

# LAW STUDENTS' MOTIVATIONS, EXPECTATIONS AND LEVELS OF PSYCHOLOGICAL DISTRESS: EVIDENCE OF CONNECTIONS

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## I INTRODUCTION

It is now well established that Australian law students, like their North American counterparts, experience high rates of psychological distress. While US studies identified the impact of law school on student wellbeing as a serious concern more than 25 years ago,<sup>1</sup> it was thought for some time that 'the Australian situation is quite different'.<sup>2</sup> The research initiated by the Tristan Jepson Memorial Foundation and undertaken by the Brain and Mind Research Institute (BMRI) has conclusively dispelled that vain hope. More than 740 final year law students from 13 Australian universities participated in the BMRI study of mental health literacy, experiences and behaviours.<sup>3</sup> The Kessler Psychological Distress Scale (K10) was used to assess participants' risks of experiencing depression. Results showed that 35.4 per cent of law students reported high or very high levels of distress, compared with only 17.8 per cent of final-year medical students and 13.3 per cent of a general population sample aged 18–34. Odds ratios found that Australian law students were 2.4 times more likely than medical students and 3.5 times as likely as members of the general population to record results in the high or very high distress range.<sup>4</sup> While US studies have used different assessment instruments, preventing direct comparisons, the BMRI study confirmed that Australian law students are experiencing disproportionately high levels of psychological distress, like their US counterparts.

Australian law schools are now on notice that they have a serious problem to redress. They must be able to respond appropriately to students experiencing high levels of psychological distress, and also act to prevent the decline in commencing law students' mental health. US research has established that law students enter law school with levels of depression no different from, or even lower than, the general population, and that the negative impact on students' wellbeing occurs during the first year of law school.<sup>5</sup> A subsequent study at the Australian National University (ANU) has confirmed that this finding applies to Australian students.<sup>6</sup> Using the short version of the Depression Anxiety and Stress Scales (DASS-21), for which strong normative data is available, the ANU study found that commencing students began law school with levels of stress and depression similar to or lower than that of other 18–24 year olds, yet they ended the first

year of law with levels significantly higher. Indeed, the proportion of ANU students experiencing moderate to extremely severe levels of depression doubled in the first year of law school.<sup>7</sup>

Redressing and preventing this decline in law students' mental health, especially in the first year of law school, is contingent on an improved understanding of the causes and triggers of law student psychological distress. The ANU study suggests that one contributing factor is the change in thinking styles that learning to 'think like a lawyer' entails.<sup>8</sup> It established that first year law students exhibited a greater propensity for rational thinking and a lower propensity for experiential thinking at the end of the year than they had at the beginning. Moreover, the decline in experiential thinking (rather than the increase in rational thinking) was associated with increases in depressive symptoms as measured by the DASS-21.<sup>9</sup> This finding indicates that increasing the opportunities for, and valuing more highly, experiential thinking in the first year law curriculum may be an effective strategy to prevent the noted decline in law students' psychological health.

However, further research is needed to understand the mechanism by which changes in thinking styles impact on law students' psychological health: there may be a direct impact from underutilising experiential thinking or, as others have suggested, changes in thinking styles may impact psychological health because training students to 'think like a lawyer' in effect 'train[s] students to ignore their own values and moral sense'.<sup>10</sup> In other words, the impact on psychological health of changes in thinking styles may be moderated by associated changes in students' values and motivations.

The connection between wellbeing and law students' motivations and values was explored in a landmark study by Kennon Sheldon and Lawrence Krieger.<sup>11</sup> Their longitudinal research with law students at two different schools found that declining levels of law-student wellbeing were associated with declining levels of intrinsic motivation (that is, engaging in an activity because it is interesting or enjoyable) and intrinsic values (such as community service goals) over the first year of law school. These declines were accompanied by corresponding increases in external motivation (engaging in an activity to obtain an external reward or avoid a penalty) and extrinsic values (such as according importance to being seen as socially popular and having an appealing appearance).<sup>12</sup> These findings support the hypothesis that increases in law student psychological distress across the first year are associated with the undermining of students' intrinsic motivations and goals/values.<sup>13</sup> Sheldon and Krieger found, moreover, that the undermining of intrinsic motivations and values was consistent across demographic sub-groups of law students,<sup>14</sup> as was the decline in psychological wellbeing.<sup>15</sup>

Why do motivations and values<sup>16</sup> — people's reasons for engaging in activities — affect wellbeing? According to Self-Determination Theory ('SDT'), external motivations and values tend to reduce or impair people's experiences of autonomy, competence and relatedness to others. Experiences of autonomy, competence and relatedness are known to be basic psychological needs, essential for positive wellbeing.<sup>17</sup> Internal/Intrinsic motivations and values, on the other hand, tend to facilitate experiences of autonomy, competence and relatedness to others; they are consistently associated with higher levels

of subjective wellbeing.<sup>18</sup> Sheldon and Krieger's research was designed to test SDT's capacity to explain high levels of psychological distress among law students and their findings confirm the soundness of the underlying theory: that 'psychological-need deprivation appears to be a principal source of human distress'.<sup>19</sup> Krieger later postulated that experiences of autonomy, competence and relatedness, and the intrinsic motivations and goals that support them, are undermined in law schools by the highly controlling environment coupled with the emphasis on a narrow, competitive and win-lose paradigm of 'success'.<sup>20</sup>

Research in Australia by Massimiliano Tani and Prue Vines provides additional insight into the connection between levels of wellbeing and law students' goals and motivations.<sup>21</sup> Where Sheldon and Krieger's research investigated changes in law students' values and motivations across the first year, Tani and Vines compared law students' reasons for their choice of course with those of students in other faculties. Significant differences were identified: most notably, law students' decision to pursue a university degree was influenced by parents more often than for any other degree type. In addition, law students' expectations and experiences of tertiary education were distinctive in certain respects: law students were 'disproportionately concerned about their grades, less interested in teamwork, and had different ideas about employers' preferences for graduates when compared with students from other disciplines.'<sup>22</sup> Tani and Vines posited that these differences may point to factors contributing to the disproportionately high rates of psychological distress experienced by law students, particularly as the distinctive expectations and motives of law students may be interpreted as undermining students' sense of autonomy, competence and relatedness. However, Tani and Vines had no data on student wellbeing to test their hypothesis.

The present study contributes to our understanding of the relation between law students' motivations and their expectations about law school on the one hand, and their low levels of psychological wellbeing on the other. We analysed data from two surveys — one administered to commencing LLB and JD students in 2007 and 2008 respectively and the second administered in semester two of 2011, when even first year students (in the JD program only) would generally have completed at least five law subjects or units.<sup>23</sup> Each survey provided a cross-section or 'snapshot' of students' expectations and reasons for studying law, and the comparative data reveals broad differences between the motivations and goals of commencing students compared with those of experienced law students.<sup>24</sup> Two findings emerged: there were differences between the commencing and experienced students' reasons for studying law and their expectations about their academic performance. As the 2011 survey also collected data from all students on their levels of psychological distress and wellbeing, we were able to test, for the 2011 cohorts, whether there were associations between reasons for studying law, expectations about academic performance and levels of psychological distress. Overall, this analysis provides tentative insight into the relationship between students' motivations and expectations and the high levels of psychological distress that many law students experience. The findings suggest that further exploration of motivations and goals, informed by SDT, would be a productive focus for future research into law student wellbeing.

Part II of the article outlines the methods and measures used in data collection and analysis and the nature of the participant groups. Part III discusses our findings on differences between commencing and experienced students' motivations and on connections between particular reasons for studying law and levels of psychological distress. Part IV considers differences between commencing and experienced students' expectations of their academic performance and explores the relation between academic expectations and levels of psychological distress. In conclusion, Part V discusses the implications of the analyses for law schools' efforts to support student wellbeing through measures that foster Intrinsic/Internal motivation and focus students on the development of competencies and skills rather than grades. Directions for further research are also suggested.

