

HOPEFUL PERSPECTIVES: INCORPORATING HOPE THEORY IN AUSTRALIAN LAW STUDENTS' ACADEMIC EXPERIENCE

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ABSTRACT

The graduate landscape paints an austere outlook for law students with the ultra-competitive legal market fluctuating in its need for graduate lawyers. How law students and members of the legal profession are adapting to the complex nature of modern legal roles and the 'wellness' of law students and legal professionals is being increasingly evaluated in Australia. Given that students are enrolling in law degrees in a fast-paced changing world, it is important for universities to consider how students' studies, academic achievement and career skills-building might be impacted by how they are thinking and feeling about their future. How students feel about and perceive their future affects their level of hope and subsequently their wellbeing. Hope is defined as an individuals' positive motivational state and perceived capability to plan and seek pathways to meet their desired goals. This review will consider evidence from the fields of positive psychology, first year experience in higher education, alternative dispute resolution, and teaching and learning pedagogy in order to examine how certain characteristics of the student experience relates to individual hope. The implications for future research in the field of hope theory, specifically in law student populations, and how hope theory can be utilised to inform teaching practices are discussed.

I INTRODUCTION

In Australia, there is a growing body of scholarly knowledge and research on wellbeing and 'wellness' in the law. Wellbeing is challenging to define, as many studies look at the dimensions of wellbeing, rather than a definition.² While wellbeing is a complex concept, one proposed definition is that wellbeing is the balanced state of flow when individuals have the resources they need (psychological, social and physical) to meet the challenges faced (psychological, social and physical).³

Law societies across Australia are including wellbeing support services in the resources they offer to members. The Queensland Law Society (QLS) resilience and wellbeing program LawCare, was introduced in 2008.⁴ It has been established to provide information and support tools to members of the legal profession to help manage the pressures of work and life, support proactive management of health and wellbeing, and provide services to support the identification of options and planning to manage issues. The QLS has a further Wellbeing Working Group that provides education and resources to support members in the legal profession with awareness building and prevention strategies for mental health issues.⁵

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² Rachel Dodge et al, 'The Challenge of Defining Wellbeing' (2012) 2(3) *International Journal of Wellbeing* 222.

³ *Ibid.*

⁴ Queensland Law Society, *LawCare*,

<http://www.qls.com.au/For_the_profession/Resilience_and_wellbeing/LawCare>.

⁵ Queensland Law Society, *Resilience and Wellbeing Resources for the Legal Profession*,

<http://www.qls.com.au/For_the_profession/Resilience_and_wellbeing>.

The Council of Australian Law Deans has also published Good Practice Guidelines for promoting law student wellbeing in law schools, demonstrating the legal profession's focus of ensuring students at law school are aware of the importance of wellbeing, and are being taught how to engage in positive wellbeing practices.⁶

The challenge is effectively measuring students' levels of wellbeing. Research into law student wellbeing in Australia often focuses on the elements of psychological distress, namely depression, anxiety and stress as indicators of being psychologically 'unwell'. As such, there is limited research that focuses on measuring the positive traits associated with wellness. Hope theory falls within the field of positive psychology, which also encompasses a range of subjective research including wellbeing, contentment, satisfaction, optimism, flow and happiness.⁷ The science of positive subjective experience, including positive individual traits (such as hope) focuses attention of questions such as 'what makes life worth living?'

Measuring law students' level of 'hope' as defined by Snyder's 'hope theory' and being aware of student hope as a factor that contributes to student wellbeing is an important consideration for universities when designing curriculum and creating support strategies to meet law students' needs.⁸ Reviews of the Australian law student experience have linked resilience⁹, wellbeing¹⁰, and academic success¹¹ with the students' levels of hope. This literature provides initial support for the fact that high-hope students have been found to have a more constructive student experience and being a high-hope individual can positively impact on a student's academic success.

Hope theory literature emphasises the importance of individual hope and the benefits of being a high-hope individual.¹² Further to academic success, students' levels of hope seems to contribute to their attainment of educational goals and their ability to see multiple pathways for employment and career development post-graduation.¹³

⁶ Council of Australian Law Deans (CALD), *Promoting Law Student Well-Being Good Practice Guidelines for Law Schools* (2013) <<https://cald.asn.au/wp-content/uploads/2017/11/Promoting-Law-Student-Well-Being-Good-Practice-Guidelines-for-Law-Schools.pdf>>.

⁷ Martin Seligman and Mihaly Csikszentmihalyi, 'Special Issue on Happiness, Excellence, and Optimal Human Functioning' (2000) 55(1) *American Psychologist* 5.

* "University" and "College" refers to higher education studies that follow on from high school. In this paper, the word 'university' has been used for consistency, even when the original article refers to 'college'.

⁸ Charles Snyder, 'Target Article: Hope Theory: Rainbows in the Mind' (2002) 13(4) *Psychological Inquiry: An International Journal for the Advancement of Psychological Theory* 249; Kevin Rand, Allison Martin and Amanda Shea, 'Hope, but not Optimism, Predicts Academic Performance of Law Students Beyond Previous Academic Achievement' (2011) 45(6) *Journal of Research in Personality* 683.

⁹ Penelope Watson and Rachael Field, 'Promoting Student Well-being and Resilience at Law School' in Sally Kift, *Excellence and Innovation in Legal Education* (Lexis Nexis Butterworths, 2011) 398.

¹⁰ Rachael Field, James Duffy and Anna Huggins, 'Supporting Transition to Law School and Student Well-being: The Role of Professional Legal Identity' (2013) 4(2) *The International Journal of the First Year in Higher Education* 15.

