

CONNECTING LAW STUDENT WELLBEING TO SOCIAL JUSTICE, PROBLEM-SOLVING AND HUMAN EMOTIONS

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Dialogue with law students in 2010 revealed that they felt law school made them more rational, objectifying, analytical, logical, isolated, insecure and intolerant. 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. This paper asks two difficult questions: What changes in the law school curriculum would promote a more connected experience? What would it mean for law student wellbeing if the law school were to succeed in its goal of infusing an ethos of law reform and social justice into all aspects of what we do? The paper outlines six steps that a law school can take to help law students feel connected, thrive, and graduate to do good in the world.

I INTRODUCTION

This paper begins by looking back to the Australian National University College of Law's student wellbeing research. In 2009 and 2010, the law school surveyed students at the beginning and near the end of their first year of law study. The results showed that students entered law school with very few symptoms of depression, stress, and anxiety, but by the end of the year, their scores were substantially higher not only than the beginning-of-year group, but also than the general population. By the end of the first year, around one-third of students in our sample had levels of psychological distress which could cause substantial impairments in educational, interpersonal or occupational functioning.¹

The surveys were followed by a weekend dialogue retreat for a group of students and faculty at ANU's Kioloa coastal campus. Participants were provided with open opportunities to describe, discuss and re-imagine law school.² Students described law school as a transformative journey in which they addressed complex and confusing cases but avoided or ignored the personal impact of law.

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¹ O'Brien, Molly Townes, Stephen Tang and Kath Hall, 'Changing our thinking: empirical research on law student wellbeing, thinking styles and the law curriculum,' (2011) 21 *Legal Education Review*, 149-182.

² O'Brien, Molly Townes, 'Walking the walk: using student-faculty dialogue to change an adversarial curriculum,' (2011) 4 *Journal of the Australasian Law Teachers Association*, 129-135.

They found law school to be a place that made them more rational, competitive, adversarial, arrogant and elitist. For some students, mental distress was relieved by the encouragement and assistance of friends, mentors, and lecturers. Other students pointed out the isolation, disconnection and intolerance of law school. When asked to re-imagine their law school experience, students 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.³ 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.⁴

Students find law school to be stressful.⁵ 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 an ethos of law reform and social justice into all aspects of what we do? Law school will be a struggle, but can we do anything to ensure that the struggle is meaningful? Of course, to provide full answers to these questions, further research on student wellbeing is needed. Nevertheless, in trying to answer these questions, ANU has not simply wrung its hands. It has made an effort to implement steps that promote student engagement and connection. These steps focus on development of a positive culture and promote law students' thriving and doing good in the world. In summary, the steps are:

1. Have an explicit mission that makes students central.
2. Recruit students who value work and get a chance to try several jobs.
3. Support student activism and fund it.
4. Have an active learning curriculum.
5. Have a faculty who value the students and respect the practice of law.
6. Foster an open-minded approach.

Although the steps and methods sound diverse, the anticipated result of adopting them is singular: a group of thriving, value-oriented, and confident law students and future legal practitioners. This paper describes these six steps taken by the ANU College of Law and attempts to tie them to student success in law school.

³ O'Brien, et al, above n 1, 155-157.

⁴ Ibid 162.

⁵ A Brain and Mind Research Institute ('BMRI') report concluded that lawyers and law students generally exhibit higher levels of psychological distress and depression than their peers in the community: Norm Kelk et al, *Courting the Blues: Attitudes towards Depression in Australian Law Students and Legal Practitioners* (Brain and Mind Research Institute, 2009) 42. The findings have been confirmed through subsequent studies. Kelk, N, S Medlow, and I Hickie, 'Distress and depression among Australian law students: incidence, attitudes and the role of universities,' (2010) *Sydney Law Review*, 32, 113-122; Larcombe, W, I Malkin, and P Nicholson, 'Law students' motivations, expectations and levels of psychological distress: evidence of connections,' (2012) *Legal Education Review*, 22, 71-98.

