



## 2013 National Wellness for Law Forum 21 - 22 February 2013

# Program Details

## 2013 National Forum: Promoting Wellbeing in Law Schools and the Legal Profession

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 2013 Forum organisers are Wendy Larcombe, Rachael Field, Helen McGowan and Michelle Sharpe. We would like to gratefully acknowledge the financial assistance for the Forum provided by Professor Carolyn Evans, Dean, Melbourne Law School, and the Office for Learning and Teaching.

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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### Session facilitators

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*Michelle Sharpe* Barrister, the Victorian Bar. msharpe@vicbar.com.au

*Molly Townes O'Brien* Associate Professor, ANU College of Law. obrienm@law.anu.edu.au

# Thursday 21 February

## Conference welcome

*Professor Carolyn Evans, Dean, Melbourne Law School, and Harrison Moore Professor of Law*  
9:30 – 9:45 am, Theatre 102

## Plenary session: Mental health in legal practice

*Facilitated by Helen McGowan and Rachael Field*  
9:45 – 11:00 am, Theatre 102

## Towards Wellness: Implementing a therapeutic approach to mental health in the Victorian legal profession

*Laura Helm, Lawyer Administrative Law and Human Rights, Law Institute of Victoria, and Richard Wilson, Victorian Bar*

This paper tells the story of how the Victorian legal profession has sought to meet the challenges arising from alarming statistics published between 2007 and 2010 that suggest that 1 in 3 solicitors and 1 in 4 barristers have or will suffer from a depressive illness during their career. The paper will outline the 'therapeutic model' advocated by the Law Institute of Victoria to guide a systemic industry response which broadly addresses awareness raising, prevention, provision of services and regulation, within a human rights framework.

The paper will:

- provide an overview of literature examining the causes of the concerning rates of mental illness among legal professionals;
- summarise advocacy and steps taken to implement a 'therapeutic model' of regulation and prevention in Victoria; and
- introduce the LIV's Mental Health and the Legal Profession Project, including the pilot Vic Lawyers' Health Line, launched in April 2012 and scoping for a lawyers' health program.

## Mental ill health and the Victorian Bar

*Michelle Sharpe, Barrister, the Victorian Bar*

This paper outlines the duties currently owed by Victorian barristers under the professional conduct rules and the Legal Profession Act with regard to their own health, or on becoming aware of the ill health of another barrister. How the rules and the Act may impact on Victorian Bar Association in running its Bar Care scheme will also be considered. This paper will suggest how the rules and the way in which the regulator works under the Act could be changed to deal more effectively with the rising problem of mental ill health at the Bar.

## Mental health in legal regulation

*Nitsa Karahalios, Director, Regulatory Reform and Policy, and Brendan Atkinson, Senior Policy Officer, Legal Services Board*

Are lawyers living with mental health issues more likely to come to the attention of the legal profession regulator? The Legal Services Commissioner and the Legal Services Board, the regulators of the legal profession in Victoria, are proactive and innovative in their approach to mental health issues among lawyers. With a clear policy on disclosure requirements and an effective pastoral and holistic approach to handling disciplinary matters, the regulators support and assist lawyers with mental health issues for the benefit of not only the lawyers themselves, but for the legal profession as a whole and for consumers of legal services.

## Keynote speakers: Promoting wellness in law

*Facilitated by Carolyn Evans and Rachael Field*  
11:30 am – 1:00 pm, Theatre 102

## Staying true

*The Hon Michael Kirby, Patron of the Tristan Jepson Memorial Foundation*

Michael Kirby will address the tensions that exist in legal education and more broadly in the law. Many enter the law with high aspirations and with ideals of justice and community service. Sometimes they find the daily reality very different. The pressure at law school is for grades and elusive indicators of success. The pressure in the law firm, working in the back room. The stress in the court room defending a client's cause that does not necessarily coincide with one's own values. Disappointments and setbacks are inevitable in any professional life. Coping with these challenges requires an acknowledgement of them, a little help from one's friends and family and a sense of personal value and utility. How does one maintain these affirming qualities? How can a profession which is itself under constant pressure to deliver efficient outcomes in an often adversarial environment adapt to respect and nurture the vulnerabilities of its actors? This address will reflect on the difficulties, but also the necessities, of securing change.

