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The Wellness Doctrines for Law Students & Young Lawyers, by Jerome Doraisamy

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Book Review



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The Wellness Doctrines for Law Students & Young Lawyers, by Jerome Doraisamy

Abstract

Mental health issues are pervasive. According to the Mental Health Commission of Canada, in any year, “one in five people in Canada experiences a mental health problem or illness.” The impact of mental illness, writes Governor General David Johnston, “is felt by family, friends, and colleagues—by nearly every Canadian—in some way.” But are lawyers and law students more likely to be personally affected by mental health issues? Jerome Doraisamy’s *The Wellness Doctrines* tackles the subject of mental health and wellness for young lawyers and law students. The Law Society of Upper Canada’s 2017 *Mental Health Strategy Task Force Final Report* concludes that “legal professionals may be at an even higher risk than the general population of experiencing career and life challenges and struggles with mental illness and addictions.”

Cover Page Footnote

I would like to thank Erika Chamberlain, Jacob Shelley, Zöe Sinel, and Trix Van Egmond who provided comments on an earlier draft of this review. I would also like to thank research assistant Oliver Hutchison, JD Candidate 2018.

Book Review

The Wellness Doctrines for Law Students & Young Lawyers, by Jerome Doraisamy¹THOMAS G.W. TELFER²

I am now the most miserable man living. If what I feel were equally distributed to the whole human family, there would not be one cheerful face on the earth. Whether I shall ever be better I [cannot] tell; I awfully forebode I shall not. To remain as I am is impossible; I must die or be better, it appears to me.

Abraham Lincoln, 23 January 1841, letter to law partner John Stuart.³

MENTAL HEALTH ISSUES ARE PERVASIVE. According to the Mental Health Commission of Canada, in any year, “one in five people in Canada experiences a mental health problem or illness.”⁴ The impact of mental illness, writes Governor General David Johnston, “is felt by family, friends, and colleagues—by nearly every Canadian—in some way.”⁵ But are lawyers and law students more likely to be personally affected by mental health issues? Jerome Doraisamy’s *The Wellness*

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1. (NSW, Australia: Xoum, 2015) 255 pages.
 2. Professor, Western University, Faculty of Law. I would like to thank Erika Chamberlain, Jacob Shelley, Zöe Sinel, and Trix Van Egmond who provided comments on an earlier draft of this review. I would also like to thank research assistant Oliver Hutchison, JD Candidate 2018.
 3. Cited in Joshua Wolf Shenk, *Lincoln’s Melancholy: How Depression Challenged a President and Fueled His Greatness* (New York: Houghton Mifflin Company, 2005) at 62.
 4. Mental Health Commission of Canada, “The Facts” (2012), online: <strategy.mentalhealthcommission.ca/the-facts> [Mental Health Commission, “The Facts”].
 5. David Johnston, “Journey to Wellness: One Woman’s Response to Mental Illness, To Clara Hughes” in *The Idea of Canada: Letters to a Nation* (Toronto: McClelland & Stewart, 2016) 42 at 44.

Doctrines tackles the subject of mental health and wellness for young lawyers and law students.⁶ The Law Society of Upper Canada's 2017 *Mental Health Strategy Task Force Final Report* concludes that "legal professionals may be at an even higher risk than the general population of experiencing career and life challenges and struggles with mental illness and addictions."⁷

The Canadian Bar Association (CBA) reports that lawyers deal with depression at a rate four times higher than that of the general population.⁸ What of law students? The CBA makes the startling observation "that up to 40% of law students may have significant levels of depressive symptoms."⁹ In Australia, more than one third of law students "report experiencing disturbingly high levels of psychological distress, anxiety and depression while in law school."¹⁰

