

Oh, the places you'll go!¹ Newcastle Law School's partnership interventions for well-being in first year Law

Katherine Lindsay

Newcastle Law School
University of Newcastle
Katherine.lindsay@newcastle.edu.au

Dianne Kirby

University Counselling Service
University of Newcastle
dianne.kirby@newcastle.edu.au

Teresa Dluzewska

University Health Service
University of Newcastle
teresa.dluzewska@newcastle.edu.au

Sher Campbell

Newcastle Law School
University of Newcastle
Sher.campbell@newcastle.edu.au

Abstract

Since “Courting the Blues” was published by Kelk, Luscombe, Medlow and Hickie in 2009, legal educators across Australia have been measuring psychological distress in law students, as well as implementing and evaluating strategies to support students’ well-being. This paper reports on initiatives implemented at the Newcastle Law School in 2012 designed to reduce performance anxiety around a compulsory first year mooted assessment, and the implementation of a self-management curriculum underpinned by the fruits of research in self-determination theory in 2013, involving a partnership between legal academics and professional colleagues from the University Counselling Service. In particular, the paper will analyse the use of the My Journey transition resource, input on growth mindset, reflective practice, resilience training, and practical mindfulness as strategies to support well-being of law students.

Keywords

Legal education, student well-being, law students, curriculum design, self-management, self-determination theory

¹ Inspired by the book by Dr Seuss.

Introduction

Courting the Blues (Kelk, Luscombe, Medlow, & Hickie, 2009), published by the Brain and Mind Research Institute (BMRI) in New South Wales (Australia) and supported by the Tristan Jepson Memorial Foundation, has had a significant impact on Australian legal educators' awareness of the potentially negative effects of traditional legal education upon law students. Australia is not alone, and not the first, in recognising this phenomenon. Krieger (1998) and Sheldon and Krieger (2007), as members of the *Humanising Legal Education* movement in the United States, as well as scholars such as Susan Daicoff (2014), and most recently, the comprehensive law movement in North America, have collected and analysed similar data in the North American context.

Since the publication of the research undertaken by the BMRI, evidence has mounted of the incidence of psychological distress emerging in Australian law students during their enrolment, and carried over into their professional lives. At the same time, arguments have been mounted for effective responses from the legal academy (Field & Kift, 2010; O'Brien, Tang & Hall, 2011; Tani & Vines, 2009). The issue of well-being amongst law students was identified as an issue of national educational concern with the award of an Australian Learning and Teaching Council (ALTC) (now Office of Learning and Teaching (OLT)) Fellowship to Dr Rachael Field of the Queensland University of Technology Law School in 2010. The work in and around this ALTC fellowship by educators at QUT (see, Field & Duffy, 2012; Field, Duffy & Huggins, 2013) and elsewhere (see, Huggins, 2011; O'Brien, 2011) has challenged all law teachers to rethink the quality and range of curriculum influences, particularly in first year law. This paper consciously responds to the recent clarion call to law teachers, namely that:

... the next step for academics writing in the area of law student psychological well-being is to publish on the steps they have taken to mitigate the problem. Whether successful or not, the articulation of strategies to promote law student well-being will be of interest to the legal academy, if not the higher education sector more generally.

(Field & Duffy, 2012, p.154)

In response to that invitation from our educator colleagues, we provide information and analysis of curriculum interventions at the Newcastle Law School.

The character of Newcastle's legal education

Since 1992, Newcastle Law School has modelled a distinctive, integrated legal curriculum with a strong professional focus (Giddings, 2103). To this end, the University of Newcastle Legal Centre and its work has been at the heart of our educational endeavours. This focus for legal education has both excited and challenged Newcastle's legal educators to make seamless connections between real world experience, ethical professional practice, and classroom engagement (see, for example, Finlay-Jones & Ross, 2006). Newcastle's efforts within the clinical legal education tradition have been evaluated favourably in the most recent OLT-funded research on clinical legal education in Australia (Evans, et al., 2012; Giddings, 2013). The focus on integration and authentic assessment (Field & Kift, 2010) has been a strong element of curriculum efforts from the first year, amongst the evolving first year teaching team.

