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"Shut up and bill": Workplace bullying challenges for the legal profession

Abstract

Competition, work intensification and requirements for efficiency are some of the hallmarks of the modern work environment. Pressures in such settings can result in stress caused by long work hours, a lack of work-life balance and interpersonal conflict. The legal profession is prone to negative impacts due to its highly competitive environment. This coupled with established hierarchical structures, significant power imbalances, and pressure to measure work input rather than output (billable hours) can create 'toxic' settings. This paper reports the findings of a study of dignity and respect in the legal profession. Results indicate that many of the issues arise due to negative workplace cultures brought about and perpetuated by work practices and the leadership of the firm. Often the prevailing culture of intense competition, and a win-at-all-cost mentality has negative repercussions for the security and standing of individuals. Those with position and power use work practices such as billable hours to push others to perform at extraordinary levels, in turn adversely affecting their well-being, quality of work-life and tenure in the organisation or profession. The way forward would require a multi-pronged approach and cooperation and collaboration by the relevant stakeholders: regulators, professional associations, institutions and individuals.

Keywords:

Workplace bullying, workplace culture, billable hours, professional conduct, Australia

"They want people who will shut up and bill"

Introduction

The context of modern work has changed significantly due to globalisation and increased competition (Noon *et al.,* 2013). The impact of these changes can be felt at various levels, including: region, country, sector, industry and profession. The way in which work and employees are affected depends on how organisations, and professions, respond to the changes and the accompanying competitive pressures. Some of these pressures have led to institutions and organisations attempting to "convince, cajole and persuade" employees to maximise deliverables (Evetts, 2013, p. 790) across a range of professions. This has led to concerns relating to quality of worklife, stress, and the increasingly precarious nature of professional work in, for example,

engineering, accounting and the law (Bergin & Jimmieson, 2013; Francis, 2012; Smith, Derrick & Koval, 2010).

In Australia, the legal profession, characterised by an adversarial court system, intense competition, long hours and a tradition of elites, including hierarchical structures, has also been subject to increasing demands in the changing context. This results in a 'pressure-cooker' environment, with the potential for adverse effects on individuals, law firms, the profession and eventually the wider society.

At one level a certain amount of competition and conflict contributes to a productive workplace, and where work is about income generation, constructive conflict can contribute to the bottom-line. At another level, conflict can also be dysfunctional. Heightened levels can change a positively charged workplace into a breeding ground for ill-feeling, resentment and incivility: a toxic environment. A range of behaviours from inappropriate conduct and incivility, all the way to bullying, abusive conduct and outright victimisation can be found in environments which are highly charged as a result of the pressures of competition and a climate of survival of the fittest (Omari *et al.,* 2013; Salin, 2003a).

Occupations in which there are interactions with clients are recognised as having higher levels of incivility (van Jaarsveld *et al.,* 2010; Westaby, 2010). In such settings, front-line staff are responsible for satisfying client expectations within the boundaries established by the organisation, including service standards and cost minimisation. The legal profession is no different: salaried professionals work under a strict time-for-service regime, known as 'billable hours', and must satisfy client expectations at the same time as meeting the demands of the firm.

Notwithstanding the level of research into workplace bullying (Samnani, 2013), there is limited evidence of investigations into bullying behaviours amongst legal practitioners. The legal profession, with its traditions of hierarchy, power and status, and the demanding nature of the occupation and associated work practices, offers a somewhat unique environment in which workplace bullying can take hold.

This paper reports the findings of an Australian study, the first of its kind, which explored dignity and respect and workplace bullying in the legal profession. It outlines the nature of the profession and the environment in which practitioners experience workplace bullying. The types of behaviours labelled by members of the legal profession as bullying, and their perceptions of its causes and consequences are examined. The paper will conclude with a discussion of measures to ameliorate bullying behaviours.

Ecology of the profession

Key influences shaping the environment

The Australian legal profession has the English model as its origins, and has inherited a number of characteristics from its parent. It has also been influenced by evolution of the profession in the United States (US), and other jurisdictions such as Canada. Describing the profession as a single entity belies the diversity and variety within, but it is also true that there are similarities in Australia, England and North America, which allow for broad characterisation of the profession.

Work in the legal profession is highly skilled, requiring educational qualifications only obtainable by long periods of study, and specialised training for admission (Campbell, *et al.,* 2011). First year law students at an Australian University were found to:

consider that the high level of commitment demanded in the legal workplace would be compensated by a range of factors, including financial reward, high social status, merit-based opportunities for advancement and opportunities to give back to society (Castan *et al.,* 2010 p. 10).

It has also been observed that "the discourse amongst law students perpetuates a mythology where corporate legal practice is one of the highest status and most valued forms of career path for the ambitious young person." (Castan & Paterson, 2010, p. 138). The image promoted here is "of autonomous professionals, ultimately in control of their work helping clients" (Boon, 2005, p. 252). Paradoxically, public perception contains elements of negativity, possibly based on an image of ruthlessness, a win-at-all cost mind-set leading to portrayal of lawyers as predatory 'sharks' (Glucksberg, 2001, p. 41) or opportunistic 'bottom-feeders' (Benoit, 2012).

Law programs at universities are highly competitive, often subject to quotas, expensive and longer in duration when compared to other Social Science areas such as Business or the Humanities. Completion of the university qualification is followed by other requirements for entry into the profession such as: approved training for admission and restricted practitioner status; leading to highly competitive job search strategies. Concern has been expressed for the wellbeing of law students and the members of the legal profession, highlighting that factors causing deterioration and distress stem back to law school and continue and are exacerbated once in practice (Kelk *et al.,* 2009; James, 2008b). Competition for entry into top-tier national and international firms is fierce, with the recruitment process commencing long before university graduation and including summer clerkships.

The profession is somewhat unique. Legal practitioners compete for prestige, recognition and key clients, often within the same firm. Systems within firms measure performance in terms of revenue, outcomes in court, and retention of key clients. The key performance indicator, in many firms, is input related: billable hours. Billable hours refers to the practice of keeping records to

charge clients for time spent on their case in small time intervals (commonly as small as six minutes) (Campbell & Charlesworth, 2012). Firms often set performance goals including daily, weekly and monthly targets for billable hours. This is reflective of a culture of competition and profit making that has been on the increase over the last 20 years (Durrani & Singh, 2011). Even in firms doing pro bono work, work activity is often recorded in such a way.

