



2014 National Wellness for Law Forum  
6 and 7 February 2014  
Level 5 P Block Gardens Point Campus, QUT



## *Advancing the Conversation about Wellness for Law*

### Program Details

The Wellness Network for Law is a community of legal academics, practitioners and students who are committed to: first, addressing the high levels of psychological distress experienced in law; and second, promoting wellness at law school, in the legal academy, and in the profession. The Network seeks to achieve these aims through supporting a deeper understanding of the onset and causes of psychological distress, as well as through the development of strategies for preventing and ameliorating distress, and for fostering wellbeing, within law schools and the profession.

The 2014 Forum organisers are Wendy Larcombe, Judith McNamara, Rachael Field and Michelle Sharpe. We would like to gratefully acknowledge the financial assistance for the Forum provided by the QUT Law School.

If you have questions or special requirements for your participation in the conference, please contact one of the conference hosts or the facilitator of your session.

#### Forum hosts

Rachael Field Associate Professor, Faculty of Law, Queensland University of Technology  
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Judith McNamara Assistant Dean Learning and Teaching, Faculty of Law, Queensland University of Technology,  
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#### Session facilitators

Kate Galloway Senior Lecturer, School of Law, James Cook University, [Kathrine.Galloway@jcu.edu.au](mailto:Kathrine.Galloway@jcu.edu.au)

Wendy Larcombe Associate Professor, Melbourne Law School, The University of Melbourne,  
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Tania Leiman Director of First Year Studies, Flinders Law School, Flinders University, [tania.leiman@flinders.edu.au](mailto:tania.leiman@flinders.edu.au)

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The Forum will be held on level 5 of P block on the Gardens Point Campus of QUT. The ground level of P block is level 4. When you enter through the doors the stairs in front of you will take you up to level 5. There are also lifts to your right.

# Thursday 6 February

## Welcome day 1: Supporting wellness in law schools

*Professor Rosalind Mason, Head of School of Law, QUT*

9:30 – 9.45 am, Theatre 512

## Plenary session: The wider context for interventions to support law students' wellbeing

*Facilitator: Rachael Field*

9:45 – 11:00 am, Theatre 512

## Not only law students: high levels of psychological distress in a large university sample

*Wendy Larcombe, Associate Professor, Melbourne Law School, The University of Melbourne*

Empirical research has shown consistently that law students and lawyers report higher levels of psychological distress than general population samples. This has sparked investigation into the ways that 'thinking like a lawyer' might undermine psychological wellbeing. It has also driven calls to 'humanise' legal education and to develop pedagogical strategies that support students to stay connected with their values and intrinsic interests.

However, recent research findings from the University of Melbourne throw doubt on the assumption that high levels of psychological distress are unique to law students. Wellbeing surveys undertaken in 2013 with more than 5,000 students across six different faculties and graduate schools found that students in diverse academic programs reported levels of psychological distress similar to, and in some instances higher than, those reported by law students. This paper reports on the findings of that study and its implications for thinking about student wellbeing in legal education.

## What works? Critically evaluating and applying psychological interventions in the legal education and practice environment

*Stephen Tang, Lecturer and Psychologist, ANU Legal Workshop*

There is a trend in the wellness for law community to move away from identifying psychological distress and impairment to actively developing interventions which seek to prevent unwellness or promote wellbeing in students and lawyers. Many of these interventions are based on therapies and theories in clinical psychology and psychiatry. However, when applied to law school and practice settings, there is sometimes insufficient understanding about what exactly is being attempted, why, whether it is likely to work, and the risk of any potential harms or unintended effects.

