

# I will survive: strategies for improving lawyers' workplace satisfaction<sup>1</sup>

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## Abstract

Does anyone actually know whether we produce better lawyers now than in the past? So asked Professor Hugh Brayne, concerning legal education in England and Wales in 1996 (Brayne, 1996). He observed that we certainly give students more legal education, but could not answer the question because there was no consensus on what makes good *lawyering*, nor on how it could be measured. There is one measure that should be included in a definition of good lawyering: the well-being of lawyers. If lawyers suffer clinical depression significantly more than the general population, many would think that law schools should reconsider their curriculum. Some law schools might reply their brief is to teach law, not lawyering.

This paper discusses proposed research on the well-being of Australian lawyers in the workplace. It examines what we know about workplace satisfaction for lawyers in Australia, compared with the worrying findings about the legal profession in the United States. The paper examines the likely causes of dissatisfaction including how universities traditionally teach law and what students are not told about legal practice. We discuss the need to investigate the well-being and satisfaction levels among newly-admitted lawyers, and to consider ways to teach law that could help lawyers not only make wise career choices but develop strategies to cope better with stressors in their workplace. Clinical legal education could help students develop professionally as well as personally in order to improve their chances of having a happy and productive life at work.

**Keywords:** legal education, clinical legal education, lawyer well-being, lawyer's work satisfaction, emotional intelligence

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## **The Problem in America**

Practising law is dangerous for your health. Many studies over the past two decades show lawyers in the United States suffer poor physical health and significant levels of mental illnesses, especially depression, alcoholism and drug abuse, as well as high rates of divorce and suicidal ideation. Depression alone may be considered by some employees to be an occupational hazard of a stressful job, but it should be a concern for clients and employers as well, because it has a significantly detrimental effect on performance (Martin, 2001). Martin found that the likelihood of decreased performance was seven times higher for depressed employees. The problem in the legal profession was clearly identified in the 1980s and the blame sheeted to law schools (Benjamin, Kazniak, Sales, & Shanfield, 1986). By the 1990s the situation had deteriorated and became a concern for the American Bar Association (Benjamin, Darling & Sales, 1990).

In 1998 Professor Susan Daicoff argued there was a “tripartite crisis” in the legal profession, consisting of a decline in professionalism, a decline in the public opinion of lawyers and a decline in the wellness and satisfaction levels of practising lawyers (Daicoff, 1998). Subsequently, in 2005, Seligman, Verkuil & Kang published the results of a study that confirmed growing unhappiness among lawyers, particularly young lawyers. They consulted legal academics and practitioners including managing partners in large firms and the American Bar Foundation, and they found that the dissatisfaction stems from three causes. First, employers select lawyers for their pessimism (or “prudence”) which is encouraged and is general to the rest of their lives. The second reason is that young lawyers typically hold jobs that involve high pressure and low decision-making capacity, which promote poor health and low morale. Third, adversarial legal systems are largely a zero-sum game, where lawyers must use aggression to compete successfully and one party’s win is another’s loss. Leading American lawyer Sol M Linowitz (1994, pp. 107-108) concluded the single-minded drive to win in the adversarial system makes “young lawyers not only less useful citizens ... but also less good as lawyers, less sympathetic to other people’s troubles, and less valuable to their clients”.

Subsequent research has proposed ways out of the paradox, but it remains to be seen the extent that the worst perpetrators in America, the large firms, are willing to reform certain practices that impact on their legal staff in such negative ways. Until they do, the findings serve as warnings to individual lawyers, who should take seriously the risks of working for employers who, for example, impose inflexible working conditions. Typically, firms practice law as a business, not a service, and some would make no apologies for putting profit ahead of the well-being of their staff.

## **The Problem in Australia**

In Australia and New Zealand practicing lawyers face less risk, but the situation is deteriorating (Prodan, 2003). There are some early signs of the awful “tripartite crisis” in Australia. In 2001 the president of the Law Council of Australia addressed the 32nd Australian Legal Convention with a paper that began like this:

There has been an unprecedented number of attacks this year on the legal profession characterising it variously as greedy and self-serving, as tax avoiders and abusers of the system for personal gain. In formulating these attacks, commentators have attacked all lawyers, without differentiation (Trimmer, 2001).

Unless the causes of the problems which have led to a decline in the legal profession in America can be restricted to that country, a similar crisis is likely to occur here. Stressors on the profession come from changes through growth, deregulation, globalisation, competition and technology. Often in big firms these tensions filter down to low and mid-level practitioners who have little say in the nature or amount of work they do, while needing to meet unreasonable billing targets and keep clients satisfied. And it is not only in big firms where lawyers suffer from unreasonable levels of stress.

