjani at 3,726 feet in two days. I had achieved a legal career with decades of experience. But could I conquer those feelings that emerged at the summit that I had done an excellent job of tiptoeing around?

As lawyers our job is fundamentally to find the best possible solution for our clients. Do many of us apply this same diligence and vigour to ourselves? Do we take the time to understand where our emotions, feelings, thoughts and doubts arise from? Do we ask ourselves why they emerge and what they are trying to tell us? Do we spend time to dissolve these issues and ultimately find a solution from within ourselves by ourselves? Or do we ignore, criticise and belittle our emotions and feelings, scolding them to not surface again so that we can get on with our work and our commitments?

Observe and Accept

Mahatma Gandhi once said, 'I have only three enemies. My favourite enemy, the one most easily influenced for the better, is the British Empire. My second enemy,

the Indian people, is far more difficult. But my most formidable opponent is a man named Mohandas K Gandhi. With him I seem to have very little influence.' Mahatma Gandhi was one of us: a lawyer, a husband, a father and also a freedom fighter. These were all roles that he played during his lifetime, but he accepted that the greatest challenge, even bigger than liberating India from British rule, was conquering himself.

How can we not accept that we are the source of all our troubles and the source of all our solutions? We must become conscious of our thinking and ways of working to conquer ourselves. The root of all our issues is that we drift through life paying little to no attention to what is going on inside ourselves. By not pausing and constantly hurrying we are missing the clues that could save us from external problems as well as internal health issues.

We need to become conscious to ourselves by paying attention to what arises inside us each day, each hour and each moment. We should watch the inner turmoil, detached and without wanting to change any of it, allowing it to unfold and accepting it for what it is without attaching our identity or worth to anything that arises. Above all we do not judge. This is not easy. I remember the first time I read about conscious awareness, my mind was so full that I could not even observe my thoughts. I was overwhelmed by how much was going on, my mind was constantly switched on thinking of a multitude of things. It took a while and a lot of patience, and especially kindness towards myself, to watch my thoughts rise and fall without being attached to them and seeing them for what they really are, just thoughts. As lawyers we are taught to be diligent; what if we applied this diligence to observing and understanding ourselves, what would happen?

A way of watching thoughts, emotions and feelings is through silence. Carving out even five minutes of silence a day can make a difference. Maybe before you get out of your car, you pause and spend some time observing your breath. During your lunch break or coffee break, spend a few moments in silence. Because you need this silence to open the gateway for you to observe yourself. And it is only when you observe yourself that you will find what you need to let go of, what your patterns are and what you want to change. You won't have to sit on top of a mountain in Indonesia to have realisations like I did (although I highly recommend that to the adventurer in you!).

Take up something that you have not done before, maybe a childhood dream that you had, a new skill or sport that you have been wanting to try out. This will help you gain a fresh perspective and it will force you out of your head. And, the activity will release endorphins which you will undoubtedly carry throughout your day. The fresh perspective and the happy hormones will allow you to question your actions, patterns and learnings and gradually you will start to willingly choose different approaches to doing the same tasks, bringing your own creativity to it.

Spend offline time in nature. A short walk, sitting in a park, looking at the sky and taking it all in can lead to greater mindfulness and a state of appreciating the moment instead of seeking to change it.

As lawyers we are trained to write and to think in a certain way because that is the way of those who came before us. It may serve the client's needs to an extent but, before we know it, we become rigid thinkers at the cost of our creativity. So busy do we get in performing and in accomplishing billables and behaving in a way that our predecessors have done that we lose touch with who we are. This is not surprising. How is it possible to work 12 hours a day, show up for your family and other commitments and then ask yourself questions such as: Why did I react the way I did with my associate? Why am I feeling so tired today? Do I enjoy this work? Why am I overthinking this presentation? And yet these are the very questions that hold the key to our wellbeing, and that we need to explore within and that are fundamental to us thriving as humans and as lawyers.

Compassionate Self-Inquiry

Many a thinker and philosopher emphasise that the key to self-actualisation is self-inquiry. On my path I have realised this is the greatest spiritual practice as it filters into every aspect of your life. But I have also realised that it is important not only to ask yourself questions and to watch yourself as an observer, but to do so with the utmost compassion and non-judgement towards yourself.

As lawyers we always need to prove ourselves, whether it is in an argument that we are making, a clause that we are negotiating or a presentation we are delivering. Even networking sessions can revolve around this idea of 'I must prove myself'. And this unconsciously or consciously makes us critical of our mistakes and mishaps and fosters

perfectionism. Thus, if we decide to go down the path of self-inquiry, let us do so with the utmost compassion for ourselves. Let us appreciate our journey so far, rather than criticise our perceived failures and let us allow all our emotions to rise and to fall giving them as much space, time and kindness as possible.

Embarking on your journey with self-compassion will allow you to fully appreciate all of you and to embrace your shadows in truth. Let us look at the below scenarios to understand what this would entail.

1. I need to meditate. Should I revisit this deadline?

A lawyer is working against the clock to make a submission. He wants to attend his evening meditation practice but does not feel he can be vocal about it with his team because it is perceived as 'feminine and sensitive' and because he recently took time off to deal with his ongoing divorce. The divorce has made him feel like a failure and he finds solace in the meditation classes that he attends. Instead of pushing back on the deadline, even though he knows he could, he proceeds in silence to work late until the evening all the while wishing he could get out of the office and escape. He does this quite a few times. Soon his meditation practice is forgotten and three months later he is diagnosed with heart problems.

What if the lawyer would have stopped to pause and reflect before his heart started to cry for help? Let us assume that after working on tight deadlines on a few occasions, the lawyer realises that something is not right. He looks back on how many times he has cancelled his meditation class and realises this does not feel right. He starts to reflect on his divorce and begins to wonder if there is a pattern. Does he hide behind work to avoid facing his issues? Is he hiding from the pain in his life? Did his marriage fall apart because he was overworking and could not say 'no' to his bosses? As the realisation creeps into his being, for the first time in his life he cries. Head in hand, he lets everything out and experiences a huge release of emotions. Once his tears subside, he goes deeper. He asks himself why he always thought he could keep it all together. He realises that growing up his parents always told him to be a strong man, to be a successful man. He was told tears are for the weak. As the veil is lifted from his eyes, he understands he was not taught to appreciate or to understand his vulnerabilities. As he recovers from his realisations he feels a strength he never felt before and vows to change his patterns.

He schedules a meeting with his partner. During the meeting, the lawyer explains to the partner that the deadlines are unnecessarily tight and that the client would be better served if there was more time to consider the issues. Openly he discusses with his partner that he is coping with the emotional impact of his divorce by attending meditation classes after which he always feels relaxed and centred and that he believes that this practice is allowing him to show up better at work. Three months later, instead of heart problems, he reaches an amicable settlement with his ex-wife and decides to take time off to go on a silent retreat.

2. Dance is my stress buster. Can I push back on these administrative tasks?

Let us look at another situation. This lawyer likes to attend dance classes as this is her sole outlet. But now she is having to work twice as much on tasks that are below her pay grade. She works for a small boutique practice that is understaffed. Although she expected there to be a certain amount of paralegal work involved, she is a senior lawyer and during the interview the firm had assured her that they would be hiring paralegals soon. Recently, with an arbitration submission, it has gotten much worse and she has had to miss quite a few of her dance lessons. She does not push back on the tasks because she is keen to be promoted and she knows she is up against a white male colleague for the promotion whereas she is a South Asian woman. She feels she must prove herself to her seniors to show them that she can do everything. She hopes that by doing all the tasks asked of her, her seniors will appreciate her work and notice. Instead, as she can no longer attend her dance classes, her anxiety resurfaces and her stress levels rise. Soon she is losing sleep and getting agitated at the smallest things and in a few months her white male colleague gets promoted.

Upon pausing to reflect, the lawyer realises the futility of it all and now starts to criticise herself for not pushing back on the administrative work. She realises that if the firm appreciates her, her push back on the work will not be seen as her being 'lazy' but will be seen as a resource issue on their part. And so, she starts beating herself up, thoroughly annoyed with herself. This is where compassion comes in. This lawyer can reflect and realise that she could have pushed back, that her worth is not dictated by the promotion or the amount of work that she can accomplish. Instead of going down the self-criticism spiral, this lawyer can ask herself, in kindness, why she thinks her self-worth is associated with something

external. Is there a belief that she is holding on to and that needs to be let go? What is the real issue that is coming up here asking for her attention? Has she done this in the past?

As we go through this journey, a lot of garbage comes up for you to dispose of, because that is what you do with garbage: you either dispose of it or recycle it into something that serves you better. It is important to take care of the upheavals of emotions and feelings in a gentle manner, the way you would handle a child, nurturing and tender. It is also fundamental to be brutally honest with yourself, in the same way that you would be honest with a client when they clearly do not have a case. You must be honest with yourself in your practice.

In the example above, let us assume the lawyer does her inner reflection honestly and openly and realises that when she was a child she was made to believe by her parents and teachers that her self-worth was tied to achievement and excellence. Let us assume she decides to dissolve this limiting belief and appreciates that the promotion does not define her, nor is it her definition of success. Next time when she is confronted with such a situation, she boldly discusses with her partner that there is a serious staffing issue and that although she is happy to lend a helping hand from time to time, it compromises her billable work and reminds the partner that this is not what was discussed during the interview.

Is doing the inner work and applying a revived sense of self-worth to the issues the true measure of success for the two lawyers in the examples above?

What Does Success Mean to You?