As mental health and wellbeing increasingly becomes a politicised, commercialised and ideologically-driven space, legal educators must exercise all due diligence when planning, deploying and evaluating wellness-related interventions. This paper therefore presents a critical but practical overview of 'what works' in addressing prevalent psychological problems such as depression, anxiety and trauma. The paper steps through three issues:

1. How do the main types of psychological therapies purport to work? What do they look like in clinical practice? How have they been picked up by interventions in legal contexts?
2. How do we evaluate the evidence for these interventions? What are the limitations of 'evidence-based treatments'?
3. How should we translate clinical practice and evidence for legal educators, policy makers and researchers? Could well-intentioned interventions also reinforce existing power imbalances, pathologise normal behaviour or legitimise dysfunctional or unjust systems?

11.00 – 11.30 am Morning Tea, Level 5

## Plenary session: Promoting wellness in law schools

Facilitator: Kate Galloway

11:30 am – 1:00 pm, Theatre 512

### Preparing students for what's ahead: Using *Statements of Inherent Requirements* as a tool to encourage law students to manage their own wellbeing

*Tania Leiman, Director of First Year Studies, Flinders Law School, Flinders University*

To successfully complete their studies, law students need to be able to demonstrate not only various discipline specific substantive learning outcomes, but also increasingly, practical legal skills and competencies. For some students, meeting these latter requirements provides particular challenges. Law Schools and legal academics must respond to these students taking into account both the legislation surrounding discrimination within the area of education, and the current higher education regulatory framework including institutional graduate attributes and the Threshold Learning Outcomes for Law.

Students with documented disabilities under the Disability Discrimination Act 1992 (Cth) [DDA] may present with Disability Access Plans [DAPs] requesting reasonable adjustments to teaching and assessment methods to take account of these challenges and to ensure that they are treated on the same basis as other students. There are however, many other students who do not provide DAPs, but nevertheless experience significant difficulties in undertaking skills components of their studies due to issues such as stress, anxiety, procrastination, concerns about participating in public speaking, concerns about participating in small group work and difficulty meeting deadlines in a timely manner.

In 2013, a Statement of Inherent or Core Course Requirements for the Bachelor of Laws and Legal Practice Degree was developed by Flinders Law School as a pilot for an institution-wide project. This presentation will explore the impact that this Statement may have in preparing students for the challenges they can expect in their law studies, and particularly in undertaking practical skills components of those studies, whether encountered within substantive topics or during work placements or during participation in a legal clinic as an enrolled student or a volunteer.

### Lex Salus – Reconciling law and wellbeing

*Kellie Toole, Associate Lecturer, Law School, The University of Adelaide*

*Mark Giancaspro, Lecturer, Law School, The University of Adelaide*

The Adelaide Law School decided to try to provide students with skills to deal with stress and pressure; knowledge to see mental health danger signs in themselves and others; and tips about where to seek help for mental health issues.

The week-long launch of 'Lex Salus' in August 2013 was the beginning of a program to de-stigmatise clinical mental health issues, and reach out to students who are stressed from study, not taking care of their health, and not feeling connected to staff and other students.

The presentation will outline the Lex Salus activities undertaken so far, and discuss the feedback received from students.

### How satisfied are Australian law students?

*Kathryn Crossley, SurviveLaw.com*

*Chris Paver, SurviveLaw.com*

Law student website Survive Law ran its first Australian Law Student Satisfaction Survey in September and October 2013. More than 2,000 students took part in this national survey, which aimed to find out how satisfied Australian law students are with their law schools. The survey covered five key areas: study, teaching, careers, wellbeing and campus life and has revealed some interesting insights into the law school experience.

At the Wellness for Law Forum, we would like to share insights from the survey that have particular relevance for student wellbeing. Topics to be covered include career concerns as a major source of stress, how overwhelmed students feel about their workload, how comfortable students feel in approaching lecturers and tutors if they are not coping, the different concerns of first vs final year students and JD vs LLB students, students' reasons for skipping classes, and more.

The ALSSS was compiled by Survive Law in consultation with law students, legal academics and the Australian Council for Educational Research (ACER), which reviewed the survey instrument and Survive Law's methodology.

