

Does an Improved Experience of Law School Protect Students against Depression, Anxiety and Stress? An Empirical Study of Wellbeing and the Law School Experience of LLB and JD Students

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Abstract

Law students in Australia experience high rates of depression and anxiety. This article reports findings from an empirical study investigating the relationship between law students' levels of psychological distress and their experiences of law school. The study was undertaken at Melbourne Law School and the sample included students from both the LLB and JD programs. While Melbourne JD students expressed a significantly higher level of satisfaction with studying law, and their course experience, than Melbourne LLB students, there were no statistically significant differences in the levels of depression, anxiety and stress reported by each cohort. This finding suggests that overall course satisfaction does not have a direct effect on law students' levels of psychological distress. More particularly, it indicates that various program features that improve students' experience of law school do not automatically result in improved levels of student wellbeing. In this way, the study offers new insight into the relationship between students' experiences of law school and their levels of psychological distress.

I Introduction

Law students in Australia experience disproportionately high rates of depression and anxiety.¹ A 2008 survey of 741 law students in 13 Australian law schools found that one in three respondents had high or very high levels of psychological

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¹ For a summary of the research literature, see Massimiliano Tani and Prue Vines, 'Law Students' Attitudes to Education: Pointers to Depression in the Legal Academy and the Profession?' (2009) 19 *Legal Education Review* 3. Depression and anxiety have been identified as issues challenging the legal profession for some years, but it has only recently become known that law students experience similar problems with psychological and emotional wellbeing.

distress.² Yet law students are known to enter law school with rates of wellbeing no different to, and even higher than, the general population: apparently, legal education at both graduate and undergraduate levels has a negative impact on student wellbeing, and that impact becomes evident within the first six to 12 months of the degree.³ While recent research has found that university students generally are up to four times as likely to be psychologically distressed as other people their age,⁴ law students are known to experience psychological distress at rates higher than students in comparable professional degrees, including medicine and engineering.⁵

The documented rates of psychological distress among law students make it imperative for law schools to identify and modify the institutional and curriculum factors that trigger or exacerbate student ill-health.⁶ However, for interventions and reforms to be effective, they need to be based on a sound understanding of the elements and features of the 'law school experience' that undermine, and those that support, students' wellbeing. That understanding is still emerging. Several broad theories have been developed to date to account for the links between legal education and students' high rates of psychological distress. In particular, it is postulated that wellbeing requires levels of social connectedness, autonomy, self-esteem and a sense of competence⁷ that are often undermined by the competitive and results-focussed culture that prevails in many law schools.⁸ Additionally, some consider the process of learning to 'think like a lawyer' to be inherently pessimistic and to distance students from their moral values and the social justice aspirations that often motivated their decision to study law.⁹ These theories provide important direction for law schools' efforts to address student mental health. However, they require further refinement.

² Norm Kelk et al, 'Courting the Blues: Attitudes towards Depression in Australian Law Students and Lawyers' (Report, Brain & Mind Research Institute, 2009) 12. <<http://www.cald.asn.au/docs/Law%20Report%20Website%20version%204%20May%2009.pdf>>.

³ Molly Townes O'Brien, Stephen Tang and Kath Hall, 'Changing Our Thinking: Empirical Thinking on Law Student Wellbeing, Thinking Styles and the Law Curriculum' (2011) 21 *Legal Education Review* 149; Anthony Lester, Lloyd England and Natalia Antolak-Saper, 'Health and Wellbeing in the First Year: The Law School Experience' (2011) 36 *Alternative Law Journal* 47; G Andrew H Benjamin et al, 'The Role of Legal Education in Producing Psychological Distress among Law Students and Lawyers' (1986) 11 *American Bar Foundation Research Journal* 225; Kennon M Sheldon and Lawrence S Krieger, 'Understanding the Negative Effects of Legal Education on Law Students: a Longitudinal Test of Self-Determination Theory' (2007) 33 *Personality and Social Psychology Bulletin* 833.

⁴ Catherine M Leahy et al, 'Distress Levels and Self-Reported Treatment Rates for Medicine, Law, Psychology and Mechanical Engineering Tertiary Students: Cross-Sectional Study' (2010) 44 *Australian and New Zealand Journal of Psychiatry* 608, 611.

⁵ *Ibid*; Kelk et al, above n 2, 12, 42.

⁶ Rachael Field and Sally Kift, 'Addressing the High Levels of Psychological Distress in Law Students through Intentional Assessment and Feedback Design in the First Year Law Curriculum' (2010) 1 *International Journal of the First Year in Higher Education* 65.

⁷ Kennon M Sheldon et al, 'What is Satisfying About Satisfying Events? Testing 10 Candidate Psychological Needs' (2001) 80 *Journal of Personality and Social Psychology* 325.

⁸ Tani and Vines, above n 1, 7; see also Sheldon and Krieger, above n 3, 883–4.

⁹ Martin E P Seligman, Paul R Verkuil and Terry H Kang, 'Why Lawyers are Unhappy' (2005) 10 *Deakin Law Review* 49; 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) 22 *Behavioral Sciences and the Law* 261.

This article contributes to the evidence-base for effective law school ‘wellbeing’ approaches and strategies. It presents findings from an empirical study of the relationship between law student wellbeing and students’ experience of law school. The study was undertaken at Melbourne Law School (‘MLS’) in 2011, and the sample included students from both an LLB (undergraduate) program and a JD (graduate-entry) program. Overall, Melbourne JD students expressed a significantly higher level of satisfaction with studying law, and with their course experience, than Melbourne LLB students. As discussed below, this may be attributable in part to the selection of a graduate cohort based on interest and aptitude for study in law, as well as prior academic achievement. It may also be attributable to the differences between studying law in a ‘combined degree’ course and studying law full-time.¹⁰ Given the differences in law school experience, however, the study findings regarding students’ psychological health were somewhat surprising: there were no statistically significant differences in the levels of depression, anxiety and stress reported by students in the Melbourne JD program when compared with students in the Melbourne LLB program. This finding suggests that overall course satisfaction does not have a direct effect on students’ levels of psychological distress. More particularly, it indicates that various program features that improve students’ experience of law school do not automatically result in improved levels of student wellbeing. In this way, the study offers new insight into the relationship between students’ experiences of law school and their levels of psychological distress.

Part II of the article outlines the aims and methods of the research undertaken into student wellbeing at MLS in 2011. Part III presents findings on student wellbeing and the law school experience. Part IV discusses these results in the context of respondents’ suggestions for improving wellbeing. Part V reflects on the study’s findings in relation to the published literature on law student wellbeing.

II Aims and Methods of the Study

An empirical study of law student wellbeing at MLS was initiated by the authors in 2010¹¹ in response to the growing body of evidence, noted above, about psychological distress among law students in Australia, and also anecdotal evidence of significant levels of distress among students at MLS.¹² The project was designed to collect empirical data that would provide an evidence-base for

¹⁰ Approximately 90 per cent of Melbourne LLB students were concurrently enrolled in another undergraduate degree. In our experience, it is not possible to foster cohort experiences and social connectedness in an LLB combined-degree program in the same ways as possible when teaching a full-time JD cohort not concurrently engaged in study across the campus.

¹¹ The authors sought and received funding from the Learning and Teaching Initiatives grant scheme at the University of Melbourne that enabled a Project Officer, Ms Letty Tumbaga (MAPS), to be employed part-time for 12 months from January to December 2011.

¹² An LLB student, Ms Emily Hehir, convened a lunch-time seminar at MLS in 2010 with guest speakers invited to discuss constructively the reasons for high rates of depression and anxiety among law students and positive strategies for managing psychological distress. Two of the authors were among the Faculty staff attending the seminar. The event was a catalyst for a range of initiatives investigating ways to better support student wellbeing at MLS.

development of a school-wide student wellbeing plan.¹³ Consequently, the project aimed to document the levels of depression, anxiety, stress and wellbeing experienced by MLS students in both the LLB and JD programs. It was anticipated that demographic and course information, correlated with wellbeing levels, would enable us to identify student groups or aspects of the programs that needed particular attention. The wellbeing data would then provide a ‘baseline’ against which the effectiveness of future interventions could be assessed.

