

# Law student wellbeing: A neoliberal conundrum

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The discourse around student wellness is a marked feature of the 21st century Australian legal academy. It has resulted in various initiatives on the part of law schools, including the development of a national forum. The phenomenon relates to psychological distress reported by students through surveys. Proposed remedies tend to focus on improving the law school pedagogical experience. This article argues that the neo-liberalisation of higher education is invariably overlooked in the literature as a primary cause of stress, even though it is responsible for the high fees, large classes and an increasingly competitive job market. The ratcheting up of fees places pressure on students to vie with one another for highly remunerated employment in the corporate world. In this way, law graduates productively serve the new knowledge economy and the individualisation of their psychological distress effectively deflects attention away from the neoliberal agenda.

*Keywords: neoliberalism, higher education, law students, wellbeing; stress*

## Stressed law students

There are two things about the burgeoning literature on law student wellbeing in Australia that are striking. First, it is very recent, having emerged only in the 21st century; secondly, no explanation is postulated for the suddenness of the eruption of psychological distress. As Peterson and Peterson (2009) point out in the US context, where the discourse has a somewhat longer history, there is significant empirical data on the kinds of distress that law students experience, but little on the causes of the problem. The conundrum besetting the wellbeing phenomenon is: how can psychological distress be tempered if it emanates from unacknowledged causes?

If the wellbeing literature is to be believed, the incidence of psychological distress among Australian law students is striking. *Courting the Blues*, an influential study that drew attention to the issue in 2009, found that 35 per cent of law students reported a high degree of stress compared with 13 per cent of the general community (Kelk *et al.*, 2009). A more recent

study based on a purpose-built Law Student Perceived Stress Scale (LSPSS), rather than the more common Depression, Anxiety and Stress Symptoms scale (DASS), found an even higher level of stress, with the majority of law students reporting moderate to extremely severe symptoms of depression (53 per cent) and anxiety (54 per cent) (Bergin & Pakenham, 2015). The US study by Peterson and Peterson (2009, p. 412) also found that 53 per cent of law student respondents met the threshold for a significant level of depression. While Australian empirical studies generally reveal somewhat lower figures (O'Brien *et al.*, 2011; Larcombe & Fethers, 2013) the incidence is still considerably higher than that found in the general population. For the most part, disciplines other than law have received comparatively little attention (but see Larcombe *et al.* 2015; Leahy *et al.*, 2010). A comparative study by Leahy *et al.* (2010) nevertheless found that 58 per cent of the law students were classified as psychologically distressed, followed by 52 per cent of mechanical engineering students, 44 per cent of medical students and 40 per cent of psychology

students, but the question remains unanswered as to why law appears to engender a higher degree of stress than any other discipline in higher education. Stress is experienced by students in disciplines such as medicine and engineering, but the question remains as to why law appears to engender a higher degree of stress.

Both Australian and US studies have found that law students evinced no sign of elevated psychological distress before they entered law school and it was only during the first year that the high level of stress manifested itself (Lester *et al.*, 2011). The suggestion is that there is something about legal education that exerts a negative effect on student wellbeing (O'Brien *et al.*, 2011). In particular, the qualities of detachment, adversarialism and neutrality are commonly associated with 'thinking like a lawyer' (O'Brien *et al.*, 2011, p. 56). The inculcation of

values that cause students to discount their own moral values and feelings of empathy and compassion is regarded as a key source of stress and depression (Peterson & Peterson, 2009). It is certainly alarming to find that by the time law students graduate they are found to be

different people: 'more depressed, less service-oriented, and more inclined towards undesirable, superficial goals and values' (Krieger 2005, p. 434). Some surveys go beyond the confines of the law school to encompass negative feelings of wellbeing, such as the difficulty of maintaining personal relationships and managing to balance work and study, although Bergin and Pakenham (2015) found that academic demands were reported to be the highest sources of stress. So influential has been the wellbeing discourse that it has been embraced by law schools, many of which have established a website dedicated to wellness (Parker, 2014).