## II SURVEYING LAW STUDENTS' MOTIVATIONS, EXPECTATIONS AND LEVELS OF PSYCHOLOGICAL DISTRESS

In 2007–08 the authors undertook a study of commencing students' interests in and expectations about study in law. A purpose-designed 73-item questionnaire was administered to the commencing LLB cohort in week one of semester one, 2007, and to the commencing JD cohort at the end of their orientation program in February 2008. The 'Studying Law' questionnaire elicited information regarding students':

- interests in studying law, including their intended use of the degree;
- expectations of academic success, study and support; and
- academic readiness for study in law, including use of effective learning strategies.

Of the 431 students enrolled in the LLB in 2007, 415 (96 per cent) participated in the survey; of the 74 students who commenced study in the JD in 2008, 72 (97 per cent) participated. The high response rate meant that the respondent samples were representative of the commencing cohorts in each program, although the commencing JD cohort was comparatively small.<sup>25</sup> As reported elsewhere, a number of differences were identified between the interests and expectations of the commencing undergraduate (LLB) cohort and the commencing graduate (JD) cohort.<sup>26</sup> Most notably, the JD students expressed higher levels of interest than LLB students in undertaking a law degree and in the kinds of general topics covered in day-to-day study in law. They also expressed more realistic expectations about the academic workload that would be involved in studying law, and of the academic results they might achieve.

How are law students' motivations and academic expectations affected by the experience of studying law? This question was able to be investigated through a comparison of the 2007–08 Studying Law data and data collected in 2011 through the Law Student Wellbeing Survey, also undertaken by the authors.<sup>27</sup> A number of items from the Studying Law survey were included in the 2011 Wellbeing Survey to enable comparisons and identification of significant changes in students' reasons for studying law and their expectations of academic performance.

The Wellbeing Survey collected information about students' levels of wellbeing and psychological distress, as well as their experiences of law school.<sup>28</sup> A total of 327 respondents, or 37 per cent of all eligible Melbourne Law School (MLS) students,

participated in the online survey. Seventy-four per cent of respondents were in the JD program and 26 per cent in the LLB, meaning that JD students were over-represented in the respondent sample: more than 40 per cent of each JD year level participated. Almost all of the LLB students were in their fifth year of the program.<sup>29</sup> The survey was administered over weeks two to four of second semester, 2011.<sup>30</sup> The Wellbeing Survey included the DASS-21 (or Depression, Anxiety, Stress Scale-21)<sup>31</sup> to measure negative mental health. The DASS-21 is a 21 item, self-report measure comprising three subscales with seven items each for depressive, anxiety and stress symptoms.<sup>32</sup>

The Studying Law and Wellbeing surveys collected information from students in both the Melbourne LLB and JD programs. It must be emphasised, however, that in the case of JD students, the findings are not longitudinal — that is, almost all those who participated in the 2011 survey will not have participated in the 2008 survey. In the case of LLB students, by contrast, almost all those who participated in the 2011 survey will have participated in the 2007 LLB survey, although it is not possible to connect responses in order to identify changes at an individual level. The data collected thus provide only a snapshot of the motivations and academic expectations of commencing and ‘experienced’ law students in both programs.

It must also be emphasised that, while the LLB and JD cohorts were distinct — undergraduate compared with graduate law students — there is a question about the extent to which these cohorts represent undergraduate and graduate law students more generally. The 2007 LLB cohort was the last intake of undergraduate law students at MLS. This is unlikely to have affected the data collected in the 2007 survey. However, by the time of the 2011 survey, it was known that some LLB students perceived themselves as less supported than JD students at MLS, and this may have affected the LLB students’ self-reported motivations and expectations.<sup>33</sup> As the first intake of the new Melbourne JD program, the 2008 JD cohort may also have been atypical, and the profile of Melbourne JD students has changed between 2008 and 2011 as a result of Melbourne discontinuing its undergraduate LLB program.<sup>34</sup> Life experience before law school seems likely to impact on the perception of law school, and the differences between commencing and experienced JD students’ motivations for studying law may be affected by the differences in the 2008 and 2011 intakes.

Notwithstanding these limitations of the data, the differences between the cohorts’ responses provide insight into changes in law students’ reasons for studying law and their expectations about academic performance.

### **III MOTIVATIONS AND PSYCHOLOGICAL DISTRESS**

#### *A Differences Between Commencing and Experienced Students’ Reasons for Studying Law*

How are students’ motivations or reasons for studying law affected by the experience of law school? In light of the findings from research by Sheldon and Krieger and Tani and Vines discussed above, we were interested to know whether law students’ reported reasons for studying law changed as they progressed through law school — in particular,

whether intrinsic values and objectives were undermined, as Sheldon and Krieger found, and external motivators were highly ranked by law students, as Tani and Vines found.

Both our surveys asked students ‘What are your reasons for studying law?’ They were instructed to select all options that applied from a list of eight reasons (including ‘other — please specify’). Our seven supplied options reflected the most common responses to an open-ended question included in ‘transition’ surveys and interviews administered internally over a number of years.<sup>35</sup> With reference to the SDT classification of motivations and values, which identifies three distinct types of motivation, we were able to classify the stipulated reasons as ‘Internal/Intrinsic’ (I) if they reflected the individual’s intrinsic interests or internal values (self-motivation); ‘External/Extrinsic’ (E) if they relied on an external locus of causality such as contingent rewards, penalties or approval from others; or as ‘Amotivated’ (A) if they reflected a lack of motivation or sense of personal causation.<sup>36</sup> On this basis, we had two reasons that reflected ‘External’ goals or rewards (‘Financial’ and ‘Professional status’) and one that reflected the ‘Intrinsic’ value of helping others (‘Social justice’). We also had an Intrinsic motivation, ‘Interest and aptitude’, and an External motivation, ‘Parental advice’. ‘Best option available’ and ‘Achieved required marks’ we considered as reflecting lack of intentionality (Amotivation). Within SDT, amotivated people ‘go through the motions’,<sup>37</sup> lacking intentionality because they do not value an activity, feel competent to complete it satisfactorily, or believe it will yield the desired outcome.<sup>38</sup> It was hypothesised that External and Amotivated reasons for studying law would be associated with relatively higher levels of psychological distress, given the consistent finding in SDT research connecting Intrinsic/Internal motivation with higher levels of subjective wellbeing.

As we had data from law students in two separate programs — LLB and JD — we were able to compare the reasons for studying law of these distinct cohorts. As the data in Table 1 and Figure 1 below show, the differences in the nominated reasons between program groups are greater than differences between commencing and experienced students. For example, ‘Achieved required marks’ is among the top five reasons for LLB students but not for JD students. Also, ‘Parental advice’ is at least twice as likely to be nominated by LLB students as by JD students. This indicates that students’ circumstances, including age and prior tertiary experience, are important factors informing their reasons for studying law and that the JD and LLB cohorts could not be collapsed into two combined categories of ‘commencing’ and ‘experienced’.<sup>39</sup> As a result, we analysed data on four cohorts: commencing LLB students (LLB 2007), experienced LLB students (LLB 2011), commencing JD students (JD 2008) and experienced JD students (JD 2011).

As Table 1 shows, ‘Interest and aptitude’ (I) was the first-ranked reason among all four cohorts. This is consistent with Tani and Vines’ findings in relation to the reasons given by all undergraduates for choosing their present program.<sup>40</sup> As a far second, ‘Social justice’ (I) and ‘Professional status’ (E) are of similar importance. For three of the four cohorts, ‘Financial’ (E)<sup>41</sup> was the next most frequently nominated reason.

Did attendance at law school change students’ reasons for studying law? Figure 1 shows that experienced students nominated all reasons more frequently than commencing

students, indicating perhaps that the experience of studying law provides insight into why one might study it. Importantly, in both the LLB and JD programs, the Intrinsic reasons — ‘Interest and aptitude’ and ‘Social justice’ — were nominated just as frequently by the experienced students as by the commencing students.<sup>42</sup> However, the External reason of ‘Professional status’ was nominated more frequently by experienced students than by commencing students in both the LLB and JD programs, and the External reason of ‘Financial’ was nominated more frequently by experienced students in the JD program.