About Survive Law:

Survive Law ([survivelaw.com](http://survivelaw.com)) is Australia's largest online law student community. Written by law students for law students, Survive Law provides a place for students to share their experiences, concerns and advice about study, careers, and wellbeing. A team of more than 70 law students from around the country currently contribute to the website, which on average receives more than 50,000 visitors per month.

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1.00 – 2.00 pm Lunch, Level 5

## Parallel session # 1

2:00 pm – 3:30 pm, Room 504 (Stream A) and Room 505 (Stream B)

### Stream 1 A: Student wellbeing and legal education

*Facilitator: Wendy Larcombe, Room 504*

#### **Change, severity and indicators of psychological distress in PLE students – and some reasons for hope**

*Stephen Tang, Lecturer and Psychologist, ANU Legal Workshop*

This presentation provides an update on the research presented at the 2013 Wellness for Law Forum, showing low levels of psychological distress in Professional Legal Education (PLE) students at ANU Legal Workshop. Since that time, surveys have been conducted with two more cohorts of students (with more than 1500 participants in total). The data yield a consistent picture about the overall absence of elevated levels of psychological distress both at the beginning and end of a core course in the PLE program. There is no evidence, therefore, that this particular PLE environment causes psychological distress to students. The paper will illustrate these findings as well as summarise data about the key predictors of wellbeing and distress which have been identified throughout this research project. These variables include measures relevant to Self-Determination Theory, values and mindfulness, legal work experience and perceived professionalism.

#### **Class participation in law: Do demographics account for differences in students' engagement and stress levels**

*Anna Huggins, Faculty of Law, UNSW*

*Alex Steel, Professor and Associate Dean (Education), Faculty of Law, UNSW*

Student participation in the classroom has long been regarded as an important means of increasing student engagement and enhancing learning outcomes. However, the approach to class participation common in US law schools, commonly referred to as the Socratic method, has been criticised for its negative impacts on student wellbeing. A multiplicity of American studies have identified that participating in law class discussions can be alienating, intimidating and stressful for some law students, and may be especially so for women, and students from minority backgrounds. Using data from the Law School Student Assessment Survey (LSSAS), conducted at UNSW Law School in 2012, this paper provides preliminary insights into whether assessable class participation (ACP) at an Australian law school is similarly alienating and stressful for students, including the groups identified in the American literature; in addition, we compare the responses of undergraduate Bachelor of Laws (LLB) and graduate Juris Doctor (JD) students.

The LSSAS findings indicate that most respondents recognise the potential learning and social benefits associated with class participation in legal education, but remain divided over their willingness to participate. Further, in alignment with general trends identified in American studies, LLB students, women, international students, and non-native English speakers perceive they contribute less frequently to class discussions than JD students, males, domestic students, and native English speakers, respectively. Importantly, students are more likely to be anxious about contributing to class discussions if they are LLB students (compared with their JD counterparts), and if English is not their first language (compared with native English speakers). There were no significant differences in students' self-reported anxiety levels based on the independent variable of gender, which diverges from the findings of American research.

## **Lessons from the implementation of a well-being curriculum in first year law: Coals to Newcastle?**

*Kate Lindsay, University of Newcastle Law School  
Sher Campbell, University of Newcastle Law School  
Teresa Dluzewska, University of Newcastle, Health Service  
Dianne Kirby, University of Newcastle, Counselling Service*

There is now abundant evidence of levels of psychological distress amongst Australian law students. The challenge for legal educators is to find engaging and effective ways to support students in developing skills for reflection, resilience, mindfulness and well-being. This paper explores various dimensions of the pilot curriculum in self-management and ethics delivered to first year law students at the Newcastle Law School in 2013. The first year curriculum contained weekly seminars addressing a range of self-management and well-being topics and included teaching and practical experience of mindfulness practice. The curriculum was devised, delivered and evaluated by a team consisting of first year law teachers and clinical psychologists. What is becoming evident both anecdotally and in our feedback is that whilst Newcastle law students are very focussed on achievement, they are not necessarily well-equipped to support themselves, or knowledgeable about when to reach out to others for support in academic, social and professional contexts. It is submitted that the self-management curriculum can have an important normalising effect for law students in transition.