The study also collected data about students’ experience of law school, the sources of stress that they perceived affected them, and their suggestions for strategies that the law school could adopt or extend in order to improve and support student wellbeing. The decision to focus on students’ experience of law school was made because current research findings establish a strong connection between the experience of studying law and high rates of psychological distress. As researchers, we were thus interested in attempting to illuminate the aspects of law school that trigger or exacerbate student distress. More particularly, we sought to identify the causes of distress that are within the power of law schools to change. A range of external factors no doubt contribute to law students’ levels of stress, anxiety and depression, including the increasing costs of legal education, the shrinking job market, and the increased competition for the limited number of legal practice positions as more and more law courses add thousands of new law graduates to local and national markets each year.¹⁴ While law schools need to be aware of and prepare students to negotiate these realities, it is not within the power of law schools to change them. As a result, our particular interest was in further investigating and developing understanding of the changes and interventions law schools *can* make in order to improve student wellbeing.

In that vein, other studies have concentrated on the ‘analytical-adversarial’ cognitive paradigm taught and modelled in law schools — ‘learning to think like a lawyer’ — and its contribution to law students’ psychological distress.¹⁵ One such study, conducted at the Australian National University (‘ANU’), found an association between first year law students’ lower use of experiential modes of thinking and increases in their levels of psychological distress.¹⁶ This is an important finding. However, it is not yet established whether it is thinking like a lawyer alone that can be harmful to psychological health, or only when combined with attendance at law school. The analytical-rational thinking style typical of ‘thinking like a lawyer’ is always ‘learned’ (and valued) within a broader context: law school.

To contribute to understanding the impact on psychological health of the broader law school experience, our research focus was on the features and elements of law school life in addition to legal reasoning that the literature suggests

¹³ See Melbourne Law School, Office for Teaching and Learning in Law <<http://www.law.unimelb.edu.au/melbourne-law-school/experience/office-for-teaching-and-learning-in-law>>.

¹⁴ There are currently 32 law schools in Australia which, collectively, had more than 20,000 enrolled students in 2008: Council of Australian Law Deans and the Australian Learning and Teaching Council (‘CALD/ALTC’), *Learning and Teaching in the Discipline of Law: Achieving and Sustaining Excellence in a Changed and Changing Environment* (2009) 32, 40.

¹⁵ See Seligman, Verkuil and Kang, above n 9; Townes O’Brien, Tang and Hall, above n 3.

¹⁶ Townes O’Brien, Tang and Hall, above n 3, 162–5.

might impact adversely on students' psychological health — for example, students' interest in and aptitude for study in law, as well as their degree of satisfaction with the course; their level of social involvement with peers and engagement in law school activities; their experiences of academic difficulties and perceptions of academic support. In this way, we sought to investigate the research question: Is there a relationship between students' experience of law school and their psychological health?

This question was investigated in relation to two distinct cohorts of law students. Having become an entirely graduate-entry law school in 2008,¹⁷ by 2011, MLS had substantial enrolments in both the final years of its undergraduate LLB program and all years of its graduate-entry JD program (see Table 1 below).¹⁸ Moreover, the two programs had significantly different features. For example, the LLB was typically studied as part of a five-year 'combined course' program in which students took only one or two compulsory law subjects¹⁹ each semester of the first three years and then a full enrolment of law subjects in the final two years of the program. As a result, students' engagement with the law school, and even identification as a law student, could be limited in the early years by the demands of their complementary course. Moreover, the intake into the LLB was around 430 students per year — predominantly high achieving school-leavers, some of whom were studying law because they achieved the marks required for entry or as a result of parental advice rather than as a result of their interest in and perceived aptitude for law.²⁰ Interactions between students and lecturers, in and out of class time, were limited; while first year, first semester LLB subjects were taught in seminar groups of 45–60 students, later year compulsory subjects generally involved class sizes above 60.

By contrast, the Melbourne JD is a full-time,²¹ three-year graduate-entry law degree. Students are expected to attend all classes — which are taught in seminar-style — and the maximum class size is usually 60. A two-week foundational course in Legal Method and Reasoning, taught in groups of 25 prior to the start of first semester, enables commencing students to build strong social connections within their cohort and also with the first-year teachers.²² Students are selected into the JD on the basis of interest and aptitude for study in law, as demonstrated by academic results in their first degree, scores on the Law School Admission Test, and a personal statement. The intake into the JD program grew from 120 in 2009 to 240 in 2011 but did not approach the LLB intake numbers. The full-time nature of the degree enables students not only to form strong relationships with their peers, but also to make conceptual connections across the curriculum so that they develop a more holistic and integrated understanding of

¹⁷ The last intake into the Melbourne LLB was of 431 students in 2007: see Wendy Larcombe, Pip Nicholson and Ian Malkin, 'Performance in Law School: What Matters in the Beginning?' (2008) 18 *Legal Education Review* 95, 105.

¹⁸ On intake numbers into the Melbourne JD 2008–11, see Wendy Larcombe and Ian Malkin, 'The JD First Year Experience: Design Issues and Strategies' (2011) 21 *Legal Education Review* 1, 2.

¹⁹ Also called units, credits or courses at other universities.

²⁰ See Larcombe, Nicholson and Malkin, above n 17, 108.

²¹ Flexible course options (acceleration and deceleration) are available by application, however the majority of students complete the program over three years of full-time study.

²² Legal Method and Reasoning teachers typically teach in another first year compulsory subject.

law.²³ The full-time nature of the degree has also enabled a range of measures to be intentionally instituted within the design of the MLS JD program to promote academic engagement, social connections, timely access to academic support and wellbeing awareness.²⁴

As a result of these differences between the two programs, we hypothesised that JD students would have a different ‘experience’ of law school when compared with LLB students. Further, we hypothesised that the likely differences in law school experience would have a bearing on students’ levels of psychological wellbeing.

A *Methods and Measures*

The study collected data about law student wellbeing and the law school experience using a specially developed online survey and focus group discussions.²⁵ An online survey was considered the best means of encouraging student participation in the project as it would ensure anonymity and voluntary participation. The survey items were developed based on a literature review and interviews with stakeholders including the Law Student Welfare and Wellbeing Coordinator at MLS, the Academic Skills advisors, Careers Advisers, and representatives from the law student societies. In summary, the Wellbeing Survey collected information about students’ levels of wellbeing and distress; perceived sources of stress; the law school experience; help-seeking behaviour and coping strategies; and suggestions for improving student wellbeing.

Two measures of psychological wellbeing were used: the DASS-21 to measure negative mental health and Ryff’s Psychological Wellbeing Scales to measure positive mental health. The DASS-21 (or Depression, Anxiety, Stress Scale-21)²⁶ is a 21 item, self-report measure comprising three subscales with seven items each for depression, anxiety and stress. It was selected over other depression scales (for example, the Kessler Psychological Distress Scale)²⁷ to measure levels of psychological distress among Melbourne law students because of its brevity, its high reliability and the availability of strong Australian normative DASS data for comparison, as set out below. The Ryff’s Psychological Wellbeing Scales were included to measure six distinct elements of positive functioning that encompass wellness,²⁸ namely:

- Positive evaluations of oneself and one’s past life (Self-Acceptance)

²³ See Larcombe and Malkin, above n 18, 10.

²⁴ *Ibid.*

²⁵ As part of the broader Student Wellbeing Project, a pilot program of Mindfulness training was offered to MLS students in first semester 2011. Given the low participation rate, it is unlikely that this program affected the data on levels of student distress collected in semester two 2011.

²⁶ S H Lovibond and P F Lovibond, *Manual for the Depression Anxiety Stress Scales* (Psychology Foundation of Australia, 2nd ed, 1995).

²⁷ The Kessler Scale (K-10) was used in the Courting the Blues study: see Kelk et al, above n 2, 10.

²⁸ Carol D Ryff and Corey Lee M Keyes, ‘The Structure of Psychological Well-Being Revisited’ (1995) 69 *Journal of Personality and Social Psychology* 719.

- Being open to new experiences and having a sense of continued growth and development as a person (Personal Growth)
- Having life goals and a belief that one's life is purposeful and meaningful (Purpose in Life)
- High quality, satisfying relationships with others (Positive Relationships With Others)
- The capacity to manage effectively one's life and surrounding world (Environmental Mastery)
- A sense of self-determination, independence and freedom from norms (Autonomy).