What is most noteworthy from the data in Figure 1 is that experienced students were significantly more likely than commencing students to nominate ‘Best option available’ and ‘Achieved required marks’ as reasons for studying law. Indeed, for the experienced LLB students, ‘Achieved required marks’ jumped from being the fifth most frequently nominated reason to the second, only slightly behind ‘Interest and aptitude’ (Table 1). Given that ‘Best option available’ and ‘Achieved required marks’ were coded as Amotivated (A), this noted difference between commencing and experienced students’ reported reasons for studying law supports Sheldon and Krieger’s thesis that non-Intrinsic motives and goals gain prominence as a result of students’ experience of law school. However, Sheldon and Krieger did not include any measures of Amotivation. Our data suggest that Amotivation may increase even more than External motivation as students progress through law school, although further research would be needed to establish this point. Further, our data suggest that non-Intrinsic reasons become dominant for law students not primarily because Intrinsic reasons are nominated less frequently but, rather, because non-Intrinsic (E and A) reasons are nominated *more* frequently by experienced students. The analysis in Table 2 illustrates this effect.

Using the percentage data in Table 1, the total frequency of Intrinsic and non-Intrinsic reasons (per 100 students in the program) is tabulated for each cohort in Table 2. An aggregate Intrinsic score, defined as the total number of Intrinsic reasons minus the total number of non-Intrinsic (External and Amotivated) reasons per 100 students, was calculated. This score represents the numerical balance of Intrinsic and non-Intrinsic reasons nominated by each cohort. The difference between the Intrinsic scores of the commencing cohorts and the experienced cohorts was then calculated.

Table 2: Intrinsic and non-Intrinsic Reasons for Studying Law

<i>Per 100 students in program:</i>	<i>LLB commencing</i>	<i>LLB experienced</i>	<i>JD commencing</i>	<i>JD experienced</i>
<i>Total Intrinsic reasons</i>	111	135	136	152
<i>Total non-Intrinsic reasons (E plus A)</i>	167	249	92	155
<b><i>Total: Intrinsic Score*</i></b> <i>(Number of Intrinsic reasons minus number of External and Amotivated reasons)</i>	-56	-114	44	-3
<b><i>Difference in Intrinsic Scores</i></b> <i>between commencing and experienced students</i>	-58		-47	

\* The Intrinsic score is a numerical measure of the balance between Intrinsic and non-Intrinsic reasons selected by the nominated cohort.

As Table 2 shows, the commencing JD students registered a strong Intrinsic score (+44) relative to the score of the commencing LLB students (-56). This strongly suggests that it is important to distinguish between JD and LLB cohorts when considering Tani and Vines' finding that Law students nominate external reasons for their course choice more frequently than students in other courses: Tani and Vines' finding is likely to be applicable only to LLB cohorts.<sup>43</sup> However, Table 2 also shows that there was a consistent increase in the frequency with which non-Intrinsic reasons were nominated by experienced students compared with commencing students in both programs (increase in non-Intrinsic reasons in LLB = 58; in JD = 47). That difference in the balance between Intrinsic and non-Intrinsic reasons supports Sheldon and Krieger's finding that the experience of law school undermines students' Intrinsic motivations.<sup>44</sup> However, our data suggest that, rather than Intrinsic reasons being undermined by external ones as students progress through law school, as Sheldon and Krieger found, among experienced students at MLS, Intrinsic reasons appear to become increasingly overwhelmed by non-Intrinsic reasons, including Amotivated reasons as well as External ones.

### *B Reasons for Studying Law and Psychological Distress*

Do the differences between commencing and experienced students' reasons for studying law point to a factor that contributes to law students' high levels of



psychological distress?<sup>45</sup> Our data did not enable us to analyse correlations between changes in motivation and levels of depression, anxiety and stress. However, for the 2011 cohorts we were able to analyse the distress levels of respondents who nominated particular reasons for studying law.

Our Wellbeing Survey found that close to 30 per cent of students in both the MLS LLB and JD programs were experiencing moderate to extremely severe rates of psychological distress.<sup>46</sup> Moreover, 22 per cent of respondents were in the severe or extremely severe ranges for one or more of depressive, anxiety or stress symptoms. Respondents' reasons for studying law were cross-tabulated with DASS levels (see Appendix A) to investigate whether particular reasons for studying law were associated with increased levels of psychological distress. For this purpose, the five DASS levels were collapsed into three categories: normal; mild/moderate; and severe/extremely severe. Further analysis was conducted on the reasons nominated (or not nominated) by respondents in the severe/extremely severe ranges for depression, anxiety and stress (see Appendix B).<sup>47</sup>

It is worth noting that the profile of normal-range students included both Intrinsic and External reasons for studying law.<sup>48</sup> However, when we compared the reasons of students experiencing psychological distress with those of normal-range students, three trends emerged. First, students experiencing severe or extremely severe depression, anxiety or stress were more likely than other students to select 'Best option available'. Indeed, students experiencing severe/extreme depression, anxiety or stress were almost twice as likely to have nominated 'Best option available'. Odds ratios only achieved statistical significance (at  $p < 0.05$ ) for severe/extreme anxiety, ( $OR = 2.0$ ), but the odds ratios for severe/extreme stress of 1.8 and for severe/extreme depression of 1.7 point to a trend whereby students experiencing high levels of psychological distress were up to two times more likely to select 'Best option available'. Given that the frequency of nomination of 'Best option available' was higher for experienced students than for commencing students, the association between nomination of this reason and high levels of psychological distress provides support for the thesis that increases in psychological distress are associated with increases in non-Intrinsic reasons for studying law.

Second, students who nominated 'Parental advice' were twice as likely as those who did not select it to be in the severe/extreme range for depression. The odds ratio of 2.2 ( $p = 0.06$ ) did not achieve statistical significance at a 95 per cent confidence interval ( $p < 0.05$ ), but an association is evident between nomination of 'Parental advice' and higher levels of depression. There was no association, however, between 'Parental advice' and higher levels of anxiety and stress. Finally, selection of 'Interest and aptitude' was protective against high levels of depression ( $OR = 0.3$ ,  $p = 0.04$ ). This finding achieved statistical significance at a 95 per cent confidence interval ( $p < 0.05$ ). It means that respondents who did *not* select 'Interest and aptitude' were three times as likely as those who did select it to be in the severe/extreme depression range.

It should be noted that our data did not show significant differences in the frequency with which commencing students and experienced students nominated 'Interest and aptitude' and 'Parental advice'. Thus, in these instances, the associations with high levels

of psychological distress cannot explain the observable increase in distress that many first year law students experience. However, our data do provide evidence of an association between high levels of psychological distress (particularly depression) and non-Intrinsic reasons for studying law: either ‘Parental advice’ (E), ‘Best option available’ (A), or *lack* of ‘Interest and aptitude’ (I). Our data also indicate that further research into Amotivation may be of assistance in understanding law students’ high levels of psychological distress.

#### IV EXPECTATIONS OF ACADEMIC PERFORMANCE AND PSYCHOLOGICAL DISTRESS

##### *A Differences Between Commencing and Experienced Students’ Expectations*

As noted above, Sheldon and Krieger’s research found an association between changes in students’ motivations and values in the first year of law school and their increased levels of psychological distress. Krieger has subsequently argued that law students’ typical preoccupation with academic results and cohort position is both a cause and consequence of the reorientation toward external values that many students experience and many law schools promote.<sup>49</sup> Tani and Vines similarly reported that the law students in their study were ‘disproportionately concerned about their grades’ when compared with students in other degrees, and the authors posited that this would undermine students’ connectedness with others, with consequent negative impacts on mental health.<sup>50</sup>

On this basis, we were interested to investigate students’ expectations about their academic performance and any differences between the expectations of commencing and experienced law students. Two questions on our surveys were relevant to this topic: ‘What is the lowest mark you would be happy with for a law assignment?’, and ‘What is your level of agreement with the statement ‘I expect my results to be in the top one-third of my class?’’.