The legal environment also involves the commodification of the service provided, in that client expectations are associated with financial outlay. In other words, legal practitioners are expected to meet both client and firm demands, resulting in a certain level of powerlessness (Seligman, Verkuil & Kang, 2001). Dissatisfied clients can easily become 'difficult', take their business elsewhere, or complain to the firm or the professional registration body (van Jaarsveld *et al.,* 2010) in turn affecting the legal practitioner and their career. In a general sense, the legal fraternity is small and contained, and individuals are usually known to each other within cities, areas of practice and firms.

In terms of work practices, more senior staff, such as partners, are allocated or entitled to a percentage of the income generated by staff working on billable hours. Power imbalances are amplified in contexts where there is little job autonomy or control. Work is allocated to middle and lower level staff; more senior staff have the luxury of selecting the more lucrative work, and delegating the less desirable tasks. Such work practices and settings, coupled with competitive environments, inevitably lead to conflict and stress. The legal profession has been recognised as having a high incidence of stress, anxiety and depression (Charlesworth & Campbell, 2010; Kelk *et al.,* 2009).

Traditionally, law firms operated on a pattern of life long careers with steady progression to partnership, although this seems to be waning, with firms experiencing high turnover among

young lawyers (Campbell, *et al.,* 2011). In addition, there is a trend away from the "professional ideal of lawyers as free, independent practitioners" (Wallace & Kay, 2008, p. 1021) towards employment in large firms. Some of these firms are global in structure and expect particular types of behaviour according to "new priorities such as client focus, commercial awareness, team work and efficiency." (Flood, 2011, p. 510). This is reminiscent of changes in the public sector in the 1990s (Anderson *et al.,* 2002) and the more recent changes such as commercialisation in the nonprofit sector (Thornton, 2004). Managerialism and commercialism have been identified as two features of contemporary law firms which have a major influence on the behaviour of lawyers; young lawyers in particular (Faulconbridge & Muzio, 2008; Parker & Aitken, 2011).

The professional context

Konzelmann *et al.,* (2007, p. 1) state that the professions are "occupations characterised by the practice of highly developed and specialised theoretical and practical knowledge and expert problem-solving abilities" which are based on prolonged education, training and experience. Wallace and Kay (2008) argue that the hallmarks of a professional community, "shared language, cultural norms, collegiality, mutual trust and respect, loyalty and friendship" (citing Goode, 1957), are no longer to be found in the law, with the legal profession suffering the effects of "corrosive strain" (p. 1022). Despite this, there remains a set of traditions and mindsets which are found in many areas across the profession. Amongst these are norms which are becoming further embedded in some firms by acculturation practices.

Sommerlad (2007) argues that embedding of forms of speech, dress and manner creates barriers to diversity, and Flood (2011), that law firms, especially the new global firms, engage in identity work, seeking to find and mould staff into a uniform set of practices and ethos. Lively (2000) refers to a deference norm, which perpetuates social divisions within law firms, and adds to social

stratification. Partners and senior lawyers expect deference from employed and junior staff, and this is perpetuated by compliance with these expectations. New practitioners have been said to receive "their most significant training … through the mentoring, modelling and management systems and policies provided by the firms that employ them" (Parker & Aitken, 2011, p. 400). While this has been said in relation to ethics training, the same can be said for the broader learning associated with becoming a member of a firm, and of the profession.

This tension between old and new within the profession is evident in the results of research looking at diversity, both with respect to women, and to people from different persuasions, ethnic and socio-economic backgrounds. In Australia there have been references to the possibility of "hidden cultures" acting as barriers to full participation in the profession by women, gay, lesbian, transgender people, or members of other minority groups (see Howieson & Fitzgerald, 2012; Kendall & Eyolfson, 1995). The perpetuation of cultural norms has also been attributed to recruiting practices and to the approach of law schools. Evidence from the UK suggests that some of the barriers to diversity in the system may be attributed to "the tendency of law firms to recruit primarily from a limited set of old universities, and to overlook candidates from new universities" (Ashley, 2010, p. 718) referring to the 'old school tie' approach to recruiting. Anecdotal evidence suggests that this may still operate in some Australian firms as well.

James (2008a) has identified that law schools have a responsibility to prepare students not just for "legal practice in an ideal world, but legal practice with competitive, commercial realities." (p. 137). Australian law schools have been criticised for the lack of development of personal and interpersonal skills in legal education where students are "allowed to assume that ... 'soft skills' are less important for lawyers compared with cognitive skills such as 'knowing the law' and 'thinking like a lawyer'" (James, 2008b, p. 85). Boon (2005) identifies that the reality for law

graduates is not that promoted in law schools; the attractions of the law are "undermined by extreme specialisation, the absence of a helping role in relation to clients, and, in some kinds of work, job insecurity." (p. 252). These realities lead to disillusionment.

Long working hours are common, although varied across different types of legal work. Many employees feel pressured to meet work demands from senior partners, supervisors, clients, courts, and the lawyers on the other side of the case. A large majority of respondents to a survey of young lawyers reported that their work is "highly demanding" (James, 2008a, p. 130) not due to work complexity or difficulty, but to long hours associated with billing targets. These targets are also said to perpetuate a culture where work-life balance is difficult to achieve, and those with family commitments battle to stay in the running for upward career progression (Campbell, 2011; Castan *et al.,* 2010).

Boon (2005), in his discussion of the disappearance of small firms, refers to the long hours culture and a loss of autonomy. Work intensification, where more is done in less time, is not confined to the legal profession (Adams, 2007; Konzelmann *et al.,* 2007; Sharafizad *et al.,* 2011), but is characterised in this context by billable hours. The concept of billable hours has received some attention in recent times not only as a phenomenon which is somewhat unique to the law and similar professions, but also as a feature which looms large in discussions of the levels of stress, anxiety and depression. It is a contributor to the "demanding and rather inflexible pattern of full time work.... where employees in law firms feel pressured by high workloads" (Campbell, 2011, p. 7). All of these combine to create an environment which breeds workplace incivility and inappropriate behaviours, including bullying. A respondent to research into the culture of the law suggested "It is a punishing profession, and requires a great support system, or great insensitivity to succeed." (Howieson & Fitzgerald, 2012, p. 14).

Inappropriate behaviours in a professional environment

There has been increasing attention paid to abuses of interpersonal power in the workplace (e.g. Sutton, 2011). These behaviours span a continuum, and range from inappropriate behaviours at one end through to violence at the other (Houshmand *et al.,* 2012; Rumble *et al.,* 2011). Bullying, a long extant, though newly recognised, workplace issue, involves a wide variety of negative, inappropriate and unprofessional behaviours. Definitions of workplace bullying are many and varied, with some focusing on the behaviours displayed and others on the detriment to the victim (e.g. Cowan, 2012; Lutgen-Sandvik & Tracy, 2012). There is growing acceptance of the notion that classifying certain behaviours as bullying is "profoundly subjective" and context specific (Fox, 2012; Samnani, 2013).