The decision to use the Ryff's Psychological Wellbeing Scales was informed by previous studies of law student psychological distress, which indicate that wellbeing requires regular experiences of social connectedness, autonomy, self-esteem and a sense of competence.²⁹ These experiences are generally considered to be protective against depression, anxiety and stress and Ryff's is a well-established and widely used scale that measures these wellbeing factors.³⁰

In addition to the wellbeing measures, a number of survey items were developed to identify possible triggers of psychological distress and awareness of support services. Twenty-five items explored students' experience of law school. Survey participants were prompted to provide suggestions for improving student wellbeing at MLS by rating a list of provided suggestions as well as through provision of an open-ended textbox. Respondents could skip any question in the survey that they did not want to answer. This option was provided to ensure that students felt 'safe' that they could not be identified from their responses, and that they were not likely to be distressed by completing the survey. Ethics approval for the data collection was sought and obtained from the University of Melbourne Human Research Ethics Committee.³¹ The finalised survey was administered from 2–21 August 2011.

As there are a number of limits to the information collected through voluntary, self-report surveys, four focus group discussions ('FGDs') were organised to supplement the survey-based quantitative and qualitative data. Participants were recruited through the survey, independent advertising, and emails to all students and staff. The FGDs were conducted by experienced facilitators who were independent of MLS but familiar with the Wellbeing Survey results. A total of 17 students and staff participated in the FGDs (two males, 15 females; two LLB students, nine JD students, six staff members). Six of the student participants were representatives from the student societies. All participating staff members were non-academic staff.

²⁹ For a summary see Sheldon and Krieger, above n 9, 263–4; see also Tani and Vines, above n 1.

³⁰ See Dirk van Dierendonck, 'The Construct Validity of Ryff's Scale of Psychological Well-Being and its extension with Spiritual Well-Being' (2005) 36 *Personality and Individual Differences* 629.

³¹ Application and Approval number 1135579.

B *Profile of the Survey Respondent Sample*

A total of 327 respondents, or 37 per cent of all eligible MLS students, participated in the online survey (see *Table 1*), although not all respondents completed all questions. Seventy four per cent of respondents were in the JD program and 26 per cent in the LLB, meaning that JD students were overrepresented in the respondent sample. Almost all of the LLB students were in their fifth year of the program.

Table 1: MLS survey sample and MLS student population (August 2011)

2011 Second Semester MLS Enrolment			MLS SURVEY SAMPLE SIZE		
Course and ECD year	Description	Count	Course and Year level	# of Respondents	% of Student Population
JD, 2011	Final year JD	71	JD 3 rd year	29	41%
JD, 2012	Second year JD	156	JD 2 nd year	79	51%
JD, 2013	First year JD	225	JD 1 st year	99	44%
JD, 2014	First year JD (reduced load)	14			
			Total JD	207	44%
LLB, 2011	Final year LLB	270			
LLB, 2012	Penultimate LLB	133			
LLB, 2013	Other LLB	11	Total LLB	75	18%
			Missing data	43	
Total Enrolment		880	Total sample	327	37 % of total 880

Respondents were asked to provide information about their gender, age, residency, study load and fee-type to enable us to compare the respondent sample with our student population. Given that female students comprise approximately 55 per cent of the JD intake, they were significantly overrepresented in the survey sample: 68 per cent of respondents identified as female, 31 per cent as male, and one per cent as other. The mean age of participants was 24 years, with a range of 20 to 49 years.

III Survey Findings

A Levels of Psychological Distress and Wellbeing

As outlined above, respondents were asked to complete the DASS-21 to provide a measure of their *negative* psychological health. The DASS-21 has three subscales with seven items each for depression, anxiety and stress. The DASS *depression* subscale measures hopelessness, low self-esteem and low positive affect. The DASS *anxiety* subscale measures autonomic arousal, physiological hyper-arousal and the subjective feeling of fear. The DASS *stress* subscale measures tension, agitation and negative affect.³² Respondents were asked to reflect on the past week and rate statements on a four-point scale, ranging from ‘did not apply to me at all’ (0) to ‘applied to me very much or most of the time’ (3). Based on their responses, respondents were given a raw score on each subscale, which determines classification within five levels of depressive, anxiety and/or stress symptoms, namely: ‘normal’, ‘mild’, ‘moderate’, ‘severe’, or ‘extremely severe’.

Figure A shows that on each of the DASS scales approximately 60 per cent of the respondents returned scores in the ‘normal’ range. However, less than half of the respondents were in the normal ranges for all three of the DASS scales.

Figure A: Distress levels of MLS students (August 2011)

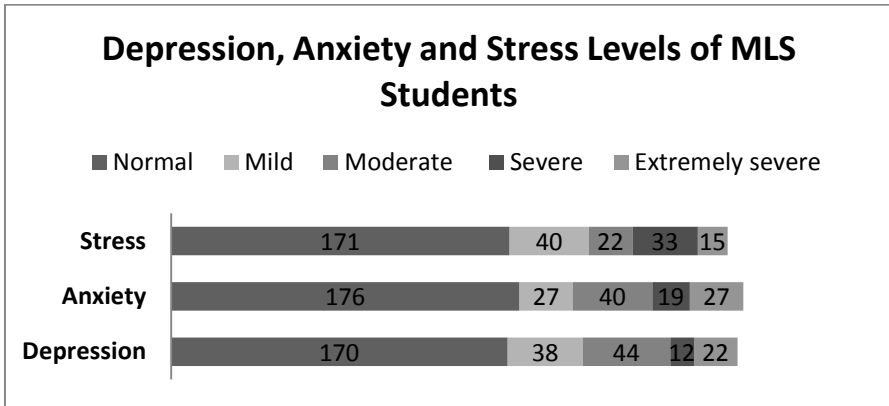


Table 2 presents the information as percentages within each of the DASS levels. As it shows, 27 per cent of MLS students were experiencing depressive symptoms in the moderate to extreme range and 30 per cent were experiencing moderate-extreme anxiety. At these levels, students’ daily functioning — for example, their ability to concentrate, and to remember and process information — is likely to be adversely affected. Students experiencing severe to extremely severe levels of stress, anxiety or depression are likely to benefit from professional assistance to address their psychological distress.

³² It is important to distinguish depression, anxiety and stress, as interventions for depression are generally different to those for stress and anxiety. The three forms of psychological distress are related, however, in that prolonged stress is commonly a precursor to anxiety and depression.

Table 2: Depression, anxiety and stress levels of MLS Students (in percentages)

Level	Depression N	Valid %	Anxiety N	Valid %	Stress N	Valid %
Normal	170	59.4%	176	60.9%	171	60.9%
Mild	38	13.3%	27	9.3%	40	14.2%
Moderate	44	15.4%	40	13.8%	22	7.8%
Severe	12	4.2%	19	6.6%	33	11.7%
Extremely severe	22	7.7%	27	9.3%	15	5.3%

These rates of psychological distress amongst MLS students are similar to other national data on law student mental health. Recent research undertaken at the ANU College of Law with first year LLB students also used the DASS-21 and found that 32 per cent of first-year students reported moderate-extreme depressive symptoms and 31 per cent moderate-extreme anxiety levels by the end of their first year.³³ Table 3 compares the results of the ANU and MLS studies in terms of the percentage of respondents within the various DASS levels.

Table 3: Depression, anxiety and stress levels of MLS and ANU students (in percentages)

	DEPRESSION %		ANXIETY %		STRESS %	
	MLS	ANU	MLS	ANU	MLS	ANU
Normal	59.4	54.9	60.9	61.5	60.9	67.1
Mild	13.3	13.6	9.3	8.0	14.2	12.7
Moderate	15.4	18.8	13.8	14.6	7.8	9.4
Severe	4.2	4.7	6.6	5.2	11.7	7.0
Extremely severe	7.7	8.0	9.3	10.8	5.3	3.8
Moderate and above	27.3	31.5	29.7	30.6	24.8	20.2

It can be seen that both MLS and ANU data are broadly consistent with the results of a national study into mental health among the legal profession and law students which, using a different measure, similarly found that 35 per cent of law students reported high to very high levels of psychological distress.³⁴

Student distress is an insufficient measure of student mental health as it focuses only on negative clinical symptoms, and overlooks the fact that positive experiences are required for overall wellbeing. To gather a more balanced perspective of student wellbeing, we administered the Ryff's Psychological Wellbeing Scale to measure positive psychological health in relation to the six dimensions outlined above: Personal Growth; Environmental Mastery; Positive Relationships with Others; Self-acceptance; Purpose in Life; and Sense of

³³ Townes O'Brien, Tang and Hall, above n 3, 160.

