

constraints that would be imposed by having to cover law subject content.

Critical literacy is obviously basic to the ‘total picture’ approach explicit in doing law-in-context research. This form of literacy relates directly to the way in which one becomes aware of the underlying structure of conceptions. To promote the synergy of technological and critical literacy the aim is to model the goal of the course on the self-determining law-in-context researcher. The technique has been to use a weekly two-hour seminar to workshop with students how they can go about the task of framing their topic in terms of the relevant dimensions of the five ‘Cs’: change, concepts, critique, comparison and context.

The approach to assessment is also designed to promote a critical/technological literacy synergy. Each student must submit for assessment a research topic proposal and preliminary literature review, a paper identifying, evaluating and selecting appropriate research methodologies and a research paper on a topic of the student’s choosing. Students must indicate who the intended user(s) of the research are likely to be. The approach is to stress the obvious importance of being explicit about which voice you write in and which audience(s) you aim to reach. In the critical literature review that must accompany the research topic proposal, annotation to the literature listed must identify the relevance of the items to the topic statement and argument supporting or contrary to that topic statement.

Andragogy for the knowledge society requires teachers to investigate methods that provide functional skills and conceptual tools in an explicitly synergistic way. The ‘Five Cs’ approach to critical literacy cannot stand alone as a technique for planning and guiding law-in-context research. To be a contribution to holistic law-in-context education, it must be embedded in a curriculum that continuously promotes the synergy of

technology and critical literacies. Our aim must be to try to animate the students’ capacity for analysis and social reflexivity, while at the same time explicitly skilling them to be knowledge workers in a world largely governed by the new technological paradigm.

To be denied the chance to be critically literate, or the knowledge and skills for technological literacy that now constitute fundamental components of the global and informational mode of production and governance, is to be denied keys to self-actualising reflexivity and hence to be dehumanised, disenfranchised as a citizen and de-skilled as a knowledge worker.

## STUDENTS

### **Institutional denial about the dark side of law school, and fresh empirical guidance for constructively breaking the silence**

L S Krieger

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There is a wealth of what should be alarming information about the collective distress and unhappiness of our students and the lawyers they become. We appear to be practising a sort of organisational denial because, given this information, it is remarkable that we are not openly addressing these problems among ourselves at faculty meetings and in committees, and with our students in the context of courses and extracurricular programs.

The anecdotal and observational basis for concern is obvious. The tales of law student and lawyer depression, overwork, dissatisfaction, alcohol abuse and general distress are legion, and many of us see the undoing of our students’ collective energy, enthusiasm, and engagement after only a few months of law school.

In studies by teams of psychologists at the University of Arizona, law

students were found to arrive with essentially normal psychological markers but to shift quickly to major psychological distress in the first year. These negative changes persisted throughout law school and into the students’ early careers, making it clear that the negative findings in law students do not represent a brief ‘adjustment’ problem at the beginning of law school. Research on lawyers is equally negative. We might like to believe that future lawyers arrive at law school with these predispositions to psychological distress, but research and our own eyes tell us otherwise.

Something distinctly bad is happening to the students in our law schools. Why isn’t this a common topic of discussion at our faculty meetings, in our committees and in our classes? Why are none — or very little — of our resources devoted to trying to understand the sources and then prevent the problems? Certainly many law teachers and deans are aware of the health and distress issues of our students and graduates and are concerned about them. Nonetheless, we maintain the status quo, at times by ignoring the problems outright, and at other times by deflecting concern in ways that avoid any constructive approach to them.

Beyond immediate reasons for avoiding the distress problems, the pervasiveness and persistence of the problems and of the institutional denial around them in American law schools suggest that core attitudes and beliefs at the foundation of our educational culture would be threatened by an open look at what is going wrong. The suspect constructs include, first, the top-ten-percent tenet: the belief that success in law school is exclusively demonstrated by high grades, appointment to a law review, and similar academic honours. Second, the contingent-worth paradigm: the corollary sense that personal worth, the opinions of one’s teachers and potential employers, and therefore one’s

happiness and security in life, depend on one's place in the hierarchy of academic success. Third, 'thinking like a lawyer' — defining people primarily according to their legal rights.