¹¹ Rachael Field and James Duffy, 'Law Student Psychological Distress, ADR and Sweet-minded, Sweet-eyed Hope' (2012a) 23(3) *Australian Dispute Resolution Journal* 195; 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' (2012b) 12(1) *QUT Law and Justice Journal* 133.

¹² Charles Snyder, 'Target Article: Hope Theory: Rainbows in the Mind' (2002) 13(4) *Psychological Inquiry: An International Journal for the Advancement of Psychological Theory* 249.

¹³ Charles Snyder et al, 'Hope and Academic Success in College' (2002) 94(4) *Journal of Educational Psychology* 820.

So what is the level of hope in Australian law students as they progress through their degree? To date, no empirical data has been reported on the measure of hope in law students in Australia. This review will consider law student wellbeing and the role of hope and consider a framework for future research.

II HOPE THEORY

Charles “Rick” Snyder (1944–2006) an American psychologist, developed hope theory based on his work in motivational theories and cognition, and developed a definition of ‘hope’ and empirical measure.¹⁴ In the 1991 article ‘The Will and the Ways: Development and Validation of an Individual-Differences Measure of Hope’ Snyder, Irving, and Anderson define hope as a positive goal-orientated motivational state that is based on a self-derived sense of successful *agency thinking* (goal-directed energy), and *pathway thinking* (planning to meet goals and overcome challenges).¹⁵ Snyder was a prolific writer on the topic of hope. He stated that thinking is the core of hope rather than emotions. Hope, however, is only a perception. Hope does not necessarily reflect reality.¹⁶ It is nevertheless thought that hope provides the cognitive foundation that assists individuals in being successful in achieving their goals.¹⁷

A Agency Thinking: Envisaging Goals

Goals may be visual or verbal, short or long term, vague or specific, and all have some level of value.¹⁸ Goals may also be considered positive (with positive goal outcomes), negative (with negative goal outcomes), maintenance goals (such as everyday goal-directed thoughts), and, enhancement goals or ‘reach for the stars’ type goals.¹⁹

How goals are *framed* impacts the likelihood of achievement. High-hope people tend to have a greater number of goals compared to low-hope people.²⁰ A high-hope person will enjoy the prospect of undertaking a new goal and is more likely to engage in affirming self-talk, such as *this could be interesting*, or *I’m looking forward to this challenge*. In comparison, a low-hope person is likely to view the situation with apprehension, feel negative emotions associated with the tasks required to pursue the goal, and engage in negative self-talk such as *I’m not doing very well*, or *this is a hard, impossible task*. The sequence of thoughts and emotions of high and low-hope people are critical to goal setting and goal attainment which, in turn, affects an individual’s overall resilience, wellbeing and success.

¹⁴ Snyder, above n 13.

¹⁵ C R Snyder et al, ‘The Will and the Ways: Development and Validation of an Individual-Differences Measure of Hope’ (1991) 60(4) *Journal of Personality and Social Psychology* 570.

¹⁶ David Feldman, Kevin Rand and Kristin Kahle-Wroblewski, ‘Hope and Goal Attainment: Testing a Basic Prediction of Hope Theory’ (2009) 28(4) *Journal of Social and Clinical Psychology* 479, 480.

¹⁷ *Ibid.*

¹⁸ Charles Snyder, ‘Target Article: Hope Theory: Rainbows in the Mind’ (2002) 13(4) *Psychological Inquiry: An International Journal for the Advancement of Psychological Theory* 249, 250.

¹⁹ *Ibid.*

²⁰ Charyle Langel, *An Assessment of Hope in a Community Sample* (Unpublished Master's Thesis, University of Kansas, 1989) in Charles Snyder, ‘Target Article: Hope Theory: Rainbows in the Mind’ (2002) 13(4) *Psychological Inquiry: An International Journal for the Advancement of Psychological Theory* 249, 253.

B *Pathway Thinking: Planning to Meet Goals*

High-hope people are less likely to see barriers to achieving their goals, viewing setbacks as challenges rather than the end of the line. A person with high-hope would not consider a goal impossible and would believe that they have the capacity to achieve what they set out to achieve. A low-hope person on the other hand, would view a stressor as an impediment to reaching their desired goal and may consider the overall goal too hard to achieve.²¹ A high-hope person is able to stretch themselves and test their abilities such as setting themselves short deadlines or demonstrating more than what is asked of them.²²

Using positive affirmations and giving oneself encouragement through upbeat internal dialogue (self-talk) such as, *I can do this* or *I'll find a way to get this done* has been recognised as a trait attributed to high-hope individuals.²³ The ability to be a 'flexible thinker' is also a high-hope trait, as is the ability to adapt to changing circumstances (perceived capacity to reach one's goals) in addition to various levels of the following traits: high energy, enduring positive emotions, friendliness, happiness and confidence.²⁴ High-hope individuals are likely to experience less stress, have better coping skills²⁵ and be more focused²⁶ compared to individuals with low-hope. Snyder²⁷ has suggested high-hope students are more likely to see multiple ways to achieve their goals, to stay motivated on task, are less likely to be subdued by self-deprecating thoughts and counterproductive emotions, which are all contributing factors to greater academic achievement for high-hope students.²⁸

An individual's level of hope can be reliably measured via a Hope Scale questionnaire.²⁹ The Trait Hope Scale questionnaire measures 'innate hope', as opposed to 'state hope' that is situational or may change depending on the circumstances. It consists of 12 questions: four measuring *pathway thinking*, four measuring *agency thinking*, and four filler questions. It is a self-report survey where participants are asked

²¹ Charles Snyder, 'Target Article: Hope Theory: Rainbows in the Mind' (2002) 13(4) *Psychological Inquiry: An International Journal for the Advancement of Psychological Theory* 249, 255.