Crawford (1997, p. 221) states in relation to the hospitality sector: "Bullying is so endemic in our lives that I will go as far as to say it is interwoven into the fabric of our work … Many roles in organizations have bullying built into their structure". This is a significant assertion, and points to a systemic problem of organisational context which can extend to cultural norms in a profession. The work environment provides a backdrop to what is deemed as appropriate, or inappropriate, behaviour in any workplace. Environmental and individual, professional and organisational norms and values come together to influence workplace conduct.

Bullying behaviours are not uniform across industries and workplaces. Standards and expectations in the health sector, for example, are different to those in mining. Within each sector, there are also different norms in different settings. The evidence shows higher reported levels of workplace bullying amongst white-collar workers and those in service industries with direct client contact (Carnero *et al.,* 2010). This has been attributed to the pressures of balancing organisational goals and objectives with client demands. Large (Einarsen, 2000) and hierarchical (Glendinning, 2001)

organisations such as those found in the health and education sectors and public administration have high reported rates of workplace bullying. These settings are usually dominated by one gender, mainly bureaucratic in nature and the large hierarchical structure results in power differentials. Where decision-making processes are highly formalised, staff may manipulate systems, processes and policies to progress an agenda, continuing and embedding certain cultural norms which contribute to and guide behaviour in the workplace.

Organisations need to recognise the fundamental roles of climate and culture and of human factors in creating 'safe' workplaces whilst guiding human behaviour and motivating individuals towards improved corporate performance. The legal workplace is characterised by its high pressure, competitive, hierarchical, elitist and adversarial nature. Investigation of the nature and extent of bullying in this type of environment contributes to understanding of contextual factors associated with the behaviour. This will help develop an understanding of perceptions within the profession in an effort to ameliorate its prevalence and mitigate its impact.

Study design

This study used a mixed method (Creswell & Plano-Clark, 2011) interpretivist approach to investigate workplace bullying. Data was gathered through a questionnaire with two distinct sections: a shorter quantitative component and a more extensive free response section. The former sought data on organisational culture and climate as well as personal experiences, while the latter sought stories and personal reflections on workplace bullying with particular reference to individual experiences. The sections of the questionnaire which focused on culture and climate were based on existing and tested instruments: the Organisational Climate Questionnaire measuring employees current feelings towards their environment (Stringer, 2002) and the Organisational Culture Assessment Instrument, which measures dominant characteristics of the

organisation such as criteria for success and leadership style (Cameron & Quinn, 1999). Most importantly, given the subjective, and at times, contested definition of bullying (Fox, 2012), it was necessary to construct an understanding of participant interpretations of the term as it is understood in the legal context. Here, respondents were asked to identify the behaviours that they construed as constituting bullying.

The survey was dispatched to all members of an association of legal professionals (hereafter The Professional Association); 327 completed forms were returned yielding a response rate of around 12%. Although this response rate was low the number of returned surveys was considered sufficient for an exploratory study. The stories and comments provided by 71 of the respondents added depth and insight to this study, and offered an opportunity to capture the essence of some of the experiences of individuals.

The respondent profile included legal professionals across all age groups, however, approximately half were under the age of 34. The majority of respondents (93%) recorded English as their first language, were female (55%) and worked in private firms (73%), with average tenure in the current firm being 4.8 years. The average number of years of post admission experience was 9.4 years, with the full range being 0-52 years.

The quantitative data was analysed using basic descriptive and inferential statistics and the qualitative data was subject, in the first instance, to thematic analysis. This approach was followed up by conceptual and theoretical consideration to develop an understanding of key aspects of bullying in the legal profession. At all times, bearing in mind the size of the sample and the exploratory nature of the work, the iterative process of data analysis sought to paint a picture of the nature of those behaviours perceived by participants as bullying. It also, sought to explore what participants viewed as contributing to these behaviours and outcomes. This study of dignity

and respect at work was supported by the Professional Association and was consistent with other initiatives to investigate psychological distress and depression in the legal profession (Kelk, *et al.,* 2009; Kendall, 2011).

Unprofessional behaviours

The nature of the behaviours described by members of the legal profession as constituting bullying varied widely, and illustrate the very subjective nature of the individual experience. Despite this there was a key set of themes which emerged, and which pointed to the direct relationship between the environment in which people were working, and behaviours labelled as bullying.

"Uninvited, unnecessary and unfair"

Employing the concept of bullying on a continuum, the behaviours included: exclusion, inappropriate comments/verbal taunts and aggressive approaches, right the way through to physical manifestations including throwing objects. Examples of exclusion included: "silent treatment, whispering, silence when I approach", "frozen out of work" and "excluded from social events and discussing in front of me afterwards". Verbal behaviours included: "being talked down to and belittled on a frequent basis", "my nickname was 'pink thing'", "nasty comments", "giving highly critical, unnecessary comments veiled as 'feedback' by uber-bitch [quotes in original]" and "bouts of yelling". An example of the physical manifestation of inappropriate behaviour was:

> male partner routinely lost temper with employees (and clients, and lawyers acting for other parties) and would throw whatever was to hand across the room. No one was ever injured but it caused a number of employees and at least one client to leave

evidence that despite the white collar environment, bullying can take various forms. This is further confirmed by reference to "Passive/aggressive" behaviours.

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When inappropriate behaviours such as these occur in the workplace, people do not necessarily label them as bullying at the time. Evidence from the data shows that upon reflection, and due to the nature of the behaviours and their impact, people come to understand that bullying had occurred: "After thinking more carefully, I realised that my recent experience does constitute a form of bullying in that it was uninvited, unnecessary and unfair".

The nature of the behaviours reported above are not dissimilar to those reported in a range of workplaces, however, other behaviours identified by respondents as bullying were specific to the legal environment.

"You're lucky to have the job"

The evidence provided by the participants points to some of the bullying behaviours being systemic in nature and reflecting the ecology of the profession. Intolerance of difference was a theme:

> I have also experienced a very different type of bullying at the bar – where you are ostracised for not following the "boys" ways. I was "leant on" to step aside and allow one of the favoured boys to be elected unopposed ... I have also witnessed other women and have been told too about the choice of clothes we wear and whether that enhances or detracts from the bar. It is far more subtle here.

Diversity intolerance was not confined to the gender of the target, nor solely practised by male practitioners: "I had an instance of a fellow female practitioner telling a director I had left early to pick up children (scorned upon) when in reality I left at 2:30 pm throwing up with gastro!". Physical characteristics were another focus of the inappropriate behaviours: "Partner made repeated comments regarding my weight. Specifically, that I was too thin .... Women in her team look physically like [the Partner]".

