

# Seeking the brighter side of pessimism: mental wellbeing in the law



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STUDYING AND PRACTISING LAW MAY BE BAD FOR OUR MENTAL HEALTH, BUT RECOGNISING THE PROBLEM MEANS WE CAN START TO DO SOMETHING ABOUT IT.

Law school is a stressful environment in my experience. However, it wasn't until I studied Legal Ethics that I became aware that mental ill-health was rife among law students and in the profession. We are pretty stuffed up, apparently: we suffer mental ill-health at much higher rates than the general public.<sup>1</sup> As well as attracting more than its share of A-type personalities, law school inculcates compulsive behaviours like perfectionism and pessimism, which are predictive of poor mental wellbeing.<sup>2</sup> We are actively taught to look for problems and to account for the worst-case scenario. The conundrum is this: if the very nature of the work we do can be detrimental to our mental health, how can we possibly confront this very serious issue?

Equipping law students to manage/mitigate the inherent compulsive qualities of law is the logical first step. Happily, in my final years of law school, some enlightened members of the student body initiated a mental health subcommittee. They were shocked at the turnout of the first meeting – the room was bursting at the seams. The meeting began with one member of the subcommittee giving a frank account of her long-term struggle with an eating disorder. Such an honest presentation seemed out of place in the sterile, windowless lecture theatre (apparently even the physical environment of the law school promotes perfectionism). However, this created a safe environment. Many students contributed frank anecdotes of their own; one student burst out crying at the relentless pressure of study. This was as close to a love-in as I've ever experienced at law school. The discussions were therapeutic, and turned the usual lecture theatre mantra of “blend-into-the-environment-so-you-are-not-asked-a-question” on its head.

After such a positive turn out, the subcommittee arranged other initiatives, including mindfulness (like meditation) classes, and seminars delivered by mental health professionals. The mindfulness classes were particularly popular. I found them very helpful, though I had to be reminded by our teacher that the breathing exercises are not a competition, and you don't win anything by boasting to the

group about how long you were able to focus on your breaths.

These interventions certainly assisted me in handling the final years of law school, and anecdotally they have been very successful. At the very least, they have brought the importance of mental wellbeing back onto the agenda of a statistically damaged student cohort.

US federal judge Patrick Schiltz suggests that the pressure of private practice (especially in big firms) also contributes to lawyers' poor mental health.<sup>3</sup> It is promising, then, that private law firms are beginning to take mental health seriously.<sup>4</sup> However, a recent *Lawyers Weekly* article notes that, despite increased awareness, there is still a failure to recognise and manage mental health risks.<sup>5</sup> It makes you wonder: if a job was statistically more likely to cause physical harm, would such a “softly-softly” response be tolerated?

Of course, we cannot be too critical of the profession when the issue is so deeply rooted in the nature of legal practice, an overnight solution is not possible. But there is clearly a need for a serious response to be developed – interventions that acknowledge the particular and perhaps unavoidable pressures of the study and practice of law, while also offering tangible solutions to mitigate the effects on the mental wellbeing of students and practitioners. Easier said than done, of course, but awareness-raising that begins at law school (and not only in Legal Ethics) is the logical first step. ●

1. See, e.g. N Kelk, G Luscombe, S Medlow and I Hickie, *Courting the Blues: Attitudes towards depression in Australian law students and legal practitioners*, Brain & Mind Research Institute, University of Sydney, 2009.
2. Australian Law School Students' Association, *Depression in Australian Law Schools: A handbook for law students and law student societies*, [www.alsa.net.au/images/2011/ALSA%20Depression%20Handbook.pdf](http://www.alsa.net.au/images/2011/ALSA%20Depression%20Handbook.pdf).
3. See, e.g. Patrick J Schiltz, “On being a happy, healthy, and ethical member of an unhappy, unhealthy, and unethical profession”, *Vanderbilt Law Review*, 52 (1999) 871.
4. Yuko Narushima, “Legal eaglets learn to fend off depression” *Sydney Morning Herald*, 18 March 2011.
5. “Mental illness still not on corporate radar”, *Lawyers Weekly*, 13 April 2012.

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