The Honorable Michael Kirby AC CMG retired from the High Court of Australia on 2 February 2009 as Australia's longest serving judge. He was first appointed in 1975 as Deputy President of the Australian Conciliation and Arbitration Commission. His appointment to the High Court came in 1996 and he served 13 years. In addition to his judicial duties, Michael Kirby served on three university governing bodies and was elected Chancellor of Macquarie University in Sydney (1984-93). He also served on many national and international bodies. He was a member of the World Health Organisation's Global Commission on AIDS (1988-92); a UN Special Representative on Human Rights in Cambodia (1993-96); a member of the UNESCO International Bioethics Committee (1995-2005); a member of the High Commissioner for Human Rights' Judicial Reference Group (2007-current) and a member of the UNAIDS Reference Group on HIV and Human Rights (2004-current). In 2010, Michael Kirby was awarded the Gruber Justice Prize. He is also presently a member of the Eminent Persons Group which is investigating the future of the Commonwealth of Nations; and has been appointed to the UNDP Global Commission of HIV and the Law.

## Achieving change

*Marie Jepson, Founder the Tristan Jepson Memorial Foundation*

Recently, a frequent response to the work of the Tristan Jepson Memorial Foundation (TJMF) has been 'you have raised our awareness about mental ill-health within the profession. Now what are you going to do about it?' Unfortunately, there is no magic bullet. Despite firms training their HR people and introducing EAP programs, they are rarely accessed and feedback continues that nothing has really changed. Ultimately, what is needed is to change the culture within the profession. Easier said than done. In the health industry, hospitals are accredited regularly and their funding is allocated on the basis of the level of accreditation received. Accreditations are sought, valued, prized and recognise 'best practice.' Over time the overall standard of quality and care within all hospitals is improving. So began our thoughts about developing voluntary standards for the profession.

One of our first challenges to this was that there is no Australian precedent. What would these standards look like? What would they measure? In January, in a world first, Canada is releasing its voluntary national standard for psychological health and safety in the workplace. Marie Jepson will talk about the lead up to the release of the standard, discuss its provenance, and outline the way forward for the TJMF.

Marie Jepson is Director and co-founder of the Tristan Jepson Memorial Foundation which aims to promote psychological health and wellbeing, and reduce disability and distress caused by mental ill-health within the legal profession. The emphasis of the Foundation for 2013 is to develop a voluntary standard to promote psychologically safe and healthy workplaces within the legal profession.

## Parallel session # 1

2:00 pm – 3:30 pm, Theatre 109 (Stream A), Theatre 108 (Stream B), Theatre 106 (Stream C)

### Stream 1 A: Challenges for law schools: Resistance to change

*Facilitated by Molly Townes O'Brien, Theatre 109*

#### The persistence of distress

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

The high levels of distress, mental illness and addiction amongst students and the practising profession are now well-documented. Since the results of US studies were largely replicated in Australia by the Brain and Mind Research Institute report, there has been a significant amount of literature that has sought to find ways of reducing law student distress. This literature proposes a range of solutions, from curriculum innovation through to pastoral care initiatives to the application of self-determination theory and positive psychology. Much of this literature is immensely valuable for proposing long-overdue changes to law school culture and pedagogical practices.

At the same time, the reasons for the high levels of distress remain unknown. We do know that the student population, on entry to law school, has average to lower than average levels of distress, but within the first year of law school, distress levels soar and well-being deteriorates. That decline in well-being then persists for years. Potential causes include a competitive law school environment, methods of assessment, the alienation of the law school experience, loss of autonomy, anxiety about employment prospects and so on. Yet the phenomenon seems consistent across very different law schools, both in the US and Australia; across very different external environments, as Krieger points out; and beyond law school into professional practice. Relatively little analysis, however, has been undertaken in regard to the persistence and widespread nature of this phenomenon.

This paper seeks to contribute to the discussions on law student well-being by providing some insights from psychoanalytic theory as to the potential causes of the distress of law students and lawyers and the remarkably resilient and persistent character of this distress.

#### Academic resistance

*Nick James, Professor and Deputy Dean, Bond University*

'If they can't stand the heat they should get out of the kitchen!' Many law schools have in recent years responded to the mounting evidence of unusually high levels of psychological distress experienced by law students by introducing measures intended to ameliorate

such distress and foster law student wellbeing. The responses by individual legal academics to these wellness initiatives are varied. Some academics embrace them with enthusiasm, some are ambivalent ... and some appear determined to resist and oppose any efforts to make legal education less stressful and difficult for law students.

This paper examines the nature of academic resistance to wellness initiatives, identifying the various forms of active and passive resistance engaged in by academics, describing the various justifications offered for this resistance, and offering some possible strategies for minimising this resistance. In doing so the paper draws upon a series of interviews conducted by the author with Associate Deans and Directors of Teaching at various Australian law schools, and upon Foucauldian notions of discourse, power and the inevitability of resistance.