As Table 3 shows, between 17 per cent of commencing students in the JD and 25 per cent of commencing students in the LLB expected to receive marks in the 80–100 range — an unrealistic expectation at MLS, where typically only 5–15 per cent of results in compulsory subjects/units are in this band.<sup>51</sup> Clearly, experience of law school study moderates this expectation such that the majority of experienced students in both the LLB and JD would be happy with marks in the 70–79 per cent range (which would be ‘above average’ marks at MLS). Experienced students in the JD are also more likely than commencing students to be happy with a result in the 60–69 per cent range, and around 10 per cent in each program would be happy with a result in the 50–59 per cent range.

*Table 3: Expectations About Marks in Law*

<i>Lowest % mark I’d be happy with for a law assignment</i>	<i>Commencing</i>		<i>Experienced</i>	
	% LLB	% JD	% LLB	% JD

	2007 N=415	2008 N=72	2011 N=75	2011 N=210
50-59	6.0	1.4	10.7	8.6
60-69	23.2	8.3	26.7	31.0
70-79	45.4	73.6	57.3	59.0
80-100	25.4	16.7	5.3	1.5

While the differences between the commencing and experienced students' expectations about marks indicate that the latter group has adjusted their expectations to accommodate law school grading practices, individual students' expectations of their academic achievement may still be unrealistic and causing undue stress. This possibility is indicated by findings on the second question, asking whether students expected their results to be in the top one-third of their class.

As can be seen from Table 4, experience of law school did not appropriately moderate students' expectations about their position within their cohort. This is a surprising result as one would expect that experience in studying law would enable students to see that they were now a member of a highly able academic cohort, and that their class rank would not necessarily be as high in law as it had been in previous academic studies. That hypothesis was not borne out, however.

*Table 4: Expectations of Rank in Cohort*

<i>I expect my results to be in the top one-third of my class</i>	<i>Commencing</i>		<i>Experienced</i>	
	<i>% LLB</i> 2007 N=415	<i>% JD</i> 2008 N=72	<i>% LLB</i> 2011 N=75	<i>% JD</i> 2011 N=210

<i>Strongly disagree</i>	3.4	0.0	12.0	3.3
<i>Disagree</i>	17.6	5.6	14.7	14.8
<i>Neither agree nor disagree</i>	37.6	48.6	20.0	20.5
<i>Agree</i>	30.1	34.7	22.7	41.9
<i>Strongly agree</i>	11.3	11.1	30.7	19.5

It is evident that for some students who did not have a view on their class rank at commencement of the degree, the experience of law school has led them to expect that their results will *not* place them in the top one-third of their cohort. However, in both the LLB and JD, less than one-third of the experienced students do *not* expect ('Disagree/strongly') to be in the top third of the class. Even more remarkably, the number that actively expects ('Agree/strongly') to be placed in the top third *increased* with experience in both cohorts. While 41.4 per cent of commencing LLB students expected their results to place them in the top one-third of their class, 53.4 per cent of experienced LLB students held this expectation. The difference is even more pronounced in the JD respondents: 45.8 per cent of commencing JD students expected to be placed in the top third of their class, yet 61.4 per cent of experienced students held that expectation. The cautions about the limitations of the data, noted above, need to be considered at this point. However, this finding appears to indicate that the experience of law school does not bring students' expectations of academic results into line with law school reality; rather, it places increased pressure on students to achieve high results so as to achieve a high ranking among their cohort. In other words, students' self-expectations about their academic performance in law appears to become more onerous (and, for many, unrealistic) as they progress through the degree.

### *B Expectations About Academic Results and Psychological Distress*

Cross-tabulations were run between the lowest mark that respondents to the 2011 survey would be happy with for a law subject and their levels of psychological distress. What is most noteworthy from the data (see Appendix C) is that students' levels of psychological distress do not appear to moderate their expectations of results. For example, 60.9 per cent of students in the normal range for depressive symptoms would not be happy with a mark below 70; similarly, 59.4 per cent of students experiencing severe/extreme depressive symptoms would not be happy with a mark below 70 for a law subject. The data for anxiety and stress are similar: approximately 60 per cent of students — whether experiencing psychological distress or not — would not be happy with a mark

below 70 per cent for a law subject. Looked at another way, the data show that students experiencing high levels of psychological distress continue to place high expectations on themselves in relation to their law results; they appear to make no allowance for the levels of psychological distress they are experiencing.

There is slightly more variance across distress levels when considering students' expectations about being in the top one-third of the class (see Appendix D). Students experiencing severe/extreme depressive symptoms, for example, were slightly less likely than students in the normal range for depressive symptoms to agree that they expected their grades to be in the top one-third of their class and more likely than normal-range students to disagree. However, more than 50 per cent of the students experiencing severe/extreme depressive symptoms still expected to be in the top one-third. Interestingly, more students in the severe/extreme range than in the normal range for anxiety and stress agreed that they expected their grades to be in the top one-third of their class. That expectation is likely to exacerbate stress and anxiety levels, and indicates that students experiencing high levels of anxiety or stress may not appreciate the impact of high levels of psychological distress on learning and daily activities.<sup>52</sup>

## V CONCLUSION

Sheldon and Krieger's research found an association between increasing levels of psychological distress among first year law students and changes in their values and motivations — away from intrinsic motivations and goals towards external motivations and goals.<sup>53</sup> Tani and Vines drew on Australian data to confirm that law students are more likely than students in other degrees to have chosen their course for external reasons — for example, under the influence of parents. They also found that law students were 'disproportionately' focused on grades and academic performance relative to students in other disciplines. As Tani and Vines did not have data on students' levels of psychological distress, they could only speculate about connections between motivations, expectations and student mental health. The present analysis sheds some light on those connections.

Survey data from students in an LLB and a JD program were analysed in order to identify significant differences in commencing and experienced students' responses. Two differences were observed. First, students' reasons for studying law changed, in that non-Intrinsic reasons were nominated more frequently by experienced students. Our data thus provide some support for Sheldon and Krieger's findings in relation to the impact of law school on students' motivations. However, where they found that the experience of law school gives greater prominence to External reasons, our data suggest that Amotivational reasons also merit investigation. Second, more experienced students than commencing students expected their results to be in the top one-third of their cohort, although they no longer expected marks in the 80+ range. This suggests that the experience of law school may increase students' grade orientation such that the disproportionate focus on grades observed by Tani and Vines may be in part an effect of law school experience and the reorientation it effects towards non-Intrinsic values.

Data on students' levels of psychological distress were available for the experienced

students in our sample, and associations between motivations, expectations and distress levels were explored. The data suggest a connection between lack of Intrinsic reasons and non-Intrinsic (External and Amotivated) reasons for studying law and depression: students who selected 'Parental advice' (E) were at twice the risk of being in the severe/extreme depression category; and those who did *not* select 'Interest and aptitude' (I) were at three times the risk of being in the severe/extreme depression category. 'Best option available' (A) was associated with increased risk of being in the severe/extreme categories for each of depression, anxiety and stress.

Students experiencing high levels of psychological distress did not appear to adjust their self-expectations about academic performance. Most respondents, irrespective of distress levels, indicated they would not be happy with a mark for a law subject below 70 per cent: that is, they wanted an 'above average' mark. Moreover, students in the severe/extreme range were more likely than students in the Normal range for anxiety and stress to expect their grades to be in the top one-third of their class. This expectation may be contributing to the students' distress levels; it certainly does not make any allowance for the impact of high distress levels on daily functioning and learning. By contrast, students in the severe/extreme range for depressive symptoms were more likely than students in the Normal range to expect that their results would *not* be in the top third, yet more than 50 per cent of students in the severe/extremely severe range for depressive symptoms still expected to achieve grades in the top one-third of their class. High self-expectations of academic performance are likely to be placing an additional burden on students who are experiencing severe and extremely severe levels of depressive, anxiety or stress symptoms.

