

EARLY OPTIMISM? FIRST-YEAR LAW STUDENTS' WORK EXPECTATIONS AND ASPIRATIONS

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Despite a burgeoning of law schools in Australia in the last 15 years,¹ there has been very little exploration of the expectations and aspirations of students commencing a law degree in Australia. By contrast, a number of studies on features of professional life for practising lawyers are emerging. In particular, recent studies have shown high levels of stress, anxiety and depression among practising lawyers.² In addition, there is evidence of high levels of attrition of women from private legal practice in the first few years following admission and a significant under-representation of women in the senior levels of the profession.³ Universities and their law schools have not traditionally focused on preparing students for the realities of the legal workplace, concentrating instead on technical legal knowledge and practical legal skills. We recently set out to ask commencing (that is, newly enrolled) students in their first few weeks of study what they thought legal practice would be like, and what sort of career and lifestyle they would have. In this paper, we set out the context for the 2009 study into first-year students' career expectations and analyse some of the key findings.

I BACKGROUND TO THE UNDERGRADUATE LAW DEGREE

In Australia, students embarking upon studies leading to a professional legal qualification have traditionally enrolled in an undergraduate degree ('Bachelor of Laws' or 'LLB').⁴ Students entering LLB degree programs are usually expected to have achieved high academic results in their previous studies, whether Year 12 in high school or towards another tertiary degree. First-year law students usually study up to four units per semester, one of which must be a subject introducing legal reasoning and method; for example, 'Introduction to Legal Reasoning'. In addition, they might study substantive units, such as contract, torts and criminal law. Considerable effort is invested into orientating incoming students to the demands of studying law. As we might expect, when students have an accurate understanding of the nature and demands of their selected course of study, their levels of academic achievement and satisfaction with their studies improve.⁵ It is less clear that students have a realistic understanding of what it means to practise law on completion of their degree.

II RESEARCH ABOUT LAW STUDENTS

In Australia, there are relatively few studies of law students and those studies that have been conducted have focused on different elements of the student experience. Livingston Armytage and Sumitra Vignaendra's study found that 70 per cent of final-year law students in Australia intended to work in the law.⁶ Similarly, a study by Maria Karras and Christopher Roper also found that approximately 80 per cent of Australian graduates were in law-related employment.⁷ This is consistent with recent figures which indicate that 87.7 per cent of Australian law graduates who graduated in 2008 reported being in full-time employment.⁸ These studies show that most law students intend to work in the law, and actually do utilise their legal education, upon graduation.

Wendy Larcombe, Pip Nicholson and Ian Malkin considered the relationship between law students' interests and expectations and their academic achievement.⁹ They found that the first semester results for LLB students were associated with their realistic expectations of workload and support, self-ratings of academic 'readiness' and initial levels of interest in law. Karen Nelson, Sally Kift and John Clarke reported that, whilst students' expectations of their first year in law studies had an important impact on their experience of transition from school to university, there was often a misalignment between those expectations and the actual experience of studying and life at university.¹⁰

The discrepancy between expectations and perceived reality of learning to practise in the law could result in some individuals developing serious psychological disorders, such as depression. In a study of depression among law students at the University of New South Wales in 2005, Massimiliano Tani and Prue Vines observed that law students began to suffer depressive illnesses within the first 6 to 12 months of beginning their studies.¹¹ They pointed out that earlier studies had shown that there were no discernable differences in wellbeing between prospective law students and the general population, so it was not the case that young people with depressive tendencies chose to study law.¹² They also found that law students' attitudes to their education may be connected to a number of traits which have been described as factors contributing to depression, such as lack of autonomy, high levels of competitiveness and lack of social connectedness. They proposed that these traits might help to explain the disproportionate rate of depression in law students.¹³

