A Moot Point?: Self-management in Law School

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The issue of self-management and student well-being is now at the forefront of the agenda in contemporary Australian legal education. This paper reports on the delivery and outcomes of a pilot mindfulness intervention in a first year law subject at Newcastle Law School. The early evidence suggests that the mindfulness intervention has had positive results in normalizing moderate performance anxiety in respect of a compulsory oral communication task. The experience with the mindfulness intervention has reinforced both the importance of the integration of wellbeing and self-management teaching for law students, and the critical role that professional and academic partnerships can play in its implementation and success.

Introduction

At the heart of our combined endeavours is a shared desire for our students to thrive in their future professional and personal lives. Not only do they need to be informed about the law they also need to “look after themselves in body and mind” (James, 2011, p. 218), while managing protean careers in demanding work contexts. How can we best equip young Australian lawyers of the future? We know, for instance, that work-life interaction is an issue in private legal practice and the attrition rate for women is high (Castan, Paterson, Richardson, Watt, & Dever, 2010).

Growing evidence of distress and depression among lawyers and law students has sparked debate about a range of contributing variables (Kelk, Luscombe, Medlow & Hickey, 2009; Tani & Vines, 2009). Studies have examined students’ level of extrinsic motivation and their training to “think[ing] like a lawyer”, with effects noted by the end of the first year of study (Townes-O’Brien, Tang & Hall, p. 56, 2011). Townes-O’Brien et al. (2011) suggest that traditional legal education has been detrimental to student wellbeing.

Management of self and others lies at the core of psychological health. The advent of a self-management Threshold Learning Outcome (TLO) as one of six for the Bachelor of Laws (LLB) is timely. Self-management TLO 6 aims for students “to learn and work independently and to be able to reflect on and assess their own capabilities and performance, and make use of feedback as appropriate, to support personal and professional development” (Kift, Israel, & Field, 2010, p. 22). Marychurch and her colleagues have now developed an assessment rubric for the self-management framework (Marychurch, Littrich, & Wallace, 2011). Self-awareness via self-reflection and taking action to manage stress and wellbeing appear as key features of the rubric along with cultivating awareness of others.

Knowledge of law student stress has inspired legal educators to address wellbeing, resilience and social connection as protective factors for current first year cohorts (Watson & Field, 2011). In fact, many law schools are embracing opportunities to examine their “mental models” of legal education (Watson, 2012). In line with Kift’s (2008) observation that a healthy legal culture adapts and experiments with teaching innovation, the first year teaching team at the Newcastle Law School has embedded self-management in the Bachelor of Laws
The first year curriculum for 2013. The self-management TLO complements the Program Convenor’s philosophy of legal education as an education of the whole person. This is reinforced by the findings of the Carnegie report (Sullivan, Colby, Welsh Wegner, Bond, & Shulman, 2007) and its recommendations concerning the three apprenticeships (“head, hand and heart”) as a model for 21st century legal education.

This Nuts and Bolts presentation will share a pilot self-management intervention introduced in 2012 in two tutorial classes in LAWS1001 Legal System and Method, a compulsory first year foundation law course. The pilot was initiated and coordinated by the Course Coordinator and conducted in collaboration with Psychologists from Student Support Services. It was introduced in the legal method stream in which students were preparing for their first appellate advocacy (mooting) exercise. Strong and consistent anecdotal evidence from students over the last decade has indicated that the preparation and presentation of the mooting exercise before local legal practitioners has been the “most stressful” element of the first year curriculum (Finlay-Jones & Ross, 2006), and this was a key reason for locating the intervention in this part of the course.

The location of the mindfulness pilot: first year mooting

The second semester of the Legal System and Method foundation course has a strong emphasis on effective oral communication skills in its Legal Method stream. The classes introduce students to simulated appellate advocacy in a court room setting, known in legal education as mooting. Mooting has always been a form of learning by ‘doing, reflecting, applying and evaluating’ (Wolski, 2009). Generations of legal educators have noted the value of mooting experience for students (Yule, McNamara, & Thomas, 2010). However, many law programs have traditionally situated mooting experience in the later years of the degree. By contrast, Newcastle Law School has had a commitment to introducing students to this form of advocacy exercise in the first year since its establishment in 1992 (Finlay-Jones & Ross, 2006).

