

## The silent struggles of overwhelmed defence lawyers: a plea for empathy and change

CRIMINAL

OPINION



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## Samira Taghavi

As we step into another year filled with hope and opportunity, we must pause and confront a reality that is often overlooked: the immense personal toll that criminal defence lawyers bear in their work.

This noble profession demands more from us than many outside it could ever imagine. Countless defence lawyers are struggling in silence, too afraid to speak out for fear of being misunderstood by judges – or worse, will face harsher treatment if their struggles become known.

This fear, that simply admitting their challenges might worsen their situation, is a tragedy in itself. It is time for change. It is time for empathy. It is time for an honest conversation about wellbeing in the defence bar.

## Job never stops

Many lawyers inhabit a world where the demands are relentless and the pressures unyielding.

Unlike most professions, there's no respite when we clock off – if we even actually get to clock off. Holidays are filled with emails, returning calls and the weight of worried clients and their families. Even in moments of rest, the anxiety of deadlines looms large.

While most professionals return from their holidays rested and ready to tackle the year ahead, many of us return to work not rejuvenated but drowning in the backlog of unattended matters, including hundreds of emails, missed calls and urgent deadlines.

The situation is even more acute for defence lawyers. It is perhaps a part of the legal profession unlike any other. It's not just a job; it's a commitment to the lives of others; a calling that often comes at the expense of our own wellbeing.

Even on leave, our minds are never truly free. Calls from worried clients, anxious parents and last-minute crises interrupt any attempt at rest. It's not uncommon for us to work through holidays, answering emails at midnight, reviewing case files in stolen moments and constantly checking our phones to ensure nothing has gone wrong.

Our days often begin before sunrise and stretch long into the night. Court appearances leave little time for the administrative mountain that awaits us:

submissions, phone calls, file reviews and client consultations.

Weekends and evenings are no exception. Many of us work an 80-hour week just to keep up, often sacrificing our health and personal lives in the process. Amidst this whirlwind, the only constants are exhaustion and an unconditional commitment to our clients.

## **Beyond the courtroom**

On top of the relentless demands of our own cases, we dedicate countless hours to unpaid work – because we care. Defence lawyers are heavily involved in consultations with the Ministry of Justice, providing valuable input on policy reforms and procedural improvements. These consultations are often exhaustive and time-consuming, but we do it willingly, believing in collaboration and progress.

Many of us also give our time to professional associations, mentoring programs and community initiatives. We serve on committees, attend meetings and draft submissions to ensure the justice system functions as it should. It's work that rarely gets recognised but is vital to the profession and the public.

For some, this voluntary work amounts to 10 or more hours each week—hours we give freely, despite already being stretched thin.

But this generosity comes at a cost. Every moment spent on voluntary work is a moment taken from rest, family and recovery. And yet, we continue because we believe in the importance of what we do, not just for our clients but for the justice system as a whole.

## **The hidden human cost**

The toll on defence lawyers is often invisible.

I've seen colleagues swallow anti-anxiety pills before stepping into courtrooms. I've heard stories of young lawyers walking away from the profession entirely, unable to reconcile their ideals with the relentless stress and more-than-occasional cruelty they face in the court system. These are not isolated cases –they are warnings of a systemic issue.

We work not for glory or recognition but because we believe in the power of justice and the dignity of every individual. Yet, our own dignity is too often overlooked.

This job can feel like fighting a daily war, alone against an army – an army that includes the prosecution, judges and at times even the very system we strive to uphold. It is a constant battle to ensure fairness in the face of adversarial processes, systemic challenges and the weight of judicial expectations.

Even our clients, whom we fight so hard to protect, can sometimes feel like adversaries as we navigate their fears, frustrations and the weight of their hope resting squarely on our shoulders. We fight tirelessly on all fronts, often against forces far larger and more powerful, driven by a belief in the ideals of justice, fairness and humanity.

I worry deeply for the next generation of lawyers. Bright minds are leaving the profession because they see no light at the end of the tunnel. If we continue to disregard the wellbeing of our legal practitioners, we risk losing the very foundation of the justice system.

## **The judiciary's role**

Some judges – particularly those with a background in defence law – understand the crushing weight we bear.

