

BOOK REVIEW**POSITIVITY AND PRACTICALITY: DEVELOPING THE DEBATE ON WELL-BEING IN LAW**

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Field, R., Duffy, J. and James, C. (eds) (2016) *Promoting Law Student and Lawyer Well-Being in Australia and Beyond*, London and New York, Routledge

If Law School were to come with a health warning, it would probably read “Danger. Proceed with caution: Law School may seriously damage your well-being”. It is well established within both the United States of America (“US”) and Australia that a significant minority of law students suffer from decreased levels of well-being during their time studying law. Despite the differences involved in the two educational systems, the findings have proved surprisingly consistent between jurisdictions (see, for example, Sheldon and Krieger, 2004 and 2007 in the US context and Kelk et al, 2009, in the Australian context). These findings have also generated a lively discussion on the possible causes of such well-being issues, with the competitive, pressurised nature of legal studies, the emphasis on a particular form of “thinking like a lawyer”, a diminished sense of autonomy and a lack of social connectedness all being identified as potential factors (all issues touched upon within this edited collection).

Whereas other countries (such as the UK) are only slowly developing an empirical evidence base on this issue, the body of work which already exists within Australia allows the authors in this edited collection to move beyond presenting this evidence and analysing the possible causes and to begin to explore positive and practical ways to tackle the problems. Although many of the chapters do start with a brief summary of the existing evidence, this is then developed in innovative and exciting ways. Many of these draw, explicitly, on principles of positive psychology, with a good summary of the evolution of this movement provided by Duffy (p. 146). His focus is on the concepts of optimism and hope (p.151) whilst other authors discuss self-determination theory (Stallman and Duffy, p.193), resilience (James, p.108 and Watson, p.122) and the importance of a positive professional identity (Field, p.184). A central theme, itself drawing on the tenets of positive psychology, is that the Law School should be proactive in fostering greater well-being amongst all its students, rather than focusing solely on ameliorating the specific problems suffered by the minority (see, for example, Marychurch, p.85 and Duffy, p.147).

The discussion around this is well-crafted and nuanced, with a clear appreciation of the tensions involved and balance required. For example, Tang discussed the need to avoid simply requiring students to take personal responsibility for their own well-being, whilst at the same time avoiding “homogenising our students and lawyers” (p.10). Larcombe (p.27)

discusses the need for well-being to be embedded within the curriculum in a way which encompasses both prevention and intervention but also emphasises the need for high level institutional buy-in and resources to achieve this in a sustained way (p.31). Whilst the type of factors that may impact on well-being within the Law School are explored, there is also a recognition that many students also experience stresses and strains in other parts of their lives which impact on their mental health overall (Steel and Huggins, p.64).

Although the over-riding focus of the collection is on law students, there are nods towards the well-being of lawyers. In particular, James' welcome suggestion that "A personal, virtuous and flourishing legal practice is possible if we relate well to significant others, work colleagues and clients, and most importantly ourselves" (p.115). Perhaps there is something of an underlying assumption that most law students will proceed into the legal profession, thus bringing with them both the problems, but also the potential solutions, they have experienced in Law School (see, for example, Foley and Tang's challenge to the traditional notion of "thinking like a lawyer" (p.141). However, there remains much in the collection that acknowledges the wider impact of well-being issues on both law students and lawyers, in terms of their ideals, values and role as citizens.

Overall, this is an insightful and important edited collection that provides a marker on the long, uneven, challenging but crucial path towards acknowledging and improving well-being in law. Despite its Australian focus, the commonalities with other jurisdictions are clear, giving it global appeal and significance.

References

- Kelk, N., Luscombe, G., Medlow, S. and Hickie, I. (2009) *Courting the Blues: Attitudes Towards Depression in Australian Law Students and Lawyers*, Sydney, Brain & Mind Research Institute.
- Sheldon, K. M. and Krieger, L. S. (2004) "Does law school undermine law students? Examining changes in goals, values, and well-being", *Behavioral Sciences and the Law*, Vol. 22, pp. 261-286.
- Sheldon, K. S. and Krieger, L. S. (2007) "Understanding the Negative Effects of Legal Education on Law Students: A Longitudinal Study of Self-Determination Theory", *Personality and Social Psychology Bulletin*, Vol. 33(6), pp. 883-897.