²² *Ibid* 250.

²³ *Ibid* 251.

²⁴ *Ibid* 253.

²⁵ Richard Lazarus, 'Hope: An Emotion and a Vital Coping Resource against Despair' (1999) 66(2) *Social Research* 653; Charles Snyder, 'Target Article: Hope Theory: Rainbows in the Mind' (2002) 13(4) *Psychological Inquiry: An International Journal for the Advancement of Psychological Theory* 249, 253.

²⁶ Charles Snyder, 'Target Article: Hope Theory: Rainbows in the Mind' (2002) 13(4) *Psychological Inquiry: An International Journal for the Advancement of Psychological Theory* 249, 254.

²⁷ *Ibid* 259.

²⁸ Anthony Onwuegbuzie and Charles Snyder, 'Relations between Hope and Graduate Students' Coping Strategies for Studying and Examination-Taking' (2000) 86 *Psychological Reports* 803.

²⁹ C. R. Snyder et al, 'The Will and the Ways: Development and Validation of an Individual-Differences Measure of Hope' (1991) 60(4) *Journal of Personality and Social Psychology* 570.

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to rank on a Likert scale ranges from 1 (definitely false) to 8 (definitely true). Previous studies have used an 8 point,³⁰ 7 point,³¹ 6 point³² and 4 point³³ Likert scale.

Increasingly, universities are focusing on student success, retention and graduate employment as measures of institutional performance. While it is not yet common practice to measure student ‘hope’ as a factor in student wellbeing or student success, there is an emerging body of knowledge exploring the links between students’ abilities to envisage goals (*agency thinking*) and skills in planning to attain goals (*pathways thinking*) and their success in higher education contexts.

III THE UNIVERSITY EXPERIENCE AND STUDYING LAW

Research indicates that improving students’ wellbeing and providing them with tools to build resilience are necessary steps in supporting them to achieve positive results through their studies and realise their career path goals.³⁴ Studies indicate that levels of hope can be related to academic and career development outcomes for university students³⁵ and that hope is an influencing factor in the development of job-related competencies.³⁶ It has also been found that high-hope individuals consistently perform better across a range of contexts, including academically, psychologically and physically, compared to low-hope individuals³⁷ and that hope correlates reliably with higher GPAs for university students.³⁸

A common finding in the research is that a high-hope student would likely experience increased feelings of wellbeing and greater resilience due to an increased capacity to visualise goals and think about processes to attain their goals. In comparison, a low-hope student may be more likely to experience feeling overwhelmed, powerless to attain goals and generally less hopeful about options available to them. Therefore, supporting students’ ‘hope’ is an important consideration for universities, which are in a position to directly affect hopeful thinking.

In Australia, students who pursue a degree in law at university have been found to suffer higher levels of psychological distress than both students studying other degree

³⁰ David Feldman, Kevin Rand and Kristin Kahle-Wrobleksi, ‘Hope and Goal Attainment: Testing a Basic Prediction of Hope Theory’ (2009) 28(4) *Journal of Social and Clinical Psychology* 479; Mark Van Ryzin, ‘Protective Factors at School: Reciprocal Effects among Adolescents’ Perceptions of the School Environment, Engagement in Learning, and Hope’ (2011) 40 *Journal of Youth Adolescence* 1568.

³¹ Marjorie Kibby, ‘Applying ‘Hope Theory’ to First Year Learning. A Practice Report’ (2015) 6(1) *The International Journal of the First Year in Higher Education* 147.

³² Christian Wanderler and Matthew Bundick, ‘Hope and Self-determination of Young Adults in the Workplace’ (2011) 6(5) *The Journal of Positive Psychology* 341, 380.

³³ Yoonhee Sung, Sherri Turner and Marid Kaewchinda, ‘Career Development Skills, Outcomes, and Hope Among College Students’ (2011) 40(2) *Journal of Career Development* 127, 128.

³⁴ Yoonhee Sung, Sherri Turner and Marid Kaewchinda, ‘Career Development Skills, Outcomes, and Hope Among College Students’ (2011) 40(2) *Journal of Career Development* 127, 128; 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’ (2012b) 12(1) *QUT Law and Justice Journal* 133.

³⁵ Yoonhee Sung, Sherri Turner and Marid Kaewchinda, ‘Career Development Skills, Outcomes, and Hope Among College Students’ (2011) 40(2) *Journal of Career Development* 127, 128.

³⁶ Christian Wanderler and Matthew Bundick, ‘Hope and Self-determination of Young Adults in the Workplace’ (2011) 6(5) *The Journal of Positive Psychology* 341.

³⁷ Charles Snyder, ‘Target Article: Hope Theory: Rainbows in the Mind’ (2002) 13(4) *Psychological Inquiry: An International Journal for the Advancement of Psychological Theory* 249, 258.

³⁸ *Ibid.*

programs and the population at large.³⁹ However Larcombe, Finch, and Sore suggest that psychological distress is not unique to law students and in their 2013 study found that students across six faculties at the University of Melbourne were all suffering from elevated levels of psychological distress.⁴⁰

Nevertheless, there are a number of factors that may contribute to law students need for higher levels of resilience compared with other students. This includes the fundamental shift in mindset to be able to ‘think like a lawyer’, which includes their changing values, feelings of fear or failure related to feedback on learning (imposter syndrome), as well as the competitive nature of law school.⁴¹ Hopeful thinking and maintaining high levels of hope, is therefore especially important for law students.⁴² First year law experience literature highlights the importance of teaching student’s resilience and supporting their wellbeing particularly during the transition to law school.⁴³ Supporting the overall wellbeing of students can be aided by empowering students to realise their personal agency (capacity to make choices, set goals and take action) and the personal belief that their decisions can influence their lives and that they have the power to make choices that will contribute towards achieving or not achieving their set goals.

