

The Charter – a short history

The Mindful Business Charter was born out of discussions between the in house legal team at Barclays and two of their panel law firms, Pinsent Masons and Addleshaw Goddard, along the following lines:

- The people working in their businesses are highly driven professionals;
- We do pressured, often complex, work which requires high levels of cognitive functioning;
- We thrive on that hard work and pressure;
- In amongst that pressure and hard work there is stress, some of which is unnecessary;
- When we are stressed we work less productively, and it is not good for our health; and
- If we could remove that unnecessary stress, we would enable people to work more effectively and efficiently, as well as be happier and healthier.

They also recognised that the pressure and stress come from multiple sources, often because of unspoken expectations of what the other requires or demands. Too often lawyers will respond to requests for work from a client with an assumption that the client requires the work as quickly as possible, whatever the demands that may make on the individuals involved, and whatever the impact upon their wellbeing, their families and much else besides. The bigger and more important the client, the greater the risk of that happening.

The development of IT has contributed to this. As our connectivity has increased, there has been an inexorable drift towards an assumption that simply because we *can* be contactable and on demand and working 24/7, wherever we may be, that we *should* be. No-one stopped to think about this, to challenge it, to ask if it was what we wanted, or what we should do, or needed to do or if it was a good idea, we just went with the drift, perhaps fearful of speaking out, perhaps fearful that if we took a stand, the client would find another law firm down the road who was prepared to do whatever was required.

And so Barclays, Pinsent Masons and Addleshaw Goddard set about trying to come up with a different way of working. They recognised that to make a difference, the initiative needed to be collaborative, to be based on open and honest dialogue between client and law firm, and that the more organisations that came on board, the greater the effect. Not only would this allow shared learning and understanding, reflecting that this is a profession wide issue, but also it would reduce the fear that firms might lose perceived competitive advantage by being involved.

The Charter came to be signed on 10 October 2018 by Barclays and two other banks; RBS and Lloyds, along with nine law firms: Pinsent Masons, Addleshaw Goddard, Ashurst, Baker & McKenzie, Clifford Chance, Eversheds Sutherland, Hogan Lovells, Norton Rose Fulbright and Simmons & Simmons.

Byrne-dean were appointed by those original signatories to help promote and drive the Charter forward in early 2019.

On 9 May 2019 a further nine law firms publicly stated their commitment to the Charter and its aims at a further signing event: Capsticks, CMS, DWF, Herbert Smith Freehills, Freshfields Bruckhaus Deringer, Michelmores, Osborne Clark, Stone King and Weightmans. Radiant Law and Paul Hastings have also subsequently confirmed their commitment to the Charter.

The Charter, as will be apparent from the names of the signatories is not about working less hard – it is about working effectively and efficiently, removing, as far as possible, unnecessary

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Respecting rest periods



Mindful delegation



stress. It is drafted as a series of simple aims and aspirations. It is not a rule book with a detailed list of demands and expectations – rather it is a call to arms, to be more thoughtful, more mindful, to think about what we are doing. That call to be thoughtful runs throughout the four pillars, and along with the requirement to collaborate, lies at the heart of the Charter and is what makes it different.

Although its roots are in the legal profession, and the financial services sector, the issues the Charter seeks to address, and the solutions it proposes, are equally applicable to the whole profession, and to the wider business world. The flexibility in the Charter's four pillars and the absence of a prescriptive rule book, mean that the Charter can be adopted by any business. It is for the business to work out, mindfully, and bravely, how to adapt and adopt the Charter in the context of its work, its clients, its experience and abilities.

There are no barriers to entry, all organisations will be at different stages of their thinking and practice in this area. All that is required is a commitment, which we will take on the basis of professional trust, from a senior leader in the business, on behalf of that business, to work towards the Charter's aims, to encourage other organisations to get on board and to share learning and experiences with other signatories.

If you would like more information about the Charter and how to get involved, we would love to hear from you - please email richard.martin@byrnedean.com.

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