### **Stream 1 B: What Works: Wellness strategies**

*Facilitator: Judith McNamara, Room 505*

#### **Habits for wellbeing and productivity in law**

*Colin James, Senior Lecturer, Newcastle Law School*

Most law students and lawyers have it in their power to be well, productive and happy most of the time. Such a good professional life cannot be the result of luck, or one decision, attitude, or action; it can only come from a pattern of habits that over time maximise the chances for wellbeing, high productivity and overall subjective happiness. This paper pulls together research on good habits, the behaviour most likely to improve resilience in coping with anxiety, challenge and difficulties, as well as improving our overall wellbeing, including fitness, subjective mood and cognitive performance. As educators and practitioners we can discuss and facilitate good habits in our students and colleagues, but more powerfully, we can adopt them ourselves and be the change we want to see in others.

#### **Understanding the stress response – thinking like a zebra**

*Margaret Jolly, the College of Law*

Our bodies are hard wired to respond to stress in a way that was programmed into human brains thousands of years ago - to protect us from threats and danger. But what was helpful fleeing a sabre toothed tiger is not helpful in the 21st century, when our bodies perceive threats that trigger the stress response on a continual basis - and those threats include every day events such as deadlines, conflict, delayed flights, fear of failure, public speaking, negative feedback, and many more. This can lead to long term health problems, including mental health issues. This session will explain the stress response, the effect on the body and give some tips and tricks on managing that stress response, by retraining our brains and bodies.

#### **Resilient sensitivity for vital performance - how lawyers and actors may deal with traumatic material**

*Dr Mark Seton, Honorary Associate in the Department of Performance Studies at the University of Sydney*

Intriguingly, Barristers and actors share a 'famine and feast' workload, often dealing with traumatic material. They both need to work closely with others, establishing rapport and connection while maintaining a professional 'distance'. And the final judgement and consequences of their professional actions are usually beyond their control. Significantly, Barristers and actors are also both prone to vicarious trauma. A recent national survey of actors in Australia has identified that one in three professionals has difficulty in debriefing from dealing with traumatic material. I have developed a programme to help actors develop adaptability in their professional sensitivity so they can manage their

encounters with traumatic material. In presenting my work to the Victorian Bar Association in 2013 I have found there is also a need for such skills to be made available to Barristers. In this paper, I will outline how I have developed this program for actors' wellbeing and how it may benefit Barristers' wellbeing. Drawing upon the metaphor of theatre, in preparing for, warming up and delivering an effective 'performance' as an advocate, Dr Seton will also guide participants through a series of foundational skills to enable Barristers to develop personal strategies to manage encounters with traumatic material brought to them by their clients.

**3.30-4.00 pm Afternoon tea, Level 5**

## **Plenary session: The meaning and implications of academic stress**

*Facilitator: Tania Leiman*

4.00 – 5:00 pm, Theatre 512

### **Legal education as a meaningful struggle**

*Molly Townes O'Brien, Associate Professor, ANU College of Law*

Law student surveys have revealed that entering students are generally psychologically healthy people with positive expectations and low symptoms of depression. But by the end of their first year of study, students' depression scores are significantly higher than those of their age peers in the community.

While acknowledging the need to address systemic wellbeing-impairing problems in the law school environment, this presentation will focus on adapting legal education to promote the students' positive goals. Students' intrinsic motivation, engagement, and control of their own education are at the heart of effective teaching. Legal education should acknowledge students' needs for autonomy, competence and relatedness. Legal education should be experientially and emotionally grounded so that students can find meaning in their study and can embrace the idea of struggle and change.

A person's positive struggle to effectuate his or her values can be meaningful. Even a failing struggle may be meaningful. Camus once argued, "The struggle itself toward the heights is enough to fill a man's heart. One must imagine Sisyphus happy."