Christine Parker (2014) has nevertheless pointed out that there are methodological limitations associated with some of the empirical studies because they are based on psychological distress scales but are cited to imply clinical conclusions. The repetition of this flaw in a number of surveys led Parker to conclude that the wellbeing 'crisis' affecting both law students and practising lawyers was an example of a contemporary 'moral panic' (Cohen, 1972). That is, the high rate of psychological distress associated with law students and the failure of law schools to effect a remedy have engendered alarm in the wider community, particularly as the incidence is linked to marked rates

of depression, substance abuse and suicide in the legal profession generally (Baron, 2014; Chan *et al.*, 2014). Parker's invocation of Cohen's thesis is compelling in light of a phenomenon that has evinced all the suddenness of Athena bursting forth from the head of Zeus. Not only does the focus on psychological wellbeing deflect attention away from what is the critical factor at its heart, namely, the neo-liberalisation of higher education, it serves to individualise and depoliticise it.

I do not wish to diminish the reality of the stress experienced by law students, but to suggest that its emergence has coincided with the neoliberal turn that has insidiously transformed higher education from a public to a private good. The impact on the discipline of law has been dramatic (Thornton, 2012; 2014). To illustrate this proposition, I overview briefly both the

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wellness and the neoliberal phenomena. I then consider the impact of neoliberalism on higher education, with particular regard to the legal academy in terms of what is taught and how it is taught. I conclude that law students would be better equipped to cope with the pressures

of the age if law schools were more transparent about the labour market problems from the outset and if the law curriculum were diversified to prepare students for a range of employment destinations other than traditional legal practice.

## The wellness phenomenon

Wendy Larcombe has conducted a number of surveys on the wellbeing of law students. She and her co-authors acknowledge the increasing costs of legal education, the proliferation of law students and the heightened competition for positions in light of the shrinking job market, but they are of the view that these problems are politically problematic and not within the power of law schools to resolve (Larcombe *et al.*, 2013). Instead, they argue, the psychological distress of law students can be ameliorated through improved approaches to teaching and learning. The authors suggest a whole-of-school approach that focuses on the curriculum design, assessment and wider teaching and learning environment. Nevertheless, their research found that improvements in the overall rates of course satisfaction and engagement did not result in reduced levels of depression, anxiety

and stress (Larcombe *et al.*, 2013). While not wishing to downplay the importance of how students are taught, I am arguing that more attention needs to be paid to what they are taught.

In terms of the shrinking job market, Larcombe and Fethers (2013) suggest that further research is needed to ascertain whether worries about future employment prospects are significantly contributing to law student distress. They found that lack of career direction was not significantly associated with high levels of stress, unlike 'worry about job prospects' and 'financial stress', which were strongly associated with both 'moderate+' and 'severe+' stress symptoms (Larcombe & Fethers, 2013, p. 398). 'I expect to practise law after graduating' was strongly independently associated with severe+ anxiety (Larcombe & Fethers, 2013, p. 421). Other commentators are also of the view that amelioration of the problem of law student depression lies in the realm of pedagogy, such as the creation of an 'autonomy-supportive environment' in which students are offered information and choice about how to proceed with their course (Manning, 2013; Sheldon & Krieger, 2007).

In keeping with the psychological explanations for depression, one branch of the literature, largely centred in the US, moves away from the pedagogical model of remediation to a health model, advocating exercise, stress management and sleep, as opposed to reliance on stimulants and substance abuse (Austin 2013, 2015). The science of positive psychology involves the development of self-awareness to increase happiness, motivation, success and a healthy work/life balance (Peterson & Peterson, 2009; James, 2011). Peterson and Peterson (2009) identify 24 character strengths, such as zest and vitality, which, if maximised, could ward off depression. An awareness of emotional intelligence is also advocated as necessary for a successful legal life (James, 2011). Emotional intelligence refers to the perception by a person of their own emotions, and how 'they use, understand and manage them to enhance their personal growth and social relations' (Mayer *et al.*, 2001, p. 234). This might involve individuals coming out and telling their personal stories of depression and recovery (Clarke, 2015).