Given the high rates of mental health issues in the legal profession and among law students, *The Wellness Doctrines* offers a welcome "self-help 'survival guide'" on the issue of mental health.¹¹ This is not a book about mental health "law,"¹² but rather about how mental health affects law students and young lawyers. The author weaves his own narrative with anecdotes based on interviews with mental health experts, law students, young lawyers, academics, deans, and managing partners of law firms. These anecdotes serve to provide "solutions and strategies" for mental health.¹³ The book is aimed at the Australian market but mental health issues are universal. Therefore, the book's messages will resonate strongly with a reader in Canada and the themes are directly applicable to the Canadian legal setting. There are many self-help books for lawyers on the market. However, what sets *The Wellness Doctrines* apart from other published works is

6. Doraisamy, *supra* note 1.

7. Law Society of Upper Canada, *Mental Health Strategy Task Force Final Report to Convocation* (Toronto: LSUC, 2016) at 9.

8. Mood Disorders Society of Canada, Bell Let's Talk & The Canadian Bar Association, *Mental Health and Wellness in the Legal Profession*, "Module 1: Mental Health and Addiction" at 15, online: <www.mdcme.ca/courseinfo.asp?id=176> (an online "self-learning" program for Canadian lawyers, judges, and law students, which can be accessed through free registration at the link provided).

9. *Ibid.*

10. Doraisamy, *supra* note 1 at 27. For American law student rates of depression, see Jennifer Jolly-Ryan, "The Last Taboo: Breaking Law Students with Mental Illnesses and Disabilities Out of the Stigma Straitjacket" (2010) 79 UMKC L Rev 123 at 135. See also Yale Law School Mental Health Alliance, *Falling Through the Cracks: A Report on Mental Health at Yale Law School* (YLSMHA, December 2014).

11. Doraisamy, *supra* note 1 at xviii.

12. See e.g. Jennifer A Chandler & Colleen A Flood, *Law and Mind: Mental Health Law and Policy in Canada* (Toronto: LexisNexis, 2016).

13. Doraisamy, *supra* note 1 at xviii.

that the book specifically targets law students and young lawyers rather than the legal profession more generally.

Jerome Doraisamy is a young Australian lawyer. He is well placed to offer his unique perspective on mental health. While in law school, he was “deeply consumed by...stress [and] anxiety” such that he was “incapable of functioning on what any reasonable person would perceive to be a normal level.”¹⁴ In 2012, in the same week that he graduated from university and was admitted as a solicitor, Jerome voluntarily checked himself into a hospital. But for the support of his family and friends, he admits that he would not have “lasted long enough to write this book.”¹⁵

The author gives three reasons for writing the book. First, he argues that it is necessary “to provide insight into the struggles of those suffering from depression.”¹⁶ Second, by sharing his own story, Jerome hopes to “inspire” law students and young lawyers living with mental health issues to “feel safe enough to disclose their issues, and seek the help they need, without fear of personal or professional reprisal.”¹⁷ This second goal is significant as Canadian statistics show that only one in three people who experience a mental health problem report that they have “sought and received services and treatment.”¹⁸ Finally, the book provides an explicit message: No matter how bad things become, life will get better.¹⁹

Why are law students and legal professionals reluctant to come forward and seek help? Those who live with mental health problems report that the experience of stigma has a more devastating impact than the illness itself.²⁰ According to *The Wellness Doctrines*, many lawyers and law students believe that mental health stigma will have a direct impact on success and employment. Many self-stigmatize, believing societal messages that having depression is a “weakness” or a “failure.”²¹ This can only result in law students and young lawyers suffering in silence.²² To help overcome stigma, *The Wellness Doctrines* assures readers that there are many others who face the challenges of a mental illness and that success

14. *Ibid* at 2.

15. *Ibid* at 6.

16. *Ibid*.

17. *Ibid* at 6-7.

18. Mental Health Commission of Canada, “The Facts,” *supra* note 4.

19. Doraisamy, *supra* note 1 at 7.

20. Mental Health Commission of Canada, “Changing Directions Changing Lives: The Mental Health Strategy for Canada” (Calgary: Mental Health Commission of Canada, 2012) at 22.