By engaging in meaningful struggle, a lawyer may immunise himself or herself to feelings of psychological distress. Law students, like other students, need to have their values and judgments recognised and encouraged. If more students were engaged in meaningful struggle during law school, the result would be more students with an enhanced sense of wellbeing. Negative emotions, which can and should be experienced in law school, need to be processed reflectively and turned into values-congruent action, rather than internalised in destructive ways. Not every law classroom will be amenable to adapting to hear of students' motivations and struggles. In order to promote the students' own goals and personal struggles, this presentation will examine a few ways to encourage students' self-reflection, interaction, and narrative creation through a relatively narrow, controlled experience.

### **Working the clock: The academic body on managerial time**

*Paula Baron, Professor and Head of School, La Trobe Law School, La Trobe University*

It has been observed that issues of academic well-being are under-researched and not well understood (Bell, 2012, 27-28). This is somewhat ironic in law, where issues of well-being amongst law students and members of the legal profession are well-known and the subject of an extensive body of literature. This paper seeks to contribute to our understanding of academic stress and its implications. Working with the concept of 'simatechnics', I am interested in the ways in which technologies of power are contributing to a loss of well-being amongst law academics. In particular, I shall argue, borrowing from Nanni's work on imperial colonisation, that the technologies of time are core to the process of colonisation of universities by what has been termed 'new managerialism'. Nanni argues that, while time is a human universal, the ways in which time is measured, perceived and conceptualised are not (Nanni, 2012: 6). He argues that 'time was both a tool and a channel for the incorporation of human subjects within the coloniser's master narrative; for conscripting human subjects within the matrix of the capitalist economy; and ushering 'savages' and superstitious 'heathens' into an age of modernity (Nanni, 2012: 4). In a similar way, managerialism, in its efforts to remake universities as 'global knowledge providers' has sought to overcome the unique understandings of time that traditionally characterised academia. An exploration of the technologies of time thus provides a productive entry point into contemporary power struggles (McKenzie, 2013: 486) within universities and an explanation for increasingly 'overextended, underfocused, overstressed and underfunded' (Vest, 1997: 43) academics. I shall further argue that this struggle over time in the university has implications not only for legal academics, but for law students, their well-being and the ways in which they work.

## Forum Dinner: Thursday 6 February 7pm

An informal, self-funded dinner for Forum delegates will be held on Thursday 6 February 7pm at the Siam Thai Restaurant on Southbank: <http://www.siamsouthbank.com.au/Menu.php>  
Estimated cost: \$35 per person, plus drinks. Please advise on registration if you would like to attend the dinner.

# Friday 7 February

## Welcome day 1: Supporting wellness in the legal profession

*Noela L'Estrange, CEO, Queensland Law Society*  
9:15 – 9.30 am, Theatre 512

## Plenary session: Regulation and lawyers' health

*Facilitator: Noela L'Estrange*  
9:30 – 11:00 am, Theatre 512

### Confronting regulatory forgiveness - A case study from the Victorian regulator

*Michael McGarvie, Legal Services Commissioner, Victoria*

This presentation by the Legal Services Commissioner in Victoria covers four recent complaints dealt with as disciplinary matters, but which each took an unexpected turn because of mental illness. The paper provides some salutary lessons for regulators and lawyers alike.

### Assessing a person's mental capacity and wellness when they apply to be a lawyer

*Francesca Bartlett, Senior Lecturer, TC Beirne School of Law, The University of Queensland*

Those applying to join the legal profession must not only have the requisite training but also demonstrate that they are a 'fit and proper person' under the Legal Profession Act. This definition includes a consideration of the applicant's mental health. The paper considers some recent cases, differing legal approaches across the country and the implications of all this for law students.