As you become more mindful in your thoughts and actions through self-inquiry, ask yourself what success really means to you. In the above examples, success for the male lawyer was going deeper within through meditation to overcome his beliefs as to what a man is supposed to be. Whereas for the female lawyer, it was understanding her belief system and taking a positive stand for herself. Success was not criticising themselves, belittling themselves and pushing continuously to meet unrealistic deadlines and perform innumerable tasks in the hopes of climbing the ladder.

What success means to you is a question that only you can answer for yourself. But you will never find

that working 12 hours a day, having 12 cups of coffee, sleeping for six hours, letting go of your creativity and obsessing about productivity is the recipe to success and glory and, above all, happiness.

As recently as February this year, Reuters reported in an article that lawyers are twice as likely as other US adults to contemplate suicide, according to a study which was based on a survey of nearly 2,000 lawyers in California and the District of Columbia. More ominously, lawyers who report feeling a high level of stress are 22 times more prone to suicidal ideation than their low-stress counterparts.¹

This does not look like personal or professional success.

Change begins within each of us. As we change our approach and revisit our definitions of success, the system will change. Naturally law firms will need to adapt and to start caring for people in a deeper way if they wish to retain talent. I recently heard of a boutique law firm set up in Dubai where the founding partners are not only lawyers but are also passionate actors and musicians. They aspired to do the law differently and so set up a practice to encourage their people to pursue their creativity as well as the law. In interviews, they are keen to learn what candidates do outside of work as much as what their legal experience is.

Let us also remember that being a lawyer is about service. It is about serving your client's needs to the best of your ability. The question therefore is logical. Can you be of service, whether to your client or to your family, when you are burnt out, stressed or anxious? Even if you manage to deliver professionally, will it be to the same level that it would be if you did the same work after a break? And even if you deliver excellence, your health may suffer. Or you will see it in your relationships because your partners or loved ones will pick up on your anxieties. As your relationships fall apart, you work long hours, you start feeling isolated, your diet and exercise take a hit and your only self-worth now stems from your work. Your work becomes your worth, and you deteriorate.

And so, we must ask ourselves whether living in a state of wellbeing can be the new measure of success and, if so, what would it look like for me? This is a question for you to answer because wellbeing is different for everyone. For one person it may look like reading a book, for another taking a yoga class, for yet someone else it might be

having more time with their children. Through self-inquiry, cultivate your definition of wellbeing and what that means for you. Whatever you choose, like in our two scenarios above, you will connect to your inner strength and you will bring a freshness to your practice of the law that will immediately reflect on your service as a lawyer.

Some legal practitioners may see practices such as self-inquiry and meditation as practices that will make them 'soft' and 'vulnerable' and easy to 'defeat.' The practice of meditation and inner reflection has entirely the reverse effect. It is like kung fu, where you are fighting without fighting. It ignites in you an inner strength and surety of yourself that you never felt before because it is cultivated from a true place. Just like when your client brings you a problem and you give the client advice without investigating the issue further. Your surface advice lacks the confidence. But if you investigate the issue, dig up the facts and apply the law, your advice rests on more solid grounds. Doing your inner reflection and cultivating your wellbeing from the inside out is no different; it creates a solid ground for you from which you rise to new heights that you previously never imagined.

The End is Always Near

Poetry is my creative outlet and I share these lines with you to ponder:

A short life we have
Breath to breath we live
Never knowing if the next is our last
How will I make the most of my breaths?

As we cross out timesheets and check out from our jobs, how many of us pause to think: 'Wow I made it through another day alive. I made it to live yet another day.'? We get so caught up in routine that we do not pause to appreciate and to digest the fact that in each moment we are only one breath away from death.

It does not help that death in society is often seen as a taboo subject. Personally, I find this strange because we all come with an expiry date and no one to this day has been exempt from this or successfully negotiated a waiver. There is a fear surrounding death when death is our greatest teacher. Death has the ability to instantaneously bring into perspective what we want to focus on in life and how we want to go about it.

It is easy to forget this. When we fill our plates with commitments and responsibilities it is easy to lose focus of the big picture. But this does not mean that we should not try. As we meditate and reflect and question our choices, whether they be of behavioural patterns or even of places we want to go to and people we wish to meet, we get better at watching and understanding ourselves. We get better at living in a way that we are meant to live.

Let us resolve not to end up like Ivan Illich in Leo Tolstoy's *Death of Ivan Illich* where in his last moments he suddenly asks himself:

... 'What if my entire life, my entire conscious life, simply was not the real thing?' It occurred to him that what had seemed utterly inconceivable before—that he had not lived the kind of life he should have—might in fact be true. It occurred to him that those scarcely perceptible impulses of his to protest what people of high rank considered good, vague impulses which he had always suppressed, might have been precisely what mattered, and all the rest not been the real thing.

Let us resolve to create lives that are true to us and to work in ways that elevate us.

Notes

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Sadaff Habib Independent Arbitrator, Equanimity Arbitration, Dubai

Sadaff Habib is a Kenyan of Indian descent based in Dubai, UAE. She is a qualified New York lawyer and now works as an independent arbitrator under her banner 'Equanimity Arbitration'. She is often asked, why 'Equanimity'? This is a personal ethos of hers as she strives to live life in a state of 'equanimity'; that is, with a calm and composed mind, and adopts the same approach to her practice as an independent arbitrator. Outside the world of arbitration, Sadaff writes poetry, enjoys hiking and practising kung fu. She is also a certified yoga teacher and certified health coach.

'Legal Coaching': Tips on How to Improve Your Concentration and Organisational Skills

How do I get to work without dragging my feet? Is there a way not to be constantly disturbed in the middle of drafting documents? What is the stress zone and how to get out of it? How can I free my mind and get rid of distracting thoughts at work? Here's some few tips on how to improve your life as a lawyer by being more focused and organised.



Introduction

In the very early days of my career as a lawyer, I began to use personal development methods, such as motivational and organisational techniques, as part of my preparation and training courses to sit the Paris Bar exam. These methods and techniques ranged from how not to lose self-confidence given the workload and the difficulty of preparing for the exam, to how to organise myself to be as efficient and relevant as possible.

Once I became a lawyer, I wrote and published with Enrick B. Editions a book called *Chronique d'un élève avocat—comment j'ai réussi l'examen du CRFPA* (Chronicles of a trainee lawyer—how I passed the Bar exam; unpublished in English) which contained feedback on preparing for the Bar exam, with practical advice and inspiring preparation methods. This book was for my fellow students and dealt with how I managed to pass the exam and was full of tips on how to get through

this challenge and become organised. It was a bestseller (given the targeted audience), with more than 1,000 copies sold in France and I was soon contacted by Bar exam preparation institutes and schools to give what they called 'legal coaching' courses.

This month, to take part in the publication of this special issue of the *IPBA Journal* on 'Mental Health and Wellbeing in the Legal Profession', I thought that sharing some of the methods I had applied and lectured on might be just as useful to some of my IPBA colleagues who have to cope with a lot of work, causing stress and organisational difficulties. In fact, the demanding hours and stressful work environment for lawyers can often have detrimental effects, and they may struggle to balance severe stress and self-care. Here are a few tips to help you stay in shape!

Disclaimer: The methods I am about to give are genuine personal tools that have helped me to organise my preparation for the Paris Bar exam and to manage my motivation. I draw your attention to the fact that these methods correspond to my own way of working and, as such, are personalised. There is therefore no point in applying them to the letter if you don't feel you need to. Above all, you need to make them your own and adapt them to your own work.

The 5-Minute Theory

Who hasn't experienced that famous moment when, just as you're about to get down to work, the motivation isn't there and you find it hard to really start? Proportionately speaking, the get-to-work phase can be compared to putting a rocket into orbit: taking off and crossing the atmosphere requires considerable effort, but once in orbit, the rocket can easily switch off its engines and let itself be pushed along. Coming back to a lawyer's work, this is what we might also call the 5-minute theory: our brains need to make a very great effort for around five minutes to enter the concentration phase, but once this time has elapsed, it is very easy to maintain our attention and our revisions go smoothly.

To help you manage these five crucial minutes, I suggest you try one method: creating a Vision Board. On an A4 sheet of paper or directly on your computer, create a collage of motivational quotes, photographs or images that make you want to get to work. You will see how much a simple glance at this board will help you manage your concentration!

Another tip is to set up some real concentration rituals that you will practise during these five minutes: listen to motivational music, close your eyes and visualise a scene that will stimulate your desire to get down to work—why not, for instance, imagine the success in a litigation case that you are celebrating with your client over champagne or a major M&A deal that has just been closed after long weeks of intensive work? Maximum concentration guaranteed!

The Technique of the 'Disconnected' Desk

Have you ever noticed that it is often early in the morning or late at night that you are able to work on in-depth matters because you are not disturbed by phone calls, emails, colleagues, etc.? Unfortunately, yes, because we are the victims of the incessant disruption of working life and this can have an impact on our sleep, our family life and so on.

However, there is a trick that you can apply to help you concentrate properly and not be disturbed: that is to disconnect your desk by removing any object likely to distract you during your work, especially your mobile phone! There is nothing worse than receiving a text message or a news notification on your phone while you are focusing on a task. This simple alert is enough to distract us and we find it very hard to get back into the swing of things.

As the 5-minute theory implies (see above), our brain needs around five minutes to concentrate 100 per cent on a task and isolate itself from its environment. But once we have started, we become unstoppable unless we are disturbed each time by little pop-ups such as emails, text messages or phone notifications that bring us back to reality and the outside world. When you realise that these days we receive a notification on our mobile phone every seven minutes on average, do you want to waste five minutes each time trying to get your head back in the game and not be very productive in your revision?