The literature on why people choose to study law at university, and their motivations and expectations, is more extensive in North America than in Australia. Students in North America study law after completing a Bachelor degree. They are therefore slightly older and might be expected to demonstrate greater insight into their own motivations, expectations and choices. Debra Schlee's study into the motivations of law and business students in the United States attributed a strong role to class status and the importance of gaining a professional qualification for the purpose of maintaining social status. She concluded that students' choice to study law was not always a rational or even a conscious decision. Students often cited reasons such as 'keeping options open' and other 'default' reasons (that is, being the best of all available alternatives).¹⁴ She interpreted her results to mean that 'students were making investments in human capital, not long term occupational decisions ... [and] that maintaining the professional class status of their

parents was a priority'.¹⁵ Schleef also drew upon Pierre Bourdieu's concept of *habitus* to refer to the early and deeply held tendencies and assumptions that shape the choice to study law.¹⁶ Although based on a small sample size of 79 individuals, Schleef suggested some interesting categories of reasons for law career choice, several of which resonate with our study. She described these as 'professional status, intellectual interest, upper middle class lifestyle, parental influence and "default"'.¹⁷ More recently, Catherine Carroll and April Brayfield asserted that in United States law schools women had lower expectations of their career trajectories than men, and both men and women identified 'family concerns' as a potential barrier to career advancement.¹⁸ Some caution is required in applying these results to an Australian context. Nonetheless, we were interested to explore this gendered difference in expectations in our study.

III THE SURVEY

We set out to investigate the career expectations of first-year law students in the very early stages of their degree to see how realistic these expectations might be. In our study, we used the 'Motivations for Career Choice' ('MCC') scale, which was developed to assess career motivations and perceptions among diverse populations.¹⁹ The first section, 'about you', asked about the participants' age, gender, and the degree in which they were enrolled. The following section, 'your career plans', asked participants to nominate details of their ideal career. In the third section, participants were presented with 64 items and asked to rate on a scale from 1 (not at all) to 7 (extremely) the extent to which their professional domain (in this case, law) allowed for the realisation of their ideal career. The final section elicited demographic information relating to the participants' parents' country of birth, qualifications, occupation and income. The MCC survey examines altruistic, utilitarian and intrinsic motivations together with ability-related beliefs, all of which are the focus of the broader career choice literature.²⁰ This approach provided an empirically- and theoretically-tested framework to generate reliable results regarding law students' aspirations and expectations. The MCC survey was administered to first-year LLB (undergraduate) students at Monash University.

A Method

The participants were 371 students enrolled in an LLB degree, and all were undertaking the first compulsory unit, 'Introduction to Legal Reasoning'. Students in this unit are divided into six 'streams' of approximately 90 students. All streams were surveyed, with a response rate of 82 per cent, 59 per cent of those students completing the survey being female. All commencing law students attending classes in early 2009 were given the opportunity to participate in the survey. Participants indicated their gender, age, year of high school completion and any other academic qualifications held, as well as their parents' combined income as an indication of socioeconomic status.

Survey participants' expectations about a legal career were assessed using the MCC scale. Students were asked about expectations relating to altruistic or social utility outcomes (for example, a career in the law will offer the opportunity to 'benefit the

disadvantaged’); personal utility values (for example, a career in the law will offer a ‘clear pathway for career development’ or ‘hours that fit with family responsibilities’); and intrinsic values (for example, ‘matches my skills’ or ‘suits my abilities’).²¹

Expectations about the legal profession were summarised by mean scores for each factor. A mean of, for example, 5.5–5.7 would indicate a high level of expectation about a specific aspect of a law career; whereas, a response below 3 would indicate a low level of expectation. Responses of 3–5 indicate a medium level of expectation about a particular feature.

The surveys were administered by the authors early in the first semester of studies in 2009. Ethics approval, consent of the Faculty and unit coordinators, and the informed consent of participants were obtained. It took about 15–20 minutes for participants to complete the surveys.

B Results

Nearly one-third of those surveyed reported a combined parent annual income of over \$120 000; while just over 10 per cent reported a combined parent annual income of under \$30 000. Nearly one-third reported that their father had at least one tertiary degree; just under two-thirds reported that their mother had at least one tertiary degree. Close to 10 per cent of students reported that their parents did not complete high school.