³⁴ Kelk et al, above n 2. Note that a study at Monash University in 2009 reported a lower percentage of students in the DASS moderate to extremely severe depression range — 15 per cent, see Lester, England and Antolak-Saper, above n 3, 48. Scores on the other scales are not reported.

Autonomy. Previous studies undertaken by the scale developers have shown that multiple indicators of depression are consistently associated negatively with all of Ryff's dimensions of wellbeing, with the strongest negative correlations between depression and Self-acceptance as well as depression and Environmental Mastery.³⁵

Our survey results on the Ryff's Wellbeing scale (Table 4) indicate that MLS students have high levels of Personal Growth and sense of Purpose while Positive Relationships With Others was neither high nor low. Scores were below the total wellbeing mean score, however, for Environmental Mastery, sense of Autonomy and Self-acceptance, indicating that these are the three areas where student wellbeing may be undermined currently.³⁶

Table 4: MLS Students' mean scores on Ryff's Psychological Wellbeing Scales

Psychological Wellbeing (Ryff's)	N	Mean*	Std. Dev	
Personal Growth	291	6.12	0.67	High
Environmental Mastery	293	4.60	1.24	Low
Positive Relationships With Others	291	5.38	1.14	Neutral
Self-acceptance	292	5.00	1.25	Low
Purpose	289	5.59	0.92	High
Autonomy	292	4.87	1.14	Low
Total wellbeing	284	5.26	0.74	

*Note: On a 7-point scale

Low scores on these wellbeing dimensions can also provide some explanation for high levels of depressive symptoms in our respondent population. Based on correlation studies of the DASS and Ryff's scale scores, we found a statistically significant negative correlation between student depression, anxiety and stress and Environmental Mastery, Self-acceptance and Positive Relationships With Others (see Table 5). In other words, as depression or anxiety or stress increased, Environmental Mastery, Self-acceptance, Positive Relationships With Others and, to some extent, Autonomy, decreased. The inverse also applied: as Environmental Mastery, Self-acceptance and Positive Relationships increased, depression, anxiety and stress decreased. Autonomy was significantly negatively correlated with anxiety and stress, but not with depression. Interestingly, anxiety and stress were not affected by Personal Growth and sense of Purpose, as previous studies would indicate.³⁷ So, while most respondents registered a high sense of Personal Growth and sense of Purpose, these factors did *not* protect law students against anxiety or stress. However, a negative correlation was found between depression and Personal Growth and Purpose.

³⁵ Ryff and Keyes, above n 28; Carol D Ryff, 'Happiness is Everything, or is it? Explorations on the Meaning of Psychological Well-Being' (1989) 57 *Journal of Personality and Social Psychology* 1069; Carol D Ryff et al, 'My Children and Me: Midlife Evaluations of Grown Children and of Self' (1994) 9 *Psychology and Aging* 195.

³⁶ See Ryff and Keyes, above n 28, for a detailed interpretation of Ryff's Wellbeing Scale Scores.

³⁷ See Ryff and Keyes, above n 28.

Table 5: Correlation table: DASS-21 Scales and Ryff's Wellbeing Scale

	Anxiety	Depression	Personal Growth	Environment Mastery	Positive Relations	Self-acceptance	Purpose	Autonomy
DASS Stress	.728*	.630*	0.077	-	-	-	0.038	-
	*	*		.515*	.347*	.383*		.232*
				*	*	*		*
DASS Anxiety		.562*	-0.075	-	-	-	-	-
		*		.510*	.350*	.358*	0.074	.227*
				*	*	*		*
DASS Depression			-0.230**	-	-	-	-	-
				.662*	.417*	.524*	.293*	0.130
				*	*	*	*	
Ryf Pers Growth				.260*	.189*	.283*	.345*	.158*
				*	*	*	*	
Ryf Environ Mastery					.373*	.629*	.239*	.273*
					*	*	*	*
Ryf Positive Rel						.494*	.193*	0.066
						*	*	
Ryf Self Accept							.281*	.339*
							*	*
Ryf Purpose								0.105
Ryf Autonomy								

** . Correlation is significant at the 0.01 level (2-tailed).

* . Correlation is significant at the 0.05 level (2-tailed).

Overall, these findings indicate that law students' mental health would be improved if measures were introduced to increase students' perceptions of Environmental Mastery, Self-acceptance and Positive Relations with Others.

B Law School Experience

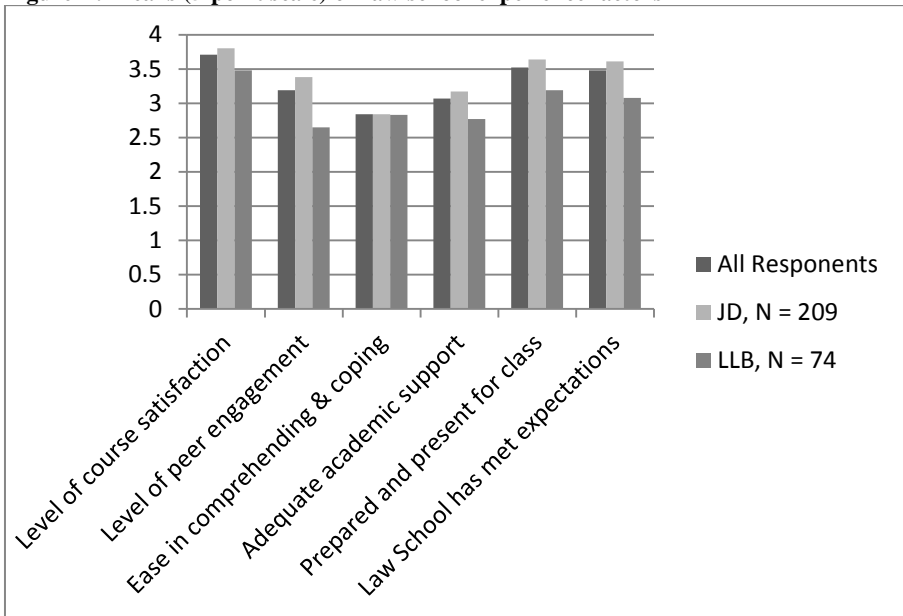
The 25 survey items that sought information on students' experiences of studying law and being a law student all asked students to rate their level of agreement, using a five-point scale from Strongly Disagree to Strongly Agree. The results of a factor analysis showed that these items loaded onto six themes, which we labelled:

- Course Satisfaction (eight item scale — reliability coefficient .87)
- Peer Engagement (five item scale — reliability coefficient .72)
- Comprehending and Coping (four item scale — reliability coefficient .72)

- Academic Support (three item scale — reliability coefficient .60)
- Prepared and Present (four item scale — reliability coefficient .60)
- Expectations of Law School (single item: ‘Law School has lived up to my expectations’).

Means on the six law school experience (‘LSE’) scales show that respondents were generally satisfied with their course (mean 3.71) and felt that law school had met their expectations (mean 3.48). A significant proportion had experienced difficulty comprehending the course material or coping with the workload (ease of comprehending and coping mean 2.84). Levels of peer engagement were not high (mean 3.19), although a majority indicated that they generally prepared for and were present at their classes (mean 3.52) which may be considered as a measure of academic engagement. Perceptions of the level of academic support provided by lecturers were not positive (mean 3.07). To gain further insight into students’ experience of law school, and its implications for wellbeing, we investigated differences in LSE by program.

Figure B: Means (5-point scale) on law school experience factors



As Figure B shows, there were significant differences between the reported experiences of LLB students and JD students within the respondent sample. Overall, JD students reported a significantly better experience of law school when compared with LLB students. On the six identified themes, t-tests showed that differences between mean responses from JD and LLB students were significant (at $p < .05$) on all but Comprehending and Coping (Figure B). Table 6 provides further detail on the differences in LSE of LLB and JD students. In this table, Strongly Agree and Agree responses have been collapsed into a single ‘Agree’

category and Strongly Disagree and Disagree responses have been collapsed into a single 'Disagree' category.