There is a growing body of Australian data that suggests a gradual decline in the well-being of practicing lawyers. While not on the American scale it should be a concern for the profession and for law schools.

By the early 1990s the Victorian *Law Institute Journal* (1990) began an occasional series intended to encourage lawyers to look after themselves, such as the situation of lawyer "Tom" who had turned to alcohol because of work-related stress. The rate of alcoholism is a crude measure of stress but a valuable indicator that something is wrong. According to High Court of Australia Justice Michael Kirby (1995), stress among lawyers in New Zealand caused them to be placed in the "high risk" category for alcoholism.

Another signal of problems is the high rate of lawyers leaving the profession. It has been reasonable to blame inflexible working conditions that made it difficult for people with parenting responsibilities, who were and remain typically women. In 1989 one of the first empirical surveys on the satisfaction of Australian lawyers considered the reasons given by solicitors leaving the profession in Victoria (Law Institute of Victoria, 1990). The survey caused some concerns because it showed that 6% of male practitioners and 12% of women practitioners did not renew their practising certificates. The main reason given by men was "Lack of Satisfaction" (shared with "Personal/Lifestyle"). Women gave "Personal/Lifestyle" as the biggest reason, followed by "Family Commitments" then "Lack of Satisfaction".

Another Victorian study in 1999 showed up to 30% of private practitioners were considering leaving their jobs (Victorian Women Lawyers Association, 1999). By 2000 44% of lawyers in Sydney and Melbourne were considering leaving their present firm (Schmidt, 2000). In 2001 the Young Lawyers' Section of the Law Institute of Victoria (2001) published some "horror stories" from complaints by young lawyers over a number of years about the employment conditions in some Victorian law firms.

In Queensland in 2000 an experienced legal recruiter warned that the majority of lawyers in that state were unhappy at work and were looking for change (Lawyers' Weekly, 2000). Researchers surveying law graduates nationally in 1995 found that the most frequently used skills were oral and written communication (Vignaendra, 1998). These skills are not generally taught in law schools, except for

some with good clinical legal education programs, and in 2000 another government survey of employers found that communication skills were still among the biggest deficiencies of graduates (AC Nielsen Research, 2000). The discourse continued to reflect a belief that there were two issues of concern, theory and practise. The perceived problem was that universities taught theory, but despite some minimal and mandatory practical legal training lawyers were largely expected to find out for themselves *how* to practise law.

A study in Western Australia in 1999 identified the causes of dissatisfaction of legal practitioners, and found them to be largely related to communication failures within the firm (Law Society of Western Australia & Women Lawyers of Western Australia, 1999). The study found that solicitors had inadequate control over factors which impacted on their work, there was unfair allocation of “interesting work”, expectations were not communicated, there was no clear vision and direction from firm partners, and salary was inadequate compared to the level of responsibility.

Whether in professions or trades, we often consider the level of pay to reflect the level of difficulty and the importance of the work involved. The fact that some solicitors feel their pay does not reflect the responsibility expected of them could not only make them feel unappreciated but itself be a cause of anxiety and impact on self-worth. Some might feel their low pay level signals that others consider their jobs to be not very demanding, and because they find their work difficult it impacts on their self-esteem and causes a sense of hopelessness. While money is important, some research indicates raising pay levels alone is not sufficient to make a significant difference in job satisfaction for lawyers. The Western Australia research states “While very low salaries may detract from job satisfaction, research is quite clear that pay is not a significant factor for remaining with an employer.”(Law Society of Western Australia et. al., 1999).

In New South Wales as early as 1991 the Law Society of NSW was sufficiently concerned about stress levels in the profession it established LawCare, a counselling service for practitioners and their families. By 1998 a study found that solicitors were working “excessively long hours”, even more than in other professions, and that it impacted on their family and personal lives (Law Society of New South Wales, 1999). In 2001 however subsequent reports by LawCover and the Professional Standards Department of the Law Society of NSW found that unacceptable numbers of solicitors faced personal difficulties such as depression, alcohol dependency, gambling, stress and even serious illness (Aaron, 2001).