### Professional conduct rules and bullying in legal practice

*Michelle Sharpe, Barrister, the Victorian Bar, Chair, Victorian Bar, Health and Well Being Committee*

The Victorian Bar's Health and Well Being Committee oversees the administration of the Barristers' Counseling Service. The Barristers' Counseling Service provides confidential, around the clock, counseling to Victorian Barristers. In de-identified reports to the Committee the Barristers' Counseling Service has noted that a number of barristers have sought counseling to manage stress after having experienced bullying behavior by a fellow barrister or judge. In response to these reports the Committee has made a number of recommendations to the Victorian Bar aimed at reducing the likelihood of bullying occurring in practice and to manage complaints of bullying. These recommendations, recently adopted by the Victorian Bar, include amending the Bar's professional conduct rules to prohibit barristers from engaging in bullying behaviour.

11.00 – 11.30 am Morning tea, Level 5

## Parallel session # 2

11:30 am – 1:00 pm, Room 504 (Stream A), Room 505 (Stream B)

### Stream 2 A: Mental health in the workplace: A panel discussion

Facilitator: Noela L'Estrange, Room 504

#### A triad of perspectives on psychological injuries in the workplace

*Rebecca T Michalak, Principal Consultant, PsychSafe Pty Ltd*  
*Stephen Hughes, Special Counsel, Carter Newell Lawyers*  
*Beverley Kirk, Director, Centre for Emotional Intelligence*

The Work Health and Safety (WHS) Act requires employers in all Australian States and Territories to ensure employees are provided with a safe working environment. Safety is typically thought of in 'slips, trips and falls' terms. It is lesser known that this legal requirement includes the maintenance of both physical and psychological safety. In other words, it is illegal for an employer to fail preserve the emotional and psychological wellbeing of an employee, resulting in an injury. Failure to ensure the work environment is 'psychsafe' can result in not only Workers Compensation claims, but also civil suits for negligence, multi-million dollar statutory fines, and even imprisonment of individual officers of organisations.

Psychological injury claims are the most complex, expensive, and difficult to rehabilitate of all claim types, and are commonly caused by persistent exposure to psychosocial risks at work. Claims may be lodged for a range of mental health issues including anxiety, depressive and substance abuse disorders, with research indicating that these disorders are more prevalent within the legal profession than in any other employee population in the nation.

While both environmental and individual factors play a role in whether a mental health disorder develops or not, Workers Compensation claims for psychological injuries are only accepted where the working environment has been shown to have played a substantial role in the disorder or injury, thus placing the employer, such as a law firm, under high levels of scrutiny.

The primary aim of this session is to delve into some of the more complicated aspects of these sorts of claims, including a legal perspective, a business management perspective and a psychological perspective. In three short presentations, our expert panel will cover topics such as:

- Who is to blame? The employer / employee nexus;
- Trends in claim numbers, at risk employment environments including the legal profession, mechanism of injury, claimant characteristics and secondary injuries;
- The intersection between WHS law and other relevant legislation, such as Equal Employment Opportunity, Industrial and Employment Relations, and Anti-Discrimination law, including a range of case-based examples;
- Effective risk management approaches, including primary, secondary and tertiary intervention strategies, and
- Rehabilitation of psychological injuries, including working with individual differences such as emotional intelligence and self-efficacy.

Following the presentations, the panel will open up an open forum with a view to encouraging questions, discussion, and rigorous debate regarding psychological safety and injuries in the legal profession. Central to this open forum will be an emphasis on the urgent need to shift the profession's dominant current position, which is erroneously focused on the individual in the equation, towards a more effective, sustainable, and socially responsible approach to managing the minds of their knowledge workers.



## **Stream 2 B: Self-management tools for lawyers: An interactive workshop**

*Facilitator: Colin James, Room 505*

### **Law and the path of wisdom - using mindfulness to transform fear, anxiety and worry into clarity and emotional intelligence**

*Joel Orenstein, Principal, Orenstein Lawyers and Consultants*

All indicators point to the practice of law being very bad for one's health. But this needn't be the case. This workshop looks at how we can regain the lost virtue of wisdom to make it the centre of the way we work in the law. By using moment by moment awareness, grounded in non-judgement and acceptance, we offer an invaluable service to our clients, as well as to ourselves.