## **Guarding our identities**

*Kate Galloway, Senior Lecturer, School of Law, James Cook University, and Peter Jones, Senior Lecturer, Discipline of Social Work and Human Services, James Cook University*

Sufficient evidence exists to justify profound changes to the way in which the academy teaches the LLB: a shift from the adversarial individualistic doctrinal focus of the traditional law degree, to embrace appropriate dispute resolution, students' emotional intelligence and resilience, and 'soft' skills called for in the 'real' world of work. This broad project, supported by the profession and called for by students and employers, is gaining traction with a growing body of research providing exemplars of strategies to enhance and actively evolve the curriculum to address concerning levels of law student (and lawyer) psychological distress. Transformation of students, and therefore lawyers, through an engaged and engaging curriculum is one thing – but where do legal academics stand on this contemporary shift in focus?

This paper reflects on the genesis and the possible role of the academic lawyer's identity in contributing to, or supporting, the culture of the law more broadly. It poses the question: to what extent is the (academic) lawyer-identity itself a precondition for systematic and sustainable change in the law, and lawyering? If it is, how ready is the academy to embrace the array of strategies to engender the transformation needed?

## **Stream 1 B: Wellbeing, self-management and professional skills development**

*Facilitated by Joel Orenstein, Theatre 108*

## **Surprisingly well? A peek into the wellbeing/distress data from a survey of Australian practical legal training students**

*Stephen Tang and Anneka Ferguson, ANU College of Law, Australian National University*

We conducted a wide-ranging quantitative study of over 300 Practical Legal Training (PLT) students at ANU Legal Workshop. Students were surveyed at the beginning and end of the Professional Practice Core (PPC), a busy 18 weeks of learning core professional skills through collaborative practice in 'virtual firms' and through individual and group-based reflective discussions.

Unlike their LLB/JD peers, students' scores on the DASS-21 (the same measure of psychopathological symptoms previously used in the ANU and MLS studies) were on par with community norms. This was observed both at the beginning and end of the semester. That is, in our sample of PLT students, we did not find the patterns of elevated psychological distress previously documented in law students and which has been attributed to the law school environment. Nonetheless, the predictors of wellbeing/distress at the individual level changed over the duration of the course. Contextual factors — those connecting the students' experiences, values and identity — became stronger sources of risk and resilience. For instance, being engaged in law-related work or having a greater sense of professional identity were both associated with better psychological health, but only at the end of the course. These findings are consistent with the predictions of Self-Determination Theory and other studies. Aspects of the PPC course itself, which was re-designed to include opportunities for experiential learning about uncertainty, wellbeing and values-based conflict management, may also partially explain these findings. Implications for teaching, curriculum design and future wellbeing research on Australian law students/lawyers will be discussed.

## **The development of mental health literacy programs for law students**

*Judy Bourke, Senior Lecturer, and Michael Appleby, Lecturer, The College of Law, Sydney, Australia*

It is well established that the source of the major burden of disease in the young is mental illness. Studies are commencing to show high levels of emotional distress in tertiary students generally and most of all law students. High levels of emotional distress mean that our students are at risk of developing anxiety and depression. Many of our law students go on to legal practice and the high level of depression and anxiety suffered by members of the profession is widely acknowledged.

The presenters argue that one response to these issues is to provide law students (and perhaps all tertiary students) with a form of mental health literacy training. The College of Law (Australia) designed a workshop (2.5 hours) ('the workshop') for its Practical Legal Training ('PLT') students. The workshop is compulsory in all PLT courses and is taught in small groups by law lecturers. It was rolled out nationally in the first quarter of 2011. To date approximately 6,000 students have attended the workshop. In the first six months of the

workshop the College collected student course evaluations from 1,200 students and this presentation reports on those evaluations. The presentation explores the value of providing this form of training and suggests one model for developing such a workshop and supporting materials.

## **Supervision for early career lawyers**

*Helen McGowan, National Coordinator Recruitment and Retention of Lawyers in Rural, Regional Remote Australia*

What are the elements of good professional supervision? This paper looks at the legislative framework, and practice guidelines. The Australian Legal Profession requires early career lawyers to 'be supervised' for the first eighteen months to two years of their practice, depending on what type of practical legal training they completed. The duty is on the early career lawyer. There is no corresponding duty, framework or oversight on the supervising solicitor. What will it take to improve the supervision experience? Does good supervision strengthen professional practice?

## **Stream 1 C: What Works: Peer support in law schools**

*Facilitated by Kathy Douglas, Theatre 106*

## **Working together for wellbeing**

*Tania Leiman, Lecturer in Law, Flinders Law School*

Flinders Law School's New in Law and Peer Mentoring programs have been operating successfully since 2007 to support commencing students in their orientation and transition to life in the law School. In 2011 and 2012, mental health awareness and discussion of recent literature on hope and optimism was specifically incorporated into the training provided to mentors. Additionally, in 2012, the Flinders Law Students Association held a Mental Health Awareness Week for students, with significant involvement of law school staff and senior members of the South Australian legal profession. This presentation will present early findings from a project researching the impact of mental health training on mentors, their studies and their interactions with the students they are mentoring. It will also consider the impact of, and opportunities created by, close liaison between staff and students at Flinders Law School in raising awareness of mental health issues among law students.