II HAVE AN EXPLICIT MISSION THAT MAKES STUDENTS CENTRAL

Every law school has a mission. It may be to ‘train well-rounded, critical, and socially conscious thinkers and doers’⁶ or ‘to be a nationally and internationally recognized leader in the development and dissemination of legal knowledge’⁷ or ‘[to train] ... lawyers ... to serve their clients and the public; to lead our profession; and to help solve the problems of our nation and our world.’⁸ Whatever the law school claims its mission to be:

A mission statement is a statement of the fundamental reason for an organization’s existence. It tells something about the organization’s strengths, its public image, and its core values.⁹

In the US, the American Bar Association requires every accredited law school to have a mission statement.¹⁰ Similarly, in 2009 the Council of Australian Law Deans adopted a set of standards that requires every law school to state its mission.¹¹ Nevertheless, a search on *Google* reveals only three Australian law schools that have made their mission statement available on the internet.¹² While most US law schools make their mission statement available on the internet, sometimes the mission is treated as a formality, or not made clear to the faculty, the students or the public.¹³ In failing to enunciate a mission, some law schools miss an opportunity to test out strategic plans, to establish a sense of community, to prepare for changes in the structure of legal education, or to state a deeply shared vision and values in terms of ‘serving students, faculty, society, sponsor, or other constituency.’¹⁴

Drafting a mission statement is difficult because the mission aspires to state the core reason for the organization’s existence and because writing it requires the

⁶ The Educational Mission of the Law School (2013),

<<http://www.law.uchicago.edu/school/mission>>.

⁷ Law school mission, (2013), <<http://www.law.ucdavis.edu/about/law-school-mission.html>>.

⁸ The history of Stanford Law School, (2013), <<http://www.law.stanford.edu/history>>.

⁹ Gordon Butler, ‘The law school mission statement: a survival guide for the twenty-first century’ (2000) 50 *Journal of Legal Education* 240, 240.

¹⁰ ABA Standards for Approval of Law Schools 2012-2013, Standard 202, Self Study, states, in part, ‘the dean and faculty of a law school shall develop a written self-study, which shall include a mission statement.’

¹¹ See ‘The CALD Standards for Australian Law Schools’,

<<http://www.cald.asn.au/docs/CALD%20-%20standards%20project%20-%20final%20-%20adopted%2017%20November%202009.pdf>>.

¹² See <<http://www.canberra.edu.au/faculties/busgovlaw/school-of-law/school-of-law-mission-statement>> for the University of Canberra Law School Mission Statement; <http://www.google.com.au/url?sa=t&rct=j&q=&esrc=s&source=web&cd=2&ved=0CDIQFjAB&url=http%3A%2F%2Fwww.library.unimelb.edu.au%2F_data%2Fassets%2Fword_doc%2F0008%2F332675%2FLaw.doc&ei=E_urUfnLAcKYkQW4voCYAg&usq=AFQjCNGD4HBc38cX_W7NxoNW7bpTUwIkkQ&bvm=bv.47244034,d.dGI> for the University of Melbourne Law School Mission Statement; and

<http://www.acu.edu.au/about_acu/our_university/governance/university_services/secretariat/mission_statement> for the Australian Catholic University’s mission statement. The ANU College of Law’s mission statement is not currently available on the internet.

¹³ Bethany Rubin Henderson, ‘Asking the lost question: what is the purpose of law school’ (2003) 50 *Journal of Legal Education* 48, 53.

¹⁴ Butler, above n 9, at 242.

agreement of many people throughout the organization. The mission can encapsulate the organization in terms of its aspirations, its commitments, its philosophy, its self-concept, its image or its techniques.¹⁵ Mission statements can communicate important ideas to the public and to students. They can provide a clear and compelling description of ‘the road ahead, of how the organization defines success and of important shared values and beliefs.’¹⁶

In other words, a mission statement can inform a student of what is considered to be important for success at the law school. It can tell a student what the key ingredients of successful law study are. A mission statement can tell a student how important their training is and how crucial their future role will be to the implementation of justice. The mission statement can let the student know that his or her education is fundamental to the existence of the law school. Having a philosophy that is stated and that is centred on students and their success could be crucial to the students’ feeling connected to the school. It could make a student feel significant and welcome.

