



## *Legal Profession vs. Depression:* Jerome's case for change

Lawyers are characterised as sitting “at the unenviable zenith of depressed professionals”.<sup>1</sup>

Research and data indicates that “a happy life as a lawyer is much less about grades, affluence and prestige than about finding work that is interesting, engaging, personally meaningful, and focused on providing needed help to others”.<sup>2</sup>

Consider both of these comments individually, and then in conjunction with one another. A cultural and environmental shift is clearly needed in order to better ensure the health and

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<sup>1</sup> Todd Peterson and Elizabeth Waters Peterson, “Stemming the Tide of Law Student Depression: What Law Schools Need to Learn from the Science of Positive Psychology” (2008), 9 (2) *Yale Journal of Health Policy, Law and Ethics* Article 2.

<sup>2</sup> Lawrence S. Krieger and Kennon M. Sheldon, “What Makes Lawyers Happy?: A Data-Driven Prescription to Redefine Professional Success” (2015), 83 (2) *George Washington Law Review*, 592.

wellbeing of law students and young lawyers.



In 2013, John Brogden, former New South Wales Opposition Leader, addressed mental health issues in the legal field during the Tristan Jepson Memorial Foundation annual lecture. According to Brogden, lawyers are approximately three times more likely to report psychological distress than people in other industries.<sup>3</sup> This statistic is in direct correlation to the findings of the *Courting the Blues* report, which notes that at least 35 per cent of law students experience psychological distress while they are still in school<sup>4</sup> (as compared to one in six Australians nationwide).

Law school is, understandably, an arduous and taxing experience for those who undertake it. This is, by and large, a positive thing to the extent it aids one's personal and professional development. It should not, however, be so arduous and taxing as to spawn legal graduates who are suffering psychological distress.<sup>5</sup> Of course, the legal field is not the only industry that predisposes individuals to psychological distress.

Medicine, for example, also projects high levels of depression and anxiety. According to Dr Sally Cockburn, who is commonly known as “Dr Feel Good” in Australian medical media circles:

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3 John Brogden, “Leading Change in the Legal Profession” (Speech delivered at the Tristan Jepson Memorial Foundation Annual Lecture 2013, Federal Court of Australia, 17 October 2013). <<http://www.tjmf.org.au/2013/12/video-2013-tristan-jepson-memorial-foundation-annual-lecture/>>

4 Dr Norman J. Kelk, Dr Georgina M. Luscombe, Dr Sharon Medlow and Professor Ian B. Hickie, *Courting the Blues: Attitudes towards depression in Australian law students and lawyers* (2009), BMRI Monograph 2009–1, Sydney: Brain & Mind Research Institute. <<http://www.cald.asn.au/docs/Law%20Report%20Website%20version%204%20May%2009.pdf>>

5 Molly Townes O'Brien, Stephen Tang and Kath Hall, “Changing our Thinking” (2011) 21 (1/2) *Legal Education Review*, 149.

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*“If you want to be a good doctor, you need to put effort into looking after yourself. You are not invincible – physically or mentally. The course can seem daunting and chip away at your self-worth, so you have to work at keeping your view of yourself in perspective. Because of the intense focus needed to get into medical school, many people stupidly sacrifice things that they enjoyed doing. Getting rid of hobbies is not a sign of self-discipline; it’s actually counter-productive to your ultimate goal. In my experience, those people who keep up with their hobbies do better at medicine and life.”<sup>6</sup>*

The same is true for law students and young lawyers. There is little to no utility in sidetracking those parts of your life that bring purpose and joy to your existence. It is far more likely that you will be able to find motivation for studying and/or working if you are able to successfully balance your career pursuits, recreational activities and personal interests. This idea will be discussed at a greater length in later chapters.

Simply put, maintaining your hobbies will not only make your studying more productive, it will also make your law school experience more enjoyable. Isn’t that worth striving for?

In discussing the importance of managing one’s health and wellbeing in law, Dr Robert Fisher suggests individuals consider a three-tiered strategy.