## **Interpersonal processes in law students: Strategies to reduce risk and promote wellbeing**

*Helen Stallman, Senior Lecturer in Clinical Psychology, The University of Queensland*

Isolation and lack of social support are risk factors for mental health problems and suicide. A number of factors can contribute to poor social connections in law students including individual characteristics, academic demands, the law school environment, and expectations of the profession. This paper will explore the interpersonal processes that may contribute to poor personal and professional outcomes for law students. Results from a study on the role of competition in law school will be presented. Strategies to promote social connectedness will be highlighted.

## **Monash Peer Mentor and Ambassador Programs**

*Lloyd England, Student Experience Manager & Teaching Associate, Monash University Faculty of Law*

From 2008 a comprehensive Peer Mentor Program has been offered by faculty, via the Law Students' Society, to all commencing Monash Law students. Approximately 450 commencing students are mentored annually by around 80 second year and above students. First Years' traditional transition issues are buffered by efficient information dissemination and referral mechanisms built into the program and connections are formed, encouraged and nurtured early in students' law school experience. Research suggests peer relationships provide support in the face of uncharted experiences. Mentors in turn gain invaluable skills and the opportunity to capitalize their goodwill and pay it forward to incoming generations of students; now the program is established, mentors are now often the previous years' mentees and are eager to assist.

Since 2007 Monash Law School has engaged a Student Experience Manager, charged with building community and adding value to law students' co-curricular activities by designing and implementing initiatives. Subsequently, the Law School Ambassador Program commenced mid-2007 and trains community-minded students in leadership concepts and project management skills and then facilitates student designed and delivered projects into fruition. These projects aim to build community between students, students and faculty, and faculty and the wider community.

## Parallel session # 2

4:00 pm – 5:00 pm, Theatre 109 (Stream A), Theatre 108 (Stream B), Theatre 106 (Stream C)

### Stream 2 A: What students tell us about psychological distress in law schools

Facilitated by Kate Galloway, Theatre 109

#### Factors associated with law students' psychological distress

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

The first step to designing effective and sustainable interventions for law student wellbeing is to better understand the range of factors associated with the reported high levels of psychological distress. Research conducted at the Melbourne Law School in 2012 aimed to investigate a range of factors that have been suggested in the research literature as potentially associated with law student mental health, including the personal tendencies and attributes of people who are attracted to study a law degree, and the stresses associated with an increasingly competitive job market. The study also investigated factors that might be expected to be protective of law student mental wellbeing, such as peer engagement, satisfaction with course choice and experience, and perceived autonomy support.

The study found that low ratings of perceived autonomy support from teachers and the faculty were strongly associated on multivariate analysis with both severe-extreme depression and severe-extreme anxiety but not with elevated levels of stress. In contrast, high levels of perfectionism and worry about comparisons with others were associated with severe-extreme stress but not with elevated levels of depression or anxiety. Not expecting to practice law was strongly associated with severe-extreme anxiety and low levels of intrinsic motivation for studying law were strongly associated with severe-extreme depression. These findings indicate that it is important to design strategies to mitigate each of the distinct forms of psychological distress – depression, anxiety and stress – based on their distinct associated factors.

#### Connecting law student wellbeing to social justice, problem-solving and human emotions

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

This paper re-examines the law school's lessons in student wellbeing. Beginning with information gained in dialogue with students, the paper acknowledges that students find law school to be stressful. When students were invited to re-imagine law school, they explained that their ideal law school experience would have been more connected — to mentors, to other students and to the real-world impact of law. With regard to the content, there was a consensus that law study could be made more interesting and contextual. Some students re-imagined the law school as a place that would do more to engage with the political and practical side of law. On the other hand, other participants expressed how confronting and disheartening it was to watch real court proceedings and wondered how the law school should address or manage 'the harsh reality of law'. This paper asks, and attempts to answer, two difficult questions: What changes in the law school curriculum would promote a positively connected experience? What would it mean for law student wellbeing if the law school were to succeed in its goal of infusing a 'distinctive ethos of law reform and social justice into all aspects of what we do, including research, teaching and outreach'? The attempt to answer these questions begins by re-examining the data of student surveys and a student/faculty dialogue retreat. Within the data, the exploration uncovers how student social connections and/or engagement in social justice issues may be related to their wellbeing. It then explores the relationship between student wellbeing and humanly-engaged problem-solving. The essential message of the paper is that connection and engagement are at the core of student wellbeing.