### **Raise your vibration: Simple tools for happier lawyers**

*Jackie Curran, The Laughter Lawyer!*

Jackie Curran has been a lawyer in a wide variety of settings for more than 20 years, as well as a mediator and counsellor, and at the same time has been on a personal search for inner peace, satisfaction and work life balance. Her search has found ways to change how you think, how you feel, how you relate to your friends, family and work colleagues and how to remain at peace with anything that life or the legal profession can throw at you. Her passion is to be of service and to help lawyers achieve health and balance in body mind and spirit. In her workshop she will take you on a journey of discovery, where you will experience some of the effective ways to change. You will learn tips and tools you can use every day. It will calm your mind and open you into peace.

The workshop will explain and demonstrate methods of changing your state of being and state of mind using meditation and energy to sweep away any stress or difficult situations and replace them with happier more peace filled and positive outcomes. You will also learn how to change your workplace energy for the better.

**1:00 – 2:00 Lunch Level 5**

## **Parallel session # 3**

2:00 – 3:00 pm, Room 504 (Stream A), Room 505 (Stream B)

### **Stream 3 A: Causes of distress in practice**

*Facilitator: Judith McNamara, Room 504*

#### **Explaining psychological distress in the legal profession: Workplace demands, resources, time-billing targets, and the role of over-commitment**

*Adele Bergin, School of Psychology, The University of Queensland*

Previous Australian research has found that lawyers display high levels of psychological distress and risk of depression compared with Australian community norms (Kelk, Luscombe, Medlow, & Hick, 2009). The purpose of the present research (Bergin & Jimmieson, 2013a) was to examine the types of workplace demands and resources experienced by Australian lawyers, as well as the prevalence of a range of psychological outcomes, and the impact of time-billing targets on lawyers' experience of these variables. In addition, the impact of overcommitment (a personality trait similar to workaholism) on lawyer well-being was examined (Bergin & Jimmieson, 2013b). Lawyers from across Australia completed an online questionnaire distributed to them by their State or Territory Law Society. The results from 384 full-time lawyers revealed that emphasis on profits within the workplace was the highest perceived demand, and the perception of social value in their work was the highest available resource. The results indicated 35% of lawyers sampled were a positive screen for hazardous or harmful drinking. Significant differences between non-billers, low-to-moderate billers, and high billers were found, with high billers experiencing greater demands, fewer resources, and poorer psychological outcomes. Further analysis with 448 Australian lawyers revealed that higher levels of overcommitment were related to higher levels of depression and anxiety. The practical

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implications of these results for the legal profession will be discussed.

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## **Sexism in the profession: A barometer of professional ethics?**

*Kate Galloway, Senior Lecturer, School of Law, James Cook University*

*Melissa Casten, Deputy Director, Casten Centre for Human Rights Law, Monash University*

A recent Victorian Equal Opportunity and Human Rights Commission report revealed that women lawyers continue to be the target of sexual harassment and discrimination in the workplace. While the issue of bullying is known to be one element of the broader culture of the legal profession that is contributing to (if not causing) elevated levels of mental stress, the Victorian data indicates that women may suffer additional stressors that are systemic within the profession. We argue that ongoing sexism within the profession embodies a broader masculinist culture that is at the root of calls for change. We suggest that sexism and discrimination must be recognised along with other bullying behaviours in developing responses to support practitioner resilience and wellness. We conclude that a focus on ethical conduct is one approach that may support a cultural shift.

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## **Stream 3 B: Strategies to support lawyers' health and wellbeing**

*Facilitator: Ann-Maree David, the College of Law, Room 505*

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### **Time for change: Designing a legal profession wide health and wellbeing program**

*Laura Helm, Law Institute of Victoria*

The paper will update the Network on work being done by the Law Institute of Victoria (LIV) to design a new health and wellbeing program for lawyers and others in the Victorian legal profession, following a period of research and consultation. The paper will provide an overview of key issues identified during consultations and outline the proposed way forward in 2014 and beyond.