Table 6: Law School Experience, LLB and JD (percentage agreement)

Law School Experience JD, LLB comparison (JD, n=210; LLB, n=75) Negative items are indicated as: (-)	JD Disagree %	LLB Disagree %	JD Neither agree nor disagree % LLB Neither agree nor disagree %	JD Agree %	LLB Agree %	Rating Average		
						JD	LLB	
COURSE SATISFACTION THEME								
Overall I am enjoying my law studies.	12	14	10	23	78	64	3.82	3.53
I really like being a Law student.	10	15	20	36	70	50	3.79	3.39
So far I have found most of my subjects to be interesting.	11	10	13	13	77	77	3.84	3.77
I derive satisfaction from studying law.	5	11	14	28	80	61	3.98	3.55
I think that the subjects I am studying fit well together.	8	7	23	36	69	58	3.67	3.51
I can see the connection between my subjects and future career prospects.	12	29	19	20	69	51	3.67	3.16
I am clear about my reasons for studying law.	12	28	17	27	70	45	3.77	3.21
Studying law will really help me get what I want in life.	4	11	20	40	76	50	3.89	3.45
PEER ENGAGEMENT THEME								
I actively participate in many of the school activities.	37	59	20	12	44	29	3.10	2.64
I feel that the Law School encourages students to form healthy and supportive relationships with each other and other members of the law school community.	26	58	27	24	47	17	3.19	2.46
I regularly study with other law students.	45	74	17	9	39	17	2.90	2.13
Studying with a small group of students in LMR was important for making social connections with peers in the degree.	8	31	13	37	79	32	4.06	2.85
Working closely with others in my cohort is a positive aspect of my Law School experience.	18	33	14	29	67	37	3.67	2.96
COMPREHENDING AND COPING THEME								
I feel overwhelmed by everything I have to do. (-)	24	28	14	20	61	52	3.48	3.35
I have had difficulty adjusting to the style of teaching at the Law School. (-)	45	39	21	27	34	34	2.86	3.03
I find it really hard to keep up with the volume of work in my program. (-)	12	20	24	21	64	58	3.68	3.53

I find it difficult to comprehend a lot of the material in my Law subjects.(-)	53	46	24	23	23	31	2.67	2.81
ACADEMIC SUPPORT THEME								
I think that teachers at the Law School make a real effort to understand the difficulties that students may be having.	20	34	37	33	43	33	3.24	2.95
I find that teachers at the Law School do not give as much feedback to students as they should. (-)	25	12	20	24	56	64	3.43	3.72
My transition to first year study in Law was helped by the foundational course, LMR.	18	25	11	27	70	47	3.71	3.09
PREPARED AND PRESENT THEME								
I regularly come to class without completing readings or assigned work. (-)	54	19	17	15	29	67	2.68	3.64
I find it difficult to motivate myself to study. (-)	35	28	24	16	41	56	3.07	3.39
It's important to me to attend all my classes.	3	18	10	12	87	71	4.24	3.75
I am fully responsible for my own learning and academic performance.	9	9	7	11	84	80	4.03	3.97
EXPECTATIONS ITEM								
Law school hasn't lived up to my expectations.(-)	65	36	20	37	14	27	2.38	2.95

It is evident that JD students enjoy higher Course Satisfaction than LLB students. Most notably, 80 per cent of JD students derive satisfaction from studying law compared with 61 per cent of the LLB students. Further, while 70 per cent of JD students are 'clear about their reasons for studying law', only 45 per cent of the LLB students are. Only 50 per cent of the LLB students agreed that 'studying law will really help me get what I want in life' and 29 per cent could not see 'the connection between my subjects and future career prospects'. In contrast, 76 per cent of JD students agreed that 'studying law will really help me get what I want in life' and only 12 per cent could not see 'the connection between my subjects and future career prospects'.

Differences in levels of Peer Engagement between the LLB and JD students are also evident. Although the majority of students in both programs indicated that they were not highly engaged with their peers, JD students were more likely to be engaged with peers than LLBs. For example, 74 per cent of LLB students said that they did not 'regularly study with other law students' (compared with 45 per cent JDs) and 59 per cent did not 'actively participate in many of the school activities' (compared with 37 per cent JDs). Two-thirds (67 per cent) of the JD students felt that 'working closely with others in my cohort is a positive aspect of my Law School experience', compared with only one-third (37 per cent) of the LLB students. It must be noted that the majority of students in both programs felt that the law school did not encourage students to form healthy and supportive relationships with each other and other members of the law school community. The differences between programs are significant here, however: 47 per cent of JD

students felt the law school encouraged healthy relationships compared to only 17 per cent of LLB students.

In relation to Academic Support, a majority of students in both programs did not feel that teachers ‘make a real effort to understand the difficulties that students may be having’, although JD students were more likely than LLB students to feel that they did (43 per cent JD, 33 per cent LLB). Similarly, most students in both programs felt that teachers ‘do not give as much feedback to students as they should’ (56 per cent JD, 64 per cent LLB), although more JD students were satisfied with the level of feedback received (25 per cent) than LLB students (12 per cent). One third of the students in each program (34 per cent JD, 34 per cent LLB) had ‘had difficulty adjusting to the style of teaching at the Law School’.

Finally, law school has ‘lived up to the expectations’ of almost two-thirds (65 per cent) of the JD students but only one-third (36 per cent) of the LLB students. This confirms that, overall, many more JD students than LLB students were having a positive experience of law school and finding that law school met their expectations. The next question was to determine whether this difference in law school experience had an impact on students’ psychological health.

C Law School Experience and Students’ Psychological Health

Analysis of variance (‘ANOVA’) and t-tests were run to test whether there were significant differences in levels of depression, anxiety, stress and/or wellbeing between the two programs and across different student groups.

By program, although DASS mean scores varied between LLB and JD students, t-tests revealed that differences in the mean scores were not statistically significant (at $p < .05$ level) (see Table 7).

Table 7: DASS-21 scores by program, descriptive statistics and non-significant t-test results

<i>Program</i>	<i>N</i>	<i>Mean</i>	<i>sd</i>	<i>t</i>	<i>sig</i>
Stress					
LLB	68	14.41	9.80		
JD	206	14.30	9.40	0.08	0.93
Anxiety					
LLB	74	6.95	7.96		
JD	208	7.57	7.78	-0.58	0.56
Depression					
LLB	73	10.33	9.91		
JD	206	9.19	9.11	0.86	0.39

There were also no differences in DASS levels between the year levels within the programs: while the mean scores showed that first-year JD students had lower levels of stress, anxiety and depression compared to second- and third-year JD students and all LLB students, this difference was not statistically significant (at $p < .05$ level). This means that, if the first-year JD students’ psychological health

was in normal ranges at the start of the course — as other studies have found³⁸ — their health was adversely impacted by their studies in law by the early weeks of second semester.³⁹

There were, however, statistically significant differences in Ryff's wellbeing scores by program. On total wellbeing (an aggregation of the 6 scales), JD students ($x=5.00$, $sd=.67$) had significantly higher scores than LLB students ($x=4.55$, $sd=.81$), $t(272)=-2.67$, $p=.008$. Further, on the sense of Autonomy scale, JD students ($x=5.39$, $sd=1.12$) had higher scores than LLB students ($x=5.09$, $sd=1.08$), $t(280)=-2.99$, $p=.003$. There were no significant differences in Ryff's wellbeing scores by year level. While mean scores showed that first-year JD students had higher levels of wellbeing than second- and third-year JD students and all LLB students, this difference was not significant (at $p<.05$ level). Again, this indicates that the adverse impacts of studying law take effect by the early weeks of second semester, first year, in a JD program.

Various socio-demographic variables were also analysed to test whether psychological health varied across different student groups. Only gender yielded significant t-test or ANOVA results on DASS levels. Female students ($x=15.11$, $sd=8.59$) were significantly more stressed than male students ($x=12.79$, $sd=10.9$), $t(271)=-1.81$, $p=.009$, $r=.01$. However, it is important to note that effect size was low at the .01 level; also that the finding should be treated cautiously given that women were overrepresented in the respondent sample. There were no gender differences on the anxiety and depression scales. Residency did not affect psychological distress: there were no statistically significant differences between the DASS results of local and international students. Finally, there were no statistically significant differences in the DASS results according to fee-type: Commonwealth Supported Place or full-fee. Similarly, there were no significant differences in Ryff's wellbeing scores on the basis of either residency or fee-type.