So, when focusing on a task that requires high-level concentration, please hide that mobile phone, set it on silent mode, turn off email notifications from your computer, etc. We all have the right to disconnect if we want to do well to work in an efficient and productive way!

Decompression is the Key

Pressure is important for motivation and to get to work—that is how I came to eventually finish the writing of this

article, and thanks to my colleagues at the IPBA for putting the pressure on me!

But decompression is even more important. Learn how to take a break, open a parenthesis and take a breather for a few minutes or hours. These moments of entertainment and relaxation are precisely what you need to distract yourself from your work, so that you do not explode at the end of the day or the week.

Stating that decompression is important is common sense, of course. But many lawyers fail to do so because, unfortunately, the key to decompression is often misunderstood and that is where the problem lies.

What's more, our relationship with work has changed considerably, becoming more complex and more demanding. Added to this are the consequences of technological advances which are gradually blurring the boundary between work and private life.

I drew a lot of my inspiration from a book written by Tony Schwartz and Jim Loehr called *The Power of Full Engagement*. In this book, the two authors explain that it is energy management rather than time management that is the key to success in achieving performance and completing a project. One of the tips they give is to distinguish between positive and negative energy on the one hand, and high and low energy on the other. You end up with four zones:

1. the stress zone, where the energy is negative but high;
2. the performance zone, where energy is positive and high;
3. the recovery zone, where energy is positive but low; and
4. the overwork/depression zone, where energy is both negative and low.

The idea now, as you all have realised, is to always stay in the performance and recovery zones and to alternate between these two zones, thereby systematically maintaining a positive energy level whether it's high or low. So, the adjustment variable is the quantity of energy (high/low) and not the quality of energy (positive/negative) which will cause you to fall into a 'bad' zone (stress zone or overwork/depression zone).

And, the solution to alternate between the performance and recovery zone is decompression! Find your way to decompress, such as sport, music or micro-naps (like me and Napoleon, apparently!).

The 'Post-It' Method

The principle of this method is to list all the tasks that remain to be completed in a matter/case. It is a sort of 'To do list'. Take a post-it note (or a blank sheet of paper if there are too many tasks to list) for each matter and/or each area of work to be done (business development, invoicing, human resources management, etc.) and list all the tasks that await you. At the start of a matter/project, you will find it difficult to have an exhaustive view of the work that remains to be done, which is why this 'post-it' method should be used as soon as a new task arises.

This method is both a means of organisation, as you will have a clear vision of your objectives for each file, and a motivational tool, as once a task has been completed you will highlight/cross out the corresponding task contained in your 'post-it', happy and fulfilled to have completed your work. In fact, highlighting/crossing out is a very meaningful act; it symbolises the feeling of having done your work and completed your duty, and you will quickly become addicted to it! This is why it is better to do it by hand, the old-fashioned way, rather than on the computer.



Wissam Mghazli
Managing Partner, Komon Avocats,
Paris

Wissam Mghazli is a member of the Paris Bar and Managing Partner of the business law firm Komon Avocats. Educated as a litigator in several French and international leading law firms, Wissam has acquired over the years a genuine legal expertise in international arbitration and complex high-stakes business litigation. He mainly represents international clients in commercial, institutional and ad hoc arbitration, as well as in international litigation.

Maintaining Mental Health and Wellbeing in the Legal Profession in Vietnam

Faced with the complexity of the profession and the high requirements for expertise and skills, the decline in mental health and happiness of Vietnamese lawyers is very worrying. What are the underlying causes and solutions to improve this situation? This article aims to clarify the importance of mental health, its challenges and proposes solutions to create a work-life balance for law practitioners in Vietnam.



Introduction

Maintaining mental health and wellbeing is a condition for the legal profession to achieve sublimation in work and balance in daily life, especially in the context of the community culture in Vietnam.

Whereas until very recently happiness was measured based on raw data, often of an economic and abstract nature, wellbeing and mental health are increasingly used as markers for assessing a society's state of health

at a given moment. Considering this mental aspect of health, the WHO provides a more precise approach that corresponds to current standards of mental health assessment: 'Mental health is a state of mental wellbeing that enables people to cope with the stresses of life, realise their abilities, learn well and work well, and contribute to their community'.

Mental health is also taking on greater importance for individuals and is a goal to be pursued, a choice

to be made and is often balanced with professional life. Therefore, mental health, which is becoming a concern for most people, is a marker of a healthy society and a condition for quality life. The concept is increasingly being questioned by legal practitioners, for whom everyday life remains a risk factor that creates crisis and imbalance in their lives.

Some Challenges in Maintaining the Mental Health and Wellbeing of Legal Professionals in Vietnam

Like many other professions, the legal profession is not immune to the risks to the mental health of its loyal adherents. With its high exposure to stress, delays and complications, the legal profession is by definition a high-risk sector for mental health.

Exogenous pressure factors (clients' needs, deadlines, legal disputes) are added to the rigour and accuracy with which these professionals must work, for whom doubt, error or approximation are not permitted. On top of this, there is often a heavy workload that exceeds the average for most professions.

Over and above these structural factors, the legal profession in Vietnam is facing a series of significant changes, which are constantly leading them to renew and strengthen their areas of expertise. Along with the rapid development of social life in general, the legal profession today has developed far beyond the expectations of previous generations of law practitioners. Globalisation and economic market expansion push law practitioners to constantly develop themselves and meet the ever-changing requirements of customers. To avoid being left behind, legal professionals in Vietnam are not only improving their expertise and skills in the legal field but also cultivating background knowledge of social life fields and, above all, understanding the insight needs of their clients who come from a variety of countries and cultures.

This therefore requires a relentless and rigorous learning process in both psychological and biological aspects. Furthermore, cross-border working conditions with a large range of clients no longer limited to certain territories increase their challenges.

Because they obviously belong to the world, legal practitioners have also been under constant pressure as a result of events such as the COVID-19 crisis, but

they have also been challenged or at least shaken up by the arrival of AI software, which is creating a revolution in the profession that is only just beginning.

Given these characteristics, legal professionals are necessarily sensitive to mental health issues. The purpose of this article is therefore fully relevant: good mental health is an asset for the longevity and productivity of a professional, but the very characteristics of his or her profession are likely to endanger mental health. This illustrates the paradox of the relationship between working life and mental health: while the pursuit of a profession requires the maintenance of good mental health and wellbeing at work, it is also likely to destroy them.

Importance of Mental Health and Wellbeing in the Legal Profession

An Emerging Awareness That Collides With Practical Reality

Legal professionals in Vietnam are starting to realise the importance of maintaining mental health and wellbeing. However, from awareness to action is still quite a distance. Prevention therefore is rarely applied proactively; instead, some methods are applied to improve and regain balance when clinical symptoms are already too obvious.

In Vietnam, the level of concern for mental health and wellness conditions has improved but has not yet brought practical results. According to the Ministry of Health, Vietnam still only focuses on treating mental disorders by treating clinical symptoms. Treatment of psychological disorders is not focused on any subject. Unfortunately, legal practitioners who are considered professionals with a strong mentality and a certain position in society are rarely the subject of mental health and wellness issues.

Although labour law limits working hours, the increasing demand for expertise and skills and increasing competition force legal professionals to subject themselves to hidden rules on overtime with no salary to complete the set deadline. Overtime is a common issue, especially in law firms or businesses where in-house counsel lawyers perform services.

The Vietnam Bar Association, law schools and other law associations have not paid attention to the issue of protecting the mental health and wellness of their members. Maintaining mental health and wellness is by

default their obligation to ensure job maintenance and is not the general responsibility of the community, firms, organisations or associations.

Because of prejudices about society in general and work in particular, and a culture of community, law professionals in Vietnam are often afraid of criticism and silently endure pressure until they choose the final solution to withdraw.

It is quite normal for legal professionals to be sought after working hours to handle work. Furthermore, 'dinner table culture to handle work' causes a lot of discomfort and directly affects legal professionals themselves and their families, seeing that family discord can increase and promote mental health problems more seriously.

Currently, in Vietnam, there is no official research or index on the mental health and wellness of legal professionals due to a lack of interest.

Warning Signs of Decline in the Legal Profession

Clinical symptoms of deterioration in mental health and wellbeing are easily recognisable to the naked eye or through the sense of mental health deterioration. The legal profession always requires professionalism, precision and seriousness. Therefore, law practitioners must pay attention to their outer appearance and emotions.

This can cause mental disorders due to differences in personality and living habits. Professionalism and integration are often equated with stereotypical copying of external symbolic elements. In addition, the legal profession requires a clean private life, so keeping personal matters, including mental health and wellbeing conditions confidential, is also considered the default position. Thus, maintaining a professional image sometimes puts legal professionals under pressure and they become reluctant to express their own personalities, especially combined with the influences of Eastern culture.

Legal professionals in Vietnam often tend to accept mental health and wellbeing issues and keep them hidden. Furthermore, the backwardness of the medical system, especially in Vietnam, along with social prejudices, makes them not dare to express or admit their mental health condition and unwell feelings.

Negative emotions appear or exist, such as anxiety, depression, fear, an increased level of control or disengagement, and loss of concentration. Loss of taste leads to loss of appetite, sleep disorders, etc. These manifestations and signs directly affect the quality of life and work, the ability to assess and make decisions.

With the emphasis on efficiency in the workplace, many law firms are strict in maintaining an image and quality of work without paying attention to the spiritual life of their employees. Evaluation using performance-based criteria without considering the underlying personal reasons always haunts legal professionals and further pushes them into a vicious cycle of mental disorders that go untreated until the condition becomes more and more severe.