I now present an overview of the significant elements of the contemporary political context which I consider necessary in order to understand how neoliberalism has profoundly impacted legal education. I am not suggesting that it operates in isolation as a stressor but as an underlying causative element that cannot be disconnected from the factors identified by the empirical studies.

## The neo-liberalisation of higher education

Neoliberalism defies a precise denotation, but comprises a cluster of values associated with a sharp turn to the right in politics and the sloughing off of the egalitarian values associated with social liberalism. Harvey (2005) suggests that there are too many contradictions within neoliberalism to refer to it as 'a theory'; Purcell (2008) refers to it as an ideology, and Self (2000) as 'market dogma'. What is clear is that the dominant values of neoliberalism revolve around the market, namely, commodification, competition and the maximisation of profits. Indeed, neoliberalism has been assiduous in the privatisation and deregulation of public goods (Harvey, 2005; cf. Dumenil & Lévy, 2011). This has included utilities, transport and welfare services, but universities have also been strongly affected. While the privatisation imperative is ostensibly economic, neoliberalism has been described as primarily a political project on the basis that it is designed to restore the power of elites (Harvey, 2005).

Education is regularly a priority for the neoliberal agenda, but its goal is not to reinvigorate liberal education in order to produce critically aware citizens. It is to refocus education spending and produce a varied pool of skilled human capital to enhance competitiveness (Purcell, 2008). As primary resources and manufacturing are under threat, Australia, like other nation states, has turned to the creation of a knowledge economy for which a proliferation of trained technocrats is highly desirable. Law is expected to be the linchpin of the new knowledge economy in the facilitation of business. However, this dimension of law accords little space to social justice, the marginalisation of which is arguably a key element in the creation of law student unhappiness.

As a corollary of the marked disinvestment by the state in higher education, the cost of tuition has been largely transferred to students. Following the Dawkins reforms of 1989, fees were gradually ratcheted up, with law at the highest level. Although fees were capped for most undergraduate courses, the sector was thrown into disarray in 2014 when the Abbott Government proposed to deregulate them. This would have exerted a dramatic effect on the legal academy because it would have been viewed as an opportunity for charging ever higher fees, but the policy was put on the backburner, if not categorically reversed, when the Turnbull Government came to power in September 2015.

What is startling about the deregulation proposal is that it was at one stage supported by every Australian

vice-chancellor except Professor Stephen Parker of the University Canberra (ABC, 2015). The VCs' support for deregulation attests to the thesis of Dumenil and Lévy (2011) that neoliberalism is a new stage of capitalism effected by an alliance between the wealthy elite and the managerial classes. If fees rise dramatically, as occurred in the US, student/customers pay a premium for the brand name of an elite university. Non-elite law schools feel that they must follow suit and increase their fees in order to appear competitive, but the consequences are disastrous for students unable to obtain well-paying jobs to service their loans (Bourne, 2011-1012).

In accordance with the deregulation imperative, it might be noted that the undergraduate LLB, the basic law degree, has been replaced or supplemented in many Australian law schools by the JD (Juris Doctor), which is nominally a postgraduate degree as it requires completion of another degree as a prerequisite to entry. The postgraduate classification enabled universities to charge full fees when undergraduate fees were capped (Cooper *et al.*, 2011), although both Melbourne Law School and the University of Western Australia Law School, which have dispensed with the LLB altogether, have some Commonwealth-funded places. It might also be noted that Larcombe and Fethers' (2013) study revealed that a higher percentage of full fee students at the University of Melbourne suffered from elevated depressive symptoms compared with those in Commonwealth supported places. The charging of high fees is not only a source of stress for law students because of the accumulated tuition debt and the pressure to secure a well-paid position in the corporate sector, it has caused them to feel like milch cows as they know that the high fees they pay are commonly used by universities to subsidise research and other general university activities (Garber, 2015; Thornton, 2012; Allen & Baron, 2004), rather than enhancing the law students' own educational experience. This is also the case in the US (Tamanaha, 2012).

