

Why Ethical Climate Matters in Newly Admitted Lawyers' Workplaces: An Empirical Examination of Ethical Climate, Job Satisfaction, and Lawyer Wellbeing

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Date : June 3, 2021

Stephen Tang, Vivien Holmes, and Tony Foley, [Ethical Climate, Job Satisfaction and Wellbeing: Observations from an Empirical Study of New Australian Lawyers](#), 33 **Geo. J. Legal Ethics** 1035 (2020).

In 1999, then-Professor Patrick Schlitz published a provocative article called *On Being a Happy, Healthy, and Ethical Member of an Unhappy, Unhealthy, and Unethical Profession*.¹ Drawing on anecdotal accounts and empirical data, the article examined the perplexing issue of lawyer dissatisfaction. After discussing the explanations for why many lawyers are unhappy and unhealthy, Schlitz recommended strategies for lawyers pursuing career paths in practice settings where they can thrive and practice ethically.²

Fast forward 20 years, to the results of an empirical study conducted by Professors Stephen Tang, Vivien Holmes, and Tony Foley and discussed in their article, [Ethical Climate, Job Satisfaction and Wellbeing: Observations from an Empirical Study of New Australian Lawyers](#). This article examines the role ethical climate plays in influencing ethics and the connection between perceived ethicality and lawyer satisfaction. With heightened concern related to lawyer well-being and remote work, I commend the authors for conducting an ambitious study and urge you to read their article to learn more about their findings and recommendations.

Dating back to the work of Professor Michael Kelly, legal profession and ethics scholars have underscored the dominant role that “house norms” and culture play in influencing lawyer conduct.³ Despite this recognition, a relatively small number of studies have systematically examined organizational culture and effects of lawyers’ practice settings on lawyer ethics and satisfaction. More studies have involved qualitative methods with some relying on a small number of research subjects. Many of the studies have focused on particular practice settings, often large law firms.⁴

What is generally missing is more comparative organizational research of the culture of lawyers’ work settings. Identifying this need, in 2010, Professor Elizabeth Chambliss urged researchers to consider comparative organizational studies and to integrate legal ethics research with the broader literature on organizational culture.⁵ In this piece, Professors Tang, Holmes and Foley accept Chambliss’s call, as they have designed a large-scale empirical study using analytical frameworks drawn from organizational theory. The researchers went beyond a comparative study of lawyers’ views and experiences in law firms, conducting a more inclusive examination that involved lawyers working in non-firm settings, including government and in-house practice.

Building on their earlier qualitative work involving new lawyers’ experiences and convergence of their personal values and ethical frameworks, Professors Tang, Holmes and Foley designed a quantitative study to closely examine the interplay of factors that influence the ethical climate of different work settings where new lawyers work. To recruit study participants, the researchers used a number of methods to invite recently licensed lawyers from all Australian jurisdictions to complete an online survey between November 2013 and July 2016.

The online survey instrument used a condensed version of an Ethical Climate Index (ECI) developed by Dr. Anke Arnaud, an expert in ethics and organizational climate. The survey instrument also included other well-validated measures to tap the respondents' perceptions and experiences related to mental health, psychological needs, professionalism, and job satisfaction, as well as the perceptions related to learning and the respondents' work environments.

The authors used the survey responses to address the following research questions: (1) is the ECI a good and suitable measure of the ethical climate of working environments of newly admitted lawyers, and (2) what are the antecedents and consequences of the different dimensions of ethical climate for newly admitted lawyers?

Professors Tang, Holmes and Foley make a significant contribution to the empirical literature related to ethical decision-making in attorney workplaces. They launched a study that resulted in 356 validated responses. Applying a statistical technique widely used in social sciences, the researchers reduced the dimensions of ethical climate to the following and applied them in analyzing the responses provided by newly admitted Australian lawyers:

1. **Power and Self-Interest:** The extent to which power, control, and instrumental outcomes are more important and valued than normative principles, such as honesty, ethicality, or relational values, and a corresponding preparedness to break rules to obtain benefit when necessary.
2. **Integrity and Responsibility:** The extent to which there is a sensitivity to behaving ethically and in the broader public interest; an adherence to formal ethical rules; an inclination to be compliant, conscious, and accountable to prescriptive requirements; and an awareness of ethical problems that arise in the workplace;
3. **Ethic of Care:** The extent to which people in the workplace expressed empathy and understanding for each other and strove to develop positive and respectful relationships with others as an attentive professional.