While it may be easy to agree on the importance of having a mission statement that makes clear that the students are central, it is also important to have an explicit mission that reflects the aspirations and goals of the law school. Every law school mission statement should inspire action. The ‘explicit mission’ may or may not be included in a mission statement, but it should be communicated to and available to students. At ANU, the law school’s explicit mission message is inscribed on the internet in a welcome message from the dean. It states, in part:

At the ANU College of Law we encourage our students to look beyond ‘the law in the books’ and to consider the impact – both good and bad – of the law in practice. We believe that the purpose of studying, researching and practicing law is not simply to know what the law is, but to understand why it operates as it does, and how it can be improved. Accordingly, as you will see, we place a particular emphasis on the themes of law reform and social justice as core components of any understanding of the law.¹⁷

This welcome statement makes some of the values of the law school clear. It tells the world that the law school takes law reform, social justice, egalitarianism, creativity, and initiative seriously. Law faculty, who might have felt lost in an impersonal institution, can take heart when they read this. They can take greater satisfaction as they realize that they are part of an institution that is dedicated to social good. Law students can also take heart. They are part of an institution that is devoted to justice, equality, creativity and collegiality.

III RECRUIT STUDENTS WHO VALUE WORK AND GET A CHANCE TO TRY SEVERAL JOBS

When I first decided to attend law school, I did not know even one lawyer. I was not sure what legal practice would entail – even though I had seen episodes of *Perry Mason* and *Law and Order*. The practice of law was a mystery to me, as it

¹⁵ Ibid 243-260.

¹⁶ Ibid 246.

¹⁷ Stephen Bottomley, <<http://law.anu.edu.au/anu-college-law/deans-welcome>>, 17 October 2013.

is to many of our entering students. Law students enter law school without having practiced law. For those students who end up practicing law, however, working with clients, advising them, representing them, negotiating for them, and being their legal counsel will occupy most of their time. They need opportunities to work in law-related positions while they are still in law school. Working in a law office or in a law-related position will give them experience, confidence, connections and insight into how they plan to use their law degree.¹⁸

Although law students cannot go out and practice law during law school, they can do some closely allied jobs in law offices and in legal clinics. Of course, they can have hands-on learning experiences, explore different areas of the law, and hone their legal skills in class. But more than any other activity, working at a law-related job will help them determine where they would like to apply their talents and to build skills that will allow them to step confidently into the legal career of their choice. As a law student, I worked at four different law-related jobs. I spent several weeks, for example, at a large firm that specialised in insurance defence. I learnt both the intricacies of discovery work and the certainty that I would never again work at an insurance defence firm.

Like me, as students work or volunteer at a law-related job, they can experience what various kinds of practice are like. They can see for themselves how they can be a peacemaker, a healer, a problem-solver,¹⁹ or even defender of the wealthy. They can be mentored by practicing lawyers and gain insight into various fields. The law school employs a number of practicing lawyers and encourages students to do clinical classes. Many students work at law-related jobs during the semester. Law-related work helps them polish their legal skills and allows them to develop connections in their potential field of interest.

Working in a law-related job puts theory into practice. When students volunteer to work in legal service clinics or do practical tasks associated with their classes, the law comes to life. The job may present real and difficult problems. Students have to explore avenues for addressing them. When students collaborate with full time and working lawyers, they contribute to the resolution of actual cases for real clients. They also enrich their coursework. Law becomes meaningful to students as they use it to help someone solve a problem. Law is no longer theory. It becomes practice. It is something that they know in a way that is not just a philosophy or a guideline. It becomes a useful tool.

Using the law to solve problems or generate action is deeply satisfying. It is rewarding to the students as people. As they use the skills they have acquired, they make an impact in a professional sense. They can try out a variety of diverse areas of practice and gain confidence in their decision to study law.

¹⁸ Angela McCaffery, 'The healing presence of clients in law school' (2003) 30 *William Mitchell Law Review* 87.

¹⁹ *Ibid.*, 88.