21. Doraisamy, *supra* note 1 at 29.

22. *Ibid* at 19. See Jolly-Ryan, *supra* note 10 at 128-29.

is possible. In perhaps one of the most powerful chapters, “*What have other people experienced? How do I know I’m not alone?*,” lawyers and law students share stories of anxiety and depression.²³

To explain the prevalence of mental health issues in the legal world, the author argues that lawyers and law students have common identifiable personality traits: i) pessimism, ii) perfectionism, and iii) competitiveness.²⁴ The author acknowledges that pessimism is essential to the everyday practice of law. Lawyers are trained, for example, to look for critical flaws in arguments. However, when work pessimism “spill[s] into your personal life,” problems will arise.²⁵ Although pessimism will take you far in your legal career, in your personal life it is optimism that is a more “accurate indicator of a person’s happiness, resilience, and motivation.”²⁶

Law students or lawyers who are perfectionists or display high levels of competitiveness develop unrealistic standards together with “relentless self-criticism.”²⁷ This can “exacerbate psychological distress, anxiety, and depression.”²⁸ Perfectionism and competitiveness lead law students and lawyers early in their careers to focus on “external stimulus,”²⁹ since the culture of law “values esteem and prestige as a determination of one’s worth among peers.”³⁰ Thus, employer brand and salary come to define one’s standing within the legal field. But the author argues that these external factors should not “dictate how you perceive your standing within the law field.”³¹ He calls for law students and young lawyers to have “other, more personal indicators of individual worth.”³²

23. Doraisamy, *supra* note 1 at 187-88.

24. *Ibid* at 49.

25. *Ibid* at 51. See also Daniel S Bowling III, “Lawyers and their Elusive Pursuit of Happiness: Does it Matter?” (2015) 7 Duke F L & Soc Change 37 at 41.

26. Doraisamy, *supra* note 1 at 50.

27. *Ibid* at 53.

28. *Ibid*.

29. *Ibid* at 57.

30. *Ibid* at 52.

31. *Ibid*.

32. *Ibid*. In a chapter entitled, “*Personalities, Part II: Overcoming legal idiosyncrasies*” (*ibid* at 58) the author illustrates how to overcome the obsession with external factors with the following advice: occasional failure is okay; it is important maintain activities outside work; young lawyers should focus on things they can control; it is important to establish networks of friends outside of law; and finally, individuals should not “see someone else’s success as your failure.” See Doraisamy, *supra* note 1 at 58, 69-70. See also Leonard L Riskin, “The Contemplative Lawyer: On the Potential Contributions of Mindfulness Meditation to Law Students, Lawyers, and their Clients” (2002) 7:1 Harv Negot L Rev 1 at 10.

In a chapter entitled “*Choosing the right job for me*,” the author more fully explores the need to pursue prestige when law students select a career path.³³ Seeking prestige may be counterproductive. A large number of law students pursue careers “that are inconsistent with their personalities, ambitions and/or talents.”³⁴ To put it more bluntly, the author warns against following a particular career path “just because you feel like you should be doing it.”³⁵ The wrong approach is to forge ahead uncritically in a career “hoping that you will grow to like it.”³⁶ After all, “no one ever found happiness doing what others thought they should do.”³⁷

Establishing a work/life balance is a common challenge faced by many lawyers.³⁸ It is one thing to acknowledge this problem but quite another to offer solutions. Many of the chapters provide guidance on how to obtain a better work/life balance and how to alleviate stress while working or studying. The book includes chapters such as:

“*How can I manage an often onerous workload in law?*”³⁹

“*How can I unwind when I’m stressed at my desk?*”⁴⁰

“*What is the best way for me to achieve a work/life balance?*”⁴¹

“*I already have a busy schedule, If I take on a hobby, won’t I become even more tired and stressed?*”⁴²

The practical tips are too numerous to mention here. Many of the author’s work/life balance suggestions are grounded in common sense, yet in reality they are too little observed. A central theme of the book is that it is not possible to devote one’s entire schedule to work. Allowing work or study to dominate one’s schedule could lead to “exhaustion, stress, distress, disillusionment, anxiety or depression.”⁴³ To counter excessive work, the author places an emphasis on

33. Doraisamy, *supra* note 1 at 120.

34. *Ibid* at 121.