These difficulties impact not only on the quality of life among lawyers but on the quality of their work. Complaints about legal practitioners, including failure to respond to clients’ enquiries and excessive delays in handling matters led to the creation of a new service for lawyers called the Lawyers Assistance Program Inc ([www.lap.com.au](http://www.lap.com.au)). Subsequent studies commissioned by the Law Society of New South Wales from 2001 to 2004 show between 13 and 18% of responding solicitors were either dissatisfied or very dissatisfied with their jobs (Mercer Human Resource Consulting, 2001, 2002, 2003 & 2004). In 2004, 52% of NSW respondents indicated that stress at work had increased over the previous 12 months and about a third reported experiencing discrimination, harassment, intimidation or bullying.

Law schools can never teach all the law, and are easy targets for accusations that they teach “the wrong

thing". In Australia both the 1987 Pearce Report (Pearce, Campbell & Harding, 1987) and the 1994 McInnis and Marginson Report (McInnis & Marginson, 1994) provided critiques of the slowness of law schools to introduce legal skills into the curriculum. Similarly, the Australian Law Reform Commission in 2000 called for legal education to focus on what lawyers need to do rather than traditional notions of what they need to know (Australian Law Reform Commission, 2000). In 2001 the Law Council of Australia blamed the Commonwealth Government for starving law schools from the late 1980s by placing them in the lowest funding category at a time when studying law was becoming very popular (Law Council of Australia, 2001). While practical legal training had commenced in large firms and some law schools by 2001, the Law Council complained there was no coordination or monitoring of standards.

In the late 1970s many lawyers suffered not only from high work loads but from inexperience and the frustration of knowing the theoretical answer to a client's problem but having no idea of the procedures necessary to solve it. Since then the *Lawyer's Practice Manual* has helped steer many lawyers in the right direction when they have a particular type of matter for the first time. The *Lawyer's Practice Manual* is an updated looseleaf service available for most Australian States through Thomson Law Book Co. However knowing the law and knowing about legal process is not enough. As Neil Rees indicated in 1980, many lawyers suffer burn-out because they frequently work with people experiencing distressing problems and are often the harbingers of bad news in their advice; they have to communicate with people at a deep level but get no training in interpersonal skills; and some are very sympathetic with their clients but tend to overcommit and take every loss personally (Rees, 1980).

Recognition of these problems helped the growth of clinical legal education, which has made inroads in Australia since the 1980s. The first clinical legal education began through Monash University in 1975 and the second through the University of New South Wales in 1981. There are several unpublished reports on the early development of legal clinics in Australia (Rice, 1996). Many clinical programs provide students with experiences that help them develop their interpersonal skills. However the combined impact of clinical legal education so far on the Australian legal profession may not be enough to stave off a crisis.

Most academics and practitioners would agree that practical legal training helps individuals entering the profession as well as benefitting their employers and the community they serve. However, the debate has been dominated for too long by a dualist argument that perpetuates a continuum between doctrinal legal education and practical legal training. Neither of these two, nor even combining them, is likely to make much difference to the satisfaction and long-term survival rates of practitioners until law schools recognise the value of personal development as part of legal education. Practical legal education must not be confused with clinical legal education (Rice, 1996). Law schools may need to accept their task is to not only teach law and lawyering, but to do it in a way that facilitates personal development.

## **The Problem with Law School**

*The desire to prevail is natural: the need to prevail is destructive* (Kreiger, 1998).

Researchers have identified many causes of depression among lawyers, however knowing the causes has not led to any significant changes in the profession or in the incidence of the illness. Early American data showed that four out of ten students who entered law schools up to 1967 failed to graduate (Miller, 1967). In 1980 the American Bar Association awarded a prize to a student editorial that abhorred the “unwarranted stress” placed upon law students at the University of Arizona and the lack of concern for them by faculty (Heins, Fahey & Henderson, 1983). The university subsequently surveyed law students and medical students at the beginning of their second year, and found that law students suffered significantly more “Academic Stress” and “Fear-of-Failing Stress” than medical students (Heins et. al., 1983). Concurring with these findings was a personal account published by a graduate professor, who endured the process but found law school was marred by an atmosphere of fear, intimidation and psychological manipulation of law students’ sense of self (Halpern, 1992).

In 1985 a group of American researchers criticised previous studies on law students’ stress levels because: “no study examined the longitudinal psychopathological conditions students acquire before, during, and after completing law school” (Benjamin et al, 1986). They then administered a battery of five tests to 320 students and alumni from the University of Arizona Law School over the period from 1981 to 1984. The tests were designed to check for the following symptoms: obsessive-compulsive behaviour, interpersonal sensitivity, depression, anxiety, hostility, phobic anxiety, paranoid ideation, and psychoticism (social alienation and isolation). The results could be called alarming. Prospective law students showed “normal” symptom levels, although these increased significantly during law school, and continued for 20-40% of students at least for two years post graduation (Benjamin et al, 1986). While 3-9% of the general population suffer clinical depression, 17-40% of law students were clinically depressed, and 20-40% suffered from other symptoms as well.