Drawing up an objective assessment of the context and the causes leading to a threat to mental health and wellbeing enables us to better understand the various solutions available to ensure that these crucial aspects of a legal professional's productivity and integration are better considered.

While mental health, when sufficiently deteriorated, requires clinical treatment that goes well beyond the professional sphere, there are several points to watch out for to avoid this breaking point. Existing solutions can therefore be found directly in the social and professional environment of the worker concerned, as discussed further below.

Solutions for Maintaining Mental Health and Wellbeing

Proactively Find Balance

Striking a balance between career and private life is a pillar of mental health. This balance is constantly threatened by the constraints inherent in the world of the legal profession: urgency, deadlines, but also professional events, client meetings and partnerships, which are certainly gratifying activities from a social point of view, but which remain insidious when they are not sufficiently controlled and encroach too much on private life.

In Vietnam, the search for this equilibrium seems increasingly to be a priority for job seekers, particularly the youngest (25–34 years). In this age group, out of 1,000 job seekers, 73 per cent consider work-life balance to be the priority, closely followed by income and financial

security.¹ Changing jobs is almost a priority choice to ensure life balance with the prerequisite factor being shortening working hours.

Despite this awareness, two issues are emerging. First, it is not sufficient to consider work-life balance a priority to benefit from it, and second, each individual has his or her own balance and markers. So, there is no abstract solution that can be applied to everyone, just avenues of reflection that need to be proactively implemented by individuals. However, to achieve balance, the starting point is correct and scientific self-awareness.

Flexible working is a growing phenomenon today. Legal professionals in Vietnam are also trending to flexibility in scheduling. Some options are freelance or work-from-home positions which have a double edge: the flexibility it brings to the workplace can become a real asset when it comes to preserving a balance, such as taking days off to work from home, which reconnects people with the notion of comfort at work. However, in certain circumstances, this flexibility results in a lack of visibility over the actual working time and can lead to a large excess of working hours.

The division of time between work and private life is undoubtedly the most important aspect of wellbeing and mental health. Maintaining a balance between life and work already means setting limits, with varying degrees of precision, on an effective working time in line with your goals.

Generally speaking, working long hours can, in the medium- to long-term, lead to a drop in productivity and motivation. Productivity at work is essentially fuelled by the wellbeing of the individual: a good work-life balance is not only important for preserving mental health, but is also a factor in the growth of a business.

Furthermore, it is not just limited to working hours, the tendency to overuse technological devices during rest time means that legal practitioners actually do not really rest. The misconceptions of rest, entertainment and relaxation cause the balance of life to be upset and fatigue takes up most of the day. Proper rest therefore also needs to be actively learned and applied to truly ensure its quality.

The correlation between mental wellbeing and productivity should prompt proactive measures by

legal practitioners that require their comprehensive awareness.

Maintain Connections

Most legal professionals are often caught up in the cycle of working at the workplace and even at home. This omnipresence of work and stress in the face of deadlines regularly leads to an inability to reconnect with oneself, even when the individual has left the workplace.

Generally, this reconnection with oneself can take some time and the presence of those around the person (family, close friends, etc.) can be obscured. Inevitably, this process is a vicious circle: the more difficult it is to reconnect with oneself, the less beneficial the time spent away from the workplace will be.

This exercise in reconnecting with oneself and one's surroundings is crucial to revitalising a sense of wellbeing that is sometimes altered. Because they are subject to constant pressures, legal practitioners must arbitrate an internal conflict between accumulated stress and professional preoccupation with the need to recover to cope with these tasks. Reconnecting with oneself then allows one to better reconnect with his or her social environment—feeling part of a group, integrated into a social system—and is a clear marker of wellbeing.

The COVID-19 crisis marked the disillusionment of individualism: isolated, many professionals, particularly in the legal world, developed symptoms of depression and reduced productivity at work. This crisis has revealed one of the essential drivers of growth: social wellbeing, meaning the ability to feel useful and socially integrated into a group. Moreover, this need is particularly acute in Vietnam, where the culture is traditionally based on Confucian roots, meaning a strong sense of community.

However, in another aspect, this sense of community hinders each individual's deep connection to the community when personalisation is difficult to accept and must always follow the general rules of the majority. In their family, legal professionals may be forced to follow family traditions and not have opinions. At the workplace, rules are sometimes harsh and restrict individual freedom. Discussing work compensation and benefits is almost taboo in some Vietnamese businesses and organisations when it is considered a factor in maintaining order and solidarity.

Connecting on a broader scale, including nature, people and society create a network of relationships or connection networks. However, sanity in relationships and methods to connect is a condition for legal professionals to create a sense of satisfaction for themselves. Personal satisfaction and the satisfaction of those around them, such as relatives, family and society, sometimes create conflicts. Discomfort can arise especially with prying into one's private life in the name of the interest of some individuals or exploitation to receive free legal services. Connection will also imply resolving or accepting conflicts that arise.

Maintaining connection is not moment-oriented but process-oriented. This means that there will be times when the connection is interrupted but will be quickly adjusted. Therefore, you should not rush or put pressure on yourself as if it were a task. Get acquainted and gradually make connections naturally, starting from understanding yourself.

Find the Right Partner

The idea that wellbeing and mental health depend solely on individual solutions is a mistake: it is a more collective phenomenon that leads to growth and productivity being preferred to the detriment of individual wellbeing.

In the legal profession, as in many other fields where a hierarchical structure allows professionals to perform better, the employer's share of responsibility for maintaining mental health is predominant. So, first, job seekers must choose the right structure to work in, and second, they need to be able to leave if the conditions it offers don't allow them to strike a balance between wellbeing and professional imperatives.

Beyond theory, it is not easy to escape the general rules, but there will still be places that promote mental health and wellness. Trying to force yourself to 'integrate' at work when your mental and physical health cannot stand it will mean that retreating will only happen sooner rather than later. Furthermore, accepting and tolerating many inappropriate things does not lead to a good result. Make decisions and accept trade-offs to find joy in life and work.

Although rare, some law firms and economic organisations in Vietnam are placing people—first of all, their employees—in the most important positions, taking

the human factor as the core of the company's course of action. Therefore, they promote life-work balance and believe that this is the foundation to create a happy community and maintain sustainable development.

Like a message of hope, Corporate Social Responsibility ('CSR') seems to be gradually gaining ground in Vietnam and becoming the source of a management style that is more focused on human needs. This theory encourages companies to develop a positive impact on their environment or at least not to destroy more than it produces. CSR is largely composed of a human dimension, through which the prospect of taking better account of the wellbeing of workers remains a factor of loyalty and growth. The trend is therefore to promote the wellbeing of the individual within his or her professional structure, so it is now possible to opt for a structure in line with these values.

Enjoy Moments

Although wellbeing and mental health are complex concepts and their integration into the professional sphere is a real challenge, they can sometimes be found in the simplest of things. Wellbeing and mental health are really made up of lots of little moments, gestures and thoughts that sometimes make the essential difference between a healthy environment and a toxic one.

The legal profession particularly suffers from certain negative apprehensions, that is, it is considered to be strict, with a very structured and formal environment. This type of profession can sometimes lead people to believe that lighter moments are forbidden. It is important to steer clear of this kind of cliché. However strict and formal it may be, the day-to-day practice of law does not turn its practitioners into robots and they still have human needs.

It will be more effective to build lasting love and excitement in life and work when you know how to enjoy interesting moments that happen. For example, congratulate yourself when you complete a task, take a deep breath and be grateful for your co-workers' help on a project, enjoy a full cup of coffee, or really rest during breaks. These are always good methods to maintain positive energy and increase connection and excitement of work.

These precepts for living, which are shared by so many people, sometimes have difficulty penetrating

professional life, which we imagine to be sterile and untouched by human emotions. Transforming your vision and incorporating the human values of everyday life into the workplace also helps you to create a strong sense of belonging with your colleagues and associates and those around you. Hence, do not hesitate to express your diversity and versatility in your own ways without lacking sophistication.

Seek External Support

One unfortunate but common mistake is to isolate your issues when faced with a personal or professional situation that is damaging one's wellbeing and mental health. It is intuitive to refocus on oneself and ignore the outstretched hands of those around you (if they are aware of the period of difficulty that the person is going through). But seeking external support remains a good solution and a promise of improvement.

The combination of the above solutions to protect yourself from mental health and wellness issues and seeking external support will help legal professionals address their own problems. External support can come from family, friends, colleagues or associations through sharing and consulting. Understanding starts from sharing and then leads to supportive solutions.

In case of need, do not hesitate to consult psychologists and doctors to help yourself quickly return to a balanced state. When prevention and improvement can no longer be achieved solely through friendly or caring support from those around you, there are clinical solutions that can help you manage disorders when your health has become too impaired.

This approach is also wise because it allows you to speak freely and others will be able to listen to you and confide their doubts and weaknesses.

Conclusion

On a much larger scale, a general liberalisation of the debate on wellbeing at work would have enormous positive consequences for the future of legal practitioners. This is expected in the near future with the accompanying concern and social responsibility from organisations.

In short, mental health and wellbeing play an important role in the overall health and the activities of legal professionals, contributing to career growth and

advancement or causing work stagnation. Maintaining good mental health and wellness is a condition for the developing career of legal professionals. To achieve this, legal professionals first need to be aware of their own desires and needs (understand themselves). At the same time, to increase effectiveness and maintain the mental health and wellness of legal professionals, it is necessary for the joint contributions of firms, economic organisations and associations to balance economic benefits and maintain a spiritual and physical life.