First year students at Newcastle have consistently expressed concern about performance anxiety in association with the mooting exercise. Whilst a moderate level of arousal is thought to be optimal for learning (Bromberger, 2010), first year teachers have been eager to explore ways in which students might be supported more holistically in this assessment task. The advent of the self-management TLO for the LLB has stimulated first year law teachers at Newcastle to seek out professional Psychologist colleagues to collaborate in piloting this intervention.

The Intervention

The self-management intervention consisted of a 25 minute session conducted at the beginning of each tutorial class over a six week period from July to September leading up to the oral assessment task. The intervention aimed to “equip students with the inner resources and understandings to promote greater resilience, coping capacity and self-regulation throughout their law degrees” (Huggins, 2011, p. 31). Self Determination Theory (Weinstein & Ryan, 2011) and principles of transition pedagogy; namely, curriculum embedding as third generation strategy and academic-professional collaboration (Kift, 2009) underpinned the intervention.
Bromberger refers to the role of the “nurturing teacher” in modelling a culture of care and concern and student professional conduct (Bromberger, p.56, 2010). The Course Coordinator, class teacher and their Psychologist colleagues shared their genuine concern for student health and wellbeing, their beliefs about the value of managing self and peer relationships as part of professional practice, and their faith in student capacity for mooting skills acquisition. It has been suggested that pastoral care promotes student optimism about learning as well as connecting those at risk with support (Galloway, Bradshaw, Dunbar, & Fellows, 2011). Students were encouraged to seek support early and often as required.

A conversational framework and group processes were harnessed to establish respect, safety and trust, for social connection and to normalise concerns. Effective programs “encourage students to learn in a manner that is active, interactive, reflective, and mindful” (Cuseo, 2007, p. 9). The whole of person experiential learner was explicitly addressed (Hoover, Giambatista, Sorenson, & Bommer, 2010). Students were invited to participate in active learning consistent with social constructivist approaches and to take responsibility for their own learning contribution. Larcombe, Malkin and Nicholson (2012) argue that opportunities for more experiential thinking may reinforce student psychological health by putting them in touch with themselves and their own values.

Program content addressed the nature of transitions, benefits of cohort diversity and collaborative learning, work-life interaction, stress management, wellbeing and self-care as a student and future professional practice. Students were invited to explore and extend executive function in the form of self-awareness, self-management and self-reflection. Participants were introduced to psychological literacy (James, 2011) and self-awareness through a series of activities including focus on strengths, intrinsic motivation, cognitive flexibility, a growth mindset, emotion regulation and proactive planning. At the beginning of each session students were asked what they had noticed about their experience and skills throughout the week.

The initiative introduced students to the theory and practice of mindfulness meditation with focus on cultivating attention. Practice was based on Mindfulness-Based Stress Reduction (MBSR) first developed by Jon Kabat-Zinn (1990). Mindfulness research suggests that students able to reflect on their experience will enjoy a significant advantage (James, 2011). Mindfulness meditation is now being widely introduced into legal practice in the Australian context (Orenstein, 2011).

**Outcomes**

Preliminary evidence from the pilot intervention suggests that students responded positively and directly to the ‘nurturing teacher’ approach, and conversational framework. In weekly reflections during the pilot, several students offered direct oral feedback about successful use of mindfulness techniques to assist with concentration, stress reduction and sleep hygiene leading up to the moot assessment. Student comments indicated that a majority of those involved in the pilot had actively and profitably made some use of the techniques and practices.

The mindfulness experiences became the subject of class discussion in other first year classes, and both male and female students expressed surprise as its effectiveness. Feedback from students in the pilot was collected anonymously to inform future curriculum developments.
Only one student in the pilot cohort of 50 students stated that practising mindfulness had made “no difference” to coping strategies in respect of moot preparation.

Conclusion

This paper has reported on the implementation of a pilot self-management intervention designed for first year law students at Newcastle Law School. Early findings point to sufficient supportive indicators to serve as a foundation for the next stage of the implementation of TLO 6. This will involve a range of interventions for academic and professional support for all first year students across both semesters in 2013.

Session outline

Whole group discussion (5 minutes): What have you observed about the self-management capacities of your first year students?

Presenters (10 minutes): Briefly describe the self-management program and share resources and outcomes to date.

Small group discussion (10 minutes): What self-management supports currently operate for first year students at your campus? How do such initiatives contribute to the success of students?

Presenter and whole group discussion (5 minutes): Summarize themes. What have we learnt?

References