The implications that can be drawn from these findings are limited by the data collection methods and the characteristics of the cohorts surveyed. This was not a longitudinal study, so students' responses could not be linked in order to assess changes in motivations or expectations at an individual level. The data thus only provide a snapshot of the reasons and expectations of commencing and experienced students. Moreover, the reasons provided in the survey represent only a limited range of motivations and objectives/goals related to studying law. The survey options were based on previous research with MLS students, but their reasons for studying law may not be 'typical' of law students generally. Further, as was noted in Part II, the cohorts surveyed may not be typical of LLB and JD students generally, and there were demographic differences between the 2008 and 2011 JD cohorts in this study.

Despite these limitations, the results of the present analysis offer some support to Sheldon and Krieger's findings that commencing law students' motivations and goals change as they progress through their degree, and that these changes are associated with law students' high levels of psychological distress.<sup>54</sup> In particular, the indication from the present analysis is that experience of law school consolidates and emphasises non-Intrinsic reasons, and further increases students' expectations about their academic performance in ways that may be contributing to high levels of psychological distress. These tentative findings require further research to confirm the association between declining student wellbeing and declining levels of Intrinsic motivation, and also to

measure the extent of the contribution that changes in motivation might make to student psychological distress. The results of this analysis indicate that it would be useful in particular to examine increases in students' Amotivated reasons for studying law as well as increases in External motivations and goals.

What suggestions for legal educators flow from this research? SDT predicts that non-Intrinsic reasons for studying law would be associated with lower levels of motivation and wellbeing because they inhibit students' experiences of autonomy, competence and relatedness. By implication, law schools might attempt to reduce and prevent high levels of law student distress by supporting students to identify and maintain their intrinsic motivations and goals. Facilitating students' experiences of autonomy is one aspect of this broad objective — for example, by providing meaningful choices in curriculum and assessment that enable students to express themselves and pursue their interests.<sup>55</sup> Providing meaningful rationales for lack of choice, when necessary, may also help students to internalise the reasons for required activities or behaviours, with the result that students are more likely to experience those activities as self-motivated.<sup>56</sup> Experiences of relatedness, or connection with people who share similar values and interests, can be facilitated by fostering interest groups,<sup>57</sup> peer and professional mentoring schemes,<sup>58</sup> and opportunities for student–teacher interactions inside and outside class.<sup>59</sup> 'Grade orientation' is typically contrasted with 'learning orientation' and so may be able to be moderated by an increased emphasis on, and valuing of, the skills and competencies that students acquire through study in law, and a reduced emphasis on grades and comparative measures of academic performance.<sup>60</sup> In this vein, experiential and work-integrated learning is likely to be supportive of students' experiences of competency as well as relatedness.<sup>61</sup> A broad focus on lawyers' roles in dispute resolution may also be of benefit in establishing a positive professional identity for law students — one that connects with and supports their internal values and goals.<sup>62</sup>

If such roles and their associated skills and contexts feature in legal study, especially in the first year curriculum, legal education may become 'humanised' and the traditional training to 'think like a lawyer', with its associated analytical rationality and win–lose paradigm, may be de-emphasised. This may also assist students to maintain their intrinsic motivations and goals for studying law, and to focus on the competencies and skills they are developing. The present study supports previous research that suggests these are likely to be important factors in maintaining student wellbeing. As Krieger has argued, only if we 'humanise' the content and context of legal education in these ways are we likely to meet our law students' human needs for autonomy, competence and relatedness — and thereby address the high levels of psychological distress currently experienced by law students in Australia and internationally.<sup>63</sup>

APPENDIX A: CROSS-TABULATION RESULTS: REASONS FOR STUDYING LAW AND  
DISTRESS LEVELS

<b>DEPRESSION</b>			
<b>Reasons for studying law</b> N=286	<b>Normal</b> 170 (59%)	<b>Mild/Moderate</b> 82 (29%)	<b>Severe/Extreme</b> 34 (12%)
<b>Financial</b>			
Not selected (n=169)	98 (58%)	52 (31%)	19 (11%)
Selected (n=117)	72 (62%)	30 (26%)	15 (13%)
<b>Professional status</b>			
Not selected (n=136)	76 (56%)	42 (31%)	18 (13%)
Selected (n=150)	94 (63%)	40 (27%)	16 (11%)
<b>Social justice</b>			
Not selected (n=117)	68 (58%)	32 (27%)	17 (15%)
Selected (n=169)	102 (60%)	50 (30%)	17 (10%)
<b>Parental advice</b>			
Not selected (n=236)	144 (61%)	68 (29%)	24 (10%)
Selected (n=50)	26 (52%)	14 (28%)	10 (20%)
<b>Interest and aptitude</b>			
Not selected (n=32)	14 (44%)	10 (31%)	8 (25%)
Selected (n=256)	156 (61%)	72 (28%)	26 (10%)
<b>Best option available</b>			
Not selected (182)	117 (64%)	47 (26%)	18 (10%)
Selected (104)	53 (51%)	35 (34%)	16 (15%)
<b>Achieved required marks</b>			
Not selected (197)	118 (60%)	58 (29%)	21 (11%)
Selected (89)	52 (58%)	24 (27%)	13 (15%)

<b>ANXIETY</b>			
<b>Reasons for studying law</b> N=289	<b>Normal</b> 176 (61%)	<b>Mild/Moderate</b> 67 (23%)	<b>Severe/Extreme</b> 46 (16%)
<b>Financial</b>			
Not selected (n=170)	109 (64%)	36 (21%)	25 (15%)
Selected (n=119)	67 (56%)	31 (26%)	21 (18%)
<b>Professional status</b>			
Not selected (n=137)	89 (65%)	29 (21%)	19 (14%)
Selected (n=152)	87 (57%)	38 (25%)	27 (18%)
<b>Social justice</b>			
Not selected (n=119)	77 (65%)	22 (19%)	20 (17%)
Selected (n=170)	99 (58%)	45 (27%)	26 (15%)



<b>Parental advice</b>			
Not selected (n=239)	150 (63%)	51 (21%)	38 (16%)
Selected (n=50)	26 (52%)	16 (32%)	8 (16%)
<b>Interest and aptitude</b>			
Not selected (n=33)	14 (42%)	13 (39%)	6 (18%)
Selected (n=256)	162 (63%)	54 (21%)	40 (16%)
<b>Best option available</b>			
Not selected (n=185)	119 (64%)	43 (23%)	23 (12%)
Selected (n=104)	57 (55%)	24 (23%)	23 (22%)
<b>Achieved required marks</b>			
Not selected (n=198)	115 (58%)	48 (24%)	35 (18%)
Selected (n=91)	61 (67%)	19 (21%)	11 (12%)

<b>STRESS</b>			
	<b>Normal</b>	<b>Mild/Moderate</b>	<b>Severe/Extreme</b>
<b>Reasons for studying law</b> N=281	171 (61%)	62 (22%)	48 (17%)
<b>Financial</b>			
Not selected (n=164)	99 (60%)	37 (21%)	28 (17%)
Selected (n=117)	72 (62%)	25 (21%)	20 (17%)
<b>Professional status</b>			
Not selected (n=130)	81 (62%)	29 (22%)	20 (15%)
Selected (n=151)	90 (60%)	33 (22%)	28 (19%)
<b>Social justice</b>			
Not selected (n=119)	81 (68%)	19 (16%)	19 (16%)
Selected (n=162)	90 (56%)	43 (27%)	29 (18%)
<b>Parental advice</b>			
Not selected (n=233)	145 (62%)	47 (20%)	41 (18%)
Selected (n=48)	26 (54%)	15 (31%)	7 (15%)
<b>Interest and aptitude</b>			
Not selected (n=32)	16 (50%)	10 (31%)	6 (19%)
Selected (n=256)	155 (62%)	52 (21%)	42 (17%)
<b>Best option available</b>			
Not selected (178)	108 (61%)	45 (25%)	25 (14%)
Selected (103)	63 (61%)	17 (17%)	23 (22%)
<b>Achieved required marks</b>			
Not selected (193)	115 (60%)	44 (23%)	34 (18%)
Selected (88)	56 (64%)	18 (21%)	14 (16%)