Another contributing factor influencing hope, and therefore wellbeing of law students, is the lack of clarity surrounding potential career pathways and therefore the student’s ability to set goals for the future. The New South Wales Law Graduate Report⁴⁴ states that it is important that law students be aware of information available on the current legal market and the diverse range of potential career opportunities available to them. Law is also increasingly being considered as a generalist degree as the number of law graduates who seek employment beyond the law firm and outside of traditional legal roles continues to grow.⁴⁵

Sung, Turner, and Kaewchinda suggest it is important to assist tertiary students to increase their educational and vocational skills in order to increase their hope as they pursue their goals.⁴⁶ This can be done by encouraging students to adopt a positive

³⁹ Rachael Field and James Duffy, ‘Law Student Psychological Distress, ADR and Sweet-minded, Sweet-eyed Hope’ (2012a) 23(3) *Australian Dispute Resolution Journal* 195; Natalie Skead and Shane L Rogers, ‘Stress, Anxiety and Depression in Law Students: How Student Behaviours affect Student Wellbeing’ (2014) 40(2) *Monash University Law Review* 1.

⁴⁰ Wendy Larcombe, Sue Finch, and Rachel Sore, ‘Who’s distressed – Not only Law Students: Psychological Distress Levels in University Students across Diverse Fields of Study’ (2015) 37 *Sydney Law Review* 243.

⁴¹ Rachael Field, James Duffy and Anna Huggins, ‘Supporting Transition to Law School and Student Well-being: The Role of Professional Legal Identity’ (2013) 4(2) *The International Journal of the First Year in Higher Education* 15.

⁴² 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’ (2012b) 12(1) *QUT Law and Justice Journal* 146-148.

⁴³ 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(1) *The International Journal of the First Year in Higher Education* 65; Penelope Watson and Rachael Field, ‘Promoting Student Well-being and Resilience at Law School’ in Sally Kift, *Excellence and Innovation in Legal Education* (Lexis Nexis Butterworths, 2011) 398.

⁴⁴ The Law Society of New South Wales, *Future Prospects of Law Graduates: Report and Recommendations* (2015)

<<https://www.lawsociety.com.au/cs/groups/public/documents/internetcontent/980877.pdf>>.

⁴⁵ Pauline Collins, ‘Resistance to the Teaching of ADR in the Legal Academy’ (2015) 26 *Australasian Dispute Resolution Journal* 64, 69.

⁴⁶ Yoonhee Sung, Sherri Turner and Marid Kaewchinda, ‘Career Development Skills, Outcomes, and Hope Among College Students’ (2011) 40(2) *Journal of Career Development* 127, 128.

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professional identity that links their inherent values with a chosen career pathway.⁴⁷ There is also a number of Australian academics who champion greater teaching of Alternative Dispute Resolution (ADR) in the law degree, as a way of expanding the skills and knowledge of students to enable them to perform greater conflict management and resolution roles in society, beyond traditional and often adversarial legal roles⁴⁸. Therefore, as curriculum developers, law schools might consider what can be done to support students entering a law degree, not only to survive their studies through teaching hopeful thinking and supporting student wellbeing, but also to thrive in their careers, whatever field they may enter. Questions asked in the Trait Hope Scale questionnaire include '*I energetically pursue my goals*', and '*My past experiences have prepared me well for my future*'. The predictive capability of hope scale results and correlated academic performance suggests an opportunity for using hope theory to benefit students across various stages of their education.⁴⁹ For these reasons, law schools should be aware of how well students feel they are being prepared for the workforce they will enter and what level of hope students have in regard to their ability to adapt to different roles.

So how does the scholarship of positive psychology, particularly hope theory, inform curriculum design for skills and content learning? Before looking at strategies to build hope, it is first important to consider how hope is measured and what it means for students to have it.

IV MEASURING HOPE IN AN ACADEMIC SETTING

There is no current research on levels of student hope in law schools in Australia. However, the Trait Hope Scale questionnaire has been administered elsewhere across a range of academic settings including to adolescent high school students,⁵⁰ university

⁴⁷ Field, Duffy and Huggins, above n 42.

⁴⁸ Kathy Douglas, 'The Role of ADR in Developing Lawyers' Practice: Lessons from Australian Legal Education' (2015) 22(1) *International Journal of the Legal Profession* 71; Carrie Menkel-Meadow, 'Crisis in Legal Education or the Other Things Law Students Should be Learning and Doing' (2014) 45(1) *McGeorge Law Review* 133; Tania Sourdin, 'Not Teaching ADR in Law Schools? Implications for Law Students, Clients and the ADR Field' (2012) 23 *Australasian Dispute Resolution Journal* 148.

⁴⁹ Charles Snyder, 'Target Article: Hope Theory: Rainbows in the Mind' (2002) 13(4) *Psychological Inquiry: An International Journal for the Advancement of Psychological Theory* 249, 259.

⁵⁰ Uzi Levi et al, 'Academic Expectations and Actual Achievements: The Roles of Hope and Effort' (2014) 29 *European Journal of Psychology and Education* 367; Mark Van Ryzin, 'Protective Factors at School: Reciprocal Effects among Adolescents' Perceptions of the School Environment, Engagement in Learning, and Hope' (2011) 40 *Journal of Youth Adolescence* 1568.

students,⁵¹ vocational training students,⁵² and a law school in the USA.⁵³ From these studies, a number of general conclusions can be drawn: while studying, students are not only trying to achieve their own educational goals but are also developing skills in preparation for their future careers through their performance in classroom activities, group work, their interactions with lecturers and peers in and outside of the classroom, and while engaging in assessments. The following examples highlight some key findings from the literature on hope in academic settings.