### Stream 2 B: Psychologists working with law students and legal practitioners

Facilitated by James Duffy, Theatre 108

#### Building bridges and breaking barriers: Embedding a psychologist in a third year law course to promote student wellbeing in a regional law school

Lynda Crowley-Cyr, Associate Professor, School of Law, University of Southern Queensland.

Law students, like other people, will only do what they have a mind to do. Taking this into consideration, this presentation reflects on a unique initiative aimed at responding to contemporary reports detailing the rise of mental 'unwellness' experienced by law students. The initiative consists of a 2012 pilot collaborative project between the University of Southern Queensland's (USQ) School of Law and the Student Services Counselling & Health Service. One of the Psychologists from USQ Student Services was invited to participate on the teaching team of a third year law course to provide students with psycho-educational content relating to resilience and healthy coping strategies, as well as a direct access line to services. Given that a significant percentage of USQ law students are studying externally, reducing their sense of isolation was a key focus. Various tools and technologies, such as a meet-and-greet Vimeo, recorded lecture material and assessment were used with the intention of enhancing students' familiarity with the psychologist.

The project questioned whether, on a limited budget, more could be done to assist law students to seek professional help when experiencing high levels of stress, anxiety and or depression. This modest project has produced unanticipated lessons and raises new questions.

## Health and wellbeing issues amongst barristers

*Bernadette Healy, Principal Psychologist, The Revision Group*

The particular set of stressors faced by barristers often results in a private fear that they will unravel in some way. Typically the fear is experienced within the professional sphere and is accompanied - and exacerbated - by a hyper-vigilant stance towards their environment in a way not dissimilar to sufferers of post-traumatic stress. Barrister clients tend to be extremely self-critical. The threat of judgment is also of course a very real part of their professional life as is intense conflict. The combination of this professional reality with an over-utilized (at least in the personal domain) critical facility is detrimental to their well being and psychological health. Unchecked, the continual interaction of these two factors can lead to levels of extreme stress. One of the ingredients of this stress is the experience of an impoverished ability to connect both to the self and to others. This impact on the relational seems to be connected to the over-use of what perhaps began as protective strategies in the face of inherently conflicting personal and professional demands. The issue of balance is a critical factor in both the creation and the possibility of resolution of these difficult issues. Barrister clients have put their formidable skills to great use in the adoption of strategies to overcome these issues. Strategies include commonly-used techniques such as mindfulness, plus tailored strategies for attaining balance, increasing meaningfulness in one's life and improving the ability to form connections.

### **Stream 2 C: Burnout and HR challenges for law firms**

*Facilitated by Helen McGowan, Theatre 106*

#### **Running on empty: how to avoid burnout**

*Holly Kneebone, Director, The Breathing Space*

This seminar explores the all-too-prevalent but largely unaddressed phenomena of professional burnout. It highlights the characteristics, symptoms and risk factors; impact and cost of burnout on leadership, teams and organizations; distinctions between burnout, stress and depression; and prevention and intervention strategies.

#### **What lies beneath: The role of mental health issues in the legal professional HR crisis**

*Rebecca T Michalak, Principal Consultant, PsychSafe Pty Ltd and Sessional Lecturer, UQ Business School*

The Australian legal profession currently makes a multi-billion dollar contribution to the national economy, including being the nation's biggest business related professional service-based export. Despite this seemingly robust position, the future of the profession is indubitably under threat. In this paper, I outline evidence that the profession faces three critical human resources issues, including attraction and retention problems in the global talent war, the changing nature of legal education, and, most importantly, mental health and wellbeing issues in the lawyer population. Together, these represent problems with talent demand, talent supply, and talent productivity, which intersect to create a tripartite HR sustainability crisis for the profession. I use this evidence to analyse the profession's level of human resources-based sustainability using the six-phase Dunphy, Griffith and Benn (2010) framework. The results of this assessment are confronting, particularly for private practice law firms. The evidence suggests that the profession resides at the lowest possible phase of HR sustainability; namely rejection. I highlight the urgent need for change, including radical change in the corporate values adopted by the leadership of private practice law firms, in order to address this impending HR sustainability crisis.

# Friday 22 February

## Parallel session # 3

9:30 am – 11:00 am, Theatre 109 (Stream A), Theatre 108 (Stream B)

### Stream 3 A Building resilience and responsiveness

Facilitated by Michael Appleby, Theatre 109

#### Building resilience in lawyers through metacognition

*Qusai Hussain*

Dr Qusai Hussain has developed a Juricognetics™ program driven by evidence based research on performance enhancement and wellbeing specifically for lawyers. This seminar highlights personality and cognitive styles of lawyers and their role in stress and discusses the development of the program which aims to achieve stress reduction in the work-place using a combination of cognitive and mindfulness based techniques.