Different ideas, thinking and approach were also the subject of the behaviour: "It is not uncommon for employees to be told they have 'too much personality' or alternatively 'not enough'"; "repeated pressure to conform and insistence on not having strong views"; and

> Group leader did not condone alternative opinions to his views. I was different and made suggestions about issues. He did not agree and found ways to repeatedly tell me I was not to … It became clear he only wanted people to agree with him.

The pressure on junior staff includes cut-throat competition, "An attitude of 'you need to be the top of your group and competitive to get anywhere' and 'you're lucky to have the job'". Respondents reported long hours: "Worked incredibly [emphasis in original] long hours over an extended period of about three years. On average left work on a regular basis after midnight". These long hours added to the pressure: "No considerations about work/life balance. Very demanding."

"Intentional and systematic"

Central to the emerging themes were work practices and financial outcomes, including the notion of billable hours. One respondent reported: "Sometimes partners are more focused on the financial results than the nurturing and advancement of staff". This focus on financial results as more important than people was reflected in other responses including: "Our performance is based predominantly on how many hours we bill … which doesn't reward expertise and team work". Respondents attributed the types of bullying behaviours that they had witnessed or experienced to the environment in which they worked: "I believe the culture of perfectionism and competition and the unbalanced focus on workplace achievement, in the firm led to this circumstance occurring."

The abuse of power or position within the organisation was a common theme: "My supervisory partner withheld information, gave misleading information, fabricated incidents and took credit

when it was not due. It was intentional and systematic". Taking credit in this context would lead to the partner being credited with the hours in terms of billing the client. Similarly, another respondent indicated: "I was told not to bill my time", suggesting that once again someone more senior was reaping the rewards.

Power played out in examples provided by respondents in relation to the stratification of the workplace in a similar manner with one respondent indicating that bullying could take the form of "Using high position and feeling of "guilt" to make a much more 'junior' person perform work they were uncomfortable with and thought was unfair for them to have to do". This use of position power was reported in relation to a respondent's previous employment "where one of partners was a bully" going on to describe that they were "expected to work late every night. [which] Created feeling of pressure". Now having left that firm the respondent reported having "felt stressed working for him (first time in my career)."

The abuse of power was also exemplified in stories of senior staff "playing people off against one another" and, in one example, pressuring a more junior colleague, who disclosed "being told that I had to swear an affidavit I didn't agree with". A further participant indicated that: "Partners yell at and verbally abuse staff and put them under immense and unnecessary pressure". Another recognised the irony of the power plays and was "offended and disappointed that someone so senior was so weak as to pick on an extremely junior employee".

The essence of the billable hours targets was characterised by one participant:

> for professional staff the emphasis on billing and meeting billable targets was intense …
> The targets were higher than those imposed by most of the legal profession. Most firms
> expect a minimum of 60 billable units per day. This firm expected a minimum of 80 units
> per day. Very [emphasis in original] hard to do. High chance of burn-out.

"The culture of constant pressure from one's supervisors" was highlighted. The breach of the psychological contract whereby the reality of the day to day life of a lawyer comes in to conflict

with the reasons for entering the profession is captured by a statement from a lawyer who had made the decision to leave: "As lawyers we are supposed to rescue the community, not extract every last dollar from our clients".

"Aggressive hazing"

Findings suggested that there was a strong sense of a perpetuation of images of the way law should be practiced, or who should be a lawyer. It was apparent from the data that this culture of 'the way we do things around here' was a part of the picture: *"*It is part of the aggressive hazing that some male partners believe that you need to go through. They consider that you need to be 'broken in' to the job*".* Respondents reported that there were notorious bullies, well known for their behaviours who were tolerated by the firm, *"*As my boss said; [about a senior lawyer] he's been doing it for 30 years and he is not going to change*".* Another reported *"*It turned a lot of junior lawyers away from working in the practice area that that this partner worked in. He had a history of juniors under him leaving because they could not stand his behaviour any longer.*"* This notoriety was not confined to men: "She has been like that for 22 years." Participants also reported widespread avoidance of particular people: "One of the partners had a notorious reputation as a stand over man … When he arrived on our floor someone ran around to warn us all when possible".

The culture of the organisation was recognised by respondents as contributing to bullying behaviours, but also identified as being perpetuated by either inaction or ignorance. The comment: *"*Partners who make lots of money for the firm are tolerated and are effectively immune from the firms bullying policy*"* provides evidence that, at least for some, there was a perception that inaction was deliberate, and the behaviour tolerated, and tacitly condoned by the firm.

"Ingrained discouragement"

There were a number of responses which indicated that the types of behaviours participants had experienced were less about abuses of power, billable hours, or a certain culture. In such cases, causes were attributed to a lack of support or encouragement, or poor management, where individuals felt that they were not 'included' in the firm.

One participant reported: "I found working there to be extremely unpleasant, unfriendly, unforgiving and negative", while another responded:

> In my work environment I feel undervalued and taken advantage of …. the principal of the business is a bad manager and poor at time management and communication ... There is little mentoring or feelings of improving my position.

These experiences extend to limited availability of training and development as well, reported by one participant as: "found partners to be too stressed, have little patience for training and poor people skills." A feeling that there was little in the way of support was echoed by yet another respondent: "This sort of ingrained discouragement just demonstrated to me that it is a waste of time to listen to people who don't support you as a junior practitioner".

The feelings expressed above were repeated in relation to performance guidance:

> I generally feel that there is a lot of pressure on staff to perform and achieve set billable hours, and while we are encouraged to solve problems ourselves there is sometimes not enough guidance available. At times you are made to feel incompetent for asking questions, and are not provided with clear guidance and instructions to deal with the matter efficiently.

Participants identified that their own competence and the bully's relative insecurity was also a reason for being targeted: "When I have been bullied, it has almost invariably been male, older than me and people who have been demoted/not promoted"; "I think the partner, who is female, is very self-conscious and insecure"; and "The partner was not performing and resented my stellar

performance". In all of these cases it is the alleged bully's apparent fear of a more competent subordinate which has been identified as driving bullying behaviour.

Inconsistent behaviour from the alleged bully was also identified as being discouraging by participants, particularly in the case of stressed senior lawyers "taking it out" on those around them:

> After three months of a good relationship with my boss and interesting work I walked into his office and he was abusive and derogatory towards me. I was so shocked I couldn't defend myself. It was then that I started noticing how he dealt with other people. I started to retreat and feel insecure.