Rand, Martin and Shea⁵⁴ administered the Trait Hope Scale questionnaire, Life Orientation Test (that measures trait optimism) and Satisfaction with Life Scale to eighty-six first semester law students at Indiana School of Law, Indianapolis, and compared the results to students' end of semester grade point average (GPA). They found that students' levels of hope was a greater predictor of academic success compared to the effects of previous academic achievement and ability (indicated by undergraduate GPA and law school admission test (LSAT) scores), as well as finding optimism levels had no significant relationship to the academic performance of students. The authors also reported that students who had greater levels of hope and optimism at the start of the semester had greater life satisfaction at the end of the semester. While their study did not clarify which aspects of hope or optimism had a greater impact on student's overall wellbeing, it does show that hope and optimism are impacting factors that influence wellbeing.

Sung, Turner and Kaewchinda's⁵⁵ study of 132 undergraduate students from an array of disciplines at a large public Midwestern university in the USA, explored the components of hope, agency and pathway thinking, and how hope could predict and/or be predicted by the Integrative Contextual Model of Career Development (ICM) skills and outcomes. The structured career development inventory (SCDI) measured the skills and outcomes identified in ICM theory, which included career exploration, person-environment fit, goal setting, social, pro-social, and work readiness skills, self-regulated learning and using emotional and instrumental support.

The practical applications of Sung et al's⁵⁶ study highlights that, "*students come to university with an already developed habit of approaching life with greater or lesser hopefulness*". Through skill development, such as goal setting skills, self-regulated learning skills, self-reflection and career exploration skills students can develop their agency thinking, which is vital to preparing students for an ever-changing and evolving

⁵¹ Kevin Rand, Allison Martin and Amanda Shea 'Hope, but not Optimism, Predicts Academic Performance of Law Students Beyond Previous Academic Achievement' (2011) 45 *Journal of Research in Personality* 683; Marjorie Kibby, 'Applying 'Hope Theory' to First Year Learning. A Practice Report' (2015) 6(1) *The International Journal of the First Year in Higher Education* 147; Stefanie Boswell, "'I deserve success': Academic Entitlement Attitudes and their Relationships with Course Self-efficacy, Social Networking, and Demographic Variables' (2012) 15 *Social Psychology of Education Journal* 353; Yoonhee Sung, Sherri Turner and Marid Kaewchinda, 'Career Development Skills, Outcomes, and Hope Among College Students' (2011) 40(2) *Journal of Career Development* 127, 128.

⁵² Christian Wanderler and Matthew Bundick, 'Hope and Self-determination of Young Adults in the Workplace' (2011) 6(5) *The Journal of Positive Psychology* 341.

⁵³ Kevin Rand, Allison Martin and Amanda Shea, 'Hope, but not Optimism, Predicts Academic Performance of Law Students beyond Previous Academic Achievement' (2011) 45 *Journal of Research in Personality* 683.

⁵⁴ Ibid.

⁵⁵ Yoonhee Sung, Sherri Turner and Marid Kaewchinda, 'Career Development Skills, Outcomes, and Hope Among College Students' (2011) 40(2) *Journal of Career Development* 127.

⁵⁶ Ibid 139.

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job market. This study provides an important link between career, work psychology and understanding the impact of factors such as hope and career development in university students' academic experience. While the study did not find pathway thinking to be predictive of ICM skills and outcomes, the results did indicate that the agency (goal-setting) component of hope is motivational, and that students with greater agency had higher levels of educational and career skills and outcomes.

Levi, Einav, Ziv, Raskind, and Margalit⁵⁷ found a correlation between hope and academic achievement in tenth grade high school students in Israel. Levi et al's study used an integrated conceptual framework that combined hope theory, salutogenic paradigm (understanding wellbeing and resilience), social learning, and self-efficacy beliefs (a belief in one's capacity to produce given attainments). While Levi et al's findings note that it is not enough for students to simply believe in their ability to succeed academically, they state that hopeful thinking influences students' effort investment and positively reinforces goal pursuit processes (agency thinking).

Extending Snyder's⁵⁸ study on the contribution of hope to academic achievement, Levi et al conclude that hopeful individuals tend to have higher expectations of academic success, which often leads students to take active steps (pathway thinking) to achieve their goals.⁵⁹ Similarly, Wandeler and Bundick's⁶⁰ three-year longitudinal study of Swiss vocational students⁶¹ also found a 'feedback cycle' of success or failure (high or low expectations) had an impact on students' future levels of hope. Wandeler and Bundick found that perceived vocational competencies led to increases in hope and this high-hope had a positive effect on the development of vocational competencies.⁶²

Feldman, Rand and Kahle-Wroblewski conducted a longitudinal study of 162 university students studying an undergraduate psychology course in the USA.⁶³ They found that success or failure in achieving set goals can influence students' future hope levels as they will adjust their levels of hope based on past experiences.

At the beginning of the semester students were asked to complete a hope scale questionnaire, state seven goals they wished to pursue, rank the importance of each goal and complete a goal-specific hope scale for each goal. Data was collected three months later at the end of the semester on students' levels of goal attainment. The authors noted that the hope scale measures hope in a 'trait-like manner' regarding goals in general, compared to a goal-specific hope scale which measured hope at a particular time regarding a particular goal.⁶⁴ They also found the participants appeared to adjust their

⁵⁷ Uzi Levi et al, 'Academic Expectations and Actual Achievements: The Roles of Hope and Effort' (2014) 29 *European Journal of Psychology and Education* 367.