Students obviously may be set up for continuing problems by this overriding emphasis on differentiation, contingent worth and competitive outcomes. The overall impact is isolating and threatening. The interplay of these dominant law school constructs ultimately teaches many students to put aside their personal life and health and accept persistent discomfort, angst, isolation, even depression as the cost of becoming a lawyer. This is ominous preparation for professional life.

There are many other reasons we might prefer to simply continue with our current beliefs and educational practices. Nonetheless, the dark side of our enterprise is increasingly documented by recent research. Assuming that the legal success paradigm is, indeed, largely defined by grades, external recognition and money or position, these inherently competitive goals, values and motives will promote tension and insecurity and will minimise satisfaction and well-being in the lives of many law students and lawyers. At the same time, this cycle of inherently unfulfilling activity supplants the intrinsic drive for growth, actualisation, intimacy and community, thereby exacerbating the negative effects on well-being.

The longitudinal study of law student confirms these conclusions in all respects. Values, motivation and well-being in students were measured just after they entered law school, again toward the end of the first year, and during the following fall semester. The arriving students showed healthy well-being, values and motives — stronger, in fact, than a large undergraduate sample. Within six months, however, the law students experienced marked decreases in well-being and life satisfaction and marked increases in depression.

A major thrust of this article is to encourage law teachers individually and collectively to undertake a review of our attitudes and educational practices, in order to identify those most likely to have a deleterious effect on the basic needs of law students. As we think through the individual and social implications of declining happiness, psychological health and social consciousness in our students and the profession, we must become willing to dedicate time and resources to preventing or alleviating those problems. What might we do to promote the regular experience of authenticity, relatedness, competence, self-esteem and security in our students? How can we support intrinsic motivation in law students — inherently enjoyable or personally meaningful work — while we teach the fundamentals of legal analysis and professional technique? How can we promote optimal human values in students (toward personal growth, intimacy, community enhancement, altruism), rather than the desire for money, power, status and image? As part of this inquiry, we need specifically to identify our individual and institutional practices that tend to undermine the basic needs and optimal values listed and try to amend those practices.

## **TEACHING METHODS & MEDIA**

### **Heads and hearts: the teaching and learning environment in law school** G F Hess

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Legal education literature documents a number of disturbing effects of law school on law students. Many students experience the law school environment as stressful, immensely competitive, and alienating. Many suffer from high levels of psychological distress and substance abuse. During law school a

significant number lose self-confidence, motivation to do public interest work and their passion for learning.

Critics of legal education have identified a number of causes of students' negative experiences in law school and have proposed reforms. Causes of students' distress include the overwhelming workload, intimidating classroom dynamics, excessive competition, astronomical debt, personal isolation, lack of feedback, and the nearly exclusive emphasis on linear, logical, doctrinal analysis. Proposed structural reforms include reduced class size, smaller student-faculty ratios, alternative grading systems, academic support programs and counselling services. Although the proposed structural reforms have much to recommend them, the focus of this article is on individual law teachers working with their students.

Stress is a central aspect of the law school experience for many law students. While the workload increases student distress, the narrow curriculum contributes to alienation. Conventional legal education concentrates on analytical skills while minimising the development of interpersonal skills, such as building relationships and engendering others' confidence in you, which are critical for law practice. The curriculum teaches students to be sceptical and to use law as an instrument to achieve a client's or society's ends. It teaches that tough-minded analysis, hard facts and cold logic are the tools of a good lawyer, and it has little room for emotion, imagination, and morality. For some students, 'learning to think like a lawyer' means abandoning their ideals, ethical values and sense of self.

Stress inhibits students from receiving and processing information when anxiety distracts them from the learning task. Stress also interferes with students' abilities to organise and store information. Not only can stress hinder students' learning particular