One study considered another arm of the tripartite crisis in the legal profession as identified by Daicoff (1998). In 1991 Janoff published her research on the influence of legal education on the moral reasoning of lawyers (Janoff, 1991). She found that the first year of law school had an insignificant effect on men’s moral reasoning but a substantial effect on women’s moral reasoning. The explanation she argued was that most women enter law school oriented towards interpersonal relationships rather than to a hierarchy of abstract principles. Legal education is more aligned to how men think and so had less impact on their moral reasoning than it did on women.

Implicit in Janoff’s conclusion is a suggestion that law schools, and ultimately the legal system itself, might benefit from ceasing its suppression of the “voice of care” or what Carol Gilligan (1982) called the traditionally feminine values of connectedness, care, and circumstance. That kind of change will remain difficult while law schools inculcate the priority of winning in the adversarial system of law. A contrary force is the rising significance of “alternative” forms of dispute resolution, such as mediation, partly driven by the shortage of legal aid funds and partly by the success of “alternative” programs such as therapeutic jurisprudence and preventative law, which call for changing the adversarial mind-set.

In 1998 clinical professor Lawrence Krieger argued the dehumanising aspects of legal practice and legal education cause the most distress for lawyers and law students (Krieger, 1998). He and others have

been particularly critical of the narrow focus of legal education, such as getting students to think “like a lawyer”:

Thinking “like a lawyer” is fundamentally negative; it is critical, pessimistic, and depersonalising. It is a damaging paradigm in law schools because it is usually conveyed, and understood, as a new and superior way of thinking, rather than an important but *strictly limited legal tool* (Kreiger, 2002 p.117). *{emphasis added}*

Research in 1999 suggested that law schools contribute to the malaise in the American legal profession as law students exhibited higher levels of depression than the general population (Dammeyer & Nunez, 1999). Those findings were confirmed by Krieger (2002) when he and K. M. Sheldon, psychologist, found that law students who at orientation exhibited normal mental health patterns, by second year displayed significant anxiety, depression and reduced motivation.

Legal education seems to reproduce and reinforce a culture that prioritises “external” measures of success, such as grades, credentials, appearances, money, win-ratios and prestige. Legal practitioners are known for making choices that correlate strongly with needing external rewards and recognition, but which also produce high levels of stress (Kronman, 1993).

Doctrinal law schools emphasise “legal analysis” and teach that the law exists as a discoverable truth. There is no place for the uncertainty of real life when the focus is on finding the correct answer from analysing complex legislation and precedent appeal cases. Most students are taught as if law is already justice, instead of an attempt to achieve it; as if there is a correct and identifiable answer in every case. Law schools often teach in the paradigm of a perfect world where legal services are affordable by those in need and legal aid covers the rest; politicians comply with international treaties; laws are comprehensive and comprehensible; judges reason consistently and follow precedents; juries make logical decisions; police are responsible; courts are efficient; lawyers are ethical; witnesses tell the truth; and the client’s instructions are complete.

Legal process is dominated by correct form-filling and assumes the priority of winning in the adversarial system of law. Students learn little about the uncontrollable variables in every case and the role of chance that make most legal outcomes unpredictable. The messiness of real life impacts significantly on legal practice but is ignored by academia.

It is legal clinics, but not practical legal education programs, that can provide students with a taste of this chaos of life and expose them to the erratic and nuanced complexity of lawyering. Just a taste may be all they need, provided they are supported by confident and compassionate legal supervisors. Students need to learn not to panic when they don’t know the answer to a client’s legal problem. They need to develop their own way of understanding the law and procedures in the context of the myriad exceptions and contradictions that come with their clients’ experiences.

Similarly, while law schools acknowledge the importance of professionalism, they often teach it as an academic subject called “legal ethics”, consisting of rules and principles to be memorised. In clinics, students can be supported to develop “internal” criteria of professionalism such as personal values, conscience, feelings and character. Students whose academic experience provides them with no clinical

exposure to develop their emotional competencies will find it harder to adjust to the surprises that await them in legal practice.