Qusai Hussain is the Managing Director of Psylegal a boutique psychology practice specialising in working with lawyers. He is trained both as a Lawyer and a Clinical Psychologist and has extensive experience working with legal professionals to improve workplace performance and satisfaction.

#### Mental health first aid: Its potential for the legal sector

*Tony Jorm and Betty Kitchener*

This presentation will describe the Mental Health First Aid program, which teaches the knowledge and skills that non-mental health professionals can use to assist a person developing a mental illness or in a mental health crisis. It will describe a previous project applying this program in the Family Court, and report on recent work on training frontline workers in both pre-service and workplace settings.

Betty Kitchener is CEO of Mental Aid Australia. She is the founder of Mental Health First Aid training, which has been received by over 200,000 Australians and spread to 20 other countries. Tony Jorm is a Professorial Fellow and NHMRC Australia Fellow in the Melbourne School of Population Health, University of Melbourne. He has done extensive research to develop mental health first aid guidelines and to evaluate the Mental Health First Aid course.

### Stream 3 B: Mindfulness for Law (with practical Mindfulness exercises)

Facilitated by Colin James, Theatre 108

#### The mindful lawyer

*Joel Orenstein, Lawyer and Consultant*

Mindfulness, or mindfulness based meditation, is way of cultivating awareness by fully paying attention to everything inside and outside ourselves without judgement or criticism. This session explores how the use of mindfulness in the management of anxiety and stress has grown exponentially over the last thirty years and has now cemented itself in the secular mainstream. It explores how mindfulness can assist the development of wellness in law and what the mindfulness revolution that is emerging means for the teaching and practice of law into the future. The session will also include a practice workshop on mindfulness for participants.

Joel Orenstein is a sole practitioner, trainer and consultant. He practices in the area of Indigenous rights, summary crime and child protection in Victoria. Joel consciously integrates mindfulness practices into his own legal practice and runs regular mindfulness courses, workshops and retreats.

#### The mindful firm: embedding mindfulness into firm life, one leader at a time

*Holly Kneebone, Director, The Breathing Space*

This seminar discusses how firms can successfully invest in mindfulness (now 'mainstream') to create positive culture change – one leader at a time. It highlights why engaging leaders in firms – as 'emotional climate engineers' – is central to resetting the work culture, and why relegating mindfulness solely to 'wellbeing' programs is risky. Holly will share a variety of mindfulness-based interventions being implemented in firms and organizations globally, creating sustainable change. Attendees will also have the opportunity to experience mindfulness first-hand, through several guided mindfulness practices.

Holly Kneebone is the Director of The Breathing Space, a consulting, executive coaching and mindful therapy practice specialising in working with leaders in professional services firms. She has extensive experience working with law firms and legal professionals, supporting balance, awareness and sustainable high performance.

## **Keynote address: Promoting wellbeing in law schools and the profession**

*Professor Lawrence Krieger, Florida State University, Florida*

11:30 am – 1:00 pm, Theatre 102

### ***Promoting wellbeing in law schools and the profession: Ongoing research and proposed applications***

*Lawrence Krieger, Professor, Florida State University, Florida (by video conference)*

Professor Krieger will survey the recent leading studies that reveal the foundations of the specific distress that law students and lawyers experience, and then outline workable strategies for preventing or mitigating that distress. He will also provide a preview of new data from 8,000 lawyers in four U.S. states, further quantifying the various sources of attorney satisfaction and wellness. Points of focus will include: 1) the ways that legal education and law practice impair satisfaction of the primary human needs; 2) the definition of autonomy support, its demonstrated value for wellness and effective performance, and methods for autonomy-supportive teaching and supervision; and 3) the interfaces between wellness and professional/ethical behavior as seen in personality structure.

Larry Krieger is a Clinical Professor of Law at Florida State University (USA). Before commencing law teaching in 1991, he was a litigator for 11 years, specializing in securities and financial fraud prosecution. He is a pioneer of empirical research on law student and lawyer well-being and satisfaction, and is just completing the largest study to date of the wellbeing of lawyers and judges in the US. Professor Krieger is the founder of the Humanizing Legal Education list serve and web site, and founding Chair of the Section on Balance in Legal Education (Association of American Law Schools). He is one of 25 legal educators to be profiled in *What the Best Law Teachers Do* (Harvard University Press, 2013). He is also the author of two booklets for law students on stress and career satisfaction which are used by more than half the law schools in the US, Canada, and Australia (where Melbourne Law School has recently revised these booklets for Australian readers).