When they grant us grace with a simple “I understand, counsel,” it’s a balm for the soul, a reminder that our humanity has not been forgotten. In that fleeting moment, the storm inside us quiets and we find the strength to press on, reassured that someone sees the person behind the advocate.

However, not all judges share this empathy.

Too often, defence lawyers, encountering system-driven timetable clashes between cases, are met with dismissive remarks like “find an agent” or “hand it off to someone else,” as though our clients and the relationships we have carefully built with them are interchangeable commodities.

Such comments may seem innocuous to those who make them, but they reflect a profound misunderstanding of the trust and dedication required in this work.

A defence lawyer's role is not transactional; it is deeply personal, grounded in the assurance we provide to clients during some of the most challenging times of their lives. To suggest that our work can simply be delegated or passed along like building blocks is to disregard the human connection that underpins effective advocacy.

The judiciary must come to understand the ripple effects of its words and decisions. When timeliness and statistics are elevated above humanity, the cracks in the justice system begin to widen.

For every moment a lawyer is denied understanding or flexibility, the cumulative toll on their wellbeing grows heavier. And what happens when those cracks deepen to the point where a lawyer, pushed far beyond his or her limits, breaks entirely? Who will step in to shoulder the responsibilities they can no longer bear?

The system that judges seek to uphold through rigid adherence to timeliness will ultimately falter under the weight of its own inflexibility.

Judges hold immense power, not just over cases but over the culture of the courts and the wellbeing of those who appear before them. Their words and decisions set the tone and when empathy and understanding are absent, it reverberates through the entire profession.

A single moment of kindness, a brief acknowledgment of the pressures counsel face, can have a transformative effect. Conversely, dismissiveness and rigidity can have devastating consequences, not just for the individual lawyer but for the broader system of justice.

A system that prioritises humanity is not one of leniency or inefficiency; it is one that recognizes that justice is best served when those working within it are treated with dignity and respect.

## **Resilience and empathy**

Not everyone is equally resilient, with each of us having different thresholds for stress and it's crucial to remember that.

I have been exposed to some of the worst judicial behaviour imaginable back home in Iran. I've been yelled at, sworn at, had objects thrown at me and called names. Those experiences, harrowing as they were, built a level of resilience that I carry with me today.

But even I am not immune from the toll of this profession. What I cannot move past – what cuts deeper than momentary anger or harsh words – is the endemic lack of empathy. When a lawyer explains that she is too unwell to continue, and yet is expected to carry on regardless (as some of us recently experienced, during health challenges), it sends a message that our humanity is secondary to the system – and its largely-pointless timeframe targets.

No one should feel compelled to work through sickness or pain. Empathy often isn't something you're born with – it's something that must be cultivated and I would suggest that some on the bench need to make a serious (and very-belated) effort at such cultivation.

## **A New Year's message**

As we begin this new year, let us commit to change. Let us advocate for a culture of empathy and understanding, where defence lawyers are valued not just for their work but for the humanity they bring to it.

To the judiciary, I say this: your kindness has the power to transform lives, not just the lives of defendants but the lives of the lawyers who stand before you.

Perhaps it is time for our chief judge to thoughtfully remind the judiciary of this crucial truth – that the wellbeing of counsel is not just a minor detail to be brushed aside, but the very cornerstone upon which a fair and compassionate justice system is built.

To my fellow defence lawyers: you are not alone. This is a message to you – reach out if you feel the pressure. Don't sit quietly in your lonely corner, carrying the weight of the world on your shoulders. Together, we can create change. Together, we can be your voice.

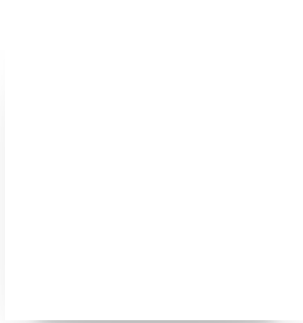
I will leave you with this thought:

**"He tāngata, he tāngata, he tāngata."**

*(It is people, it is people, it is people.)*

This timeless proverb reminds us that empathy, compassion and respect for one another are the foundation of all that we do – within the courts, within

our profession and in ourselves.



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