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### **Unblocking destructive ways of relating to the self: A practical approach to working with barristers who attend counselling**

*Bernadette Healy, Psychologist, Re-Vision Group*

It is quite common for individuals who attend counselling to be unable to describe what they would like to achieve from attending counselling, at least initially, including the commonly observed blank space in the 'reason for visit' section on the intake form. This behaviour is often connected to the experience of being stuck in a place of psychological discomfort which robs individuals (thankfully temporarily) of belief in their own ability both to understand what is happening to them, and to move forward. This sense of being stuck has been observed to include the need for the individual to let go of a pattern of relating to the self that is no longer useful and may even have become inwardly destructive. While learning about such patterns - including their generally positive-oriented beginning - it often becomes clear that a different way of being is not known to the person. The individual typically experiences a great sense of urgency to move away from the discomfort while also experiencing fear about letting go of this outdated yet comfortingly familiar pattern. A number of stages in learning a new way have been identified, each necessitating the adoption of both reflective and practical strategies for successful resolution.

**3.00 – 3.30 pm Afternoon tea**

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## **Plenary session: The TJMF Mental Health Guidelines for the legal profession**

*Facilitators: Rachael Field and Wendy Larcombe*

3:30 pm – 5:00 pm, Theatre 512

### **Mental health guidelines for the legal profession: Best practice**

*Maxine Evers, Senior Lecturer, Faculty of Law, UTS*

*Judy Bourke, Senior Lecturer, the College of Law*

*Michael Appleby, Lecturer, the College of Law*

There has been significant progress in the understanding and awareness of mental wellbeing in the legal community. As a result of the commitment and work of many, including the Tristan Jepson Memorial Foundation, the resilience@law program and Young Lawyers NSW, legal workplaces are now providing resources and support for staff wellbeing.

In late 2012, a further collaborative step was taken with the establishment of the TJMF wellness standards sub-committee. During 2013 the committee, chaired by Professor Jill McKeough with representatives from government, in-house, large law firms, the community legal sector, the medical profession, the law society and legal education providers, developed a set of Mental Health Guidelines for the Legal Profession - Best Practice. The draft Guidelines are currently being communicated to the profession.

The Guidelines are based on the work of the Standards Council of Canada with its voluntary National Standard of Psychological health and safety in the workplace - Prevention, promotion, and guidance to staged implementation where 13 Psychosocial Factors for mental wellbeing were identified as essential in the workplace.

This presentation discusses the Psychosocial Factors and how they have been adopted to meet the diversity of the profession, including the proposed purpose and use of the Guidelines.

### **Law firm culture from a young lawyer's perspective**

TBA

### **Promoting the guidelines: The TJMF priority for 2014**

*Marie Jepson, Founder and Director, Tristan Jepson Memorial Foundation*

'Selling' the Mental Health Guidelines will be the TJMF priority for 2014. Why should firms/organisations adopt the Guidelines? (what is in it for them?) What impact and benefits will the Guidelines have for the firm/organisation? What are the current perceptions/ concerns organisations have about signing up to the Guidelines? What will implementing the Guidelines actually mean? What does the research say?

Support for initial successful implementation: needs to be simple, practical, non-threatening or it will simply another great idea gathering dust on a shelf and become 'too hard'. The Guidelines are a mechanism for measuring ongoing improvement. It is not a competition firm against firm, but a road to encourage best practice to enhance the wellbeing and psychological wellbeing of staff within the legal workplace. This is the beginning of a journey in which TJMF seeks to showcase the good things that firms/organisations are doing and encourage learning from each other. It is process of initiating cultural change. It is not a sprint but a marathon. It will take time.

**5.00 Forum close**