IV SUPPORT AND FUND STUDENT ACTIVISM

In 2007, the ANU College of Law decided it would take issues of law reform and social justice seriously. It would appoint a Director of Law Reform and Social Justice to promote activity and awareness and to teach students not only the law as it is, but how the law came to be, and how it could be different. Professor Simon Rice, the first Director of Law Reform and Social Justice, has organised his way around the difficulties of running an outreach program at a major university. He has worked and researched extensively in community legal services and community development projects, anti-discrimination, human rights and access to justice issues and is the Chair of the Australian Capital Territory Law Reform Advisory Council.²⁰

The law school has recognised and encouraged academic staff to research not only the technical aspects of law's operation, but also community engagement, who uses law, who is affected by it, whether it operates fairly, and what the options are for its operating differently. At ANU we strive to talk about and engage in issues of law reform and social justice in the daily life of the law school, through community development projects, law reform submissions, applied research, distinguished visitors and public events.

Students are encouraged to participate in devising and running voluntary social justice programs.²¹ A group of students put together an ANU Law Reform and Social Justice page on *Facebook* this year.²² So far, 425 people have "liked" the page, which points this out about the ANU College of Law:

In our teaching, research and community engagement, we explore law's complex role in society, and the part that lawyers play in using and improving law to promote both social justice and social stability.²³

When first year law students were surveyed, results showed that a substantial number of them cited "helping others" or "making a difference" as a primary motivation for attending law school.²⁴ During the course of the first year of study, however, "helping others" retreated from a very strong to a weaker level of endorsement. Nevertheless, because our law students' social justice motivation remained high, even at the end of a year of study, it appeared likely that a high number of students might volunteer for activism. We were right. Student activism and participation in law reform and social justice internships has been rising.²⁵

²⁰ See Professor Simon Rice, <<https://researchers.anu.edu.au/researchers/rice-sj>>.

²¹ A list of the current programs is found at <<http://law.anu.edu.au/lrsj/studentsocialjusticeinitiative>>.

²² See ANU Law Reform and Social Justice, <<http://www.facebook.com/pages/ANU-Law-Reform-and-Social-Justice/488124584558320>>.

²³ About (2013), <<http://www.facebook.com/pages/ANU-Law-Reform-and-Social-Justice/488124584558320?id=488124584558320&sk=info>>.

²⁴ O'Brien, Tang and Hall, above n 1, at 160.

²⁵ The expansion of the number and types of social justice projects can be seen on the ANU Law Reform and Social Justice website: <<http://law.anu.edu.au/lrsj/studentsocialjusticeinitiative>>.

In recent years, the ANU College of Law has expanded its role in sharing its knowledge, skills, and values through engagement with the community. Law reform and social justice are now parts of the ANU College of Law. Through teaching, research, public events and social justice initiatives, the law school seeks to enhance law's role in society and enhance the part that lawyers play in promoting both social change and stability. In fact, the student program has attracted high numbers of volunteers. This year their projects include community legal education, a human rights project, a prison issues project, a global power project, and a project to get ready for a referendum on the constitutional recognition of Indigenous peoples.²⁶ Faculty members work with students on each project to assure that the work done is high quality. More than thirty faculty members also submit papers to Parliamentary inquiries or work with overseas law reform agencies.²⁷

In addition to participating in the student social justice projects, students at the ANU College of Law have a range of study opportunities, in which they can explore the relationship between law and social justice through clinics and internships. Many of the internships can be undertaken as courses for credit. For example, *ANU Green*,²⁸ an on-campus environmental action group, offers a range of internships. Some are offered for course credit and are available to all students. These include the highly-competitive International Alliance of Research Universities sustainability internships.²⁹ The *Aurora Project* offers law students and graduates internships and career opportunities in native title, policy, social justice and Indigenous affairs.³⁰ Overseas internships are also available.³¹

By supporting and fostering various methods of student activism, ANU creates a community where the importance of the social good is acknowledged. Students can participate in one or more projects and know that they are learning to do good in the world. They can also continue working toward social justice when they return to full time study or to practice. For example, Melanie Poole, who served as an intern while she was in law school, has worked in 'humanitarian advocacy and global development, with a strong focus on promoting the rights of women and girls.'³² Since her graduation from law school she has served as a Parliamentary Advocacy Co-ordinator with CARE Australia; and she will soon spend two years on a Fulbright scholarship in the US working on a degree in public policy.