The first year experience in Law at the Newcastle Law School has been characterised by support and nurture, as well as intellectual challenge for two decades, Sally Kift's 2009 final report for her ALTC senior fellowship program, *Articulating a transition pedagogy to scaffold and to enhance the first year student learning experience in Australian higher education* (Kift, 2009) marked an important opportunity for reflection and evaluation of Newcastle's first year curriculum and its existing commitments to listening, support (including peer support), facilitating reflection in students, and clinical legal education opportunities in first year (Campbell & Lindsay, 2010a; Lindsay, 2009; Lindsay & Campbell, 2009; Ross, Apps & Campbell, 2014; Ross, Campbell & Apps, 2011). Campbell and Lindsay (2010a) highlighted the discipline-based or decentralised

model of FYE support which contrasts so significantly with many North American practices, The Newcastle model of FYE integrates “support, nurture and community” in the context of learning as a “three-way street” (Campbell & Lindsay, 2010b, p. 3). It was argued in the 2010 paper that Newcastle’s model exemplifies a holistic approach to FYE within an inclusive culture (Campbell & Lindsay, 2010a).

At the time of the release of Kift’s (2009) blueprint for transition and its curriculum principles, and the work of Kelk, et al., (2009), Krieger’s pamphlet *The Hidden Sources of Law School Stress* (2006) had been embedded as a first semester text in the foundation first year compulsory law course and formed the basis of law students’ first assessable reflection exercise, *On becoming a law student*. Also, at this time and prior to the fruits of the Learning and Teaching Academic Standards Project for Law (LTAS Law) (Kift, Israel, & Field, 2010), a student self-assessment of self-management skills (with teacher follow up) was incorporated into the first year curriculum in Week 4 of Semester One.

At Newcastle Law School, the transitional pedagogy work of Kift and others (see, for example, Field & Kift, 2010; Kift, et al., 2010), the Carnegie Report *Educating Lawyers* (Sullivan, et al., 2007), and the LTAS Law resulting in the Threshold Outcomes for the LLB, all acted as effective stimuli for first year curriculum renewal and development in the period 2009-2012. This process at Newcastle recognised the significance of the argument by Field and Kift (2011) that “intentional first year curriculum design has a critical role to play in addressing and preventing psychological distress in law students” (p. 69). However, the most significant and distinctive influences upon the formulation and implementation of the self-management and well-being curriculum initiatives were cultural.

Law student well-being and culture

The recently published Australian empirical study of factors contributing to law students’ psychological distress (Larcombe, Tumbaga, Malkin, Nicholson & Takatlidis, 2013) makes important contributions to the developing understanding of the relationship between law students’ well-being and their experience of law school (p. 409). The research found that the hypothesised relationship between improved law school experience (including satisfaction with the course), and reduced levels of depression, anxiety, and stress was “unfounded” (Larcombe, et al., 2013, p. 423). In contrast, analysis of the qualitative data from open-ended questions and focus group discussion questions raised different issues in relation to law student experiences and well-being. In particular, the data indicated that:

... features of law school life common to both the LLB and JD programs, rather than points on which the programs differ, have a significant bearing on law 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.

(Larcombe, et al., 2013, p. 427)

The Melbourne Law School researchers concluded that:

... a range of measures designed to improve students’ experience of law school and enhance their academic engagement may have very limited impacts on wellbeing levels – at least while the underlying law school (competitive) culture, and the teaching and assessment culture in particular, remain unchanged. The present study confirms that law student well-being will require a whole-of-school approach.

(Larcombe, et al., 2013, p. 432)

These research findings concerning the importance of law school culture to well-being are timely and significant, and broadly reflect findings in other jurisdictions (Sheldon & Krieger, 2007). In outlining and evaluating Newcastle Law School's initiatives in supporting well-being through the first year curriculum, the issues of law school culture and productive professional partnerships and collaborations have been central to the school's approach.