There is a general trend towards greater awareness of the human problems associated with the pressure that the legal profession may suffer every day. Awareness of mental health and wellbeing issues is not just a human concern, it is not a counter-productive or charitable gesture. These issues hold the promise of greater productivity in the workplace, sustained growth, and above all, longer working lives.

Following these principles, it is possible that this general awareness, which can be observed worldwide, will lead states to legislate proactively on these subjects, so as to impose certain standards, regulations and remedies to enable better control of health at work and to provide solutions. It is still relatively early days for a system of this kind to emerge, especially in Vietnam, but the rhetoric and the philosophy are changing and they are now turned towards progress.

Notes

¹ Pham Nga (27 February 2023), 'Vietnamese Quit High-paying Jobs In Quest for Work-life Balance', *VN Express International*; available at <https://e.vnexpress.net/news/economy/vietnamese-quit-high-paying-jobs-in-quest-for-work-life-balance-4575409.html>.



Bui Cong Thanh (James Bui)
Managing Partner, PLF Law Firm, Ho Chi Minh

Mr Bui Cong Thanh is the Managing Partner of PLF Law Firm. He is also a member of the Vietnam Business Lawyers Club, Ho Chi Minh City Bar Association and the Vietnam Bar Federation. He specialises in real estate and M&A deals related to enterprises operating in various industries, such as services, retailing, manufacturing, technology and F&B.

The Need for Tackling Mental Health Concerns in the Indian Legal Fraternity

When it comes to a law firm, clients and resources are essential. The wellbeing of a law firm's resources is paramount in dealing with the expectations of a client and their satisfaction. In such a situation, the wellness of the resources becomes central. While a lot of emphasis has been given to the physical health of individuals and any illness in the physical arena is catered to seriously, mental health is an aspect of human life that is frequently ignored and not acknowledged, even by those who may suffer from it. This could be due to a large number of reasons, including certain stigma or lack of awareness of the issue itself. This article dwells on the need for change in the legal industry towards recognition and assistance towards mental health issues faced in the industry.





Introduction

Mental health in the workplace is top of mind for everyone these days. On a positive note, one's understanding of mental health at work is changing, as is the recognition of the fact as to how widespread poor mental health is in present times, including at workplaces.

Recent studies have shown that many employees are experiencing some combination of mental health concerns, performance issues and stress. Workers have reported problems such as depression, lack of motivation, reduced focus, insomnia and decreased teamwork. When employees and leaders cannot focus on their jobs, the effects on a business can be devastating.

Although a loose term, one needs to understand what 'mental health' encompasses before getting to the causes and understanding how to deal with it. Mental health describes our state of social, psychological and emotional wellbeing and is an integral part of our overall wellness. A vast body of research links mental and physical health, which work together in influencing how we think, feel and act. Mental health touches every aspect of our lives, especially workplace performance. Key performance indicators such as productivity, creativity and social engagement can all take a hit if an employee's mental health is suffering. Prioritising mental health in the workplace can help employees flourish and reach their full potential, which is what is needed to thrive and grow in any profession or business.

Lawyers are no exception to this battle. There have been several surveys among judges, attorneys, solicitors, associates, fresh graduates and even law students in recent years, indicating that, *inter alia*, lawyers are more likely to suffer from depression and other mental health issues than people in other occupations and

tend to fare poorly on job satisfaction and quality of life indicators. The legal profession is renowned for its demanding and high-stakes nature, where lawyers often navigate complex cases, work long hours and face intense scrutiny. While legal professionals are expected to uphold justice and advocate for their clients, the toll on their mental health is often overlooked.

In a nutshell, mental health is a state of wellbeing in which an individual can cope with everyday stressors, work productively, reach his or her full potential and contribute to their community. Mental health, along with physical health and social wellbeing, is an essential component of overall health.

Causes of Poor Mental Health at Work

There are many ways that a work environment can contribute towards poor mental health at work. Excessive stress and frustration due to toxic relationships, inexperienced leadership and unclear communication can build up over time. Layer this with a lack of clear roles and expectations, long or inflexible work schedules, unrealistic demands and lack of support for employees and it is no surprise that a worker can feel unsatisfied, depressed and exhausted.

In general, at work, risks to mental health, also called psychosocial risks, may be related to job content or work schedule, specific characteristics of the workplace or opportunities for career development, among other things. For instance:

1. *Inadequate health and safety policies.* Workplaces with poor health and safety policies may decrease employee mental health, lose staff, risk prosecution and reduce profitability.
2. *Poor communication and management practices.* Poor communication and practices create strain on the relationship, create poor mental health and increase workplace stress.
3. *Low levels of support for employees.* Managers who don't help remove obstacles or share resources with employees can contribute to employees feeling overwhelmed and unmotivated.
4. *Performance pressure.* The expectations of employees to constantly perform at peak levels puts unreasonable pressure on them. It leads to an

increase in workload and work hours, added stress and emotional exhaustion.

5. *Job insecurity.* Job loss is a major stressor for employees. The fear of not being able to pay bills or care for families carries a significant threat to an individual's mental wellbeing.

The Need to Talk About Mental Health

Positive mental health is important because it allows individuals to cope with challenges, even good ones, and setbacks in their lives, both at work and at home. Positive mental health at work helps teams remain agile when changing roles and responsibilities and facing difficult challenges. It helps employees flourish in their roles, manage stress and boosts resilience. Ultimately, it allows each individual to reach their highest potential.

Mental health of the employee not only affects the concerned person, but also those around him/her, including the organisation at large. Poor mental health and emotional distress in the workplace are problematic for a number of reasons, as they can result in disengaged employees, poor communication, high turnover, safety liabilities, poor job performance, low productivity, poor decision-making and decreased profits, among other issues.

#TimeToTalk is a campaign that started in the United Kingdom, after a survey which indicated that more than a third of 2,500 people could never find the right time and the right place to raise their intra-personal problems related to work, their career and their life. The organisation, through this campaign, allows those who have suffered—and who continue to suffer—to share their account of what it is like to live with mental health issues and see that it is okay to speak about them.

It is necessary to talk of mental health as there is a manifold impact of poor mental health:

1. *Lack of engagement with one's work.* Poor mental health leads to demotivation and lack of focus. When we have workplace mental health issues, our minds wander or fixate on our problems, making it difficult to regulate our thoughts and emotions.
2. *Productivity and job performance suffers.* High performance is mental strength in motion. Poor mental health can reduce job performance since

it makes accessing the behavioural skills that foster creativity and resilience all the more challenging. Without these skills, we don't have the psychological resources to perform well at our jobs.

3. *Reduced physical capability and daily functioning.* From social anxiety to a reduction in cognitive performance and working memory, poor mental health takes a major toll on your daily living and physical capability.
4. *Misaligned communication.* It's difficult to communicate well when we're emotionally not feeling well. Poor mental health may lead to misinterpreting or overreacting to colleagues. It may come across as speaking with a passive-aggressive tone, being a poor listener or having a negative attitude.
5. *Poor decision making.* Poor mental health can lead to a lack of impulse control, unhealthy thoughts and poor decision making. Poor decision making may lead to missed meetings, showing up late, dropping commitments or not adhering to company policies.

It has become necessary now more than ever to start a conversation about mental health where we begin to consider the most common and generalised issues, including stress, anxiety, depression and panic attacks as a real problem which is going to increase in the future if ignored.

Mental Health Within the Indian Context

The first study which was conducted with the aim of providing a comprehensive estimate of the prevalence and disease burden due to all mental disorders for every state of India from 1990 to 2017, reported that one in seven Indians was affected by mental disorders of varying severity in 2017. Depression and anxiety constitute the major bulk of mood disorders affecting the general population. Often, these issues are hidden in shadows and stigmatised.

In India, there exists hardly any support services and/or groups for people working in this field to access when they are having a hard time coping with their normal lives. A simple solution to tackle such situations could be the provision of platforms that provide a person with someone to express themselves to, which would act as an emotional and psychological relief.

Apart from an employer's general duty of care towards its employees and the health- and safety-related obligations under Indian labour laws, as such there are no specific legal obligations upon an employer in terms of ensuring an employee's 'mental' wellness in the employment context. However, 'mental illness' is one of the specified categories of disabilities under the new Rights of Persons with Disabilities Act 2016 ('RPDA'). Possibly some of the most important requirements for employers under the RPDA are the obligations to prohibit discrimination against such individuals, investigating complaints of discrimination and taking necessary actions.

India has enacted a new law called the Mental Healthcare Act 2017 ('MHA'). The objective of the MHA is to reinforce the rights of persons with mental illnesses. It predominantly stipulates the obligations and regulations for mental health care establishments treating such persons. The law also lays down the rights of persons with mental illnesses. As per the MHA, every person with a mental illness has, among other things, the right to dignity, privacy, to be a part of society and not to be segregated from society, to be treated equally to persons with physical illness in all provisions of healthcare, and the right to be protected from all forms of physical, emotional and sexual abuse, etc. The MHA also emphasises the right to confidentiality of persons with mental illnesses. Although this law is not specific to employment, since mental health is becoming a growing concern within India employers need to bear in mind this law's principles.

Mental illnesses can be debilitating and destructive, as observed by the High Court of Delhi in 2021 in *Shikha Nischal v National Insurance Co Ltd*. It has given rise to a need to openly discuss systemic challenges faced by individuals in this profession and the impact on one's emotional health and wellbeing because the more discussion you have about mental health issues in different forums, the less stigma will be attached to someone suffering from mental health issues.

Mental Health and the Legal Profession

Legal professionals are noted to experience higher levels of depression, anxiety and stress, and lower levels of mental wellbeing than members of the general population. Recently, the Honourable Chief Justice of India discussed in depth the issue regarding the mental health of lawyers in litigation, while being felicitated by his alma mater, Harvard Law School.