## **Parallel session # 4**

2:00 pm – 3:30 pm, Theatre 109 (Stream A), Theatre 108 (Stream B), Theatre 106 (Stream C)

### **Stream 4 A: What works panel session**

*Facilitated by Paula Baron, Theatre 109*

### **Leave nothing behind: Bring your whole self to law school!**

*Molly Townes O'Brien, Associate Professor, ANU College of Law, Vivien Holmes, Senior Lecturer in the ANU College of Law, Annela Ferguson, Researcher and Lecturer at the Australian National University Legal Workshop, Stephen Tang, Associate Lecturer at the ANU College of Law*

This discussion will survey the various approaches being tried at ANU to help law students manage their law-school-related stress and anxiety. These approaches include getting connected to social justice activities, the 'Giving Voices to Values' curriculum, and making full use of empirical research on wellbeing. Although our methods sound different, our anticipated result is the same: a group of thriving, value-oriented and confident law students and future legal practitioners.

We have undertaken empirical research on students' psychological wellbeing/distress across the whole journey from ANU LLB/JD student to Graduate Diploma of Legal Practice (GDLP) student to newly-admitted lawyer. This revealed that our undergraduate students (LLB and JD students) felt stress, anxiety and depression at rates that exceeded the rates in the general population. We held a student/faculty dialogue to begin to track down the causes of the negative feelings – and subsequently instituted undergraduate curricular changes compatible with student wellbeing. At the graduate level, the ANU Legal Workshop's Professional Practice Core Course within the GDLP aims to promote sustainable wellbeing practices through its integrated practice management curriculum. This curriculum helps students develop a sustainable, adaptable and reflective professional identity. In doing so, it draws on the research of scholars and practitioners who consider professional identity, mentoring, dealing with uncertainty, and team building to be at the core of practice management.

The GDLP also emphasizes the 'Giving Voices to Values' (GVV) curriculum. GVV (developed by Mary Gentile, Babson College) helps individuals learn to recognize, clarify, speak and act on their values when conflicts arise. The GVV curriculum facilitates students asking and answering the question: What would I say and do if I were going to act on my values? Its focus is on how a person can raise an issue in an effective manner; what he/she needs to do and say in order to be heard; and how to correct an existing course of action when necessary. GVV encourages self-knowledge and acting from your strengths. It promotes wellbeing by telling the student, "You can bring your whole self to work."

While the data collected from our research have been extremely valuable, the process is just as important. Empirical research changes both the researcher and the participant alike. We have found that embracing the idea of *empirical research as reflective conversation*

works to shape a strong research agenda while also being personally meaningful and conducive to wellbeing. On the shadow side, translating quantitative findings into pedagogy/policy can be difficult to do well. The quantitative study of wellbeing is also loaded with ideological assumptions and biases which need to be considered more carefully. We need to be careful not to lose the *person* within our data.

This panel will share some reflections and future directions at this exciting time when a collaborative empirical research culture is emerging in the Wellness for Law Network.

## **Stream 4 B: Wellbeing and the law curriculum**

*Facilitated by Elise Bant, Theatre 108*

### **Teaching emotional intelligence through engagement with ADR**

*Kathy Douglas, Senior Lecturer, Graduate School of Business & Law, RMIT University and Sue Douglas, Lecturer, Business Law, Faculty of Arts and Business, University of the Sunshine Coast.*

The subject area of alternative dispute resolution (ADR) deals with conflict and dispute resolution. In research into the teaching of ADR conducted in two states, Victoria and Queensland, as part of one of the author's doctoral research, data showed that ADR teachers routinely taught about emotion.

This paper explores the data and links understanding emotion in conflict with student well being. The authors argue that giving students an understanding of emotional intelligence can be achieved through ADR pedagogy that includes role plays and models of negotiation and mediation that deal with emotion in a sophisticated manner with targeted interventions.

### **Monash support strategy 2013 and mental health in the curriculum**

*Lloyd England, Student Experience Manager & Teaching Associate, Monash University Faculty of Law*

Monash Law School's Student Experience Manager wrote a five year plan in 2007 to enhance the student experience and co-curricular programs with a particular focus on improving mental health, building community and ensuring adequate support resources were available. Over the past 5 years programs have been developed, research undertaken and a new Monash Law Student Experience and Support Strategy updates and charts the next 5 years. Developments such as mental health awareness and careers education lectures in the curriculum, embedded law counselors in the faculty, and research outcomes and awareness have acknowledged lawyers' troubles often start at university. Mental health concerns have slowly begun to inform and impact assessment regimes, teaching methods, students and staff as aspects of the law's ill health continue to gain recognition.

What could 'Mental Health' in a law school curriculum look like? A Monash clinical psychologist with over 10 years student counseling experience, 5 as law's 'in-house' specialist, and a legally trained Student Experience Manager have designed and delivered the 'Performance@Law' lecture series at Monash since 2008, exploring the brain's neuroanatomical functioning, neuroplasticity, mindfulness, attention density, attitudinal psychology (fixed verses growth mindsets) focusing students on maximizing their investment in the study of law by maximizing their law school performance.