## **What Can Law Schools Do?**

In 1983 researchers at the University of Mississippi decided it was unrealistic to entirely reduce the causes of stress in law school or in legal practice so it was important to provide law students with knowledge and skills on how to cope with the usual causes of chronic stress and maladaptive stress patterns (St. Lawrence, McGrath, Oakley & Sult, 1983). They subjected a group of first and second year law students to a stress-management program and compared their subsequent stress levels to those of a control group. Comparison of results with the control group showed that stress management training was very successful in reducing the law students' stress levels and increased their use of adaptive stress management strategies. The report recommended the program as "highly effective". No-one seemed to notice this helpful contribution although some educationalists continued to "stress" about the stress that law schools cause their students.

It is likely that law schools with established legal clinics are in a better position to incorporate programs to inform students about the nature and danger of stress, as well as help them to develop stress management strategies in the future. Clinics can provide an environment that encourages two-way communication between students and supervisors which can help identify the student's personal needs and begin the process of deciding how to address them. One method would be simply to incorporate a program of stress reduction and management strategies. As found by the Mississippi program in 1983, it is likely to have beneficial effects immediately on many students and provide them with strategies for coping with stress in the future. Clinical supervisors are in a good position to identify students at serious risk in which case it would be appropriate to talk with them personally about a referral for professional help.

Clinics could guide students towards understanding legal professionalism, not as a list of rules to follow, but as an attitude of careful practice. Supervised legal experiences can help students work out where their strengths and weaknesses are and help them develop emotional competencies and become more integrated to cope with stressors. Ideal clinical programs include role-plays of interviews and negotiations in preparation for supervised work with real clients. They are supported by routines and activities that encourage reflection by small group discussion, mentoring and keeping journals. There is a significant amount of theoretical validation for the kinds of personal development that can be facilitated by clinical legal education programs.

Abraham Maslow theorised a hierarchy of human needs which is often presented as a pyramid (Maslow, 1943 and Maslow, 1970). At the base are the physiological needs to enable survival, followed by the needs for safety and security, love and belonging, self-esteem and finally at the apex is the need for what he called "self-actualisation". Maslow claimed the lower levels were "deficiency needs" which people only feel when they are lacking. When each need is satisfied people feel nothing, except the next need above it in the hierarchy. In this theory, only when people reach the fully integrated level of self-

actualisation have they achieved “psychological maturity”.

In terms of legal practice, self-actualisation is not likely to be a product of winning cases, achieving a high billing target, getting a promotion or even becoming a judge. These are external criteria that reflect a range of needs in the lower levels of Maslow’s hierarchy. Self-actualisation, like legal professionalism, is not so much a goal but something you do, or how you live your life, if you are not distracted by unsatisfied lower needs. The main determinant for professionalism is a balanced life, based on satisfaction of internal criteria. The best legal practice managers would not impose unreasonable billing targets because they would understand that satisfied lawyers tend to be more professional and professional lawyers tend to be more satisfied.

Fredrick Herzberg developed a theory of professionalism that accords with Maslow’s hierarchy and its application to legal practice (Herzberg, Mausner, & Snyderman, 1959). Based on researching large numbers of employees, Herzberg concluded there were two dimensions of job satisfaction: motivation and hygiene. Hygiene refers to the overall work environment, including salary, conditions, policies and type of supervision. He considered these matters to be basic and sources of dissatisfaction if they were not adequate, similar to the lower levels on Maslow’s hierarchy of human needs. What really motivated people and gave them the intrinsic satisfaction and the opportunities to develop was being trusted with responsibility for challenging tasks.

Successful lawyers in either Maslow and Herzberg’s theories would require significant self-awareness, especially familiarity with one’s inner-world of feelings and emotions, as well as the ability to identify or “read” the feelings of others. Since the 1990s emotional intelligence has encroached into the regime dominated for a century by the intelligence quotient (IQ) and personality theories (Salovey and J D Mayer, 1990; Goleman, 1995; Bayne, 1995 & McGuiness, Izard & McCrossin (eds), 1992). Many law firms still rely on modernist theories of IQ and personality types by testing prospective employees, however research suggests that IQ is a poor indicator of legal performance (Bligh, 1977; Brayne, 1996). It seems that a high IQ helps lawyers get jobs, while a high emotional intelligence (EQ) can help them endure and achieve.