In 2021, a study 'Life in the Law' was conducted among 1,700 lawyers and legal practitioners working in the United Kingdom, Republic of Ireland, Jersey, Guernsey and the Isle of Man with the aim to take a snapshot of mental health and wellbeing in the legal profession. However, the results were horrifying with respect to how 69 per cent of participants had experienced mental ill-health including anxiety, low mood and depression in the 12 months prior to completing the survey, leaving them at a high risk of burnout early in their lives.

The statistics of another 2021 survey conducted by the American Bar Association revealed that lawyers were stressed out before the onset of the COVID-19 pandemic. More than a third (40 per cent) reported that, due to the pandemic, their overall work-related stress levels were increased. The report also threw some light on the pressures of practising law. The researchers were of the opinion that lawyers rarely cut themselves a break. According to their research, more than 60 per cent of individuals either work long hours or fail to take adequate breaks during the workday, whereas nine per cent of the professionals confirmed that 'they never stop working'.

In terms of the legal profession, more specifically, while the general factors apply, there are additional causes that lead to adversarial mental health. These may be summed up as below, taking cue from the Honourable Chief Justice of India:

1. *Adversarial stress.* The adversarial nature of litigation contributes to heightened levels of stress among legal practitioners. The constant pressure to perform, coupled with long working hours and sleepless nights, takes a toll on their wellbeing. Furthermore, the financial uncertainties exacerbated by the pandemic added to the burden faced by junior lawyers, who are often inadequately compensated.
2. *Destigmatising mental health.* One of the significant challenges in addressing mental health within the legal profession is the prevailing stigma surrounding it. It is even more difficult for lawyers to openly discuss mental health concerns as admitting to mental health issues, in a profession where cognitive functioning and abilities are highly prized, can leave one open to having their mental faculties and skill as a lawyer being questioned

or even mocked. There is an urgent need to dispel this stigma and create an environment that encourages open discussions about mental health. By fostering a culture of understanding and support, legal professionals can seek help without fear of judgement or professional repercussions.

3. *Promoting work-life balance.* Achieving a healthy work-life balance is crucial for maintaining mental wellbeing. There is a need to emphasise the importance of setting reasonable expectations within the legal profession. Encouraging adequate rest, leisure time and engaging in activities outside of work can help alleviate stress and prevent burnout. Recognising the value of personal wellbeing contributes to the overall effectiveness and longevity of legal professionals' careers.
4. *Supporting junior lawyers.* Like any other profession, in the legal fraternity there is a need to support and help in the growth of young lawyers. Towards this, one is required to address the issue of insufficient compensation for junior lawyers, particularly those who opt for public service or work outside the realm of corporate law. By ensuring fair remuneration, the legal profession can attract and retain talented individuals, ultimately fostering a healthier and more sustainable work environment.
5. *Creating a supportive environment.* In order to prioritise mental health in the legal profession, one should call for a collective effort to create a supportive environment. Legal chambers and law firms must take proactive measures to promote mental wellbeing, such as offering counselling services, implementing flexible work arrangements and raising awareness about mental health issues. Additionally, legal education institutions have a vital role to play in preparing future lawyers by incorporating training on self-care, stress management and resilience.

A number of countries have started taking an initiative towards providing mental health resources to the legal profession. For example, the American Bar Association through its Commission on Lawyer Assistance Program ('CoLAP') works for the wellbeing of individuals working in this profession by ensuring that every judge, lawyer and law student has access to support and assistance when confronting alcoholism, substance use disorders or mental health issues.

Firms, chambers and individual lawyers can and must do more to help their colleagues, partners, associates and, most importantly, interns by creating an interactive office environment because young minds should be prepared for the demands of this challenging profession.

What Can an Organisation/Employer Do?

When it comes to promoting wellbeing at work, creating proactive options that help people improve and maintain their mental health day to day is key to helping employees flourish. The most vital action an employer, including a law firm, can take is to offer resources for both broader mental health and those who need clinical services. Although availability of clinical services is helpful, in a majority of the cases the employees only require the former, i.e. mental health support.

During trying times, which for lawyers is more often than not, employees need help with coping skills, managing stress and building up resilience. Strengthening their overall mental fitness is important for them to be both happy individuals and productive contributors to your team.

Some broad indicative measures that can be implemented at both micro and macro levels for improved mental health of employees and lawyers are below:

1. *Employee (lawyer) assistance program.* This is a work-based program that traditionally assists employees with personal or work-related problems that may be hurting their job performance or wellbeing. It is provided to employees at no cost and can assist with issues like relationship challenges, traumatic events (such as workplace violence), legal problems, wellness matters, and a broad range of other issues. Employees can access services online, via phone, video chat, email or face to face.
2. *Relaxation spaces.* Dedicated quiet spaces for relaxation activities give employees the opportunity for midday breaks to unwind and de-stress. Equally important is making it culturally acceptable to take breaks and use these spaces. Leaders and managers can set the tone.
3. *Mental health self-assessment tools available to all employees.* Self-assessment tools provide questionnaires and tools to assess mental health concerns. These tools don't provide a diagnosis but rather help explore if further assessment or resources would be beneficial to the employee.
4. *Free or subsidised clinical screenings for depression.* Clinical screenings from mental health professionals that provide feedback and clinical referrals when appropriate. The effort of seeking evaluation and treatment can otherwise be a barrier.
5. *Free or subsidised mental wellbeing coaches.* Coaching services from certified coaches to help employees navigate challenges and strengthen their mental fitness.
6. *Health insurance.* Provision of mental health benefits at no or low out-of-pocket cost may be provided, such as free of cost or inexpensive health care coverage for prescription medications and mental health counselling.
7. *Awareness and sensitisation programs.* There tend to be a lot of misconceptions regarding mental illness; moreover, persons suffering from mental health issues often hesitate to discuss or request accommodations with respect to their condition for the fear of being judged, mocked or thought of as 'weak' or lacking in professional competence. It is necessary that people, especially at a senior or



managerial level, are sensitised on matters relating to mental health so that they are able to create and contribute towards psychological safety at the workplace.

Conclusion

Everyone has the right to work and all workers have the right to a safe and healthy working environment. Work can be a protective factor for mental health, but it can also contribute to worsening mental health. Work-related mental health conditions are preventable. Much can also be done to protect and promote mental health at work and support people with mental health conditions to participate fully and equitably in work.

In the twenty-first century, human capital is the most valuable resource in an economy. Although much has been done to promote diversity at work, there's a lacuna when it comes to understanding how temperament and sentiment play into the trajectory of success. Mental health is a challenge, but it is not a weakness. Understanding one's psyche can be the key to unleashing the strengths—whether using the sensitivity to empathise with clients, the anxiety to be a more thoughtful boss or the need for space to forge new and interesting paths. Failure to acknowledge an employee's mental health can hurt productivity and professional relationships. Professional support needs to get better. In short, there is a need for more flexibility, sensitivity and open-mindedness from employers. Along with employee assistance programs, conversation and education are fundamental if the goal is to increase understanding and reduce the stigma around mental health.

The legal fraternity stands as a beacon of hope, a knight in shining armour, a flagbearer of justice to give an ear to the cry of litigants. An outsider is often as oblivious about the human behind the lawyer as he is about the working of the judicial system. The successful lawyer is the face he sees not knowing the midnight oil burnt that wrinkled those brows, the long battle to the top and the skills honed over decades. The struggle of the young lawyer often remains unknown and unattended. It is thus imperative that the elephant in the room is addressed and the silence broken by talking about it, creating larger awareness and implementing remedial measures towards the mental health of lawyers in the twenty-first century.

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Ajay Bhargava

Partner, Khaitan & Co, Noida

Ajay Bhargava is a Partner in the Dispute Resolution Group at Khaitan & Co. In his areas of practice, he specialises in civil, criminal & corporate litigation with 26 years of experience. Ajay practices across various forums in India and also international arbitration. Ajay actively participates in the diversity and inclusion activities organised by the Firm.



Shivank Diddi

Principal Associate, Khaitan & Co, Noida

Shivank Diddi is a Principal Associate in the Dispute Resolution practice group in the New Delhi NCR office. Shivank possesses experience in handling complex civil, commercial and corporate litigation before the Supreme Court, various High Courts and Tribunals in India. Shivank has represented and handled international and domestic arbitrations, both seated in India and overseas. He regularly advises clients on pre-litigation strategy for arbitration and court litigation.

Breathing Mindfully

Breathing in. Breathing out—breathing on a daily, we don't think twice.
There were no consequences. It is light, and it's easy.



Yet somehow, when we are stressed, when we feel anxiety, our breathing pattern actually changes. There are physiological effects when we encounter extreme stress and when we are suddenly in shock mode our amygdala goes wild. Temperature may drop, our breathing has a quicker pace and our mood also changes.

How conscious are we on a daily basis in our work with our families or even with our clients that we notice such differences? As a lawyer, very often we have to take on great responsibility, with lots of challenges and sometimes the work may even feel thankless.

What I discovered quite quickly in the course of my career, is that mindfulness is a lifesaver. I was called to the Bar in 2009 and I had the great privilege of working on many interesting and complicated cases all the way up to Court of Appeal in England and Wales. I had my first class action case of over 500 claimants from China as a very junior lawyer. And while, on the face of it, my career was perfect and I was seen as a highflyer, underneath, it was a very turbulent time.