With the cut-backs in government funding for higher education, the seemingly unstoppable demand for law places, the removal of the cap on admissions and no official body regulating the number of graduates since the Commonwealth Tertiary Education Commission (CTEC) was abolished in 1987, it is unsurprising that enrolments in law have proliferated. Fees underscore the neoliberal assumption that individuals are expected to take responsibility for their own wellbeing (Harvey, 2005). Indeed, neoliberal economic theory is of the view that if students have paid for their education, they will work harder than if the course were free (Friedman &

Friedman, 1962). The correlative effects of stress do not figure in the theory.

The net effect of ever-increasing fees is that higher education has insidiously shifted from being a public to a private good, which emphasises the credentialing and vocational elements of the educational experience. The more altruistic values associated with public good tend to be relegated to the periphery. Of course, there is always a private benefit associated with a degree in terms of credentialism and vocationalism but, as the public good of higher education recedes into the background, the private benefit is accentuated. Hence, there is increased pressure on law schools to provide more commercially oriented subjects of the kind believed to enhance graduates' position in the labour market as job-readiness privileges 'know how', the doctrinal and the applied over the theoretical and the critical. The symbiotic relationship between law and business is a central plank of neoliberalism, but it may not accord with the social justice orientation that inspires many students to enrol in law in the first place, a dissonance that constitutes an inevitable stressor in their lives. Indeed, a survey (n=1,400) by the Women Lawyers' Association of New South Wales in 2015 found that 49 per cent of women and 37 per cent of men were attracted to the study of law by an interest in social justice (Staff Reporter, *Lawyers Weekly*, 2015).

## The commodification of legal education

The impact of the neo-liberalisation of higher education on the legal academy is dramatically illustrated by expansion in the number of law schools and law students. In the 25 years since the Dawkins reforms, the number of law schools has more than tripled – from 12 to 44 (with some institutions such as the Australian Catholic University, Deakin, James Cook and Notre Dame having more than one campus). Law was a popular choice of the new universities in the belief that it was a prestigious course with a consistently high level of demand from well-credentialed students who could be taught cheaply. The latter assumption was based on the large lecture model of pedagogy that many pre-existing law schools had rejected in favour of small group teaching.

The exponential increase in the number of law students has emanated not only from the explosion in the number of new schools, but also from the expanded intake in established law schools – both in terms of government-funded and full-fee places. The result is that over 12,000 law students are now graduating per annum, representing a 50 per cent increase over a decade (Staff Reporter,

2015). Given that the total number of lawyers in law firms in Australia is only about 60,000 (Law Council, 2015), it is clearly impossible for all graduates to be absorbed into traditional private practice. Although more than 50 per cent of graduates gravitate to a range of destinations, including business, finance, government, education and the not-for-profit sector, together with an array of positions overseas, there is heightened concern among law students regarding their job prospects. It is apparent that no regard is being paid to the possibility of even larger numbers in a deregulated market, particularly as the CTEC has not been replaced. Some law schools have doubled, tripled, quadrupled and even quintupled their enrolments since Dawkins, an impetus that has escalated since the lifting of the cap on enrolments. It is also notable that the first accredited for-profit law school opened in Sydney in 2016 (TOP Education Institute, 2015).

Competition might be said to lie at the heart of neoliberalism, which officially became government policy as a result of the Competition Reform Act 1995 (Cth). Competition between law schools is expected to make them more profitable and more efficient, which tends to encourage a lowest common denominator approach. Teaching 'more efficiently' may equate with enrolling more students and teaching them in the large lecture mode or on-line in truncated degree courses. Needless to say, this issue of competition is a major source of stress for students, both in law school and in an overcrowded and volatile labour market. In a study conducted at Monash University in 2010, the majority of 1st year students (97 per cent) indicated that they were contemplating working in the law as opposed to a more generalist position (Castan *et al.*, 2010), a statistic that clearly belies the reality.