35. *Ibid* at 129.

36. *Ibid* at 127.

37. Lucinda Clarke, quoted in Doraisamy, *supra* note 1 at 122.

38. Fiona M Kay, Stacey Alarie & Jones Adjei, *The Diversification of Career Paths in Law: Tracking Movement out of Private Practice Among a Recent Two Decade Cohort of Law Graduates, A Report to the Law Society of Upper Canada* (Toronto: LSUC, 2015) at 60.

39. Doraisamy, *supra* note 1 at 131.

40. *Ibid* at 143.

41. *Ibid* at 156.

42. *Ibid* at 166.

43. Australian Law Students Association, quoted in Doraisamy, *supra* note 1 at 157.

having outside activities and making that activity a “non-negotiable feature of your schedule.”⁴⁴

There is one activity, however, that will not help with work/life balance: abuse of alcohol. This topic is considered in, “*Do we have a tendency to self-medicate with alcohol?*”⁴⁵ Although there are many opportunities in law school and in the legal profession to engage in social activities, too often these events are associated with alcohol. If “alcohol consumption is glorified as a regular leisurely pursuit,”⁴⁶ it may result in a type of self-medication used to cope with study and work-related pressures. Consumption of alcohol, “if left unattended, can perpetuate existing or underlying physical and mental health issues.”⁴⁷ No discussion of mental health is complete without a consideration of this addiction issue.

To return to helpful work/life balance suggestions, the author recommends taking time out for mindfulness meditation. Mindfulness “requires that we pay attention and inhabit the present moment.”⁴⁸ Often, our thoughts focus on what should happen in the future or we obsess over past events. Our mental list of things to do preoccupies our thoughts and we miss the present. As John Lennon writes:

Life is what happens to you,
While you're busy making other plans.⁴⁹

Living in the future can be a source of anxiety, since “none of this has happened yet.”⁵⁰ The goal of mindful meditation is to create “a space where our goal is to ‘be’, not to ‘do.’”⁵¹ Being mindful allows for the enjoyment of the present

44. Doraisamy, *supra* note 1 at 165.

45. *Ibid* at 175. However, the author’s discussion of having a drink or two at lunchtime (in moderation and not too frequently) at 149-50 earlier in the book is surprising given this important chapter.

46. *Ibid* at 177.

47. *Ibid*.

48. Jon Kabat-Zinn, *Full Catastrophe Living: Using the Wisdom of Your Body and Mind to Face Stress, Pain, and Illness*, revised ed (New York: Bantam Books, 2013) at xxxiv.

49. John Lennon & Yoko Ono, “Beautiful Boy (Darling Boy),” Album: *Double Fantasy* (Geffen Records, 1980).

50. Bruce Springsteen, “Livin’ in the Future,” Album: *Magic* (Columbia Records, 2007). For a discussion of Bruce Springsteen’s personal struggles with depression, see Bruce Springsteen, *Born to Run* (New York: Simon & Schuster, 2016) at 484-87. See generally Bruce Springsteen, “This Depression,” Album: *Wrecking Ball* (Columbia Records, 2012).