The concept of emotional intelligence has improved our understanding of the nuanced aspects of human experience and competencies. Salovey and Mayer’s 1997 model consists of four parts: the perception of emotion in oneself and others, the emotional facilitation of thinking, understanding and employing emotional knowledge and the reflective regulation of one’s emotions to help personal growth (Mayer & Salovey, 1997). The 1997 Mayer and Salovey model has been recognised as a standard by “scholars working in the field of emotions” according to Australian management academics Peter Jordan, Neal Ashkanasy and Charmine Hartel (Jordan, Ashkanasy & Hartel, 2003). One of the most recent constructs is by Adele Lynn, who proposed a similar model using five components: self-awareness (and self-control), empathy, social expertness, personal influence and mastery of purpose and vision (Lynn, 2005).

## **What the University of Newcastle Legal Centre Does**

The University of Newcastle Legal Centre (UNLC) provides clinical legal education for law students who undertake the *Professional Program* or the *Public Interest Advocacy* elective. Students can elect to enter the Professional Program (known as Option B) once they have completed a degree in another discipline and the Core Program in the Bachelor of Laws. The Professional Program leads to the award of a Diploma of Legal Practice in addition to a Bachelor of Laws. The clinical courses are integrated with the mainstream School of Law courses and provide students with opportunities to practice law in real client situations with experienced supervision. About half the graduates of the School of Law elect the Professional Program (Option B) and the remainder do only the Bachelor of Laws (known as Option A). Both are completed over the final two years of law studies.

The students who complete the Professional Program are eligible for admission to practise upon graduation and have no need for further formal training. During their clinical sessions students have the opportunity of various placements at UNLC where they conduct initial interviews with clients, research, investigations, case-planning and draft correspondence and documents in general legal advice, ongoing open-file matters as well as major public interest cases. Students may also get experience of supervised legal practice at the Many Rivers Aboriginal Legal Service, the Legal Aid Commission of NSW, a private legal firm or a public law office.

### **Learning Survival: Future Research**

The authors are piloting a research project to investigate the effects of law school experiences on the workplace satisfaction of graduates of the Newcastle School of Law. The project aims to correlate findings of workplace satisfaction of practising lawyers with experience (or “non-experience”) in clinical legal education and preliminary measures of emotional intelligence. It aims to identify the major causes of dissatisfaction among graduate lawyers.

Analysis will shed light on the effects of clinical legal education practises at UNLC, by comparing post-admission experiences of Professional Program and degree program only graduates. The project may also provide an indication of the effectiveness of clinical legal education in helping students to develop emotional capacities that would assist them as practising solicitors. Analysis of the feedback from graduates will allow us to identify the major risks for newly-admitted practitioners and decide whether clinical practices can be oriented or developed to help students anticipate and cope better with those experiences.

The research will also allow us to reflect why we do what we do. Specifically, should we teach law to meet the needs of the legal profession, or the needs of graduates working in the profession? Or is it safe to assume it is the same thing? Should we teach law to meet academically predetermined graduate outcomes or to meet our view of the legal needs of the community, business and government sectors?

### **Conclusion**

The diversification of legal practice makes lawyers' stress levels harder to address because of the many influencing factors. Lawyers in large firms may spend their working lives "law shaping" on behalf of their affluent, usually corporate clients, through high-level strategic lobbying, issues planning and policy development. In medium and small firms lawyers compete against each other for promotion, against non-lawyers offering similar services (eg. conveyancers, tax agents, mediators, immigration agents), and against virtual services and information on the internet (Australian Law Reform Commission, 2000; Weisbrot, 2001).

Patrick Schiltz (1999) strongly recommends we should advise students to avoid joining large firms if possible, or at least be selective on what firms to work for. However in Australia there is not enough research data yet to condemn large firms or to recommend smaller firms generally to students. In any case, the demands of the employment market and the prestige value of some firms may override caution in many students amidst the momentum of ambition, the expectations of others and the euphoria of graduation.

Our proposed research may enable an assessment of the risk factors for practicing lawyers in Australia. We hope to develop evidence-based options for clinical programs to assist law students to develop personal skills, increase their emotional capacities and adopt positive attitudes that will improve their chances of survival in legal practice without diminishing their overall well-being.

Until we know if an American style crisis is developing in the Australasian legal professions we can do a lot to improve the satisfaction levels of lawyers, avoid a decline in professionalism and improve the public opinion of lawyers. Taking seriously theories like emotional intelligence and allowing them to inform our clinical teaching practices would be a good first step to help identify the risk factors. We would then be better able to familiarise students with the risks of legal practice and to help them focus on the opportunities for personal development that good clinical programs can provide.

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