⁵⁸ Charles Snyder, 'Target Article: Hope Theory: Rainbows in the Mind' (2002) 13(4) *Psychological Inquiry: An International Journal for the Advancement of Psychological Theory* 249.

⁵⁹ Uzi Levi et al, 'Academic Expectations and Actual Achievements: The Roles of Hope and Effort' (2014) 29 *European Journal of Psychology and Education* 367, 380.

⁶⁰ Christian Wandeler and Matthew Bundick, 'Hope and Self-determination of Young Adults in the Workplace' (2011) 6(5) *The Journal of Positive Psychology* 341, 380.

⁶¹ The study involved students in a four-year polymechanics training program. The trainees learned on the job for four days of the week and attended a vocational school one day of the week.

⁶² Christian Wandeler and Matthew Bundick, 'Hope and Self-determination of Young Adults in the Workplace' (2011) 6(5) *The Journal of Positive Psychology* 341, 341.

⁶³ David Feldman, Kevin Rand and Kristin Kahle-Wroblewski, 'Hope and Goal Attainment: Testing a Basic Prediction of Hope Theory' (2009) 28(4) *Journal of Social and Clinical Psychology* 479.

⁶⁴ *Ibid* 485.

goal-specific hope levels based on their relative and perceived success or failure at achieving their goals. Feldman et al hypothesised that there is a feedback cycle based on previous successful or unsuccessful goal attempts that influences one's thinking and emotions in relation to future goals.⁶⁵ Snyder suggested a low-hope thinking person does not tend to use goal attainment reflection and/or feedback to improve future efforts and results and instead delves into rumination and self-doubt behaviour.⁶⁶ Drawing on the findings of Feldman et al and Snyder it may be hypothesised that if universities can create learning environments that facilitate the satisfaction of basic psychological needs and can support individuals' education to attain their own learning goals, then students will be more likely to develop and sustain positive and long-term feedback spirals.⁶⁷

Field and Duffy explored the links between curriculum design, assessment and hope theory in the design of first year law curriculum.⁶⁸ The authors have yet to report any primary research on hope theory and the law student cohort (such as through the administration of hope scale questionnaires). However, Field and Duffy have suggested that by using the positive psychology framework of hope to inform curriculum design that there could be a direct positive influence on the psychological wellbeing of students.⁶⁹ In a legal context, high-hope can be linked to being able to see multiple pathways to resolve conflict or new and creative ways to argue the law. Application of the law is a creative pursuit. Expanding the skill and knowledge base of students and opening their minds to alternatives to litigation could aid students by increasing their perceived competencies and assist in facilitating positive feedback spirals. Yet, it is still unclear as to what degree these positive influences can affect an individual's overall wellbeing or levels of distress.

V LAW SCHOOL PSYCHOLOGICAL DISTRESS IN AUSTRALIA

There is growing interest in researching and reporting on mental health and wellbeing of law student populations and the legal profession. Law student mental health and wellbeing literature has measured and compared depression, anxiety and stress levels of students;⁷⁰ considered law student perceived stress;⁷¹ and considered law schools' curriculum and intuitional responses to supporting wellbeing.⁷² Relatively recent

⁶⁵ Ibid.

⁶⁶ Charles Snyder, Scott Michael and Jennifer Cheavens, 'Hope as a Psychotherapeutic Foundation of Common Factors, Placebos, and Expectancies' in Mark A Hubble, Barry L Duncan and Scott D Miller (eds), *The Heart and Soul of Change: What Works in Therapy* (American Psychological Association, 1999); Charles Snyder, 'Target Article: Hope Theory: Rainbows in the Mind' (2002) 13(4) *Psychological Inquiry: An International Journal for the Advancement of Psychological Theory* 249, 255.

⁶⁷ Christian Wanderler and Matthew Bundick, 'Hope and Self-determination of Young Adults in the Workplace' (2011) 6(5) *The Journal of Positive Psychology* 341.

⁶⁸ 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(1) *QUT Law and Justice Journal* 133.

⁶⁹ Ibid 150.

⁷⁰ 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* 407.

⁷¹ Adele Bergin and Kenneth Pakenham, 'Law Student Stress: Relationships Between Academic Demands, Social Isolation, Career Pressure, Study/Life Imbalance and Adjustment Outcomes in Law Students' (2015) 22(3) *Psychiatry, Psychology and Law* 388.

⁷² Molly O'Brien, Tang Stephen and Kath Hall, 'Changing our Thinking: Empirical Research on Law Student Wellbeing, Thinking Styles and the Law Curriculum' (2011) 21 *Legal Education Review* 149.

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research on the Australian law student experience has focused on strategies to support students' transition to law school,⁷³ addressing levels of psychological distress,⁷⁴ as well as promoting student wellbeing and resilience through assessment, curriculum and feedback design.⁷⁵

The Brain & Mind Research Institute report titled *Courting the Blues: Attitudes towards depression in Australian law students and lawyers* highlighted the concerning levels of mental illness and psychological distress experienced by the legal profession and law students in Australia.⁷⁶ Among the recommendations, the authors suggested that assisting law students with psychological distress is a job for universities. That is a clear call for change in modern legal education. Addressing psychological wellbeing is often phrased as increasing students' wellbeing, or increasing students' levels of resilience. The measurement of 'hope' is an additional measure considered under the broader term 'wellbeing'. Field and Duffy propose that by considering the impact of hope on students' levels of wellbeing and resilience, low levels of psychological distress could be addressed by increasing levels of hope.⁷⁷