51. Mood Disorders Society of Canada, Bell Let’s Talk & The Canadian Bar Association, Mental Health and Wellness in the Legal Profession, “Module 4: Proactive Wellness” at 54, online: <www.mdcme.ca/courseinfo.asp?id=176> [emphasis added].

moment in a non-judgmental way.⁵² After all, “you can only live this day once, this opportunity now.”⁵³

The author is to be applauded for raising mindfulness, but an entire chapter could be devoted to this important topic. Millions across the globe use mindfulness to achieve health benefits.⁵⁴ There is significant evidence that mindfulness meditation results in “improved concentration and a sense of calm, along with a decline in anxiety, hostility, and depression.”⁵⁵ One American study concludes that mindfulness meditation could:

- (1) help lawyers and law students feel better and perform better at virtually any task; and
- (2) enable some lawyers to listen and negotiate better, thereby providing service that is more responsive to their clients’ needs and their own.⁵⁶

Mindfulness has become mainstream. An All-Party Group of the UK Parliament has endorsed the practice of mindfulness meditation as a broader health care measure.⁵⁷ McGill University has recently added a mandatory mindfulness program for its medical students and some business schools have incorporated mindfulness concepts into their programs.⁵⁸ Mindfulness is also making inroads into the legal profession and legal education.⁵⁹ The *Wall Street Journal* reports that lawyers in the United States are signing up for mindfulness workshops.⁶⁰ Several American law schools have introduced mindfulness into

52. Kabat-Zinn, *supra* note 48 at xxxv.

53. Clara Hughes, *Open Heart, Open Mind* (Toronto: Simon & Schuster, 2015) at 195.

54. UK, The Mindfulness Initiative, *Mindful Nation UK: Report by the Mindfulness All-Party Parliamentary Group* (UK: MAPPG, October 2015) at 6 [The Mindfulness Initiative].

55. Riskin, *supra* note 32 at 30.

56. *Ibid* at 46.

57. The Mindfulness Initiative, *supra* note 54 at 4.

58. Catherine Couturier, “Mindfulness Gaining Traction on Canadian Campuses” (14 March 2016), online: University Affairs <www.universityaffairs.ca/news/news-article/mindfulness-gaining-traction-on-canadian-campuses>. See also Ellen Choi & Michael J Rouse, “Mindful Leadership: Cultivating Sagacity and Wisdom in the Workforce” (2014) Ivey Business School at Western University Whitepaper at 16-17.

59. See e.g. Jeena Cho & Karen Gifford, *The Anxious Lawyer: An 8-Week Guide to a Happier, Safer Law Practice Using Meditation* (American Bar Association: Ankerwycke, 2016). See also Scott L Rodgers, *Mindfulness for Law Students: Using the Power of Mindfulness to Achieve Balance and Success in Law School* (Miami Beach, FL: Mindful Living Press, 2009).

60. Jacob Gershman, “Lawyers Go Zen, With Few Objections” *Wall Street Journal* (18 June 2015), online: <www.wsj.com/articles/lawyers-go-zen-with-few-objections-1434586250>. See also Charles Halpern, “The Mindful Lawyer: Why Contemporary Lawyers Are Practicing Meditation” (2012) 61:4 J Leg Educ 641.

their curriculum with some offering credit courses.⁶¹ The Schulich School of Law at Dalhousie University introduced Mindfulness in Law in 2014.⁶²

One of the core messages of *The Wellness Doctrines* is that “law students and young lawyers need to take control and responsibility for their own mental health.”⁶³ Until all Canadian law schools offer mandatory mental health education as part of their curriculum, the author’s message of individual responsibility might be given some credence. However, individual responsibility for mental health can only take you so far. Without mental health awareness initiatives offered by universities and law firms, students and young lawyers may not realize that they are heading for a mental health crisis. Until mental health is discussed in law schools and de-stigmatized, many students may not seek help. Thus, it is difficult to accept fully the author’s argument for self-reliance. The author concedes that his message of “individual responsibility...does not ignore the fact that your employer or institution has a duty of care to ensure your health and wellbeing—because they absolutely do!”⁶⁴ The author’s strong message of individual responsibility is, therefore, tempered by a call for a top-down approach of mental health education in law schools and law firms. Indeed, the CBA in its online course (*Wellness in the Legal Profession*) recommended that the legal profession should “require law schools to include mental health and addiction *psychoeducation* in their curricula.”⁶⁵