APPENDIX B: SEVERE/EXTREME PSYCHOLOGICAL DISTRESS AND REASONS FOR STUDYING LAW:  
ODDS RATIOS AND P VALUES\*

<i>Reasons for studying law</i>	<i>Severe and Extreme STRESS</i>	<i>Odds ratio (95%CI) and p value</i>	<i>Severe and Extreme ANXIETY</i>	<i>Odds ratio (95%CI) and p value</i>	<i>Severe and Extreme DEPRESSION</i>	<i>Odds ratio (95%CI) and p value</i>
<b>Financial</b> Selected Not selected	20/117 (17%) 28/164 (17%)	OR 1.0 (0.5–1.9) p= 1.0	21/119 (18%) 25/170 (15%)	OR 1.2 (0.7–2.3) p=0.5	15/117 (13%) 19/169 (11%)	OR 1.2 (0.6–2.4) p=0.7
<b>Professional status</b> Selected Not selected	28/151 (19%) 20/130 (15%)	OR 1.3 (0.7–2.3) p=0.5	27/152 (18%) 19/137 (14%)	OR 1.3 (0.7–2.5) p=0.4	16/150 (11%) 18/136 (13%)	OR 0.8 (0.4–1.6) p=0.6
<b>Social justice</b> Selected Not selected	29/162 (18%) 19/119 (16%)	OR 1.1 (0.6–2.2) p=0.7	26/170 (15%) 20/119 (17%)	OR 0.9 (0.5–1.7) p=0.7	17/169 (10%) 17/117 (15%)	OR 0.7 (0.3–1.3) p=0.3
<b>Parental advice</b> Selected Not selected	7/48 (15%) 41/233 (18%)	OR 0.8 (0.3–1.9) p=0.8	8/50 (16%) 38/239 (16%)	OR 1.0 (0.4–2.3) p=1.0	10/50 (20%) 24/236 (10%)	OR 2.2 (1.0–5.0) p=0.06
<b>Interest and aptitude</b> Selected Not selected	42/249 (17%) 6/32 (19%)	OR 0.9 (0.3–2.3) p=0.8	40/256 (16%) 6/33 (18%)	OR 0.8 (0.3–2.1) p=0.8	26/254 (10%) 8/32 (25%)	OR 0.3 (0.1–0.8) p=0.04**
<b>Best option available</b> Selected Not selected	23/103 (22%) 25/178 (14%)	OR 1.8 (0.9–3.3) p=0.1	23/104 (22%) 23/185 (12%)	OR 2.0 (1.1–3.8) p=0.04**	16/104 (15%) 18/182 (10%)	OR 1.7 (0.8–3.4) p=0.2
<b>Acquired marks</b> Selected Not selected	14/88 (16%) 34/193 (18%)	OR 0.9 (0.4–1.7) p=0.9	11/91 (12%) 35/198 (18%)	OR 0.6 (0.3–1.3) p=0.3	13/89 (15%) 21/197 (11%)	OR 1.4 (0.7–3.0) p=0.3

**APPENDIX C: CROSS-TABULATIONS OF DASS LEVELS  
AND THE LOWEST MARK STUDENTS WOULD BE  
HAPPY WITH FOR A LAW SUBJECT**

<i>What is the lowest % mark that you would be happy with for a law subject?</i>	<b>DEPRESSION LEVELS</b>			
	<i>Normal</i>	<i>Mild/Mo derate</i>	<i>Severe/E xtreme</i>	<i>Total</i>
<i>Count</i> 50–59	15	5	5	25
<i>% within Dep'n levels</i>	8.9%	6.4%	15.6%	9.0%
<i>Count</i> 60–69	51	25	8	84
<i>% within Dep'n levels</i>	30.2%	32.1%	25.0%	30.1%
<i>Count</i> 70–79	98	47	18	163
<i>% within Dep'n levels</i>	58.0%	60.2%	56.3%	58.4%
<i>Count</i> 80–100	5	1	1	7
<i>% within Dep'n levels</i>	2.9%	1.3%	3.1%	2.5%
<i>Count</i> <b>Total</b>	169	78	32	279
<i>% within Dep'n levels</i>	100%	100%	100%	100%
<i>What is the lowest % mark that you would be happy with for a law subject?</i>	<b>ANXIETY LEVELS</b>			
	<i>Normal</i>	<i>Mild/ Moderat e</i>	<i>Severe/ Extreme</i>	<i>Total</i>
<i>Count</i> 50–59	17	4	4	25
<i>% within Anxiety levels</i>	9.7%	6.3%	9.1%	8.9%
<i>Count</i> 60–69	51	21	13	85
<i>% within Anxiety levels</i>	29.1%	33.3%	29.5%	30.1%
<i>Count</i> 70–79	101	38	26	165
<i>% within Anxiety levels</i>	57.7%	60.3%	59.1%	58.5%
<i>Count</i> 80–100	6	0	1	7
<i>% within Anxiety levels</i>	3.4%	0%	2.3%	2.5%

<i>Count</i>	175	63	44	282
<i>Total</i>				
<i>% within Anxiety levels</i>	100%	100%	100%	100%
<i>What is the lowest % mark that you would be happy with for a law subject?</i>	<b>STRESS LEVELS</b>			
	<i>Normal</i>	<i>Mild/Moderate</i>	<i>Severe/Extreme</i>	<i>Total</i>
<i>Count</i>	17	4	3	24
50–59				
<i>% within Stress levels</i>	10.0%	6.9%	6.5%	8.8%
<i>Count</i>	50	16	16	82
60–69				
<i>% within Stress levels</i>	29.4%	27.6%	34.8%	30.0%
<i>Count</i>	98	37	26	161
70–79				
<i>% within Stress levels</i>	57.6%	63.8%	56.5%	58.7%
<i>Count</i>	5	1	1	7
80–100				
<i>% within Stress levels</i>	2.9%	1.7%	2.2%	2.5%
<i>Count</i>	170	58	46	274
<i>Total</i>				
<i>% within Stress levels</i>	100.0%	100.0%	100.0%	100.0%

APPENDIX D: CROSS-TABULATIONS OF DASS LEVELS  
AND STUDENTS' EXPECTATIONS OF THEIR GRADES  
BEING IN THE TOP ONE-THIRD OF THE COHORT

<i>I expect my grades to be in the top one-third of my class.</i>		<b>DEPRESSION LEVELS</b>			
		<i>Normal</i>	<i>Mild/ Moderate</i>	<i>Severe/ Extreme</i>	<i>Total</i>
<i>Disagree/ Strongly disagree</i>	<i>Count</i>	32	13	12	57
	<i>% within Dep'n levels</i>	18.8%	16.0%	37.6%	20.1%
<i>Neither agree nor disagree</i>	<i>Count</i>	35	21	3	59
	<i>% within Dep'n levels</i>	20.6%	25.9%	9.4%	20.8%
<i>Agree/Strongly agree</i>	<i>Count</i>	103	47	17	167
	<i>% within Dep'n levels</i>	60.6%	58.0%	53.1%	59.0%
<i>Total</i>	<i>Count</i>	170	81	32	283
	<i>% within Dep'n levels</i>	100%	100%	100%	100%
<i>I expect my grades to be in the top one-third of my class.</i>		<b>ANXIETY LEVELS</b>			
		<i>Normal</i>	<i>Mild/ Moderate</i>	<i>Severe/ Extreme</i>	<i>Total</i>
<i>Disagree/ Strongly disagree</i>	<i>Count</i>	34	15	8	57
	<i>% within Anxiety levels</i>	19.3%	22.8%	18.1%	19.9%
<i>Neither agree nor disagree</i>	<i>Count</i>	34	21	6	61
	<i>% within Anxiety levels</i>	19.3%	31.8%	13.6%	21.3%
<i>Agree/ Strongly agree</i>	<i>Count</i>	108	30	30	168
	<i>% within Anxiety levels</i>	61.4%	45.5%	68.1%	58.7%