Just over half (55 per cent) of the students surveyed ‘were considering’ a career in the law, and 42 per cent ‘may consider’ a career in the law. Of those students considering a career in the law, the largest proportion (28 per cent) were considering working in a to medium to large law firm (this term was not defined in the survey, but is typically 20–200+ lawyers).

Examples of the questions relating to students’ expectations about a career in the law are provided in Table 1 below. Students were asked a series of questions about the workload in legal practice. They consistently disagreed with questions indicating that the work load required ‘little effort’ ($M = 1.66$) or was ‘light’ ($M = 1.89$). Students considered that a career in law would be rewarding in the sense of being ‘well paid’ ($M = 5.94$); because it ‘is a well-respected career’ ($M = 6.19$); and because it offers a ‘clear pathway for career development’ ($M = 5.56$). Students also expected that law involved a high degree of specialised knowledge, reporting that a career in law would be ‘strongly related to university studies’ ($M = 6.18$) and involve a ‘high level of expert knowledge’ ($M = 6.37$). Students considered that a career in law would allow them to ‘provide a service to society’ ($M = 5.73$), and to ‘fight against injustice’ ($M = 5.70$). Students’ understanding of what the work–life conditions of legal practice might be like fell into the medium band. Students gave mid-range responses as to whether a career in law would offer ‘job flexibility’ ($M = 3.21$) and ‘hours that fit with family responsibilities’ ($M = 3.39$). These results suggest that students had no strong expectation in relation to managing family commitments. As will be seen from Table 1 below, the responses of male and female students to these questions did not vary substantially.

Table 1 First-Year Beliefs about Careers in Law

'To what extent does a career in Law offer this?'
(1 = not at all, 7 = extremely)

<i>Item</i>	<i>Mean</i>	<i>Standard Dev</i>	<i>Males</i>	<i>Females</i>
<i>Low band: 1–2.9</i>				
<i>Requires little effort</i>	1.66	1.22	1.88	1.56
<i>Light workload</i>	1.89	1.32	2.14	1.73
<i>Has lengthy holidays</i>	2.46	1.14	2.68	2.33
<i>Short working day</i>	2.26	1.42	2.37	2.05
<i>Medium band: 3–5</i>				
<i>Offers job flexibility</i>	3.21	1.38	3.11	3.27
<i>Hours that fit with family responsibilities</i>	3.39	1.38	3.58	3.27
<i>Fits vacation time with family commitments</i>	3.23	1.30	3.35	3.17
<i>High band: 5.1–7</i>				
<i>Matches the qualities I possess</i>	5.31	1.19	5.38	5.27
<i>Is something that I want to do</i>	5.47	1.23	5.47	5.49
<i>Benefit the socially disadvantaged</i>	5.26	1.23	5.31	5.23
<i>Lets me provide a service to society</i>	5.73	1.13	5.61	5.81
<i>Fight against injustice</i>	5.70	1.23	5.56	5.79

<i>Is a high status career</i>	6.21	0.86	6.11	6.27
<i>High level of expert knowledge</i>	6.37	0.87	6.28	6.42
<i>Clear pathway for career development</i>	5.56	1.03	5.43	5.64
<i>Is well paid</i>	5.94	0.95	5.94	5.92
<i>Is a well respected career</i>	6.19	0.93	6.03	6.29
<i>Is strongly related to university studies</i>	6.18	1.04	6.04	6.27

IV COMMENT

Our study of first-year law students provides an interesting comparison to the literature already discussed in Part II. The data presented in our study are not entirely consistent with the literature from the United States on career expectations and gender.²² In our study, the expectations of incoming male and female law students were similar; in fact, the data suggest that they were similar, even for most categories of career expectations. Studies from the United States seemed to indicate a stronger divergence between male and female students' expectations about their careers in the law. In part, this may reflect the different structure of a law degree in Australia as compared to the United States. As already noted, in the United States, law is studied as a postgraduate course, so that students would be at least four years older than the average first-year LLB student surveyed in our study. It may also be evidence, however, of the changing 'sexual contract'²³ that now sees young women increasingly attributed with social, political and economic capacity; 'indeed they are now the privileged subjects of capacity, including the capacities for success, attainment and social mobility'.²⁴ As McRobbie has argued, this incitement toward capacity is particularly visible in the fields of education and employment, where young women are increasingly compelled to be active, motivated and aspirational.²⁵