*“The more important thing, in my view, is understanding the principles of primary, secondary and tertiary prevention. The preventative measures that stop mental ill health developing in the beginning include reducing stress and bolstering your resilience so that you can cope with day-to-day vicissitudes of legal life.*

*“Getting appropriate expert help rapidly and complying with the treatment constitutes effective secondary prevention.*

*“Preventing relapse, which might mean leaving a toxic*

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<sup>6</sup> Australian Medical Students’ Association (AMSA) and New Zealand Medical Students’ Association (NZMSA), “Keeping your Grass Greener” 4 <<http://mentalhealth.amsa.org.au/wp-content/uploads/2014/08/KYGGWebVersion.pdf>>

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*legal environment and going somewhere else, may be of marked assistance. Staying stable in mood, and not allowing unnecessary stress to cause you to decompensate you at work, is also critically important.*

*“Taking regular breaks from work – daily, weekly and annually – is also critically important to maintaining good mental health and wellbeing, and that in turn may impact upon good physical health.”*

I believe that most if not all law students and young lawyers are already up to date with primary prevention. It is the secondary preventative measures that this book intends to focus on, so that the tertiary undertakings are rendered unnecessary. This will not be realistic in all cases, of course; however it may be possible to change the course of events for some.

### Signs and symptoms of depression in law

This book features the insights and anecdotes of dozens of legal professionals. What they have witnessed and experienced is paramount in the quest for you, the reader, to learn from your peers. To this end, I sourced a bevy of opinions on the relevant signs and symptoms of depression that you need to look out for.

Matthew Littlejohn (a junior lawyer at a mid-tier Australian commercial law firm):

*“Common signs include withdrawal from social activities and making excuses to avoid seeing friends or other people, along with a change in sleeping or eating habits. A person suffering depression or anxiety will often try to distance themselves from others, usually so that others don’t see that they’re suffering. There may also be an increase in alcohol use, or using alcohol at inappropriate times e.g. getting drunk at lunch or before class.*

*“The signs and symptoms can vary from person to person, though – some people, especially if they have suffered*

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*depression previously, can be good at masking their symptoms, and can sometimes go to the other extreme, being the soul of the party, so to speak, in an effort to convince others (and, often, themselves) that things are okay. The surest way to find out is to ask – and to not be afraid to ask if you think someone is suffering.”*

**Aimee Riley (another junior lawyer at a different mid-tier Australian commercial law firm):**

*“I would say it is sometimes hard to pick the signs if you don’t have some sort of relationship with the person. A change in behaviour is usually the most obvious sign – sudden lack of confidence, withdrawn from social events, always talking about work and what has to be done and how they are going to have to work late again – it is a combination of things really.”*

**Nick Edwards (a senior lawyer at a top-tier Australian commercial law firm and chair of an Australian-based charity):**

*“I think the first thing to acknowledge is that everyone will go through times of distress or anxiety – it is part and parcel of working in a fast moving, demanding environment. This in itself is not abnormal. It is when such periods become the norm that an issue in my mind arises. I also think there is no stereotypical suffering. Each person will have different indicators and from what I have seen or experienced people who are suffering from anxiety or distress tend to be prone to sleeplessness, stagnation of mood, lack of motivation, inability to focus and constant self-doubt. More importantly than the shopping list of ‘signs’ is being alert to change – that is, the student who was outgoing or talkative has over time regressed into their shell or the confident lawyer who was always first into the office who has now started to get in later and is sullen.”*

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**Nathan Kennedy** (a senior lawyer in a mid-tier Australian commercial law firm):

*“The predominant sign I think is disengagement. It is noticeable when a person does not engage with colleagues and often will call in sick a lot. Conversely, I have also seen the opposite. It can manifest in a person trying to be too friendly with her colleagues. Of course there are more overt signs and I have had people openly upset about things at work. It is difficult to put into words but you often have a sense when someone is not happy.”*

**“Sunrise”** (a fourth year law student who did not wish to be identified):

*“I would say that sometimes depression and anxiety don’t have identifiable symptoms. Your outward appearance in social settings is the same it always has been and you can muster a smile, a joke, maybe even laugh. Depression and anxiety are diseases that often strike strongest and hardest when you are on your own. Some identifiable symptoms include self-exclusion from social events, particularly last minute cancellations citing excuses such as ‘I’m feeling ill’ or ‘something has come up, sorry!’ If this is a recurrent occurrence, it may signal some battle with mental illness.”*