The finding that there was no statistically significant difference in DASS levels by program was surprising given the differences between the JD and LLB responses in reported law school experience. The reported differences between the law school experiences of JD and LLB students help to explain why JD students had statistically higher (Ryff's) wellbeing scores overall compared to LLB students. However, we had hypothesised that improvements in law school experience would reduce the levels of depression, anxiety and stress experienced by law students; the data showed that this hypothesis was unfounded. Despite JD students reporting a significantly improved experience of law school when compared with LLB students on five out of six scales, there was no statistically significant difference in their rates of depression, anxiety and stress. This finding may indicate that the differences in experience were not of sufficient magnitude to make JD students less distressed than LLB students. Alternatively or additionally, this finding may indicate that the areas in which differences were recorded — for example, satisfaction with being a law student and law school meeting expectations — are not the aspects of law school experience that have the most significant impact

³⁸ See Townes O'Brien, Tang and Hall, above n 3; Lester, England and Antolak-Saper, above n 3.

³⁹ See Townes O'Brien, Tang and Hall, above n 3.

on students' psychological health. This latter explanation is supported by qualitative data from the survey and subsequent focus group discussions.

IV Respondents' Suggestions for Improving Law Student Wellbeing

Responses to the open-ended survey questions and focus group discussion questions were thematically analysed.⁴⁰ These questions sought respondents' views of the causes of law student distress and asked for suggestions to improve student wellbeing. The analysis of responses revealed a number of concerns and issues common to both programs with four prominent themes — two major and two minor. Comments and suggestions (in order of frequency) related to: assessment and feedback; lecturers' approachability and understanding of students' experiences; law school culture and student activities; and student services. An additional minor theme emerged that was specific to the JD program: course flexibility.

Concerns and suggestions with respect to assessment were the subject of the greatest number of open-ended comments, from both JD and LLB students.⁴¹ These comments ranged from the need for more continuous assessment and improved timing of assessment tasks, to the possibility of increasing the choice in assessment formats. While a handful of respondents expressed a preference for 100 per cent exams, the overwhelming majority of comments were to the effect that 100 per cent exams were stressful and did not enable students adequately to demonstrate their knowledge and understanding. Representative comments on this theme included:

- 'Seriously. No 100% exams. It's just cruel to go into something so important and have everything come down to a few hours.'
- 'More assessment tasks would take the pressure off having to perform exceptionally in one particular task.'
- 'I really do not think exams with weightings of 70%, 100% are very realistic indicators of student aptitude, nor are they very healthy for students.'
- '100% exams are the single biggest cause of anxiety that I have experienced during my degree. They are an awful way to measure aptitude and do nothing other than cause stress and worry.'

A variety of alternative assessment forms and tasks was requested. Ensuring that assignments and exams were not scheduled 'within a couple of days of each other' was another common suggestion for improving student wellbeing.

⁴⁰ Eg, 156 survey respondents entered additional suggestions for wellbeing into an open-ended text box in response to the following prompt: 'Do you have other suggestions for improving student wellbeing? For example, I feel my general sense of wellbeing would be enhanced if: teaching staff would ... student activities were ... my subjects ... support services included ... assessment tasks at law school were...'. A total of 17 students and staff participated in four focus group discussions.

⁴¹ In survey responses, 87 comments addressed assessment and feedback. Assessment changes also rated in the 'top three' suggestions for improving wellbeing in FGDs.

Also on this theme, respondents felt that the provision of additional, more detailed feedback during semester would improve student wellbeing. More information about grading practices and ‘what was required to get an H1’ was requested, as were guides to and ‘models’ of ‘high quality’ work and increased opportunities for exam practice. A representative comment on this issue was: ‘There is a definite lack of emphasis, support and assistance from lecturers when it comes to preparing students for law exams and teaching them how to score well.’

It should be noted that most suggestions on the assessment and feedback theme were directed toward improving wellbeing by supporting students to improve their performance on assessment tasks and gain higher grades (which assumed that students’ performance was not normatively assessed). Only one respondent suggested that the law school should provide more clinical legal education opportunities ‘so students realise exam marks are not everything’. Reflecting on the assessment theme, participants in FGDs commented on the high levels of stress generated by marks, their perceived value and students’ high self-expectations. Unrealistic expectations and competitiveness related to marks/results and getting job offers and clerkships were identified in FGDs as key triggers or contributors to student depression, anxiety and stress. FGD participants identified the use of 100 per cent assessment tasks in some subjects/units as well as large class sizes as factors that exacerbate student anxieties about academic performance and lack of feedback.

The second major theme in survey responses and FGDs concerned the role that academic staff can play in relation to student wellbeing.⁴² Respondents suggested that student wellbeing would be improved by: ‘Teachers engaging and taking personal interest in students’. Both LLB and JD students commented that the development of a rapport or meaningful relationships between teachers and students would be desirable. This was linked to approachability and opportunities for lecturers to get to know students and understand their experiences of studying law. It was suggested by a number of respondents that student wellbeing would be improved by teachers having an improved understanding of students’ concerns and needs, as well as being more approachable and accessible. Enhanced opportunities for learning, in and outside the classroom, were noted to be a benefit of increased access to teachers (such as students had enjoyed in previous studies). In this vein, smaller class sizes and ‘safe’ discussion/learning spaces (such as small-group tutorials) were common suggestions. Greater understanding of the various commitments that students are juggling — leading to more realistic expectations on the part of lecturers and faculty — was a noted sub-theme. Representative comments in this vein were [student wellbeing would be improved if...]:

- ‘The teaching staff were more attuned to the fact that some people have a lot of things to juggle in their lives around law school and try to be supportive and nurturing instead of hard lined about the amount of study we should have done.’
- ‘It feels like the uni expects everyone in the JD to be rich, not working, living in the city, with their parents so no household work or other

⁴² In survey responses, 50 comments addressed this theme and it arose in each of the four FGDs.

responsibilities except from university. The reality is that there are many students who are in the entirely opposite situation and there is no support’.

- ‘the expectations made of us were more realistic — for example, the law school makes almost no accommodation for people who have to work, or have any commitments outside of law school — the only people that seem able to cope well are those that have full support’.

FGD participants echoed these themes and emphasised that academic staff need to recognise that they can play a major role in helping students to cope with stress — for example, by sharing their own experiences of ‘juggling’ commitments and managing stress, or by encouraging students to work together and not to compete. Greater lecturer involvement, with respect to student referrals to professional assistance, was also suggested in FGDs.

The three minor themes — law school culture; student services and JD course flexibility — arose with equal frequency.⁴³ In broad terms, it was suggested that MLS could do more to foster a collaborative and inclusive, rather than competitive and elitist, culture. This would be reflected by a range of activities that addressed and valued ‘diverse students with different interests’ and activities ‘not focused on law’ but designed to provide stress relief and/or build social connections.⁴⁴ Activities and support specifically designed to recognise and assist ‘mature age’ students in the programs was identified as a particular need. The competitive selection criteria for participation in the journals and some Law School Society activities were identified as discouraging student involvement in some extra-curricular activities. Acknowledging and supporting interests ‘outside of commercial law’ was another suggestion for improving law school culture and creating a sense of belonging for all students.

FGD participants identified additional strategies for improving social connections and faculty inclusiveness. A ‘buddy’ system with later year students and other cross-year-level initiatives were suggested, and the existing facilitated study groups were viewed as a positive basis for collaborative learning. Diversity, inclusiveness, friendliness, and non-competitiveness were highlighted as important values that should be actively encouraged and promoted. In this context, it was suggested that the implicit messages communicated in a range of MLS media need to be improved such that all students are seen to be valued and made ‘visible’, not only a select few. It was suggested that acknowledging wide-ranging interests, as well as promoting a broader experience of law school and work-life balance would be welcome.

The activities of the Careers Office were the subject of almost half the comments related to student services. The broad message was that students were stressed about their employment prospects and many would welcome more proactive counselling about opportunities ‘in and out of law’. Other student services that were identified as having a role to play in relation to student wellbeing included the Student Centre (administration), the Academic Skills Unit,

⁴³ Approximately 30 comments relating to each of these themes were made by survey respondents.