Corporate legal practice is still regarded as the most prestigious niche within the legal labour market with its high salaries, luxurious premises and perks, such as an on-site barista and free meals when working late, but Big Law has contracted as a result of the neo-liberalisation of the legal profession itself, causing the demand for traditionally trained graduates to shrink. In 2011-12 the majority of Australia's leading national firms amalgamated with super-elite London-based global firms (Thornton, 2014). In accordance with competition policy, their primary aim is geared towards maximising profits by garnering new business in Asia or other parts of the world and by securing efficiencies of scale in their operations, such as off-shoring (sending routine work to cheaper overseas jurisdictions). Rather than recruiting new graduates, it is more profitable for these firms to hire senior lawyers laterally who do not need to be trained

and who come with a ready-made client base. While law graduates are equipped for multiple positions in business, the public and community sectors, as suggested, they nevertheless still generally aspire to be admitted to legal practice, even if it is only in the short term.

As graduate trainees in elite law firms are more likely to come from the elite law schools, it might be argued that high fees and deregulation are one strand of the neoliberal strategy of enhancing class power, a factor that would also seem to be somewhat at odds with the wellbeing movement. Nevertheless, there is a shadowy class factor lurking within the wellbeing studies, as one cannot help but observe that the Australian law schools where most of the empirical studies have been undertaken are Group of Eight (Go8) law schools: Adelaide, ANU, Melbourne, Monash, UNSW and UWA. The schools involved in the Brain and Mind Research Institute study (Kelk, 2009) were no doubt more diverse as that study included students from 13 law schools, although we are not told which ones. Bergin and Pakenham's study (2015) involved three law schools in South-West Queensland but, again, we are not told which ones, and no distinction is made in the analysis between students on the basis of law school attended. Class in Australian discourse invariably operates beneath the surface. Nevertheless, if students at the elite universities are experiencing high levels of stress, how much more severe is the impact of neoliberalism likely to be on students in new and regional universities where resources are often severely stretched and there is no conveyor belt between the law school and the elite law firms.

A user-pays system of higher education in a deregulated market could see a reversion to a system where the wealthiest dominate positions of power in our society. While FEE-HELP is designed to mitigate the unequal distribution of wealth, it is not altogether clear how this would work in a deregulated market. Indeed, the media outcry regarding \$100,000 degrees suggests that deregulation would have a deterrent effect in university enrolment for the less well-off who would be more hesitant than middle-class students in assuming large debts, as the latter are likely to understand it as an investment. The effect of high fees is to pressure students to compete for high-paying corporate jobs with an eye to repaying their FEE-HELP debt as soon as possible rather than pursuing a public interest position that is likely to be less highly remunerated. In this way, law students are subtly encouraged to act in accordance with the neoliberal agenda, and any stress they might suffer is attributed to their own personal inadequacies (Baron, 2013).

## The transformation of the legal academy

Between the 1970s and 1990s when social liberalism was in the ascendancy, legal education in Australia generally became more liberal, more critical and more cognisant of the social context of law (Thornton, 2001). The influential Pearce Report (1987), which was one of the last disciplinary reports to be conducted by CTEC, boosted these trends with its view that Law was replacing Arts as the preferred generalist degree.

The modernisation of the law curriculum that coincided with the Whitlam era in the early 1970s saw a flowering of new perspectives that included poverty, social justice, discrimination, social welfare and the environment, followed by another cluster that included feminism, post-colonialism and sexuality. Social liberalism also heralded a more contextual, theoretical and critical orientation across the curriculum generally. Pedagogical practices moved away from the sage on the stage in large lecture halls, where anonymous students sat passively and imbibed frozen knowledge, in favour of small-group teaching (12 to 25 students) where students were recognised as active learners. The traditional end-of-year 100 per cent exam was also jettisoned in favour of more creative forms of continuous assessment.