²⁶ A continuous update of the student social justice projects is available on [http://www.law.anu.edu.au/lrsj/studentsocialjusticeinitiative. Indigenous issues are also addressed by the National Centre for Indigenous Studies, located at the law school. http://ncis.anu.edu.au/](http://www.law.anu.edu.au/lrsj/studentsocialjusticeinitiative.Indigenous%20issues%20are%20also%20addressed%20by%20the%20National%20Centre%20for%20Indigenous%20Studies,%20located%20at%20the%20law%20school.%20http://ncis.anu.edu.au/).

²⁷ A list of recent law reform submissions by ANU law faculty is accessible at <http://www.law.anu.edu.au/lrsj/law-reform-submissions-anu-college-law-staff/>.

²⁸ Read more about *ANU Green* at <http://sustainability.anu.edu.au/>.

²⁹ For more information about campus sustainability projects, see International Alliance of Research Universities, 2013 at www.iaruni.org/about-us/iaru.

³⁰ The *Aurora Project* (2013), at www.auroraproject.com.au/node/76.

³¹ See, for example, Bridges Across Borders Southeast Asia (2013), at www.babsea.org ; Commonwealth Human Rights Initiative, (2013), at www.humanrightsinitiative.org.

³² Ms Melanie Poole, (2013) at <http://fulbright.com.au/index.php/scholars/australian-scholars?id=512>.

V HAVE AN ACTIVE LEARNING CURRICULUM

It is not enough to want to do good. Students need to have opportunities to put their ideals into action. Passive listening may, in fact, be a poor way to learn anything.³³ Transforming information into operational knowledge (an internalised understanding) is an active and interactive process.³⁴ It is an active process in that it requires students, at a minimum, to listen or read and understand. Students are more likely to understand and recall information, however, if they have engaged in applying, extending, interrogating, analysing or using it to make decisions and solve problems. Learning is also interactive in that new information must be integrated into the students' existing frameworks for understanding.³⁵ Learning involves not only absorbing new information but also integrating and revising existing information and assumptions.³⁶

When students talk about what they are learning, write about it, relate it to past experiences, and apply it to their daily lives, they are learning actively. They are also in a position to question their prior notions of social justice. Active learning puts students in a position to learn more and to learn differently.

It is possible to engage in active learning in the law school classroom.³⁷ A course can employ hypothetical problems, video, on-line questions, mock debates, client simulations, negotiations, strategic planning, for example, as ways to engage students in active learning in the classroom.³⁸ There is no reason for students to listen idly while a teacher reads a lecture. Students can be actively involved in learning, focused on a simulated client, and engaged in a client-centred curriculum during a regularly-scheduled class. Active, engaged students learn more. Classes full of active students are also more enjoyable to teach.

In teaching a large Evidence course, I employ slide-based trivia-style contests. I divide the class into teams of five students each, to answer multiple choice questions. The questions require the students to read and interpret the rules of evidence in class, to discuss them with their peers, and to come up with what they think is the best answer. Teams record their answers on a sheet that is then exchanged with another team at the end of each round. Each team scores the answer sheet of another team as the best or 'correct' answers are discussed. The answers to several of the questions are arguable – and I leave plenty of room for argument. As the game progresses students seem to forget that they are in a law lecture. Instead of listening with their heads down, they interject to defend their team's answers. They articulate legal concepts; they offer arguments in support

³³ The fact that active learning methods are more effective than passive ones is so well-known that it is no longer considered to be a topic for research: Roy Stuckey et al, *Best practices in legal education* (Clinical Legal Education Association, 2007) 90.

³⁴ Paul L Caron and Rafael Gely, 'Taking back the law school classroom: using technology to foster active student learning' (2004) 54 *Journal of Legal Education* 551, 552–3.

³⁵ David A Kolb, *Experiential learning: experience as the source of learning and development*, (Prentice Hall, 1984) 27.