Students did not express strong opinions about whether a career in the law would fit in with their 'family responsibilities' or offer some 'job flexibility'. This is not altogether surprising, given the age and experience of the students surveyed. It is possible to argue that for many, if not most, respondents the prospect of family responsibilities is a distant one and hence their interest or need to consider seriously how these will mesh with their professional aspirations is limited. These issues are likely to impact more directly and

heavily on women as they move into a career in the law.

While women account for around 55 per cent of law students,²⁶ they represent only 45 per cent of all solicitors in NSW and Victoria,²⁷ and leave private legal practice at a significantly higher rate than men. At the ‘elite’ level of the profession, women account for just 19 per cent of barristers²⁸ and 19.5 per cent of partners in private law firms.²⁹ A number of surveys have examined the reasons why women decide to leave the law and to make a change of career.³⁰ Thornton has written extensively on the experiences of discrimination and harassment reported by women in their professional lives.³¹ The difficulty of combining private practice with parenting responsibilities is another factor identified as contributing to the attrition of women from private legal practice.³² Lawyers in private practice are usually expected to work long hours which leaves little room for other commitments.³³

The first-year law students in our study showed somewhat optimistic views about the reality of legal practice. Whilst students recognised they would have to ‘work hard’ in the law, they also indicated that they expected considerable return from their work; such as, a high social status, opportunities for advancement and high salaries. Students expressed a belief that working in the law would also enable them to advance socially useful goals of helping others. These views suggest that students consider that their hard work will be balanced by other forms of reward, be they material or altruistic.

In our view, this is an optimistic view of the profession as, for many lawyers, the reality of legal practice is very different. The wealth of scholarly research on the peculiarly disproportionate rate of depression and dissatisfaction amongst lawyers attests to this.³⁴ It would be useful in future research to ask enrolling law students explicitly about mental health concerns and career plans. Moreover, other Australian research into career satisfaction generally demonstrates that a significant factor in low job satisfaction for this generation is the failure to find that their post-graduation employment fully utilises their abilities and knowledge: in short, that they do not find the work challenging and fulfilling — something they strongly desired.³⁵

V CONCLUSION

Our study found a number of interesting characteristics of first-year law students commencing their studies. The majority (97 per cent) were contemplating working in the law — rather than, for example, regarding law as a ‘generalist’ degree. These students appeared to consider that the high level of commitment demanded in the legal workplace would be compensated by a range of factors, including financial reward, high social status, merit-based opportunities for advancement and opportunities to give back to society. Perhaps these findings are unsurprising on the basis that we might expect students starting a university degree to be generally optimistic about their chosen career. The findings contrast with high levels of depression and stress within the legal profession. However, we did not ask students about mental health concerns, instead concentrating on career expectations.

We found that there was very little difference between the career expectations of male and female first-year law students. In the case of women students, this perhaps also

indicates the ‘protected’ environments that schools (and then universities) provide in relation to gender equity and opportunity. The attrition rates of females in legal practice might suggest that strategies to ensure equity and opportunities for females have not been successfully embedded structurally into the work practices of law firms. These differences must be confronting for women who have previously experienced an emphasis on equity and achievement in school and university. Nonetheless, the study does highlight a disjuncture between expectations of first-year law students commencing their degree and the rigours and routines of practising law in their futures. Law schools traditionally concentrate on training law students for legal practice, and this study demonstrates that law students are generally optimistic about their aspirations and prospects for working in legal practice. Further research needs to be undertaken as to whether later-year students hold similar levels of optimism as first-years. However, given the realities of careers and practices in law, we believe that it is necessary for law schools to consider carefully their responsibilities to students in relation to their prospective careers and to address the preparedness of their students to negotiate the often difficult workplace environment ahead of them.