Environmental impact

Workplace bullying has wide ranging implications for the environments in which it is found. Organisations in which the behaviour is known to occur and flourish often become hostile and ultimately toxic to their members. Those members who experience or witness bullying are unable to function at an optimal level (Rodriguez-Muñoz *et al.,* 2010). The quantitative data from this study suggested that where participants identified that an anti-bullying policy existed in their organisation, they were less likely to report to having been subject to bullying behaviours. This could indicate that such policies may act as a deterrent, or that the climate or culture in the firm is reflected in its policies. This quantitative data also indicated that bullying was more prevalent in organisational climates with low 'structure' where there were poorly defined and/or communicated, tasks, roles and responsibilities.

In this study the impact on the profession itself has also become evident in that, often, the image of the profession is tarnished as a whole, further impacting on individuals and firms/organisations. The self perpetuating and interrelated nature of the negative consequences see the development of a vortex, at times sucking in and engulfing third parties such as family members and close

friends, bystanders and those in the workplace outside the profession (e.g. para-legal and administrative staff). It is important to explore the evidence at all three levels – organisational, personal and professional - to appreciate the pervasiveness of the consequences of workplace bullying no matter the magnitude.

"*Bad atmosphere …*"

Normalisation of the inappropriate behaviours constituting workplace bullying were seen to have negative, and possibly not directly observable, consequences for the organisation. These included: poor morale, lost productivity, tarnished image and ultimately exit decisions. These indicators are interrelated in that the lack of satisfaction with one's predicament often affects levels of productivity (Hutton & Gates, 2008), in turn having an impact on organisational standing and reputation.

The collection and sequencing of the quotes below, by different subjects, provides a narrative for how, when and why these influences can play out in organisations: "it is difficult to have open communication", *"*Morale is always very low here. There is one bullying incident after another*"*, "Bad atmosphere … The bosses were aware but did not know how to manage it", *"*It resulted in lost billing time and therefore a loss of money*"*, *"*Word gets out – reputation damaged*"*, "Most junior staff, well all junior staff except me – have left the firm within a year of starting". A 'revolving door' in terms of staffing is often an indicator that all is not well with an organisation.

"*Culture of narcissistic aggressive bullying*"

Of concern were responses which indicated a sense of learned helplessness and tacit acceptance, in turn affecting the attitudes and behaviours of individuals who reported being bullied. Quotes such as "Dynamics between teams and individuals are very poor and there is a lack of respect for

one another (this is even evident between the partners)", "The firm supports its partners regardless of their behaviour/ conduct; therefore any complaint would be futile", and "a culture of narcissistic aggressive bullying that continues to define certain areas of main management" point to a self-fulfilling prophecy of acculturation and ingrained behaviours (discussed earlier). Such organisational cultures meant individuals "could not face going to work" or reported that the climate and behaviour "Made me hate work".

"Humiliated, powerless, angry, annoyed, frustrated and upset"

Participants were asked to identify how bullying behaviour affected them personally. Individual responses ranged from "I was very upset for two weeks" to "felt frustrated and wronged for a short time but did not take it to heart" all the way to "I became chronically depressed and attempted suicide on two occasions". By far the most significant consequences at the individual level related to the state of the individual's health. The severity of the impact manifested itself in different ways: "I couldn't sleep, cried a lot in last month of incident. Very agitated. Headaches", "I grew ill, developed diabetes, hypertension and stress related ailments", and "Had a mental breakdown and took 3 weeks stress leave". One participant captured the essence of the response of many, identifying as having felt: "Humiliated, powerless, angry, annoyed, frustrated and upset", reflecting the variable nature of reactions.

"I will leave [the] law"

Personal distress, organisational dissatisfaction and exit decisions at the firm can spill over to the level of the profession itself. Participants reported reduced career ambition: "After my experience I do not know that I want to be a partner"; and ultimately an intention to leave the profession: "I will leave law and go into government for my next position."

The decision not to aspire to the top job and exit a profession following many years of training and professional accreditation has consequences on multiple fronts. For the individual these include, invested time, commitment, and financial outlay for entry to the profession; and for the firm, the costs of recruitment, training, development, and staff replacement. Organisations and the profession pay the price for early and unnecessary exit decisions in terms of being unable to attract and retain the best talent. At the extreme one participant observed: "5 of 8 lawyers are on antidepressants solely due to the work environment … both my psychiatrist and psychologist describe the work environment as 'extremely toxic'", not an attractive image for the profession.

Efforts in the amelioration of workplace bullying

It has been claimed that workplace bullying in the legal profession is at "pandemic" levels (Hor, 2013). Much of this is attributed to the highly competitive, and at time ruthless, nature of the legal work environment where competition exists not only between, but also within firms for choice clients. As early as 1999 (LSWA &WLWA), professional bodies and interest groups were concerned about the climate and culture of the profession and the impact on legal practitioners, especially women. The main emerging themes related to exit decisions as a result of quality of work-life issues: specifically, the lack of supportive work environments, poor management practices, long hours, high job pressures as a result of billable hours, and the inability to balance work and family life.

Over a decade on, similar issues to the ones discussed above remain. In this context, large-scale studies (e.g. Kelk, *et al.,* 2009); and calls to action (e.g. Charlesworth & Campbell, 2010; Howieson & Fitzgerald, 2012) indicate that many of the previously identified issues are still prevalent. Professional associations, such as the Law Society of Western Australia continue in their campaign for change through highlighting areas for improvement in their Strategic Plan (2010), and other

initiatives such as convening an ad-hoc committee to examine psychological distress and depression in the legal profession (Kendall, 2011).

At the national level, during 2012, the Prime Minister announced the Parliamentary Inquiry into workplace bullying in Australia. The resultant report (HRSCEE, 2012) aimed to raise awareness and address the issue at various levels. This was supported by additional funding of around $20 million as part of the 2013 Federal Government Budget. The Inquiry heard from a number of different people and groups, including: victims of workplace bullying, researchers and academics, practitioners, employers and industry groups. The Report and recommendations were praised by some and not seen to have gone far enough by others. The Inquiry recommended, amongst other things, the adoption of a fairly narrow definition for workplace bullying in the Australian context: "Workplace bullying is repeated, unreasonable behaviour directed towards a worker, or group of workers, that creates a risk to health and safety" (ACCI cited in, HRSCEE, 2012, p. 15). The Inquiry also recommended the provision of a mechanism for bullying complaints to be moved more firmly into the industrial arena, with complaints to be heard by the Fair Work Commission. Time will tell whether, and to what extent, the recommendations of the Inquiry prove effective in the medium to long term. What remains clear is that The Inquiry acknowledged that the issue of workplace bullying is significant, widespread and requiring immediate action on various fronts.