The distinctiveness of Newcastle's contribution to a first year well-being curriculum in law

The distinctiveness of Newcastle's contribution to well-being initiatives resides in its history of a holistic approach to legal education and its cementing of professional interdisciplinary partnerships with colleagues from the University Counselling and Health Services. The partnership between law teachers and psychologists has facilitated increased cross-disciplinary understanding and the implementation of well-being initiatives underpinned by self-determination theory, to facilitate in students intrinsic motivation, social development and well-being (Ryan & Deci, 2000).

The holistic approach to legal education has exemplified Newcastle's transition pedagogy in Law for over a decade. Patty Alleva (cited in Schwartz, Hess, & Sparrow, 2013) has referred to this style of education when discussing her own authenticity as one of the United States "best" law teachers:

Being who I am, to me that's a *method* ... I've seen this in the literature, but now I have come to make it my own and understand it. Teaching with the whole person is a method in my view. Another method is teaching *to* the whole person, which I don't see as much in the literature. But it's recognizing that whole people are in [the] exchange and so, the method of teaching and learning has to be tailored to who we are, as wholes. (pp. 45-46, emphases added)

This holistic approach involves modelling a culture of care and concern as "nurturing teachers," as well as the provision of "wrap around" support for students in transition (Bromberger, 2010; Dluzewska, Kirby, Campbell, & Lindsay, 2013). Students' responses in the university's Student Evaluation of Courses instrument at the Newcastle Law School have produced a 4.6 out of 5 response on a Likert scale to the question: "The teaching staff were available to help me with my learning." We see this result as reflecting a positive relationship between the "nurturing teachers" philosophy within the first year teaching team and our law students' learning experiences.

A whole of school approach (Larcombe et al, 2013) to the delivery of the law curriculum modelled on incremental learning principles (Seel, 2012, p. 1523) has also characterised Newcastle's practice since its internal curriculum review in 2007. Newcastle staff have shared examples of their integrated curriculum practices in many legal education fora (see, for example, Campbell & Lindsay, 2010; Lindsay, 2012; Lindsay, Campbell, & Apps, 2011). Core influences on Newcastle's educational agenda have been the work of Larry Krieger (1998, 2005), whose work has also drawn on self-determination theoretical perspectives (Sheldon & Krieger 2007), and the humanising education movement.

Design and delivery of the first year well-being curriculum in Law, both in "the mindfulness pilot" in first year law in 2012, and the broader self-management curriculum in 2013, has been the result of an interdisciplinary and inter-professional partnership between first year law teachers and experienced psychologists with decades of experience in counselling university contexts. The counselling staff are experienced in operating in such partnerships which have previously seen the development of core transition resources (Kirby, Dluzewska, & Scevak, 2010) and institutional support mechanisms (Dluzewska, Kirby, & Lindsay, 2011). Our inter-professional partnerships approach has permitted us to benefit from psychological research and the professional practice and experience of our professional colleagues and has also offered a unique opportunity to model respectful inter-professional partnerships in the classroom in the context of the delivery of the well-being curriculum. Our inter-professional partnerships approach to the design and delivery of

the self-management curriculum was not been modelled directly on Laurillard's (2002) conversation framework although there are areas of commonality with this practice (cf. Field & Duffy, 2012). Our collaboration has been executed in a fashion which seeks to support students' exploration of their own embryonic professional legal identity (Field, et al., 2013).

The use of an inter-professional partnerships approach also reflects a third generation approach to students in transition and the first year experience more generally, Kift (2009) explained third generation strategies as involving, "an institutional vision for the FYE (first year experience) that is shared by academic and professional staff who form sustainable partnerships across institutional boundaries to ensure its enactment" (p. 13).

The third generation approach to student transition was seeded at the University of Newcastle with the 2010 Teaching and Learning Fellowship, *Towards a Third Generation First Year Experience (FYE) @ UoN* (Lindsay 2011a, 2011b, 2011c). The staff of the University Counselling Service at that time participated actively in the workshop (four of the ten staff then employed by the Counselling Service attended the fellowship workshops, including the manager of the Service), and Community of Practice activities of the fellowship, sharing their existing resources and programs with academic staff from schools and faculties. These resources included mature-age back to study orientation day, *Succeeding at Uni* and *Talk before you walk* workshops, *My Journey*, *Stress Management* and *Building Resilience* workshops, *Hidden Sources of Law School stress* work with the law school, and the work of the Outreach Counsellor for students in enabling programs. This experience was the genesis of our commitment to inter-professional partnership, which has been pursued actively and productively since that time (Campbell & Lindsay, 2010; Lindsay, 2012; Lindsay, et al., 2011; Schwartz, et al., 2013).