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¹ See Jeannie Paterson, ‘The Numbers Game: Law Students’ Employment Prospects’ (1997) 71(3) *Law Institute Journal* 63.

² On law students’ mental ill health see Norm Kalk et al, *Courting the Blues: Attitudes towards Depression in Australian Law Students and Legal Practitioners* (Brain & Mind Research Institute, 2009); Lawrence S Krieger, ‘Institutional Denial about the Dark Side of the Law School, and Fresh Empirical Guidance for Constructively Breaking the Silence’ (2002) 52 *Journal of Legal Education* 112; 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.

³ See, eg, Patricia Eastaer, *Less than Equal: Women and the Australian Legal System* (Butterworths, 2001); Law Society of New South Wales, *After Ada — A New Precedent for Women in the Law* (2002); Margaret Thornton, *Dissonance and Distrust: Women in the Legal Profession* (Oxford University Press, 1996); Margaret Thornton and Joanne Bagust, ‘The Gender Trap’ (2008) 45 *Osgoode Hall Law Journal* 773; Lisa Webley and Liz Duff, ‘Women Solicitors as a Barometer for Problems within the Legal Profession — Time to Put Values before Profits?’ (2007) 34 *Journal of Law and Society* 374.

⁴ More recently, there has been an increasing number of graduate degree programs (‘Juris Doctor’ or ‘JD’) available to students who have already completed an undergraduate degree (or equivalent) in another discipline.

⁵ Kerri-Lee Krause et al, *The First Year Experience in Australian Universities: Findings from a Decade of National Studies* (Centre for the Study of Higher Education, University of Melbourne, 2005) Ch 3 and see generally.

⁶ See Livingston Armytage and Sumitra Vignaendra, *Career Intentions of Australian Law Students* (Centre for Legal Education, 1995); Maria Karras and Christopher Roper, *The Career Destinations of Australian Law Graduates: First Report on a Five Year Study* (Centre for Legal Education (NSW), University of Newcastle, 2000).

⁷ See Karras and Roper, above n 6.

⁸ Graduate Careers Australia, *Annual Australian Graduate Survey 2009* (2009) 6.

⁹ Wendy Larcombe, Pip Nicholson and Ian Malkin, ‘Commencing Law Students: Expectations of Undergraduate and Graduate Cohorts’ (2008) 1 *Journal of the Australasian Law Teachers Association* 227.

¹⁰ Karen Nelson, Sally Kift and John Clarke, ‘Expectations and Realities for First Year Students’ (Paper presented at 11th Pacific Rim First Year in Higher Education Conference 2008, Hobart, 30 June – 2 July 2008).

¹¹ Tani and Vines, above n 2.

¹² *Ibid* 6.

¹³ *Ibid* 30.