The conclusion that an individual's level of hope can be influenced suggests that hope can be taught. The idea of 'teaching' hope is consistent with Snyder's statements that hope is a way of thinking.⁷⁸ Rand, Martin and Shea in a study on academic performance of law students stated that hope is a goal-directed behaviour which directly affects psychological wellbeing, and found that students' levels of hope, but not levels of optimism, could be correlated with academic performance.⁷⁹ From the work of Field and Duffy and Rand et al is therefore possible to suggest that teaching hope is a feasible means of improving student overall wellbeing.⁸⁰

A Teaching Agency and Pathway Thinking

Specific interventions to increase law students' levels of hope will focus on teaching *agency thinking* (the ability to envisage goals) and *pathway thinking* (planning to meet

⁷³ Rachael Field, James Duffy and Anna Huggins, 'Supporting Transition to Law School and Student Well-being: The Role of Professional Legal Identity' (2013) 4(2) *The International Journal of the First Year in Higher Education* 15.

⁷⁴ 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(1) *The International Journal of the First Year in Higher Education* 65.

⁷⁵ Penelope Watson and Rachael Field, 'Promoting Student Well-being and Resilience at Law School' in Sally Kift, *Excellence and Innovation in Legal Education* (Lexis Nexis Butterworths, 2011) 398.

⁷⁶ Norm Kelk et al, *Courting the Blues: Attitudes Towards Depression in Australian Law Students and Lawyers* (Brain and Mind Research Institute University of Sydney, 2009).

⁷⁷ Rachael Field and James Duffy, 'Law Student Psychological Distress, ADR and Sweet-minded, Sweet-eyed Hope' (2012a) 23(3) *Australian Dispute Resolution Journal* 195.

⁷⁸ Charles Snyder, 'Target Article: Hope Theory: Rainbows in the Mind' (2002) 13(4) *Psychological Inquiry: An International Journal for the Advancement of Psychological Theory* 249, 254.

⁷⁹ Kevin Rand, Allison Martin and Amanda Shea 'Hope, but not Optimism, Predicts Academic Performance of Law Students Beyond Previous Academic Achievement' (2011) 45 *Journal of Research in Personality* 683, 683.

⁸⁰ Rachael Field and James Duffy, 'Law Student Psychological Distress, ADR and Sweet-minded, Sweet-eyed Hope' (2012a) 23(3) *Australian Dispute Resolution Journal* 195-203; Marjorie Kibby, 'Applying 'Hope Theory' to First Year Learning. A Practice Report' (2015) 6(1) *The International Journal of the First Year in Higher Education* 147; Kevin Rand, Allison Martin and Amanda Shea 'Hope, but not Optimism, Predicts Academic Performance of Law Students Beyond Previous Academic Achievement' (2011) 45 *Journal of Research in Personality* 683.

those goals). Within the law degree, there is scope to include a teaching focus on agency and pathway thinking in both the curriculum and through extra-curricular support.

While there is literature supporting a range of interventions such as assessment design, group work activities, feedback, and work integrated learning, one initiative that is being discussed is an increased focus on ADR in the legal curriculum. Scholars have highlighted the importance of teaching ADR in Australian law schools,⁸¹ including the correlation between ADR exposure and law students' development of a positive professional identity,⁸² as well as teaching ADR in law school's as a specific strategy to build students' hope.⁸³ In particular, law students may be aided in positive professional identity formation through exposure to ADR content in their first year at university as a student's personal and professional identity formation is considered 'most malleable' in their first year at university.⁸⁴ ADR instruction introduces students to a collaborative paradigm as well as different problem-solving philosophies. In stark contrast the adversarial paradigm, commonly portrayed through TV shows (for example, *Boston Legal*, *The Good Wife/Fight* and *Suits*), movies and media (and often highlighted by law schools as the 'traditional' system) can cause anxiety for students who do not view themselves as sharing common values with those representations.

Australian law academics Field, Duffy and Collins agree that broadening the definition of 'the role of the lawyer' or 'lawyering' to include more realistic and nuanced aspects of what is required when thinking and acting 'like a lawyer' is important in order to connect the idea of a future career path with the students' own values, personalities, and skill sets.⁸⁵ Therefore, one actionable strategy to teach 'agency and pathway thinking' in law schools is through the expansion of ADR exposure. ADR instruction might include lessons on lawyers' roles in society, and include topics such as psychology and law, emotions in conflict, conflict management and resolution options besides litigation, and exposure to specific dispute resolution processes, such as negotiation, mediation, conciliation and conflict coaching. Increased attention could be

⁸¹ Paula Baron, Lillian Corbin and Judy Gutman, 'Throwing Babies out with the Bathwater? – Adversarialism, ADR and the Way Forward' (2014) 40(2) *Monash University Law Review* 283; Kathy Douglas, 'The Role of ADR in Developing Lawyers' Practice: Lessons from Australian Legal Education' (2015) 22(1) *International Journal of the Legal Profession* 71; Carrie Menkel-Meadow, 'Crisis in Legal Education or the Other Things Law Students Should be Learning and Doing' (2014) 45(1) *McGeorge Law Review* 133; Tania Sourdin, 'Not Teaching ADR in Law Schools? Implications for Law Students, Clients and the ADR Field' (2012) 23 *Australasian Dispute Resolution Journal* 148; Pauline Collins, 'Resistance to the Teaching of ADR in the Legal Academy' (2015) 26 *Australasian Dispute Resolution Journal* 64; Tania Sourdin, 'Not Teaching ADR in Law Schools? Implications for Law Students, Clients and the ADR Field' (2012) 23 *Australasian Dispute Resolution Journal* 148.