<i>Total</i>	<i>Count</i>	176	66	44	286
	<i>% within Anxiety levels</i>	100%	100%	100%	100%
<i>I expect my grades to be in the top one-third of my class.</i>		<b>STRESS LEVELS</b>			
		<i>Normal</i>	<i>Mild/Moderate</i>	<i>Severe/Extreme</i>	<i>Total</i>
<i>Disagree/Strongly disagree</i>	<i>Count</i>	34	12	8	54
	<i>% within Stress levels</i>	19.9%	19.7%	17.4%	19.4%
<i>Neither agree nor disagree</i>	<i>Count</i>	35	17	7	59
	<i>% within Stress levels</i>	20.5%	27.9%	15.2%	21.2%
<i>Agree/Strongly agree</i>	<i>Count</i>	102	32	31	165
	<i>% within Stress levels</i>	59.7%	52.4%	67.4%	59.4%
<i>Total</i>	<i>Count</i>	171	61	46	278
	<i>% within Stress levels</i>	100%	100%	100%	100%

*To see variance in students' expectations as distress levels increase, compare percentages across the rows.*

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<sup>1</sup> G Andrew H Benjamin et al, 'The Role of Legal Education in Producing Psychological Distress Among Law Students and Lawyers' (1986) 11 *American Bar Foundation Research Journal* 225, 225.

<sup>2</sup> Norm Kelk, Sharon Medlow and Ian Hickie, 'Distress and Depression Among Australian Law Students: Incidence, Attitudes and the Role of Universities' (2010) 32 *Sydney Law Review* 113.

<sup>3</sup> *Ibid* 115.

<sup>4</sup> *Ibid* 116–7.

<sup>5</sup> Kennon M Sheldon and Lawrence S Krieger, 'Does Legal Education Have Undermining Effects on Law Students? Evaluating Changes in Motivation, Values, and Well-Being' (2004) 22 *Behavioral Sciences and the Law* 261 ('Changes in Motivation'); Benjamin et al, above n 1.

<sup>6</sup> Molly Townes O'Brien, Stephen Tang and Kath Hall, 'Changing Our Thinking: Empirical Thinking on Law Student Wellbeing, Thinking Styles and the Law Curriculum' (2011) 21 *Legal Education Review* 149.

<sup>7</sup> *Ibid* 160.

<sup>8</sup> *Ibid*; see also Martin E P Seligman, Paul R Verkuil and Terry H Kang, 'Why Lawyers are Unhappy' (2005) 10 *Deakin Law Review* 49.

<sup>9</sup> Townes O'Brien, Tang and Hall, above n 6, 164–5.

<sup>10</sup> Kennon M Sheldon and Lawrence S Krieger, 'Understanding the Negative Effects of Legal Education on Law Students: a Longitudinal Test of Self-Determination Theory' (2007) 33 *Personality and Social Psychology Bulletin* 833, 883 ('Negative Effects of Legal Education'). See also Lawrence S Krieger, 'Human Nature on a New Guiding Philosophy for Legal Education and the Profession' (2007–08) 47 *Washburn Law Journal* 247 ('Human Nature').

<sup>11</sup> Sheldon and Krieger, 'Changes in Motivation', above n 5.

<sup>12</sup> *Ibid*. Sheldon and Krieger's classifications of motivations and values as 'extrinsic' or 'intrinsic' are taken from Self-Determination Theory — see Richard M Ryan and Edward L Deci, 'Intrinsic and Extrinsic Motivations: Classic Definitions and New Directions' (2000) 25 *Contemporary Educational Psychology* 54 ('Intrinsic and Extrinsic Motivations'); Richard M Ryan and Edward L Deci, 'Self-Determination Theory and the Facilitation of Intrinsic Motivation, Social Development, and Well-Being' (2000) 55 *American Psychologist* 68 ('Facilitation of Intrinsic Motivation'). In short, '[t]he term extrinsic motivation refers to the performance of an activity in order to attain some separable outcome and, thus, contrasts with intrinsic motivation, which refers to doing an activity for the inherent satisfaction of the activity itself': Ryan and Deci 'Facilitation of Intrinsic Motivation', 71.

<sup>13</sup> Sheldon and Krieger, 'Changes in Motivation' above n 5, 264, 281.

<sup>14</sup> '[S]tudents of all demographic types came to feel that pursuit of their law-school goals was less interesting or enjoyable, and was more controlled by others' desires and dictates': Sheldon and Krieger, 'Changes in Motivation', above n 5, 273.

<sup>15</sup> *Ibid*. Recent Australian studies have confirmed that the impact of law school on psychological health is consistent across demographic groups: see Catherine M Leahy et al, 'Distress levels and self-reported treatment rates for medicine, law, psychology and mechanical engineering tertiary students: cross-sectional study' (2010) 44 *Australian and New Zealand Journal of Psychiatry* 608, 611; Wendy Larcombe et al 'Does an Improved Experience of Law School Protect Students Against Depression, Anxiety and Stress? An Empirical Study of Wellbeing and the Law School Experience of LLB and JD Students' (2013) 35(2) *Sydney Law Review* (forthcoming) available at: <http://ssrn.com/abstract=2147547>.

<sup>16</sup> In Self-Determination Theory, motivations describe the reasons *why* people engage in activities or behaviours; values describe the objectives or goals that people seek to attain as a result of their activity or behaviour — the *what*. For consideration of SDT's applications in educational contexts see: Edward L Deci, Richard Koestner and Richard M Ryan, 'Extrinsic Rewards and Intrinsic Motivation in Education: Reconsidered Once Again' (2001) 71 *Review of Educational Research* 1; Maarten Vansteenkiste, Willy Lens and Edward L Deci, 'Intrinsic Versus Extrinsic Goal Contents in Self-Determination Theory: Another Look at the Quality of Academic Motivation' (2006) 41 *Educational Psychologist* 19. For a discussion of motivations and values as they impact law students, see Sheldon and Krieger, 'Negative Effects of Legal