In 2015, I went back to Australia. I contacted my Bar Council and I asked what are they doing for junior

lawyers like myself? Thankfully, I felt heard. The Bar Council created a survey that I filled in expressing at that time the kind of pressures that lawyers like me were facing. What was interesting was that the Bar Council reacted quickly. They said that they were going to be proactive about it, they were going to sort out a website and they wanted to quote me. At that time I said please do not quote me, but you can use my quotes.

Come 2023, now you find that the Bar Council of England and Wales has developed so many resources, from junior lawyers to King's Counsel, to share people's personal experiences, challenges and how they have overcome it. I think in 2023 we are at a pivotal point in our careers as lawyers and I would like to share with you my journey to hope, particularly for the more junior lawyers on how to manage expectations, stress and success with equal vigour.

I believe that there are five main things that have helped me, colleagues and friends when it came to dealing with challenges, vulnerability and how they may have escaped death and suicide. These are discussed further below.

Authenticity

First, I think that authenticity is the only stamp that can truly make us feel proud without feeling 'imposter syndrome'. What I mean by that is that title does not matter and how much you earn does not matter; rather, it is how you feel in the moment that is most authentic to you that does matter. It may be a decision that you have to make, it may be a choice regarding a case or a client, or it may just be what you are going to order for today. What you feel like doing at this moment in time that is genuinely in sync with your values and how you truly feel is more important. In other words, it is no longer about wearing a mask to please or make other people happy.

Asking for Help

Second is asking for help. It is a sure way to get what you want in terms of support and it does not imply weakness or incompetence. I am referring specifically in terms of needing a bit more time and resources. Examples include, 'I would like you to help me with x' when the workload becomes overwhelming or needing more time in terms of returnings and drafting and when we are truly stressed, asking for what we want is

actually godsent. Or it could be realising that you are overstretched in terms of resources and asking for other people's time to do whatever you need to do. Or it could even be just simply arranging your affairs so that you free up time to either do nothing or pick up a sport or a hobby that you have always enjoyed. In my case, it is the arts, music, swimming and golf.

Silent Meditation

The third thing is silence. Silence in the form of meditation is a kind of peace, a kind of gift that money cannot buy. I have been fortunate enough to be a practitioner of vipassana meditation for the last nine years where I had the opportunity to travel the world to undertake this practice and to serve other people and other meditators like myself. It is a difference of being focused purely on one's physical form or transcending that and embracing the silence that the universe has to offer. When I go to the US, Japan or Korea and I serve other people, it gives me great joy because it is beyond myself. Sometimes people like to volunteer, some may sit on boards and they take on leadership roles. Whatever that external satisfaction is, silent meditation brings us back to the core. I remember speaking to so many partners who would say to me, 'Helen, I can never sit in silence for a minute, let alone an hour without thinking of the many things that I have to do.'

In fact, silence frightens the ego. And what silence does in meditation is about connection with the self and even sometimes what feels like a higher power. For some it may be religion, for some it may be spending time with their loved ones or mentorship. This is more a spiritual gift that we give ourselves and it is definitely not materialistic.

Gratefulness

The fourth gift is gratefulness. How many of us count our blessings on a daily basis thanks to the people and situations we encounter, even in the hardest and darkest moments? I have had to learn this the hard way because pre/post and during COVID forced many of us to confront realities we would rather not have, including saving lives, mentoring people out of depression and giving others a sense of hope that there is more to life than what can be seen.

Feeling grateful is in many ways a gift where we take a moment to pause and allow ourselves to appreciate what unfolds before us and discover in this journey that



we call life. I am distinctly separating this point from one's success as a lawyer, partner or legal professional. When you eliminate all the material wealth that you have, all that there is at the end of the day are our memories and ashes. What is important at the end of it all? For me it is the memories and how people remember you.

Celebrate the Small Wins

My final point is celebrating your wins. It is not about the big wins; it is about the small wins. The simple example of someone saying 'thank you' and appreciating the work that you have done, of people saying, 'You have made a difference in my life. Thank you.', 'You have helped me solve a problem that gave me sleepless nights.', and even where in the hardest moments we are able to thank others for helping us.

In the age of AI and all the discussions of legal tech, it can be a very confusing and convoluted period, particularly for junior lawyers. One of the things I would like to share is that finding our voice, our gifts and celebrating our small wins is probably the kind of skill sets that we do not learn from law school that could possibly serve us a lifetime.

2024 is set to be a fast-paced year especially because it is in the Year of the Dragon. We are entering a time called 'Period 9' in metaphysics, which means that the old will fall away, competition is likely to be heightened and it is about upgrading oneself to plug the gaps in life, knowledge and markets.

If unpredictability will be a constant for, say, the next 20 years, how prepared do you feel at least psychologically for this? As a senior lawyer once said to me, 'We try to think of all eventualities, yet we can never really fully understand what can happen.' And if things happened regardless of whether they were good or bad, especially if it is bad and somehow you had the flexibility, agility, mindset and physical strength to overcome the challenges, then I think that is probably the best place to be for 2024 and onwards.

This is my gift for you and in your journey in life. May you find inner peace and joy. Thank you and Namaste.



Helen Tung
Tung Chambers, Melbourne

Helen specialises in strategy, negotiation, mediation, arbitration and has proven experience working with in-house legal teams providing advice on dispute resolution, commercial contracts, construction, employment, projects, subcontract issues, corporate & regulatory, intellectual property, technology matters, company setup and space-related matters including sanctions, ITU-related matters, smallsat constellations and regulatory issues.

Q&A with Priti Suri

Tell us about your years growing up, such as interests, hobbies and causes that you are passionate about. What are some of the childhood experiences that shaped you?

My years growing up were rather normal, surrounded by a lot of love and care and with a very liberal set of adults around me. I was the younger of two siblings and we lived in a joint family. Both my parents were working and, as a result, I spent a lot of time with my paternal grandparents. Apart from my parents, they both cast an indelible influence on me. I still think that the grounding we got from living together is invaluable, be it the lessons I learnt from them or just by being in their presence and observing them. I deeply cherish all of that. They both always called a spade a spade, and taught us to be always fair, and stand up for what is correct. My parents also never discouraged me from anything, but rather regularly underscored the focus on education and financial independence. My father had done a double Masters and my mother was a graduate who studied further after marriage to qualify and work as a schoolteacher. So, education had a key influence on me as a child. The direction I got subtly back then has heavily shaped me. It is odd how we never think of some of these things as we get busy with the business of life, but your question has refreshed some latent memories.

My interests and hobbies while growing up (and even now) were always focused on reading and music. While I was never involved in any sports, I played a lot with the neighbourhood kids and usually I was the only girl. And that meant I learned to be tough as I never got any special treatment on account of my gender. In terms of causes, I think I have always felt strongly for those who had less. And that probably originated during my childhood, heavily influenced by my progressive family.

Why did you choose to work in the law? Describe your career trajectory.

I am an accidental lawyer. Law was never on my horizon and, instead, since age 10, I wanted to be India's ambassador to Russia! As I grew older, I realised that meant sitting for the prestigious civil services



exam to get into foreign service. In college, I majored in history and joined masters. But then I had a reality check and thought what would happen if I did not qualify for the civil services? I would be without a professional qualification and need to start afresh. So, I decided to do law as Plan B as it would help even in the civil services. I quit my masters and joined law school in Delhi where I did take and pass the civil services exam in first year but I was enjoying law so much that I continued on that path.

Upon my graduation, I applied for a masters in law and was accepted by several Ivy League schools, but had to scrap the plans because my family could not afford the exorbitant fees. So I spent the first two years of my career in a lawyer's chamber at Delhi High Court. During that period, I used to save on bus fares by cutting down the required multiple bus journeys to a single bus ride and a longer walk. A lawyers' strike in 1987 shook my faith in the system. So, I applied again for a masters programme and, while I was accepted again at several Ivy League colleges, I chose the University of Georgia School of Law, which granted a scholarship. This was followed by a decade living in the US and France.

After living in France for five years, and frequently returning to India helping clients navigate a newly opened economy, I returned to set up a firm as the Indian market was starting to become exciting. I think I was one of the very early ones who was doing cross-border corporate and commercial work when these words were relatively unknown. I wanted to create a focused practice to help clients attain their business objectives.

What is the biggest challenge you have faced to date and how did you overcome it?

To be honest, I do not know how to answer this question. Like anyone else, I have had my share, both personal and professional. Challenges are inevitable, but one's approach to them is personal. Perhaps I thrive on challenges!

I guess the biggest challenge was to establish and run a law firm as a first-generation woman lawyer in the late 1990s in conservative India. I did not think about it much, I just did what I had to. I took the bull by the horns, even when it seemed those horns were pointing at me.

Another challenge was to move to a country (France) without speaking the language at a time when the internet was non-existent, try to fit in and learn the language without taking formal classes and conduct meetings in my broken French, yet keep my head high. I recall walking on Champs Elysees on weekends, simply to hear tourists speaking English!

Finally, a deeply personal example. I was born with congenital deformity of two fingers on both hands and two toes. It caused trouble as a child, but I think it troubled my family more because I was unconscious of the impact it could have on me. My family was clueless whether I would even be able to walk or not, let alone hold anything or write. The day after I was born, a top orthopaedic doctor assured my parents I would walk, do everything and they should not worry. My father would frequently tie three of his fingers and try to write. Clearly, my family was deeply worried about how my 'condition' would impact my education and growth, but their worries were not visible to me. When I started at the local neighbourhood school, I realised for the first time I was 'different'. I got a lot of stares, teasing and questions from teachers and classmates alike. I was less than five years old, so of course I used to get very upset. Children would surround me to see how I would hold the



pen between two fingers and write. When my mother learned of this, she took me to meet two different people she had encountered; one, who had six fingers and was a vegetable vendor and another who worked in the local medical centre and had four fingers. After showing their hands, she pointed out that ten fingers were not the norm and repeated 'you are as normal as anyone and you can do everything'. There was only one way to deal with it, that is, take it head-on. And that is what I did. I never got preferential treatment at any time, which was probably the best thing. Plus, most importantly, you never miss something that you have never had.