### **Copy and be damned: the anxieties of academic integrity**

*Colin James, Senior Lecturer, Newcastle Law School*

A major risk for law students' wellbeing is their apparent failure to accept the importance of academic integrity. As legal educators we know the importance of not cheating, whether by copying, plagiarism, collusion, or simply failure to adequately reference another's writing. In our discussions with students, and the increasing priority of academic integrity training programs, we place students at risk of heightened anxiety from a clash between our emphasis on rule compliance and their popular culture.

Whether it comes from a cut-and-paste method of doing essays at high school, the glib copying of often regrettable commentary on social media or the always-on-line habits of contemporary youth, many law students seem unwilling, or unable, to properly reference their essays, take-home exams or theses. In 2009, of 5,500 applications for admission to legal practice in Australia, more than 2,000 disclosed that as students they had either breached academic integrity so that they may not have 'good fame and character' or be a 'fit and proper person' to be a lawyer, or had a condition that may impact on their capacity to be a lawyer. These statistics hide the human cost, the emotional and reputational damage of a young graduate having to publically disclose the circumstances of a breach, which may have occurred in their first year at university. This paper calls for a uniform definition of breach of academic integrity, and a uniform practice of disclosure of breaches prior to admission, so that law students are encouraged to develop a truly professional identity from the beginning of law school.

## **Stream 4 C: The role of student societies and social media in promoting wellbeing**

*Facilitated by Tania Leiman, Theatre 106*

### **Student wellbeing and the role of law students' societies**

*Jemima Roe, Education Officer, Australian Law Students' Association*

There are three key areas in which law students' societies (LSSs) have an important role in supporting student wellbeing. First, promoting a healthy mentality towards studying law. This involves encouraging students to take a break without feeling guilty and fostering a sense of collaborative learning instead of competition between individuals. LSSs also create a community of like-minded individuals who can relate to each other's shared experiences. Second, LSSs actively address the key triggers for stress and distress whilst studying a law degree. The primary stressors include high competition for jobs, lack of understanding of assessment expectations and outcomes and feeling overwhelmed by the workload. This is achieved through events and initiatives such as skills workshops and careers guides as well as through providing students with a range of resources to further their development. Thirdly, LSSs are the bridge between law students and the law faculty. They act as the key avenue of communication to ensure a productive, successful and enjoyable law school experience by providing feedback and information between students and faculty.

ALSA's primary focus is to provide students with practical strategies to actively promote positive physical and mental health. In 2012, ALSA developed a guide with advice and skills to develop resilience on an individual level. In 2013, a manual will be published which assists LSSs to promote and support student wellbeing.

### **Getting involved in wellbeing: Law student societies and student mental health**

*Patrick Easton, Tim Hamilton, Antony Freeman*

This presentation will reflect on the involvement of Melbourne University's law student societies in wellbeing activities designed to support law students' mental health. Our efforts as student representatives to help alleviate stress, anxiety and depression within the law school community fall into three broad areas of focus: firstly, general health promotion through the organization of activities and services intended to relieve students' stress and foster peer-relationships; secondly, through the preparation and distribution of resources to assist individual students to identify both their own and their peers' stress and anxiety levels; and thirdly, working with members of the Law Faculty to improve faculty-student relations and to foster a more collaborative and inclusive culture at the Law School. We see these initiatives as also facilitating the development of students' confidence and providing a means to deal with and reduce stress and anxiety, not only in their current capacity as law students but also in their future careers. In this presentation we will reflect on some of the challenges as well as the rewards of acknowledging the high levels of psychological distress that some law students experience and working to try to change that feature of law school life.

### **Using social media to reduce the isolation of law doctoral candidates**

*Melissa de Zwart, Associate Professor, Adelaide Law School, and Bernadette Richards, Senior Lecturer, Adelaide Law School*

This is a project examining how social media may assist isolated law doctoral candidates, particularly those in small and/ or remote law schools. Much has been said about the negative, distracting qualities of social media, but we are looking at the range of excellent, supportive resources and networks that are available to PhD candidates, with a particular focus on how a law supervisor can help identify appropriate support and resources for law PhD candidates. The project will consider existing literature and case studies in the area from Australia and overseas, as well as identifying the current range of resources which can be recommended to students. It will consider the appropriate and effective use of social media.

## **Plenary session: Supporting best practice**

4:00 pm – 5:00 pm, Theatre 102

### **Discussion of the CALD draft best practice guidelines for promoting law student wellbeing**

Professor Paula Baron

### **The Wellness Network for Law: History and future**

Rachael Field

### **Conference wrap**

Wendy Larcombe and Rachael Field