**Gavin Ingram** (General Counsel for an international law practice):

*“For me, I knew for a long time that things were not right. But I was too afraid to admit it to myself and too scared to let others know that I was not coping. What would they think? In fact, the hardest part was the need to be such a good actor to mask the symptoms. The constant fear, racing heart, nausea, dizziness and desire to just ‘get out’ had become my companion wherever I went and whatever I did. However, I had to continue going to work every day, to still work crazy hours and exude confidence and control on the outside. It was a different story on the inside. I knew when I felt too afraid to do things which other people wouldn’t have given a second thought about that*

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*this could not go on. I was even nervous about walking down the street in case something happened.*

*“On my birthday in March 1998, a good friend phoned me and asked me if I wanted to go to lunch to celebrate. I lied and said I had a meeting. In truth, I just couldn’t face the stress of being in public or in someone’s presence if something ‘did’ happen to me. I hung up the phone and finally I broke down in tears. I finally picked up the telephone and called my mum. I had something I needed to tell her. My journey of healing had begun.”*

**“J. McLeod” (a junior lawyer in a top-tier Australian commercial law firm):**

*“It varies from person to person and it’s difficult to know without asking. But from personal experience, if you know someone who’s been pulling a lot of late nights, has a big workload, lots of deadlines to meet and tends to take on too much, it’s worth checking in with them every now and again to see how well they’re balancing everything.”*

**Senthoran Raj (a researcher at the University of Sydney Law School):**

*“Signs of depression and anxiety are not always visible. Many people who we see as ‘happy’ can be depressed. Personally, I think the best way to identify issues related to mental health is to be open, reflective, and non-judgemental when speaking to people.”*



Discussion of said signs and symptoms gives rise to consideration of the question, how are we to manage our health and wellbeing in law if the prevalent causes are unavoidable or inevitable? Thankfully, there are a number of strategies that one can implement which will be discussed in greater detail later in this book.

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In the interim, however, one can mull over the words of Dr Fisher, who spoke of the need to have multiple strings to your bow in order to not only be a functioning legal professional, but a well-rounded person.

*“If you’re in a job about which you feel ambivalent, it is important to seek fulfilment, meaning and enjoyment from non-work related activities.*

*“This is the responsibility you have to yourself. It is a wise thing to not have your eggs in one basket and to diversify your interests.*

*“You should not just invest your whole self in the label, ‘I am a lawyer.’*

*“Hopefully you, as an individual, are a number of other things. You wear different hats, have different roles, and you get gratification from a number of different sources, not just from work.”*

Adherence to such a mantra will, hopefully, place you in good stead to effectively manoeuvre your way through what can often seem like a minefield. In the case of *The Legal Profession vs. Depression*, you can be on the winning side!

*“...Taking time to care for our mental health and wellbeing not only lessens our stress, it allows us to fully realise our potential to become better lawyers. The result is a legal practice that is not only sustainable and successful, but often a source of great satisfaction, joy and wisdom.”<sup>7</sup>*

I feel that the above statement is incomplete – while it is important for law students and lawyers to maintain sufficient levels of emotional and mental health for professional purposes, it is more important to be healthy for the sake of your own happiness and wellbeing. As such, it is of fundamental importance that students be able to partake in holistic preventative healthcare measures as early as possible, so that

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<sup>7</sup> Joel Orenstein, “The mindful lawyer meditation and the practice of law” (2011) 85(7) *Law Institute Journal* 40.



they are better able to effectively maintain an appropriate work/life balance.

A high level of responsibility should lie with the individual to demand more from their law schools. The next generation of legal professionals must be embedded with a social justice consciousness, an existential philosophy to legal education and, most importantly, a holistic approach to one's health and wellbeing. Only through adherence to such ideas can today's law students evolve into well-rounded lawyers – the type of professionals our society needs and demands.