Taking responsibility

The efforts of the professional body to develop an understanding of workplace bullying in the legal profession are an important step. The results of this study suggest that whilst bullying may not necessarily be recognised as being at the "pandemic" level identified by Hor (2013), there is certainly a need for action. The responsibility to do something is not confined to the professional association. The moves at the government level, both in terms of policy and legislation, discussed

above, are controversial and as yet untested in their ability to reduce the incidence of workplace bullying. Organisations, training bodies and individuals, too, have a responsibility to assist.

The evidence in the literature suggests that workplace policies and procedures, particularly when the rhetoric is matched by organisational action and fair play, can help to alter the behaviours in a workplace, although there are some factors such as trust which play a role in the level of success (Johnson, 2011). Further, it is also clear from the literature that organisational culture and climate have a role to play in the development of open communication and increased understanding as to behavioural standards and expected professional conduct (Bulutlar & Ünler Öz, 2009; MacIntosh, 2006). These initiatives can help with the development of a culture which is intolerant of workplace bullying if the organisation and its leadership take a stand.

Individuals who experience workplace bullying, or who are witnesses to incidents or their consequences, can be instrumental in assisting with the amelioration of the behaviour, particularly if empowered to do so by organisations (HRSCEE, 2012; Paull *et al.,* 2012). Even in the absence of organisational sanctions, individual responses can temper the actions of workplace bullies, and can assist to reduce their impact (O'Moore & Lynch, 2007).

What is important out of this study, however, is the idea that a professional body can take the lead and have an impact on the profession as a whole. Examining long-term practices such as billable hours, and providing evidence to organisations of the consequences of some of the environmental factors prevailing in the profession provides an opportunity for firms, and individuals to seek change. From the perspective of the professional body, cultural change is something which cannot be achieved without the implicit and explicit engagement of the members of the profession. Firms, particularly partners and other leading members of the profession, as well as practitioners, both as individuals and as collective groups (such as young

lawyers or women lawyers), will be able to provide the impetus for change if they actively pursue the cause. The comments of the previous Chief Justice with respect to billable hours (Merritt, 2010) bode well for change to occur, but the professional body will be unable to maintain the momentum if their efforts are stymied by resistance or lack of action by organisational leaders.

The lead taken by the professional body here in opening up the difficult and vexed examination of inappropriate workplace behaviours, and dignity and respect at work, can be emulated by professional associations across other areas of practice. It has been a long-standing tradition in many professional bodies, including in the law, that the professional association establishes a code of conduct and behavioural standards, and seek to hold its members accountable. To include inappropriate and workplace bullying behaviour not only directed at clients, but also with colleagues and members of the profession, is a postive step.

The potential for cultural change

While there may be limits to the generalisability of this research, it should be acknowledged that it is possible to draw *moderatum* generalisations from interpretive research such as this. Such themes serve to advance knowledge in the field when both the potential for generalisation and the limitations are accepted (Williams, 2000). As all the respondents in this study were members of the Professional Association, and responses included a wide range of practitioners from public and private sector organisations as well as senior and junior staff, we contend that our discussion may have general applicability beyond the specific confines of this study. Further, we argue that the acceptance of the professional body, and their subsequent actions arising not only from this study but from a convergence of a number of pieces of evidence, provide further corroboration of the evidence. Key to understanding the experiences of those who have self-identified as being bullied, is the notion that it is often because they are in a minority or different group that they feel

targeted or bullied, and so norms of excluding or targeting those who are in the minority or different may be at play. Those who are in the majority or who fit the cultural norm may even be unaware of these perspectives. We conclude this discussion with some reflections on the possibility of cultural change emanating from the positive efforts of the Professional Association.

Reflections: Building the momentum for change

School yard bullies are depicted as targeting the weak and the different, as being not so smart and using their physical presence to intimidate and coerce. Workplace bullies are not so easily characterised. Further, professional, educated and powerful people who are embedded in the context and well-versed in how organisations operate, and who consciously and unconsciously draw on their status in their interactions with others may need to consider how their actions are interpreted, and the impact that they have. That there are some who consider leaving the profession because of behaviours they feel subjected to, and others who feel disempowered and unable to cope, is reason enough to reconsider the culture and climate of the profession, and to ensure that avenues for action are available.

The impetus for change in Australia and within the legal profession has been building for some time and has come from multiple sources including the government. If behavioural change is to be successful, there must be a careful and considered approach which recognises that the changes will only come about if there is over arching cultural change. Cultural change, in turn, will only be achieved through the alignment of integrated efforts by individuals, organisations, professional associations, regulators, educational institutions and the community at large. Cultural change may need to commence with efforts to gain acceptance from 'the majority' that those who self-identify as being bullied may do so because of the actions and behaviours of the majority serve to further exclude or marginalise them.

Leymann (in Einarsen 2000) identified the main contributors to negative workplace behaviours as workplace moral standards and leadership behaviour; job design and work organisation; and victim vulnerability. All are significant in view of the prevalence of the use of billable-hours in the legal profession. The evidence is clear that looking after individuals leads to better workplaces; better workplaces in turn will lead to, in this context, a more attractive profession.

Workplace moral standards and leadership behaviour are key elements in developing a culture where incivility and inappropriate behaviour are not tolerated. The introduction of anti-bullying policies must be reflected in behaviours from organisational leaders who exemplify the behavioural expectations required of others, and who listen and act on complaints or concerns raised. Professional bodies can lead the way in the development of codes of conduct, but it is the organisational leadership which must set the tone.

The reconsideration of the billable hours regime, increasingly being seen as the harbinger of change, will allow for the development of a different workplace climate. A workplace climate which is not characterised by a win-at-all-cost mentality is likely to lead to reduced anxiety and depression, lower turnover and in the long run, increased productivity in the face of a workforce whose focus is on the client rather than the dollar. In a profession which is said to include individuals whose goal is to be "Eating their cake and everyone else's cake, too" (Wheeler *et al.,* 2010), billable hours may be a corrosive force. Other job design and work organisation factors such as a reduction in the long hours culture, and increased focus on flexibility and work life balance are also likely to contribute to a more civil workplace.

A more civil workplace is likely to reduce victim vulnerability. In the current climate, individuals who believe that they are being targeted feel that they are unable to complain, and must "shut up and bill" for fear of losing their jobs, and not being re-employed in a closed circuit legal

community. While victim resilience is beyond the scope of this paper, reduction in the number of victims, plus victim support and empowerment will aid and support cultural change. It has been argued that a key to the amelioration of bullying is the reduction of the power imbalance between bully and target and a move away from the culture of competition (Salin, 2003b).