(P. 1050.)

Their survey results revealed that these three components can be evaluated as quantitative measures of ethical climate. This is an important contribution to both applied and theoretical legal ethics.

Although a summary of their other study results is beyond the scope of this review, the following highlights select findings related to perceptions of work organization, job satisfaction, and psychological well-being. A statistical analysis revealed that all three ethical dimensions were positively and independently correlated with the workplace being experienced as a learning organization. Specifically, the Ethic of Care and the Integrity/Responsibility dimensions were positively associated with the perceptions of a learning organization, while high perceptions of Power/Self Interest were associated with lower ratings of the workplace as a learning organization.

Similarly, the results indicated that there was a clear relationship between the ethical climate dimensions and job satisfaction. Higher ratings on the Power/Self Interest dimension were related to lower job satisfaction, while higher ratings related to Integrity/Responsibility and the Ethic of Care perceptions were associated with higher job satisfaction.

Finally, the results revealed a connection between perceptions of the ethical climate of the workplace and psychological well-being. Respondents who perceived the climate as being characterized by power and self-interest were more likely to experience more symptoms associated with depression. (On the other hand, respondents who perceived their workplace climate has having higher Integrity/Responsibility and Ethic of Care dimensions were less likely to experience symptoms of

depression and/or anxiety.)

At a time when pandemic concerns have forced lawyers and others to work remotely, the lessons from the article are particularly noteworthy. Legal employers should recognize the importance of investing in training, mentoring, and supervision. With large numbers of employees working from home, supervising attorneys should not assume that lawyers are learning and developing professionally. Rather, supervisors should design programs, processes, and opportunities for junior lawyers to learn, grow, and connect with other lawyers. The supervisors' outreach can help communicate to the junior lawyers that they are valued members of the organization.

Supervisors must also devote time to monitoring work, providing feedback, and communicating that "their virtual door is always left open."⁶ This investment will pay dividends in improved quality of work. The study findings suggest that such efforts should also contribute to attorney well-being, satisfaction and a heightened sense of ethicality.

In the long run, investing in supervision and mentoring can affect the bottom line through retention because happy and satisfied lawyers are less likely to look for greener pastures. They are also more inclined to contribute as members of the organization. In this sense, devoting time and resources to training, supervision, and attorney well-being merges good ethics and business when firms invest in junior lawyers as assets and treat them as the future of the organization.

1. 52 **Vand. L. Rev.** 871 (1999).
2. *Id.* at 920-50.
3. Michael Kelly, **Lives of Lawyers: Journeys in the Organizations of Practice** 18 (1994).
4. Kimberly Kirkland, *Ethics in Large Law Firms: the Principle of Pragmatism*, 4 **U. Memphis L. Rev.** 631, 634 (2005) (using findings from in-depth interviews of lawyers working in large law firms to investigate how bureaucratic legal workplaces impact lawyers "ethical consciousness" and decision-making).
5. Elizabeth Chambliss, *Measuring Law Firm Culture*, 52 **Stud. L. Pol. Soc'y** 11, 26 (2010).
6. Ashleigh Webber, [Remote Working: Key Considerations for Junior Employees' Development](#), **Personnel Today** (Apr. 1, 2020) (quoting a large law firm associate who participated in a teleconference on effective homeworking).

Cite as: Susan Fortney, *Why Ethical Climate Matters in Newly Admitted Lawyers' Workplaces: An Empirical Examination of Ethical Climate, Job Satisfaction, and Lawyer Wellbeing*, JOTWELL (June 3, 2021) (reviewing Stephen Tang, Vivien Holmes, and Tony Foley, *Ethical Climate, Job Satisfaction and Wellbeing: Observations from an Empirical Study of New Australian Lawyers*, 33 **Geo. J. Legal Ethics** 1035 (2020)),

<https://legalpro.jotwell.com/why-ethical-climate-matters-in-newly-admitted-lawyers-workplaces-an-empirical-examination-of-ethical-climate-job-satisfaction-and-lawyer-wellbeing/>.