The Pearce Report (1987) emerged on the eve of the Dawkins reforms (1988) and, in no time at all, many of its findings and recommendations were overtaken. 'Massification' meant that small group teaching quickly became a luxury and there was a widespread reversion to lectures, which ballooned from one hour to two or three hours in the name of efficiency (Thornton, 2012). If small groups were retained, they met less frequently or were restricted to the first year. Seminars groups became larger – often 60 or 80 rather than 12 or 20 – as universities increased enrolments in an effort to meet budget shortfalls. On-line delivery suited 'massification' even better as it meant that students didn't need classrooms at all.

Instead of interrogation and critique in accordance with the tenets of active learning, the explosion in numbers encouraged a reversion to outdated pedagogical practices, such as memorising and regurgitating information. The reflective essays that fostered independent research and developed the skills of argument and critique took too long to assess. They began to be wound back in favour of

exams and short problems. The subjectivity of students was thereby rendered irrelevant, which led to disaffection and disengagement (Boag *et al.*, 2010). While individual academics resisted as long as they could in holding onto the innovative pedagogies and modes of assessment they had developed, they were eventually compelled to capitulate. This was not only because of the sheer weight of numbers, but because of the increasing pressure to publish.

Productivity and performativity on the part of academics within an audit culture are facets of the neo-liberalisation of higher education that have insidiously impacted on the wellbeing of students. The focus on competition between institutions, as manifested in league tables and other calculable criteria – what Burrows (2012) refers to as governance by metrics – has caused teaching to play second fiddle to research, especially as

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full-time academics have been encouraged to buy out teaching in favour of casuals in order to maximise the time spent on research, which their institutions value more highly. I am not suggesting that casual teachers are inferior to full-time teachers, but there are inevitable frustrations for students in

terms of availability and access.

A retreat from a broader contextual approach towards the curriculum that had allowed regard to be paid to theory, context and critique also began to occur and tended to be replaced by a narrow doctrinalism. This conformed with the more applied approach that suited the demands of employers in the new knowledge economy. Critical subjects such as jurisprudence and feminist legal theory began to disappear from the curricula in favour of a commercially-oriented constellation of subjects favoured by neoliberalism that facilitated business, entrepreneurialism and profit-making (Collier 2013, 2014; Thornton, 2012; Allen & Baron, 2004).

Is it any wonder that students become depressed and frustrated when they find themselves the passive recipients of pre-digested information that they are expected to absorb and regurgitate? They are talented people who regret the marginalisation, if not the demise altogether, of critical thinking (Boag *et al.*, 2010), although a technocratic approach may well suit those anxious to gravitate to the corporate track as soon as possible. It is somewhat ironic that students in the wellbeing studies are now commonly suggesting that small group teaching and

increased availability of teaching staff are measures likely to improve social connection and wellbeing (Larcombe *et al.*, 2013), when such practices were so recently the norm.

I suggest that the rapid transformation of the legal academy following the Dawkins reforms helps to explain the high incidence of distress found among law students. While the pessimism and adversarialism associated with 'thinking like a lawyer' are certainly not new, law student stress has been boosted by high fees, massification and increased competition. These factors impact not just on students' law school experience but also on their labour market prospects.

## Conclusion

The simultaneous emergence of neoliberalism and the wellbeing movement cannot be a coincidence, although I agree with Richard Collier (2014) that a clear-cut correlation between the two cannot be made. Not only is there the elusive character of neoliberalism and the way that it has been able to insert itself insidiously into the social psyche, but wellbeing itself defies precise definition and measurement. Neoliberal subjects are expected to take responsibility for the course of their lives, despite a prevailing climate of insecurity and powerlessness (Baron, 2013; Davies, 2011). Thus, although law students may pursue their studies assiduously, they are constantly beset with stress about the future. Hilary Sommerlad (2015) has described the young London graduates unable to obtain positions as trainee lawyers as a 'professional precariat', a term that could equally apply to many Australian law graduates. The exponential increase in the number of law schools and law graduates in both the UK and Australia is a product of the neo-liberalisation of higher education, but the wellbeing discourse deflects attention away from the prevailing political economy as the underlying cause of stress. This leads students to believe that they need to resort to counselling or some other form of therapy to effect a resolution.