To further pave the path forward, it will be important for the behavioural changes to be embedded in both professional development for practicing lawyers, and in the development of new lawyers through their university courses and practical legal training. It is incumbent upon all in the profession to take the time to examine their own behaviour, and support the efforts of the professional associations to develop and maintain the momentum for change. The ultimate aim is to create an attractive, responsible and sustainable profession and preserve the rights of individuals to dignity and respect at work.

References

Adams, J. (2007) *Managing people in organizations: Contemporary theory and practice,* (Basingstoke: Palgrave McMillan).

Anderson, E., Griffin, G. & Teicher, J. (2002) Managerialism and the Australian public service: Valuing efficiency and equity? *New Zealand Journal of Industrial Relations*, 27(1), pp. 13-31.

Ashley, L. (2010) Making a difference? The use (and abuse) of diversity management at the UK's elite law firms, *Work, Employment and Society*, 24(4), pp. 711-727. DOI: 10.1177/0950017010380639.

Benoit, M. (2012, October) Bottomfeeders. *F&I and Showroom - Feature*. http://www.fi-magazine.com/article/story/2012/10/bottom-feeders.aspx.

Bergin, A. J. & Jimmieson, N. L. (2013) Australian lawyer well-being: Workplace demands, resources and the impact of time-billing targets, *Psychiatry, Psychology and the Law*. DOI: 10.1080/13218719.2013.822783.

Boon, A. (2005) From public service to service industry: the impact of socialisation and work on the motivation and values of lawyers, *International Journal of the Legal Profession,* 12 (2), pp. 229-259. DOI 10.1080/0969595050022659.

Bulutlar, F. & Ünler Öz, E. (2009) The effects of ethical climates on bullying behaviour in the workplace, *Journal of Business Ethics*, 86, pp. 273-295.

Cameron, K. S. & Quinn, R. E. (1999) *Diagnosing and Changing Organisational Culture* (Reading, Addison-Wesley).

Campbell, I. & Charlesworth, S. (2012) Salaried lawyers and billable hours: A new perspective from the sociology of work, *International Journal of the Legal Profession,* 19(1), pp.89-122.

Campbell, I., Charlesworth, S. & Malone, J. (2011) Part-time of what? Job quality and part-time employment in the legal profession in Australia, *Journal of Sociology,* published online 13 July 2011, DOI 10.1177/1440783311408970.

Carnero, A., Martínez, B. & Sánchez-Mangas, R. (2010) Mobbing and its determinants: The case of Spain, *Applied Economics*, 42(29), pp. 3777-3787.

Castan, M., Paterson, J., Richardson, P, Watt, H, & Dever, M. (2010) Early optimism? First-year law students' work expectations and aspirations, *Legal Education Review* 20 (1/2), Retrieved from http://www.ler.edu.au/2010-fullpapers_vol20no12.htm.

Castan, M, & Paterson, J. (2010) F*rom supergirl to invisible woman: The divide between student perception and professional reality in corporate legal practice* Alternative Law Journal, 35(3), pp. 138-141 Retrieved from http://ssrn.com/abstract=1930651.

Charlesworth, S. & Campbell, I. (2010) *Scoping study for an attrition study of Victorian lawyers*. Report to Victoria Law Foundation, Centre for Applied Social Research, Royal Melbourne Institute of Technology (RMIT) (Melbourne).

Crawford, N. (1997) Bullying at work: A psychoanalytic perspective, *Journal of Community and Applied Social Psychology*, 7(3), pp. 219-226.

Creswell, J. W. & Plano Clark, V. L. (2011) *Designing and conducting mixed methods research.* Thousand Oaks, CA: Sage.

Cowan, R.L. (2012) It's complicated: Defining workplace bullying from the Human Resource Professional's perspective, *Management Communication Quarterly*, 26(3), pp. 377-403. DOI: 10.1177/0893318912439474

Durrani, S. & Singh, P. (2011) Women, private practice and billable hours: Time for a total rewards strategy?, *Compensation & Benefits Review*, 43(5), pp. 300-305, DOI: 10.1177/0886368711416434.

Einarsen, S. (2000) Harassment and bullying at work: A review of the Scandinavian approach, *Aggression and Violent Behaviour*, 5(4), pp. 379-401.

Evetts, J. (2003) The sociological analysis of professionalism occupational change in the modern world, *International Sociology*, *18*(2), pp. 395-415.

Faulconbridge, J. & Muzio, D. (2008) Organizational professionalism in globalizing law firms, *Work, Employment & Society*, 22(1), pp. 7-25, DOI: 10.11770950017007087413.

Flood, J. (2011) The re-landscaping of the legal profession: Large law firms and professional re-regulation, *Current Sociology* 59, pp. 207, DOI 10.1177/0011392111402725.

Fox, S. (2012) Defining and confronting bullying: Does human resources have a unique mandate to create a bully-free work culture? Keynote presentation at the *8th International Workplace Bullying and Harassment Conference – Future challenges*, (Copenhagen, Denmark), June 13-15.

Francis, V. (2012) Supportive Organisational cultures and their effects on male civil engineers. *Australasian Journal of Construction Economics and Building*, *4*(1), pp. 1-10.

Glendinning, P. M. (2001) Workplace bullying: Curing the cancer of the American workplace, *Public Personnel Management*, 30(3), pp. 269-286.

Glucksberg, S. (2001) *Understanding figurative language: From metaphor to idioms* (Oxford University Press).

Hodson, R., Roscigno, V. J. & Lopez, S. H. (2006) Chaos and the abuse of power: Workplace bullying in organizational and interactional context, *Work and Occupations*, 33(4), pp. 382-416, DOI: 10.1177/0730888406292885.

Hor, J. (2013) Bullying 'pandemic' in law firms, *Lawyers Weekly*, March 4, http://www.lawyersweekly.com.au/the-new-lawyer/comment-debate/bullying-pandemic-in-law-firms

House of Representatives Standing Committee on Education and Employment. (2012) *Workplace bullying: "We just want it to stop"*, (Canberra, Commonwealth of Australia).

Houshmand, M., O'Reilly, J., Robinson, S. & Wolff, A. (2012) Escaping bullying: The simultaneous impact of individual and unit-level bullying on turnover intentions, *Human Relations*, 65(7), pp. 901-918.

Howieson, J. & Fitzgerald, T. (2012) *A cultural challenge for the Western Australian legal profession: A lack of diversity at the WA Bar?* (University of Western Australia Faculty of Law) Research Paper No 2012-14. Available: http://ssrn.com/abstract=2177447.

HRSCEE - see House of Representatives Standing Committee on Education and Employment

Hutton, S. & Gates, D. (2008) Workplace incivility and productivity losses among direct care staff, *American Association of Occupational Health Nurses Journal*, 56(4), pp. 168-175.