In developing the first year well-being curriculum, self-determination theory (Dluzewska, et al., 2013; Ryan & Deci, 2000; Weinstein & Ryan 2011), growth mindset research (Dweck, 2006), resilience and mindfulness (Codiga, 2002; Danitz & Orillo 2014; Magee, 2011; Martin 2014; Riskin, 2002; Rogers, 2009) have all played an important role. As law teachers, our understanding of the efficacy of our multiple interventions with students in the classroom based on these streams of research has been the result of the generosity and professional collaboration of our psychologist partners. They have shared the literature of their discipline, the results of their own research, and their active participation in the delivery of the curriculum. This interdisciplinary commitment to both the theory and practice of well-being interventions has allowed us as a team to implement more than as law teachers alone.

The structure and approach to curriculum design and delivery has been through collegial conversations (Golden, 2012; Palmer & Zajonc, 2010). Our core pedagogical influences have been in emerging scholarship on renewal in higher education (see, for example, Golden, 2012; Palmer & Zajonc, 2010), the role of the contemplative mind in higher education² and contemplative practice in legal education (Magee, 2007, 2013), as well as existing scholarship deriving from the humanising legal education movement and self-determination theory (Krieger, 2011; Lindsay, et al., 2011). Magee's (2007, 2013) work flows out of aspects of the critical legal studies movement, particularly addressing issues of diversity and inclusion, which are critical in our institution on account of its core commitment to equity and access. Whilst other well-being initiatives in both law and other areas of higher education have been grounded in hope theory (Davidson, Feldman & Margalit, 2012; Field & Duffy 2012), we believe that our reliance on our alternative theoretical basis has afforded us distinct advantages in exploring the relationship between law school experience and well-being .

Self-management and ethics curriculum 2012-2013

The "mindfulness" pilot conducted in 2012 was a practical response to longstanding observations by teachers, and expression by students, of performance anxiety associated with the first year

² <http://www.contemplativemind.org/programs>

mooting exercise. The mindfulness intervention consisted of 25-minute sessions conducted over a six week period prior to the assessable mooted task. The initiative introduced students to the theory and practice of mindfulness meditation with the focus on cultivating attention. The details of the pilot and its outcomes are explored more fully in the conference paper delivered at the 2013 International Conference on the First Year in Higher Education (Dluzewska, et al., 2013).

The results of the pilot, together with the stimulus of the Threshold Learning Outcomes framework from the LTAS project, inspired the first year teaching team to refresh the curriculum in the foundational compulsory course, Legal System and Method, to include a self-management curriculum. The wisdom of Dr Seuss (1990) in his final book, *Oh, The Places You'll Go* was used as the organising device for the curriculum on account of its accessibility for students and its thematic content, which touched on all of the topics in the curriculum. The availability of a new textbook built around the LLB TLOs was also an immense support for this enterprise (see, for example, James & Field, 2013).

The 2013 self-management curriculum, delivered over two semesters in one-hour weekly seminars covered six themes: independent learning; reflective practice; appropriate use of feedback; being ethical; resilience; and mindfulness (James & Field, 2013). The self-management themes broadly replicated the topics covered in the students' set textbook, with the addition of material on ethical thinking and professional legal ethics in Weeks 6, 7 and 8 of Semester One (see, for example, James & Field, 2013, Chapters 10 and 13). During the classes on ethics, students were exposed to material on Lawrence Kohlberg's (1971) stages of moral development. Each topic was supported by in-class activities and homework tasks, which students compiled into an assessable portfolio of responses, reviews, evaluations, and reflections. The conduct of the classes modelled co-operative inter-professional partnerships between law teachers and psychologists.