⁸² Kathy Douglas and Becky Batagol, 'ADR and Non-adversarial Justice as Sites for Understanding Emotion in Dispute Resolution: Reporting on Research into Teaching Practices in Selected Australian Law schools' (2010) 20 *Journal of Judicial Administration* 106; Rachael Field and James Duffy, 'Law Student Psychological Distress, ADR and Sweet-minded, Sweet-eyed Hope' (2012a) 23(3) *Australian Dispute Resolution Journal* 195.

⁸³ Rachael Field and James Duffy, 'Law Student Psychological Distress, ADR and Sweet-minded, Sweet-eyed Hope' (2012) 23(3) *Australian Dispute Resolution Journal* 195.

⁸⁴ 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' (2012b) 12(1) *QUT Law and Justice Journal* 133; Rachael Field and James Duffy, 'Law Student Psychological Distress, ADR and Sweet-minded, Sweet-eyed Hope' (2012a) 23(3) *Australian Dispute Resolution Journal* 195.

⁸⁵ Rachael Field and James Duffy, 'Law Student Psychological Distress, ADR and Sweet-minded, Sweet-eyed Hope' (2012a) 23(3) *Australian Dispute Resolution Journal* 195; Pauline Collins, 'Resistance to the Teaching of ADR in the Legal Academy' (2015) 26 *Australasian Dispute Resolution Journal* 64.

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given to negotiating outside of the courtroom, providing clients with a range of conflict resolution options and/or building the capacity of clients to effectively manage their own future conflict. This information broadens the students' understanding of what lawyers can do, how lawyers can support people in conflict in a variety of ways and, importantly, the positive role lawyers play in assisting others to resolve disputes.⁸⁶

Collins has noted though, a resistance to teaching ADR in the legal academy in that over half of Australian law schools are only offering ADR courses as electives and not as core courses.⁸⁷ Collins states that this elective practice is allowing students to graduate with a law degree and yet have little knowledge or understanding about ADR principles and practices.⁸⁸ However, given the drive to make law degrees more flexible, and allow for greater choice in elective subjects, it could be of greater value to incorporate ADR principles across the already existing Priestley subjects.⁸⁹ Law schools that embrace ADR are more likely to have aligned their teaching outcomes and graduate outcomes to meet with the students' and the employers' long-term goals.⁹⁰ All of this suggests the importance of providing students with curriculum content to provide a sense of agency while teaching goal-setting in order to develop persistence in following pathways to achievement.

As previously mentioned, high-hope students are likely to see multiple pathways available for employment, even if their first preference is not realised. To ensure that students have the graduate skills to adapt and be flexible in a fluid and transitional legal market, universities will need to assess the traditional curriculum and consider how to broaden students' thinking around possible career pathways. For example, exposing law students to authentic legal and non-legal career pathways through the law curriculum will greatly improve the students' transition into and out of legal education, with the potential for improving overall student wellbeing and resilience, and levels of hope.⁹¹ The content taught, as well as the method of teaching can play an important role in student psychological wellbeing. Incorporating hope theory into curriculum design and using it as a teaching philosophy is an integral area for further research that holds great promise.

VI FUTURE RESEARCH

The benefits of measuring student hope include: opportunities for students to develop awareness of their own thinking (capacity building); opportunities for the university to offer support structures that target low-hope areas (especially considering links between hope and actual academic performance); and, opportunities for lecturers to be aware of how their curriculum content, teaching and feedback practices are being received by students, and whether it heightens or lowers student hope. The majority of studies to

⁸⁶ Rachael Field and James Duffy, 'Law Student Psychological Distress, ADR and Sweet-minded, Sweet-eyed Hope' (2012a) 23(3) *Australian Dispute Resolution Journal* 195.

⁸⁷ Pauline Collins, 'Resistance to the Teaching of ADR in the Legal Academy' (2015) 26 *Australasian Dispute Resolution Journal* 64, 65.

⁸⁸ *Ibid* 65.

⁸⁹ The College of Law, *Becoming a Lawyer* (2018) <https://www.collaw.edu.au/your-career/becoming-a-lawyer>

⁹⁰ Pauline Collins, 'Resistance to the Teaching of ADR in the Legal Academy' (2015) 26 *Australasian Dispute Resolution Journal* 64, 65.

⁹¹ Rachael Field, James Duffy and Anna Huggins, 'Supporting Transition to Law School and Student Well-being: The Role of Professional Legal Identity' (2013) 4(2) *The International Journal of the First Year in Higher Education* 15.

date have been cross-sectional either at a particular point in time or at the beginning, mid and/or end of a semester.⁹² There is a clear need for more longitudinal studies that also measure hope across year groups. Additional factors for consideration could include student maturation over time, the complex relationship between agency and pathway predictors, concrete measurement of actual academic achievement, as well as specific measures that account for the impact of curriculum design on student performance.

To date, no Australian research has reported on the application of the Trait Hope Scale questionnaire to law students and considered the results. Preliminary research is currently under way at James Cook University. The research in progress will measure trait hope in law students and will contribute to the growing body of knowledge on positive psychology, which is especially topical in the current conversation about wellbeing and 'wellness' in the law in Australia. Further research is required across multiple Australian law school populations so the results can inform future curricular and extra-curricular design for the evolution of the Australian law degree and legal profession.

⁹² Marjorie Kibby, 'Applying 'Hope Theory' to First Year Learning. A Practice Report' (2015) 6(1) *The International Journal of the First Year in Higher Education* 147; Uzi Levi et al, 'Academic Expectations and Actual Achievements: The Roles of Hope and Effort' (2014) 29 *European Journal of Psychology and Education* 367.