The curveballs thrown at us during life's journey helps us to discover our inner strengths. For me, it has always been to strive and thrive beyond challenges. My father told me years ago that 'Attitude is what you decide every day when you wake up.' And I decided to wake up, be optimistic and make each day count, both personally and professionally.

How did you become associated with the IPBA? What does the IPBA mean to you and what do you think other people should know about the IPBA?

As noted, I am a first-gen lawyer and had to build a practice. In my years of living and working overseas, I observed how others would get engaged with the local Bar and international bodies to meet people and create networks. I decided to identify organisations where I could meet like-minded people. And that is how I became associated with the IPBA.



and inclusion in practice (and not lip service), across all jurisdictions. Finally, I would like to create platforms to equip future leaders of the Bar. Of course, I intend to cherish every aspect while planning the future and navigating life's inevitable changes.

As this edition focuses on mental health and wellbeing, do you have any advice on ways to look after yourself, your mental health and your career?

A few things. First, I think it is essential to create boundaries, personal and professional. I never did that

I know everyone says this, but the IPBA truly is family, as some of my adult friendships here have really stood the test of time. I really like its size, the ability to develop and forge genuine relationships beyond work and the possibility to refer to each other when the opportunity arises.

Yes, absolutely. I think everyone should know about the IPBA. Moreover, this is the only organisation with a unique APAC focus—all the others do not; organisations may focus on other countries, but if APAC is where you practice, you cannot disregard the IPBA.

You have been nominated as the IPBA's next Vice-President. Congratulations! What is your vision for the future of the IPBA?

Thank you very much. The answer remains simple. I would like to help create opportunities across jurisdictions for our members which allow them to see the value of the organisation. This means to continue strengthening the Association and its aims with the help of its dynamic members across the globe. The IPBA's brand is well known and growing. I do want a greater, more prominent brand presence and increased membership. With possibilities to attend conferences remotely, we live in an environment where people join organisations less frequently. To encourage this, it is necessary to establish, maintain and grow relationships and demonstrate value-addition. Hopefully, we can add to the existing portfolios of friendship programs with other bodies, including different bar associations. Then, I would also really like to see a greater focus on diversity

personally for the longest time when I was building the firm, but I encouraged all my colleagues to do so. Second, professionally people must learn how to prioritise and possess the ability to be completely candid and express limitations. That is good for everyone's mental wellbeing. Third, for any long-term gains, I think it is important to cultivate resilience.

Speaking for myself, I meditate regularly, read, take time out for fitness and find periods of silence, all of which is therapeutic. I try to make time as often as I can, at home, since it is not easy for me to go away as I am my mother's caregiver. She has Parkinsons and Alzheimer's, both of which are progressively declining diseases. Then, my closest childhood friends are my rocks and always there for me when I need to talk. All of that contributes to my sanity.

Finally some quick questions...

What is a motto you live by?

Actions speak louder than words.

What would you say to your 20-year-old self?

Exactly what my parents imbued in me: Work hard and the results will come. Give your best, always. And do not compromise on quality even if others chastise you for being a perfectionist.

What is your favourite book?

The Razor's Edge by Somerset Maugham. It really is a lesson on life.

In Remembrance of Mr Nobuo 'Nosei' Miyake



The early nucleus from left: Sui Yu Wu (Taiwan), Bob Young (US), Kōji Saito (Japan), Mark Shklov (US), Nosei Miyake (Japan), behind: Roger Rosendahl (US), Richard Marshall (Australia), Jose Rosell (France) and Douglas Nash (Canada).

It is with deep regret that I announce that one of the founders of the IPBA, Mr Nobuo 'Nosei' Miyake, passed away at the age of 84 at the end of October 2023. He kick-started the IPBA and was the driving force of our Association for the first two decades of its history. He will be greatly missed.

Thirty-three years ago in 1990, the concept of the IPBA was born in the vacation cottage of Mr Miyake at Katsuura, Chiba Prefecture, two hours from Tokyo. Nine lawyers from across the globe gathered at this picturesque location overlooking the Pacific to discuss the formation of what would later become the Inter-Pacific Bar Association.

Thanks to Mr Miyake's enthusiasm, hospitality and sense of humour, the meeting was characterised by friendship, fellowship, candid discussions, sensitivity to each other's ideas and opportunities for expression—the *Spirit of Katsuura*. For decades, this Spirit has been the most valuable and guiding asset of the IPBA.

Mr Miyake was a motivational leader of the initial organising group and played an essential role in organising many of the IPBA events, including the first Annual Conference held in Tokyo in 1991. He served as the first Secretary-General for four years and the 11th President of the IPBA.

I was an associate and later a partner of Mr Miyake's law firm of Miyake & Yamazaki. As a boss, Mr Miyake taught me so many things, not only as a lawyer, but as a man, which made me so proud to be among those in his circle. I trust that most of the senior friends of the IPBA also remember having a good time with Mr Miyake over chatting, drinking, smoking, golfing, etc. Although Mr Miyake had not been in good health for a decade, he was looking forward to seeing many IPBA friends at the upcoming 32nd Annual Conference in Tokyo, to be held 24 to 27 April 2024.

As a sign of respect for Mr Miyake, I strongly wish to succeed in carrying the torch of the Spirit of Katsuura to the next generation. I hope many of you would join me by strengthening our friendship, fellowship, candid discussions, sensitivity to each other's ideas and opportunities for expression. This would make Mr Miyake rest more in peace.

Tatsu Nakayama
Nakayama & Partners, Tokyo

IPBA New Members September to November 2023

We are pleased to introduce our new IPBA members who joined our association from September to November 2023. Please welcome them to our organisation and kindly introduce yourself at the next IPBA conference.

Australia , Francois Malan <i>FC Lawyers</i>	India , Ravi Kant Garg <i>RKV TAX AND RISK ADVISORY SERVICES LLP</i>
Australia , Zoe Naylor <i>FC Lawyers</i>	India , Rakesh Ojha <i>Asia Law Offices LLP</i>
Australia , Donna Ross <i>Donna Ross Dispute Resolution</i>	India , Ranjit M Shetty
Brazil , Alessandra Mourão <i>Nascimento e Mourão Advogados</i>	Indonesia , Irina Anindita <i>SHIFT Counsellors at Law</i>
Cambodia , Sotheary Hout <i>R&T SOK & HENG LAW OFFICE</i>	Indonesia , Frederick Bonar Simandjuntak <i>Makarim & Taira S</i>
Canada , Jason Hicks <i>Bernard LLP</i>	Indonesia , Michael Carl <i>SSEK Law Firm</i>
Canada , Gary Matson <i>Remedios & Company</i>	Indonesia , Immanuel Adventius Indrawan <i>Indrawan Darsyah Santoso</i>
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Members' Notes

Caroline Berube, Singapore



Caroline Berube, Managing Partner at HJM Law, Singapore/Guangzhou and past IPBA Secretary-General, was featured on the House of Rose Professional's 2023 Break the ceiling touch the sky list of Asia's Most Inspirational Women in Leadership, which was celebrated at the House of Rose Professional's 2023 World Edition of Break the ceiling touch the sky summit held in Singapore on 16 November 2023. The list comprises the most successful women in leadership in Asia, curated by a review of professionals in 500 companies in the region. House of Rose Professional's Mission 2029 for a Better World aims to shape a better world through better diversity and inclusion, better leadership, and better business and to quintuple the number of female CEOs and double the number of diversity-advocate male CEOs in the world's 500 largest companies. The factors in determining the list of Inspirational Women are career achievements, scale of influence, active and visible advocacy for gender equality, active support of other women in leadership with and outside of their own organisations/companies, and sharing of their best practices for success across broader industry.

Eckart Brödermann, Germany



IPBA Member Professor Eckart Brödermann LL.M. (Harvard), Brödermann Jahn, Germany, recently published: *UNIDROIT Principles of International Commercial Contracts – An article-by-article Commentary*, 2nd edn (2023, Wolters Kluwer), following the 2018 1st edition (reviewed 35 times in 19 jurisdictions, translated to Chinese, Law Press China). It includes input of personal experience from extensive contracting under UNIDROIT, also in Asia, and in arbitration (for example, in the Sulu case), new domestic court decisions, literature, studies (for example, from the IBA, 2019) and recommendations of the UNIDROIT Principles by the UIA (2020) and the UN Commission on International Trade Law (2021). Spanish and French versions are in production while Vietnamese, Japanese, Portuguese and Arabic translation projects are currently in preparation.

Stephan Wilske, Germany



Stephan Wilske co-organised and co-taught a Prep Course for the 2024 Willem C. Vis Moot Court for Taiwanese teams participating in the Moot on 23 October 2023 at National Taiwan University (together with Pijan Wu, Jeffrey Lo, Naoki Iguchi, Helena Chen, Alison Chang and Frank Wu). On 24 October 2023, Stephan Wilske held a lecture at the 2023 Taipei International Conference on Arbitration and Mediation (Session III: International Dispute Resolution and Global Economy (I): International Trade and Investment Dispute Settlement) on 'What's Really Wrong with ISDS?—A Critical Analysis of Phantom Issues and Real Issues Triggered by Practice and Technological Development'.



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