³⁶ Susan Sturm and Lani Guinier, 'The law school matrix: reforming legal education in a culture of competition and conformity' (2007) 60 *Vanderbilt Law Review* 515, 550.

³⁷ While there are many descriptions of active learning law school classrooms, a good one is found at Molly Townes O'Brien 'An active learning smorgasbord for teaching evidence' (2011) *Journal of the Australasian Law Teachers Association*, 31-40.

³⁸ *Ibid.*

of their views. The game has changed the social dynamic and made arguing a legal point more acceptable and fun.

When the faculty recently had a symposium to discuss integrating technology into the classroom, a two-hour session was not enough to hear all of the different things that teachers were trying. Some engaged online with students in another part of the world. Some involved the students in online discussion. Some used online surveys to test students and provide instant feedback during class.

VI HAVE A FACULTY WHO VALUE THE STUDENTS AND RESPECT THE PRACTICE OF LAW

Many law school faculties are populated by some teachers who practiced law for a short time, disliked it, and came back to a place where they were more comfortable – school. This pattern may be comfortable for some teachers. But if the faculty of a law school is full of such teachers, the school may project hostility to the practice of law and may be a negative factor in students' sense of wellbeing.

Teacher attitude is important to the emotional climate of the classroom. Positive emotions help learning. Teacher warmth and support are vital to student success in law school.³⁹ The academic material is difficult. There are many legal questions without objectively correct answers.⁴⁰ Many law students do not know what they are going to do with their lives.⁴¹ Many students enter law school with little interest in ever practicing law. They may be unmotivated, but may perceive law to be a relatively easy way to earn a degree that will confer status, respectability and a good salary.⁴²

Law teachers' attitudes should reflect respect for students⁴³ and for the practice of law. Teachers should be connected to and positive about practice. They should motivate their students and inspire them to excel.⁴⁴

VII FOSTER AN OPEN-MINDED APPROACH

Law school teachers need to create a respectful environment in the law school. In a respectful environment teachers and students accept each other as individuals, explore ideas, and solve problems creatively. Intimidation, denigration, alienation and humiliation are absent. Teachers like and respect the students; and students like and respect each other and the teacher.⁴⁵ The teacher allows the students to

³⁹ James B Levy, 'As a last resort, ask the students: what they say makes someone an effective law teacher' (2006) 58 *Maine Law Review* 49, 61.

⁴⁰ *Ibid.*, 63.

⁴¹ Our surveys of law students showed a large minority were attending law school because they 'didn't know what else to do,' O'Brien, Tang and Hall, above n 1 at 150. See also Paul T Wangerin, 'Objective, multiplistic, and relative truth in developmental psychology and legal education' (1988) 62 *Tulane Law Review* 1237, 1255-56.

⁴² Timothy Terrell, 'A tour of the whine country: the challenge of extending the tenets of lawyer professionalism to law professors and law students' (1994) 34 *Washburn Law Journal* 1-8.

⁴³ Gerald Hess, 'Heads and hearts: the teaching and learning environment in law school' (2002) 52 *Journal of Legal Education* 75, 87.

⁴⁴ *Ibid.*, 92.

⁴⁵ *Ibid.*, 88.

get to know him or her by sharing some of their thoughts and stories.⁴⁶ For example, I often share stories with students about my most difficult clients or most difficult cases. The stories that generate the most animated reaction, however, are stories that generate ethical questions – like the story about the time a sex-offense defendant put the underwear of his rape victim on my office desk.⁴⁷

Throughout the course, teachers can demonstrate respect for students, colleagues, lawyers, judges, and the law. Teachers can incorporate a variety of student perspectives in their teaching. They can collaborate with students in goal setting, listen carefully to students' comments, and challenge all students to achieve high expectations.⁴⁸

Each law student brings a unique set of perspectives and experiences to the classroom. Teachers can cultivate a respectful atmosphere by allowing for and listening to a variety of points of view. Law students will be appropriately stressed or distressed at some points in the semester. Sadness, disgust or anger can and probably should be felt in the face of gross injustice or harm of the kind that students are exposed to in their reading or clinical legal experience. Respectful teachers should give students opportunities to voice their negative feelings aloud in class and to address them in terms of meaningful action in and beyond the classroom.