⁴⁴ Suggestions included movies, pub nights with trivia, faculty-student sporting events, yoga classes, running groups, and a law school puppy.

the Library and Counselling Services. Raising awareness of and ensuring access to a range of personal and academic support services were suggested as means by which student wellbeing could be enhanced. This extended to calls for provision of personal tutors/academic mentors, counselling in-house at MLS, additional support through the university counselling service, and provision of mindfulness training. Support for the availability of a qualified counsellor within the Law School was balanced, however, by concerns about anonymity: on that basis, some survey respondents expressed a preference to attend the central university counselling service. FGD participants identified that student awareness of the support programs could be improved by enhancing their visibility throughout the year at strategic times. Streamlining the ways in which certain services are offered, and minimising the bureaucracy associated with their provision was also suggested. FGD participants also suggested that there may have been some underreporting of the levels of depression, anxiety and stress through the survey. A view was expressed (by professional staff and student respondents in the FGDs) that law students are poor at acknowledging symptoms that suggest they are not coping. Additional information to enable students to identify symptoms of stress, anxiety and depression was recommended. Ensuring openness, transparency and honesty with respect to the handling of mental health issues by professional staff was seen to be critical.

Finally, the lack of flexibility in the JD course structure was identified as a cause of significant stress for a number of students in that program. In particular, students with financial and/or family commitments found the faculty expectation for students to be on campus four days per week and attend all classes (as well as weekly lunchtime lectures) to be a source of considerable stress. The course workload was widely regarded as excessive, in some instances requiring students to forgo other important activities and relationships that would have benefited their mental health. Requests for a 'reduced-load' or part-time course plan, and timetabling that 'reduced days at uni' and enabled students to undertake paid work on 2–3 days per week were frequent.⁴⁵

It is important to explaining our finding of levels of depression, anxiety and stress that the first four themes that emerged from suggestions for improvement of law student wellbeing engage aspects of the law school experience that are common to both JD and LLB programs. This indicates that features of law school life *common* to both the LLB and JD programs, rather than the points on which the programs differ, have a significant bearing on student wellbeing. Moreover, all five themes that emerged from analysis of the qualitative data engage issues of student autonomy, competence and self-esteem, and the importance to students of feeling understood and respected by the law school generally and by law teachers in particular. These themes differed from the survey questions about law school experience, which focused on course satisfaction, motivations for studying law, engagement with peers, and expectations of law school. Given the quantitative findings from the survey outlined above, which indicate that differences on these measures of law school experience did not have a direct impact on students' psychological health, it is possible that respondents' qualitative comments have

⁴⁵ In survey responses, 31 comments were addressed to this issue.

identified aspects of law school experience that have a greater impact on psychological health than course satisfaction.

V Implications and Discussion

Our study found important differences between the reported law school experience of LLB students and JD students at MLS. Differences in the mean responses of the program groups were statistically significant on five of the six law school experience themes — Course Satisfaction; Peer Engagement; Prepared and Present; Academic Support; and Expectations of Law School. Most notably, four in five JD students reported that they derived satisfaction from studying law, and for two-thirds of the JD students, law school had lived up to their expectations. By contrast, only three in five LLB students reported satisfaction from studying law and only one-third felt that law school had lived up to their expectations. However, despite these differences in law school experience, there were no statistically significant differences in the levels of depression, anxiety and stress (DASS) recorded by each program group.

How is this finding best explained? Some of the different features and elements of the LLB and JD programs were noted above. As a graduate-entry, full-time law degree, the JD is able to be organised and taught as an integrated program, and the student experience can be enriched in a range of ways that are not possible for students undertaking an undergraduate, combined degree that effectively creates a part-time law student for three years.⁴⁶ These factors may account for the higher levels of course satisfaction and academic engagement recorded by JD students.

However, the full-time graduate course experience also creates unique stresses and challenges. Some students are older and are juggling financial and family responsibilities with a full-time course load. For some, the ‘cohort experience’ is a mixed one: the experience of studying all compulsory subjects with the same student cohort over two years helps to build social connections, but it can also contribute to unhealthy competition among peers and increase anxiety about grades and class rankings. Nonetheless, 47 per cent of JD respondents agreed that the law school encouraged students to form healthy and supportive relationships with each other, while only 17 per cent of the LLB respondents agreed with this proposition. Moreover, academic workload and high self-expectations were found to be causes of stress for students in both programs, not only for JD students who, as Masters-level students, might be expected to have high academic expectations.

In this respect then, program *differences* do not offer a strong explanation of the finding that there were no statistically significant differences in the levels of depression, anxiety and/or stress between students in the LLB and JD programs. This led us to turn our analysis to the features of the law school experience and the institutional environment that were *common* to both the LLB and JD programs and which might have a greater impact on students’ psychological health than course satisfaction and engagement. The qualitative responses to open-ended questions

⁴⁶ Larcombe and Malkin, above n 18.

seeking suggestions for improving law student wellbeing were of particular value in that respect. In suggesting how student wellbeing could be improved, respondents also identified what they considered to be the most important causes or triggers of psychological distress. As detailed above, the most significant causes of psychological distress (areas for improvement) were common to both programs and identified as: assessment pressures and (perceived lack of) feedback; a perceived lack of understanding and approachability on the part of lecturers/faculty; the fact that the law school culture and many student activities are perceived as exclusive and competitive; and limitations in the forms and levels of support offered by student services. In addition, JD students identified the lack of flexibility in their course structure as a cause of significant stress. These themes point to the importance for students' psychological health of: experiences of success and achievement (or at least competence); and feeling understood, supported and 'belonging'.

In this respect, our qualitative findings add support to an important strand of the existing research into law student wellbeing — Self-Determination Theory or 'human needs' theory — which argues that psychological distress in law students occurs because their needs for experiences of 'competence', 'autonomy' and 'relatedness to others' are not met.⁴⁷ As Sheldon and Krieger explain:

According to SDT, all human beings require regular experiences of autonomy, competence, and relatedness to thrive and maximize their positive motivation. In other words, people need to feel that they are good at what they do or at least can become good at it (competence); that they are doing what they choose and want to be doing, that is, what they enjoy or at least believe in (autonomy); and that they are relating meaningfully to others in the process, that is, connecting with the selves of other people (relatedness).⁴⁸

Given the analysis of our qualitative data above, it is certainly plausible that students' sense of competence is undermined by law school assessment and grading practices. It is also possible to see that relatedness is undermined by the culture of many law schools, including that at MLS, which is perceived as promoting a narrow and elitist paradigm of 'success' that inevitably creates 'winners' and 'losers'.

Importantly, Self-Determination Theory has established that psychological need satisfaction (experiences of competence, autonomy and relatedness) is fostered in social contexts that are 'autonomy supportive' while it is inhibited in social contexts that are 'controlling'.⁴⁹ According to Self-Determination Theory, social environments and relations that are autonomy supportive are distinguished by:

- (a) choice provision, in which the authority provides subordinates with as much choice as possible within the constraints of the task and situation; (b) meaningful rationale provision, in which the authority explains the situation in cases where no choice can be provided; and (c) perspective taking, in which

⁴⁷ This theory is articulated most comprehensively in: Sheldon and Krieger, above n 9; Sheldon and Krieger, above n 3.

⁴⁸ Sheldon and Krieger, above n 3, 885. Competence, autonomy, relatedness and self-esteem have been identified as the key feelings that people associate with 'satisfying events' in both Western and non-Western cultures: see Sheldon et al, above n 7.

⁴⁹ See Sheldon and Krieger, above n 3, 884.

the authority shows that he or she is aware of, and cares about, the point of view of the subordinate...⁵⁰

Applied to our study findings, the second theme in respondents' suggestions above could now be described as a lack of 'perspective taking' on the part of lecturers and faculty. The assessment and feedback and (JD) course flexibility themes also speak to a perceived lack of choice provision and/or meaningful rationale. In short, there is considerable support for the hypothesis that our students — including those who derive satisfaction from studying law — perceive the law school as controlling (rather than autonomy supportive) and that this undermines opportunities for experiences of competence, autonomy and relatedness, resulting in elevated levels of psychological distress.