- Education', above n 10, 264; Sheldon and Krieger, 'Changes in Motivation', above n 5, 280–3; Krieger, 'Human Nature', above n 10.
- 17 Sheldon and Krieger, 'Negative Effects of Legal Education', above n 10; Kennon M Sheldon et al, 'What is Satisfying About Satisfying Events? Testing 10 Candidate Psychological Needs' (2001) 80 *Journal of Personality and Social Psychology* 325.
- 18 Ryan and Deci, 'Intrinsic and Extrinsic Motivations' above n 12, 55; Ryan and Deci, 'Facilitation of Intrinsic Motivation', above n 12, 70–1.
- 19 Ryan and Deci, 'Facilitation of Intrinsic Motivation', above n 12, 74.
- 20 Krieger, 'Human Nature', above n 10, 274.
- 21 Massimiliano Tani and Prue Vines, 'Law Students' Attitudes to Education: Pointers to Depression in the Legal Academy and the Profession?' (2009) 19 *Legal Education Review* 3.
- 22 Ibid 3–4.
- 23 In 2011, first year students were exclusively in the JD program; the final intake into the Melbourne LLB was in 2007. In 2011, at the time they were surveyed, first year JD students were expected to complete a foundational intensive subject/unit in February and four semester-length subjects/units from March to June as prerequisites for commencing second semester subjects/units.
- 24 The cohorts surveyed in these studies may be somewhat atypical however, and this should be borne in mind in considering the generalisability of the findings — see discussion below in Part II.
- 25 In both instances, the Studying Law Survey was administered by the Project Manager, Ms Jill Dixon. The nature and purpose of the survey were fully explained, and students were given a plain English statement describing the project and the voluntary and confidential nature of the information they were asked to provide. An incentive prize was offered to encourage participation. Students who chose to participate in the study then completed and returned an informed consent form together with their questionnaire responses. Students supplied their student number and gave consent for first year results and limited demographic data to be extracted from faculty files and matched with survey data. The project was approved by the Human Research Ethics Committee at the University of Melbourne.
- 26 See Wendy Larcombe, Pip Nicholson and Ian Malkin, 'Commencing Law Students' Interests and Expectations: Comparing Undergraduate and Graduate Cohorts' (2008) 1 *Journal of the Australasian Law Teachers Association* 227.
- 27 The Law Student Wellbeing Project at the University of Melbourne was a collaboration between MLS and members of Counselling and Psychological Services. The project team comprised: Dr Wendy Larcombe (coordinator); Professor Ian Malkin; Professor Pip Nicholson; Ms Orania Tokatlidis (MAPS); and Ms Letty Tumbaga (MAPS, Project Officer). The project was supported by a Learning and Teaching Initiative grant from the Office of the Provost, University of Melbourne, and approved by the relevant ethics committee.
- 28 Larcombe et al, above n 15.
- 29 The last intake into the Melbourne LLB was in 2007. From 2008, MLS only offers graduate-entry law programs.
- 30 Students completed the survey from 2–21 August 2011. Ten incentive prizes of \$250 book vouchers were offered to participants through a random draw. All current MLS students were encouraged to participate in communications from the Dean and project team members.
- 31 S H Lovibond and P F Lovibond, *Manual for the Depression Anxiety Stress Scales* (Psychology Foundation of Australia, 2<sup>nd</sup> ed, 1995).
- 32 Owing to the sensitivity of the questions, respondents could skip any question in the survey that they did not want to answer. This option was provided to ensure that students felt 'safe' that they could not be identified from their responses, and that they were not likely to be distressed by completing the survey. Nonetheless, contact details for the University Counselling Services were provided at several points in case students wanted to discuss any aspect of their participation in the survey. Ethics approval for the data collection was sought and obtained from the University of Melbourne Human Research Ethics Committee.
- 33 There is no indication that this has occurred, but the context in which the data was collected is a potential limitation of the study as the sample groups may not be typical of LLB and JD students in other universities.
- 34 For example, a number of differences can be identified in the demographic make-up of the 2008 and 2011 JD cohorts. In 2008, the average commencing age at intake was 26 (by 2011 it was 24), and just over 40 per cent had recently completed undergraduate studies (in 2011, 74 per cent of the intake had recently completed an undergraduate or honours degree). In 2008, 46 per cent of commencing students were professionals with work experience (by 2011, this percentage had dropped to under 26 per cent). Given the limited size of the intake in 2008 (72, compared with an intake of 240 in 2011) that cohort experienced an intimate law school environment. That said, this does not necessarily make the 2008 JD group atypical of JD cohorts admitted into other Australian law schools today. The JD students surveyed in 2011, however, may more closely resemble those of American JD programs.
- 35 See Larcombe, Nicholson and Malkin, above n 26.



- <sup>36</sup> See Ryan and Deci, 'Intrinsic and Extrinsic Motivations' above n 12; Ryan and Deci, 'Facilitation of Intrinsic Motivation' above n 12; Sheldon and Krieger, 'Negative Effects of Legal Education' above n 10. Note that our classification process was similar to the procedure adopted by Tani and Vines — above n 21, 7–8, 13–17.
- <sup>37</sup> Ryan and Deci, 'Facilitation of Intrinsic Motivation', above n 12, 72.
- <sup>38</sup> Ryan and Deci, 'Intrinsic and Extrinsic Motivation', above n 12, 61. Sheldon and Krieger's research did not include measures of amotivation, only of internal and external motivation.
- <sup>39</sup> This analysis holds, we suggest, despite the cautions about the MLS LLB and JD profiles noted in Part II.
- <sup>40</sup> Tani and Vines, above n 21, 13.
- <sup>41</sup> Coding of this reason as External is consistent with Sheldon and Krieger's coding. Note that Sheldon and Krieger use External and Extrinsic interchangeably: see 'Changes in Motivation', above n 5, 272.
- <sup>42</sup> This finding is slightly at odds with Sheldon and Krieger's finding that students' levels of intrinsic motivation declined as they progressed through law school. See Sheldon and Krieger, 'Changes in Motivation', above n 5, 271–3.
- <sup>43</sup> Tani and Vines above n 21, 13–14.
- <sup>44</sup> See Sheldon and Krieger, 'Changes in Motivation', above n 5, 273.
- <sup>45</sup> We have previously analysed and reported on the relationship between commencing law students' interests and expectations and their first semester academic results, showing that some reasons for studying law are associated with high academic performance and some with low academic performance. See Wendy Larcombe, Pip Nicholson and Ian Malkin, 'Performance in Law School: What Matters in the Beginning?' (2008) 18 *Legal Education Review* 95.
- <sup>46</sup> Note this is very similar to the levels of psychological distress experienced by students at ANU as measured in their 2010 survey: see Townes O'Brien, Tang and Hall, above n 6.
- <sup>47</sup> Note that the concept of psychological distress is broader than the concept of mental illness and draws on an interactional or situational understanding of mental health difficulties rather than an individualising, pathologising one: see Ryan and Deci, 'Facilitation of Intrinsic Motivation', above n 12, 74–6.
- <sup>48</sup> Confirming the SDT premise that External motivations are not inevitably detrimental; only that they are relatively poor at meeting the human needs associated with wellbeing when compared with internalised or intrinsic motivations — see Ryan and Deci, *ibid.*
- <sup>49</sup> Krieger, 'Human Nature', above n 10, 297–303.
- <sup>50</sup> Tani and Vines, above n 21, 7–8.
- <sup>51</sup> See LLB Course Rules and Policies 8–11, 9.0 Grading Policy at <http://undergraduate.law.unimelb.edu.au/go/current-students/course-rules-and-policies/course-rules-and-policies-8-11/index.cfm>.
- <sup>52</sup> See Townes O'Brien, Tang and Hall, above n 6, 165–6.
- <sup>53</sup> See Sheldon and Krieger above n 5, 12 and 13.
- <sup>54</sup> See Krieger, 'Human Nature', above n 10, for practical strategies that law schools can adopt to promote Intrinsic values 287–92, and reduce grade orientation 297–303.
- <sup>55</sup> See, eg, Rachael Field and Sally Kift, 'Addressing the high levels of psychological distress in law students through intentional assessment and feedback design in the first year law curriculum' (2010) 1 *The International Journal of the First Year in Higher Education* 65.
- <sup>56</sup> See Ryan and Deci, 'Facilitation of Intrinsic Motivation', above n 12; Deci, Koestner and Ryan, above n 16; C Scott Rigby et al, 'Beyond the Intrinsic-Extrinsic Dichotomy: Self-Determination in Motivation and Learning' (1992) 16 *Motivation and Emotion* 165.
- <sup>57</sup> See, eg, Kevin K Washburn, 'Elena Kagan and the Miracle at Harvard' (2011) 61 *Journal of Legal Education* 67.
- <sup>58</sup> See, eg, Penelope Watson and Rachael Field, 'Promoting Student Well-being and Resilience at Law School', chapter 15 in Sally Kift et al (eds) *Promoting Excellence and Innovation in Legal Education* (2011), 412–16.
- <sup>59</sup> See, eg, Washburn, above n 57.
- <sup>60</sup> See, eg, Ryan and Deci, 'Facilitation of Intrinsic Motivation', above n 12.
- <sup>61</sup> Deborah Maranville 'Infusing Passion and Context into the Traditional Law Curriculum Through Experiential Learning' (2001) 51 *Journal of Legal Education* 51.
- <sup>62</sup> See Rachael Field and James Duffy, 'Better to Light a Single Candle Than to Curse the Darkness: Promoting Law Student Well-Being Through a First Year Law Subject' (2012) 12 *QUT Law and Justice Journal* 133.
- <sup>63</sup> Sheldon and Krieger, 'Human Nature', above n 10.