Negative emotions are an unavoidable part of human experience and the study and practice of law. They need to be processed reflectively and turned into values-congruent action, rather than internalised in destructive ways.⁴⁹ Awareness of emotion ought to be complemented with opportunities to respond and act in healthy and appropriate ways. Law students, like other students, need to have their values and judgments recognised and encouraged, especially when faced with opportunities for meaningful struggle. Doing so may help to fulfil the basic psychological needs of autonomy, competence, and relatedness.⁵⁰

A good struggle is one that is motivated by meaning. Engaging with the complexity and challenge of law school in a way that is connected with the students' own motivations and values, rather than drowning them with experience-erasing abstraction, is essential for psychological health and well-being. By engaging in meaningful struggle with supported autonomy, a law student may immunise himself or herself to the psychological distress caused by disengagement, isolation, hopelessness, and helplessness.

⁴⁶ Ibid, 89.

⁴⁷ Students often express surprise that I could not ethically leave it on my desk, hide it, or tell the prosecution about it. At the time, I had to telephone an ethic hotline before I could decide what to do with the underwear.

⁴⁸ Hess, above n 35, 90.

⁴⁹ Scott L Rogers, 'The mindful law school: an integrative approach to transforming legal education' (2012) 28 *Tauro Law Review* 1189-1205.

⁵⁰ Edward Deci, and Richard Ryan, (2002) *Handbook of self-determination research*, (University of Rochester Press: Rochester, NY); Kennon M Sheldon and Lawrence S Krieger, 'Does legal education have undermining effects on law students? evaluating changes in motivation, values and well-being,' (2004) *Behavioral Science & Law*, 22, 261-286; Kennon M Sheldon and Lawrence S Krieger, 'Understanding the negative effects of legal education of law students: a longitudinal test of self-determination theory,' (2007) *Personality and Social Psychology Bulletin*, 33, 883-897.

VIII CONCLUSION

In spite of the data revealing law student psychological distress, law schools attract and graduate highly intelligent, motivated, and passionate people. The majority of students stay psychologically healthy and go on to highly active practice in their post-law-school lives. While recognising the need to address systemic wellbeing-impairing problems in the law school environment, we also need to focus on positive goals. A promotion focused goal is concerned with the need to prevent further harm, eliminate negatives and promote a culture of safety, security, and responsibility.⁵¹ The goal is not to produce relaxed and superficially happy lawyers, but to produce competent lawyers and problem solvers, who have the skills and the creativity to address legal and social problems and make a positive difference. Legal education should be experientially and emotionally grounded so that lawyers can embrace the idea of struggle and change.

While the data collected at ANU College of Law has been extremely valuable, the research process is just as important. It may be valuable to embrace the idea of empirical research as reflective conversation. It may be necessary to take steps that are compatible both with academic excellence and student wellbeing. The six steps outlined in this article encompass the law student's law school career from start to finish. The mission statement will make the student feel welcome and important. The explicit mission will challenge the student and inspire action. Recruiting students who value work and have an opportunity to try out several law-related jobs will inspire classroom work and will generate community connections. Law school support for law reform, social justice, and student activism will create a community where the importance of social good is acknowledged and appreciated. An active-learning curriculum will ensure that the students engage with the substance of the material taught. If the law school faculty demonstrate academic excellence and respect for the practice of law, law students may feel inspired to excel. And, finally, by fostering respect and an open-minded approach, law teachers can ensure that any struggle the students encounter is confronted in a positive and supported way.

These six steps do not resolve the problems of law student psychological distress. The ANU College of Law is actively researching what can be done to better support and connect its students. More research is needed before specific programs to address law student wellbeing can be constructed. In the meantime, however, all of the steps I have outlined are likely to contribute positively to student wellbeing and to the success of the law school.

⁵¹ E Tory Higgins, 'Beyond pleasure and pain,' (1997) 52 *American Psychologist* 1280-1300.