James, C. (2008a) Lawyer dissatisfaction, emotional intelligence and clinical legal education, *Legal Education Review*, 18, pp. 123-137, retrieved from http://heinonline.org.

James, C. (2008b) Lawyers' wellbeing and professional legal education, *The Law Teacher*, 42(1), pp. 85-97, DOI 10.1080/03069400.2008.9959.

Johnson, S. L. (2011) An ecological model of workplace bullying: A guide for intervention and research, *Nursing Forum*, 46(2), pp. 55-63.

Kelk, N. J., Luscombe, G. M., Medlow, S. D. & Hickie, I. B. (2009) *Courting the blues: Attitudes towards depression in Australian law students and legal practitioners*, BMRI monograph, 2009-1, (Sydney: Brain & Mind Research Institute).

Kendall, C. (2011) *Report of the ad-hoc committee on psychological distress and depression in the legal profession*, Report prepared for the Council of the Law Society of Western Australia, (Western Australia).

Kendall, C. & Eyolfson, B. (1995) "One in ten but who's counting? Lesbians, gay men and employment equity, 27 *Ottawa Law Review* 281.

Konzelmann, S. J., Wilkinson, F. & Mankelow, R. (2007) *Work intensification and employment insecurity in professional work,* Working Paper 345, Centre for Business Research, (University of Cambridge) http://ssrn.com/abstract=1930840.

Lively, K. J. (2000) Reciprocal emotion management: Working together to maintain stratification in private law firms, *Work and Occupations,* 27(1), pp. 32-63 DOI: 10.1177/0730888400027001003.

Lutgen-Sandvik, P. & Tracy, S.J. (2012) Answering five key questions about workplace bullying: How communication scholarship provides thought leadership for transforming abuse at work, *Management Communication Quarterly*, 26(3), pp. 3-47. DOI: 10.1177/0893318911414400.

MacIntosh, J. (2006) Tackling workplace bullying, *Issues in Mental Health Nursing*, 27, pp. 665-679.

Merritt, C. (2010, August 10). The time is up for outdated system of charging by the hour, *The Australian*. http://www.theaustralian.com.au/business/opinion/the-time-is-up-for-outdated-system-of-charging-by-the-hour/story-e6frg98f-1225907502388.

Noon, M. Blyton, P. & Morrell, K. (2013) *The realities of work: Experiencing work and employment in contemporary society* (Palgrave Macmillan).

O'Moore, M. & Lynch, J. (2007) Leadership, working environment and workplace bullying, *International Journal of Organisation Theory and Behaviour*, 10(1), pp. 95-117.

Omari, M. Paull, M. & Crews, J. (2013) Protected species: Perspectives on organisational life, Presented at *the European Academy of Management (EURAM) Conference*, (Istanbul, Turkey), June 24-29.

Parker, C. & Aitken, L. (2011) The Queensland "Workplace Culture Check": Learning from reflection on ethics inside law firms, *The Georgetown Journal of Legal Ethics*, 24 , pp. 399-441.

Paull, M., Omari, M. & Standen, P. (2012) When is a bystander not a bystander? A typology of the roles of bystanders in workplace bullying, *Asia Pacific Journal of Human Resources*, 50(3), pp. 351-366.

Rodriguez-Muñoz, A., Moreno-Jiménez, B., Sanz Vergel, A. I. & Hernández, E. G. (2010) Post-Traumatic symptoms among victims of workplace bullying: Exploring gender differences and shattered assumptions, *Journal of Applied Social Psychology*, 40 (10), pp. 2616-2635.

Rumble, G. A., McKean, M. & Pearce, D. (2011) *Report of the review of allegations of sexual and other abuse in Defence: Facing the problems of the past*, (Commonwealth of Australia).

Salin, D. (2003a) Bullying and organisational politics in competitive and rapidly changing work environments, *International Journal of Management and Decision Making*, 4(1), pp. 35 – 45.

Salin, D. (2003b) Ways of explaining workplace bullying: A review of enabling, motivating and precipitating structures and processes in the work environment, *Human Relations*, 56(10), pp. 1213 – 1232.

Samnani, A. (2013) Embracing new directions in workplace bullying research: A paradigmatic approach, *Journal of Management Inquiry*, 22(1), pp. 26-36.

Sharafizad, F., Paull, M., & Omari, M. (2011) Flexible work arrangements: Accessibility in a University environment, *The Australian Universities' Review,* 53(2), pp. 43-49.

Seligman, M. E. P., Verkuil, P. R., Kang, R. H. (2001) Why lawyers are unhappy*, Deakin Law Review*, 10(1), pp. 49-66.

Smith, K. J., Derrick, P. L., & Koval, M. R. (2010) Stress and its antecedents and consequences in accounting settings: An empirically derived theoretical model, *Advances in Accounting Behavioral Research*, *13*, pp. 113-142.

Sommerland, H. (2007) Researching and theorizing the processes of professional identity formation, *Journal of Law and Society*, 24(2), pp. 190-217.

Stringer, R. (2002) *Leadership and organisational climate – the cloud chamber effect* (New Jersey: Prentice Hall).

Sutton, R. I. (2011) Building the civilized workplace, in the *Organisational Behaviour Reader*, 9th edition, Osland, J. S. and Turner, M. E. (eds.), (Boston: Prentice Hall).

The Law Society of Western Australia. (2010) *Strategic plan 2010 – 2013*, unpublished document.

Thornton, M. (2004) Corrosive leadership (or bullying by another name): A corollary of the corporatized academy? *Australian Journal of Labour Law*, 17(2), pp. 64-82.

van Jaarsveld, D.D., Walker, D.D. & Skarlicki, D.P. (2010) The role of job demands and emotional exhaustion in the relationship between customer and employee incivility, *Journal of Management,* 36(6), pp. 1486-1504.

Wallace, J.E. & Kay, F.M. (2008) The professionalism of practising law: A comparison across work contexts, *Journal of Organizational Behavior,* 29, pp. 1021–1047 DOI: 10.1002/job.554.

Westaby, C. (2010) 'Feeling like a sponge': the emotional labour produced by solicitors in their interactions with clients seeking asylum, *International Journal of the Legal Profession*, 17(2), pp. 153-174.

Wheeler, A. R., Halbesleben, J. R. B. & Shaniane, K. (2010) Eating their cake and everyone else's cake, too: Resources as the main ingredient to workplace bullying, *Business Horizons*, 53(6), pp. 553-560, DOI: 10.1016/j.bushor.2010.06.002.

Williams, M. (2000) Interpretivism and generalisation, *Sociology*, 34(2), pp. 209-224.