It is apparent that law students are depressed at the prospect of not obtaining law-related employment on graduation and that improved teaching and learning strategies alone are not the solution. Stress would undoubtedly be exacerbated if the deregulation of fees were to go ahead. In the US, about half of all law schools are private and deregulated, a context in which students from lower-ranked schools may find that they have been seduced into enrolling and paying hefty tuition fees, but then find that they are unable to service their loans because they cannot secure a sufficiently high-paying

job in corporate law (Tamanaha, 2012). In Australia, some firms are taking advantage of the mismatch between the numbers of students studying law and the graduate positions available for those keen to practise by engaging graduate interns as a source of free labour or even expecting students themselves to pay the firm for a position (Harris & Evers, 2015).

Law students are aggrieved that the high fees they pay are not connected to a superior education but to their anticipated earning capacity as graduates (Boag *et al.*, 2010). Many are commonly working several days per week or even full-time while enrolled in a full-time law course, a factor that further accentuates their distress. Elite law schools that mandate attendance make almost no accommodation for students who have to work or have family commitments (Larcombe & Fethers, 2013). Larcombe and Fethers found that students are expected to commit full-time to their legal education, to be on campus four days per week, to attend all classes, including lunchtime lectures and to commit to a workload that many found excessive.

While I support initiatives to boost the wellbeing of law students through positive psychology as well as teaching and learning innovations, law schools must confront the impact of neo-liberalisation and not simply slough it off as a 'political problem'. Merely endorsing the wellbeing rhetoric cannot address the fact that the first year intake in some law schools has risen to as many as 1,000 students where no form of pedagogy other than the large lecture format is feasible without a massive injection of resources.

While many dedicated teachers are doing their best in difficult circumstances - a fact attested to by the wellbeing literature - attention should be paid to the policies of neo-liberalisation to address the cynicism and despair of students. Pressure needs to be brought to bear on VCs to address the problems at the level of government policy. Rather than acquiesce and argue for deregulation in the hope of enrolling ever more students to boost their income and subsidise research in the techno-sciences, a principled stance is needed. Law schools are undoubtedly complicit in the deception of prospective law students through their on-line advertising where the assumption is that students will become lawyers on graduation - provided that they enrol in that law school (Thornton & Shannon, 2014).

Neo-liberalisation sloughs off responsibility for stress, leaving such problems to be borne by the individual or resolved through the market. As the demand for law places continues to be high, aided by the removal of caps and the quasi-deregulation of fees, the economic value of law

students takes priority at the university level and issues of student wellbeing are consigned to the periphery. Allen and Baron (2004) warned more than a decade ago that the wellbeing problem for law students was bound to worsen as numbers of law graduates were likely to double over the ensuing decade and full fees were about to make their first appearance. Allen and Baron's prediction was prescient as the number of law graduates increased from 6,149 in 2001 to 12,742 in 2012 (Nelson 2015), but their warning has not been heeded.

As students often enter law school with high expectations of becoming lawyers when they graduate, it would be more honest for law schools to explain the labour market position to commencing students and encourage them to think about careers other than traditional metrocentric legal practice. The possibility of alternative forms of employment could also satisfy the longing of the many new law students who want to make a worthwhile contribution to social justice in the community. First, there is a shortage of lawyers in regional, rural and remote areas; secondly, most ordinary citizens cannot afford access to legal services, a problem that cries out for innovative responses and, thirdly, there is always a need for creative thinkers in government, the community sector, education, journalism and the private sector. If law schools were to turn their minds to diversifying their curricula accordingly, not just their pedagogy, rather than devoting their energies to the reproduction of competent technocrats more suited to a past age, the wellbeing of law graduates would be bound to improve dramatically.

## Acknowledgements

An earlier version of this article was presented at the National Wellness for Law Forum, The Australian National University, 5-6 February 2015. I thank my colleague, Stephen Tang, for inviting me to speak.

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