- ¹⁴ Debra Schleef, 'That's a Good Question! Exploring Motivations for Law and Business School Choice' (2000) 73(3) *Sociology of Education* 155, 158.
- ¹⁵ Ibid 170.
- ¹⁶ 'Habitus' is, in short, used to describe the subjective disposition or socialisation that underpins a person's actions or thoughts, and thus it contributes to social reproduction, sustaining social structures and traditions: see Pierre Bourdieu, *Outline of a Theory of Practice* (Cambridge University Press, 1977).
- ¹⁷ Scheef, above n 14.
- ¹⁸ Catherine Carroll and April Brayfield, 'Lingering Nuances: Gendered Career Motivations and Aspirations of First-Year Law Students' (2007) 27(3) *Sociological Spectrum* 225, 227.
- ¹⁹ Helen M G Watt and Paul W Richardson, *The Motivations for Career Choice (MCC) Scale* (unpublished, 2006). See also Nilusha De Alwis and Helen M G Watt, 'Entrepreneurial and Other Career Motivations among Engineering Students' in Ayala Malach-Pines and Mustafa F Özbilgin (eds), *Handbook of Research on High-Technology Entrepreneurs* (Edward Elgar, 2010) 267.
- ²⁰ Watt and Richardson, above n 19.
- ²¹ Ibid.
- ²² Such as Carroll and Brayfield, above n 18.
- ²³ For a fuller discussion of this point, see Lisa Adkins, 'From Retroactivation to Futurity: The End of the Sexual Contract?' (2008) 16(3) *NORA — Nordic Journal of Feminist and Gender Research* 182; Angela McRobbie, *The Aftermath of Feminism: Gender, Culture and Social Change* (Sage, 2008); Anita Harris, *Future Girl: Young Women in the Twenty-First Century* (Routledge, 2004).
- ²⁴ Maryanne Dever, 'Legal Futures: Aspirations, Motivations, Family' (Paper presented at Gender Work and Organisation Bi-Annual Conference, University of Keele, June 2010).
- ²⁵ Ibid, citing McRobbie, above n 23, 72.
- ²⁶ Thornton and Bagust, above n 3, 774.
- ²⁷ Virginia Harrison, 'Women Slide in Partnership Ranks', *Legal Affairs, The Australian* (Sydney), 25 June 2010 <www.theaustralian.com.au/business/legal-affairs/women-slide-in-partnership-ranks/story-e6frg97x-1225884034943>.
- ²⁸ Nicola Berkovic 'Women are missing out on the big bucks, says a survey' *The Australian* (Sydney), 4 December 2009 (reporting the findings of a survey funded by the Law Council of Australia) <www.theaustralian.com.au/business/legal-affairs/women-are-missing-out-on-the-big-bucks-says-a-survey/story-e6frg97x-1225806754157>.
- ²⁹ Harrison, above n 27. See also Jill Ewing et al, *Career Patterns of Law Graduates* (Law Institute of Victoria, 1990) 4 (women comprise only 21 per cent of solicitors in Victorian firms and 8 per cent of partners); Keys Young, *Flexible Partnerships: Making it Work in Law Firms* (Victorian Women Lawyers, 2002) 2 (women comprise 23 per cent of solicitors in private practice in NSW); Rosemary Hunter and Helen McKelvie, *Equality of Opportunity for Women at the Victorian Bar* (Victorian Bar Council, 1998) ix.
- ³⁰ On the experience of women lawyers in the United States see Eli Wald, 'Glass Ceilings and Dead Ends: Professional Ideologies, Gender Stereotypes and the Future of Women Lawyers at Large Law Firms' (2010) 78 *Fordham Law Review* 101.
- ³¹ Thornton and Bagust, above n 3. See also Easteal, above n 3; Thornton, above n 3; Law Society of New South Wales, above n 3.
- ³² See Juliet Bourke, *Corporate Women, Children, Career and Workplace Culture: The Integration of Flexible Work Place Practices into the Legal and Finance Professions* (Industrial Relations Research Centre, University of NSW, 2000); Ewing et al, above n 29, 34; The Law Society of Western Australia and Women Lawyers of Western Australia, *Report on the Retention of Legal Practitioners* (1999) Executive Summary. See also Timothy L O'Brien, 'Why Do So Few Women Reach the Top of Big Law Firms', *New York Times* (New York), 19 March 2006 <www.nytimes.com/2006/03/19/business/yourmoney/19law.html>.
- ³³ Deborah L Rhode, *Balanced Lives: Changing the Culture of Legal Practice* (Commission on Women in the Profession, American Bar Association, 2001) 19. See also Hilary Sommerlad and Peter Sanderson, *Gender Choice and Commitment: Women Solicitors in England and Wales and the Struggle for Equal Status* (Ashgate, 1998) 145.
- ³⁴ This is discussed at length in a variety of literature: see, eg, Martin Seligman, Paul Verkuil and Terry Kang, 'Why Lawyers are Unhappy' (2005) 10(1) *Deakin Law Review* 49; Kalk et al, above n 2.
- ³⁵ Johanna Wyn, 'Becoming Adult in the 2000s: New Transitions and New Careers' (2004) 68 *Family Matters* 4.