Sheldon and Krieger's research has established that US law students' perceptions of the controlling or autonomy-supportive nature of their school and law teachers had a direct effect on student wellbeing.⁵¹ Further research is needed to test directly whether common perceptions of control/autonomy support among LLB and JD students in Australia explains the similar levels of depression, anxiety and stress among the MLS cohorts, negating the significantly different levels of satisfaction and engagement with their studies in law. Longitudinal studies, with both LLB and JD students, at a range of different Australian law schools would be the ideal means to test whether the results from the present study are able to be generalised to other law school students and programs. In the meantime, notwithstanding the limits of a cross-sectional, voluntary survey methodology, the findings of our study point to the need for measures specifically designed to improve levels of psychological wellbeing among law students, not only to improve their course experience.

VI Conclusion

The fact that Law Schools are 'breeding ground[s] for depression, anxiety, and other stress-related illnesses'⁵² is now widely accepted in Australia and

⁵⁰ Eg, a law school will be perceived as autonomy-denying (or controlling) if few or no choices are available to students; if no explanations are provided to justify rigid rules and procedures; and if academic and professional staff show no concern for students' circumstances: Sheldon and Krieger, above n 3, 884. Sheldon and Krieger's study found that students who perceived their law school and lecturers as autonomy-supportive experienced relatively minor impacts on psychological health when compared to those students who perceived their law school and lecturers as controlling (or autonomy-denying). Moreover, they found that students attending LS1 (a public, highly-ranked, research intensive law school with only a full-time JD and an academic recruitment and promotion system that valued publication rather than teaching) were more likely to perceive their law school as controlling, while students attending LS2 (a private, lower-ranked, teaching-focused law school with a sizeable part-time enrolment and an academic recruitment and promotion system that valued teaching as well as publication) were more likely to perceive their law school as autonomy-supportive. The SWB of students at LS1 declined dramatically over the first year while the SWB of students at LS2 fell, by comparison, only slightly: Sheldon and Krieger, above n 3. The level of perceived autonomy-support also correlated positively with increased GPAs and bar exam results (where LS2 students outperformed LS1 students on common questions).

⁵¹ Ibid 893.

⁵² Ruth Ann McKinney, 'Depression and Anxiety in Law Students: Are We Part of the Problem and Can We Be Part of the Solution?' (2002) 8 *The Journal of the Legal Writing Institute* 229, 229.

internationally.⁵³ Moreover, depression and psychological distress among law students has come to be understood as a ‘teaching and learning’ issue, rather than only the affected individual’s problem, because both depression and high levels of stress are known to affect the ability to concentrate, which in turn adversely impacts on the ability to learn and retain information.⁵⁴ High levels of stress can also lead students to ‘distance’ themselves from law school activities and practise ‘avoidance tactics’, such as skipping classes, thereby creating excuses for failure in order to protect self-esteem.⁵⁵ Moreover, the relation between academic performance and student wellbeing is multi-directional: disappointing performance may cause anxiety and depression; and negative feelings are likely to interfere with academic performance. As Iijima notes, ‘[b]ecause emotional state and academic performance are so closely related ... students may get caught in a downward spiral of emotional and academic problems’.⁵⁶

Research attention is turning to understanding the features of law school that contribute to students’ psychological distress, and to designing effective interventions. A diverse range of factors have been identified as potential sources of stress for law students — from large class sizes and low levels of student-teacher interaction, to intense academic competition and high self-expectations, to the increasing debt load and declining job market.⁵⁷ These sources of stress can be exacerbated by reluctance to access available support and assistance.⁵⁸ While it is sometimes argued that the stressful nature of law school is good preparation for working in the legal profession, or that it ‘weeds out’ those unsuited to legal practice, there is no evidence that those who suffer from high levels of stress, anxiety or depression during law school discontinue their courses or abandon their plans to work in the profession. Instead, the rates of depression, anxiety and stress in the profession indicate that people affected by these conditions during law school go on to enter the profession despite its impact on their mental health.⁵⁹ Nor is there evidence that the experience of stress teaches people how to manage it effectively. Again, the comparable rates of mental distress among legal professionals and law students indicate that many people experience high levels of stress, anxiety and depression without improving their skills to manage, reduce or prevent it.⁶⁰ Thus, as Jennifer Jolly-Ryan suggests, it is possible that ‘[w]hat

⁵³ Benjamin et al, above n 3; Townes O’Brien, Tang and Hall, above n 3; Kelk et al, above n 2.

⁵⁴ Lara Dresser, ‘Promoting Psychological health in Law Students’ (2005) 24 *Legal References Services Quarterly* 43.

⁵⁵ *Ibid* 46–7.

⁵⁶ Ann L Iijima, ‘Lessons Learned: Legal Education and Law Student Dysfunction’ (1998) 48 *Journal of Legal Education* 524, 527.

⁵⁷ *Ibid*; Dresser, above n 54; Kath Hall, ‘Do We Really Want to Know? Recognising the Importance of Student Psychological Wellbeing in Australian Law Schools’ (2009) 9 *Queensland University of Technology Law & Justice Journal* 1.

⁵⁸ Negative views of mental illness or depression are known to impact on law students’ help-seeking strategies. The Brain and Mind Research Institute study (Kelk et al, above n 2, 30–3) found that a significant minority of respondents held negative views about depressed people, and most anticipated discrimination against depressed people from employers (66 per cent) and strangers (84 per cent). Most respondents also believed professional help would not be effective in cases of depression (Kelk et al, above n 2, 20–2), contributing to a culture of silent suffering in law schools. This needs to be addressed on a school-wide basis through improved ‘psychological literacy’.

⁵⁹ Kelk et al, above n 2.

⁶⁰ *Ibid*.

happens during law school forms the foundation for a lifetime of bad habits and dysfunctional behaviours'.⁶¹ It certainly appears that a number of students, and lawyers, accept discomfort and depression as part of the 'cost' of becoming a lawyer;⁶² it is imperative that this is not a lesson 'taught' by law schools.

In order to design effective interventions to improve law student wellbeing, we need a deep understanding of the factors that contribute to students' psychological distress. Our empirical findings were somewhat surprising in that improved levels of course satisfaction and engagement did not result in reduced levels of depression, anxiety and stress. Indeed, it appears that law students can be 'happy' with their course while experiencing considerable levels of psychological distress. Students' open-ended responses gave additional insight into the factors common to both the LLB and JD programs that may be adversely impacting on student mental health. These factors — assessment anxiety, lecturers' lack of understanding, an exclusive law school culture and course inflexibility (JD) — give support to Self-Determination Theory's explanation of psychological distress. In particular, Sheldon and Krieger's 2007 study established that lecturers' attitudes to their students, and in particular the level of autonomy-support they provide, is important for law student wellbeing. The present study indicates that this theory of law student distress has merit and warrants further investigation with different types of law programs and schools in different social and geographical contexts.

The present study also indicates that a range of measures designed to improve students' experience of law school and enhance their academic engagement⁶³ may have very limited impacts on wellbeing levels — at least while the underlying law school culture, and the teaching and assessment culture in particular, remain unchanged. The present study confirms that law student wellbeing will require a whole-of-school approach so that student wellbeing is considered and evaluated in the design of curriculum, assessment, and the wider teaching and learning environment. This is a considerable challenge, and one likely to benefit from collective effort and collaboration.⁶⁴ As Field and Kift have noted, '[a]ction on this issue is ... the responsibility of the Australian legal academic community.'⁶⁵ The weight of that responsibility is now abundantly clear, given the high levels of psychological distress among law students as reported by a growing number of independent Australian studies, including the present one.

⁶¹ Jennifer Jolly-Ryan, 'Promoting Mental Health in Law School: What Law Schools Can Do for Law Students to Help Them Become Happy, Mentally Healthy Lawyers' (2009) 48 *University of Louisville Law Review* 95, 98.

⁶² Lawrence S Krieger, 'Institutional Denial About the Dark Side of Law School and Fresh Empirical Guidance for Constructively Breaking the Silence' (2002) 52 *Journal of Legal Education* 112, 118.

⁶³ Such as peer-facilitated study groups, a professional mentor scheme, and a foundational skills building subject taught in small groups.

⁶⁴ In this vein, the Australian Wellness Network for Law, initiated by Australian Learning and Teaching Council (ALTC) fellow Rachael Field is an important initiative: *Tristan Jepson Memorial Foundation* <<http://www.tjmf.org.au/wellness-network/>>.

⁶⁵ Field and Kift, above n 6, 67.