Students were exposed to a range of resources, including Maslow's hierarchy of needs, Dweck's work on mindset and the SMART goals framework. However, the My Journey resource³ on the psycho-social transition to university was a cornerstone for students' activities and reflections in the early weeks of the course (Kirby, et al., 2010). One of the activities associated with the use of My Journey involved the completion of the Motivated Strategies for Learning Questionnaire (MSLQ) (Garcia, Duncan, & McKeachie, 2005; Pintrich, Smith, Garcia, & McKeachie, 1991). Students were required to reflect and write about their learning strengths and challenges across the learning domains of rehearsal, elaboration, organisation, critical thinking, metacognition, intrinsic motivation, extrinsic motivation, task value, control beliefs, self-efficacy, test anxiety, time and study environment, effort regulation, peer learning, and help seeking. The MSLQ results for students and law teachers formed the basis of class discussion of strategies to support independent learning.

Classes specifically devoted to reflective practice (Casey, 2014) included information and practice around learning journals, passionate learning and holistic storytelling (Brockbank & McGill, 2007). In these classes, students were introduced to and practised techniques such as "five minute sprint," "stepping stones," "standing back," and "seeing things from an altered point of view" – exercises developed and recommended by Moon (2004). Students were supported in preparation for the first semester examination period with two classes on preparing for and surviving examinations. Part of the exam preparation involved the distribution and discussion of the exam briefing document by teachers and students. The discussion of a detailed exam briefing document has been a standard practice in first year Law at the Newcastle Law School for several years.

The Semester Two self-management curriculum focussed on resilience training and practical mindfulness instruction and practice. These classes were co-taught by a law lecturer and a psychologist. The three resilience training sessions explored overcoming challenges in the personal, academic, and professional legal contexts. The first class on personal resilience issues addressed self-awareness including the Values in Action Inventory, self-determination, self-

³ <http://www.newcastle.edu.au/students/my-journey>

perspective, and self-confidence, SIT SM, cognitive behavioural approach making inner links for self-regulation. The class on promoting resilience in academic contexts advocated that students might seek opportunities for making connections, building competence and participation, and contribution within the law school and university context (Goodwin, 2007). The third resilience training class shared with students the data on lawyer personality traits (Daicoff, 1997; Richards, 2002), desirable early 21st century professional competencies (Bailin, 2007), and lawyer effectiveness factors (Schultz & Zedeck, 2011), and information about the benefits of mindfulness. Shultz and Zedeck's (2011) list of 26 lawyering effectiveness factors were distributed and discussed in class in the context of students' beginning to plan for a healthy professional life. Whilst it can be difficult to measure student engagement and attention in class in the abstract, students spontaneously applauded their teachers at the end of each of the three resilience training sessions.

In-class mindfulness instruction and practice took place in 25-minute sessions in Weeks 4 to 7 of Semester Two in the context of the preparation of written and oral submissions in the assessable moot exercise. Students were encouraged to participate in the well-being research project associated with the mindfulness curriculum with the completion of anonymous, but coded, psychological instruments and demographic information (Lindsay, Kirby, Dluzewska, & Campbell, 2013). We are anticipating that our analysis of the resulting data will assist in the further development of our understanding of the relationship between our students' experience of law school and their well-being. The next phase of our research is to supplement quantitative data with qualitative responses to the new curriculum from our students.

Conclusion

Our approach to issues of well-being for first year students at Newcastle Law School has derived from a longstanding commitment to holistic education. The most recent innovations in the first year curriculum explicitly address learning around self-management and well-being. The increasing diversity of our law student cohorts as well as the well-publicised evidence of psychological distress amongst law students nationally is reason enough to explore ways of enhancing the first year curriculum in Law. A distinctive feature of Newcastle's approach, and one of its key strengths, is its foundation in inter-professional partnerships between law teachers and our psychologist colleagues. The collaborative and interdisciplinary approach adopted at Newcastle has created opportunities for the team to trial curriculum initiatives grounded in a credible theoretical base. and has promoted the use of differing discipline expertise in the joint delivery of the curriculum.

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