There is much in this book to recommend but there is perhaps one topic that deserved more attention. Although the book includes a statement from psychiatrist Dr. Robert Fisher acknowledging that persons suffering from mental illness may “contemplate suicide,”⁶⁶ there is no chapter that is expressly dedicated

61. See The Mindful Law School, “Law Schools Involved in Mindfulness and the Law,” online: <themindfullawschool.com/law%20schools/index.html>.
62. Dalhousie University Schulich School of Law, “Health & Wellness: Mindfulness in law,” online: <www.dal.ca/faculty/law/current-students.html#node_103101f501bf48a1ae02730866fcaad7contentPartabcontainerentriestabentry_517793922>.
63. Doraisamy, *supra* note 1 at 90.
64. *Ibid* at 94. The author does not cite any legal authority that would establish an Australian affirmative duty of care. For Canadian case-law recognizing new affirmative duties of care in negligence law, see *Childs v Desormeaux*, 2006 SCC 18, [2006] 1 SCR 643. It is doubtful that the author needs to resort to the law of negligence to make the broader normative point that mental health education should be part of the law school curriculum.
65. Mood Disorders Society of Canada, Bell Let’s Talk & The Canadian Bar Association, Mental Health and Wellness in the Legal Profession, “Module 2: The Impact of Stigma” at 37, online: <www.mdme.ca/courseinfo.asp?id=176> [emphasis in original]. See also Doraisamy, *supra* note 1 at 34.
66. Doraisamy, *supra* note 1 at xvii.

to the risk of suicide for those who live with mental illness.⁶⁷ Suicide is a difficult issue to talk about,⁶⁸ yet suicide deserves our full attention.⁶⁹ Each year about 4000 Canadians die as a result of suicide.⁷⁰ There are countless others who make an attempt on their own life. Those who survive a suicide attempt face an endless battle for resources in an ER waiting room. There needs to be a frank discussion about suicide prevention⁷¹ and the warning signs of suicide.⁷² Readers should be aware of their own local mental health crisis numbers.

Many who are not presently affected by mental health issues may believe that they do not need to read this book. Indeed, the author devotes a whole chapter to this issue in “*I don’t have depression. Why should I worry?*”⁷³ At a minimum, discussing this book will help raise awareness and reduce mental health stigma in the legal world. But even if the content does not appeal as a means of personal self-help, insights gained from this book will allow the reader to help fellow law students and other lawyers who might be struggling. This is the Governor-General of Canada’s message:

We must inform ourselves in order to help others. The more knowledge we have, the better we will be able to help those in need.... We must not maintain silence—not when people are suffering, not when people’s lives are at risk. We can improve lives, and even save them, if we simply make the effort.⁷⁴

Law students and young lawyers in Canada will learn much from *The Wellness Doctrines*. The subject matter is so important that it underscores why Canadian law schools should adopt mental health education as part of their curriculum. One of the greatest attractions of the book is that the message is not

67. However, ten per cent of the proceeds of the book are to be donated to the Tristan Jepson Memorial Foundation. Tristan Jepson, a lawyer, tragically took his own life at the age of 26 in 2004. See Doraisamy, *supra* note 1 at 219.

68. Crowded House, “Nobody Wants To,” Album: *Time on Earth* (ATO Records, 2007).

69. *Zero Suicide: An International Declaration for Better Healthcare* (March 2016), online: <www.slideshare.net/davidwcovington/zero-suicide-international-declaration-draft-01-september-2015> at 1.

70. Mental Health Commission of Canada, “The Facts,” *supra* note 4.

71. World Health Organization, *Preventing Suicide: A Global Imperative* (Luxembourg: World Health Organization, 2014) at 3.

72. It is ironic that the mental health care system is designed to keep people alive and prevent self-harm and yet we debate whether the state should sanction medically assisted death for those who live with mental illnesses. See “Doctors Ask for Assisted-dying Guidance,” *Globe and Mail* (1 March 2016) A4. See also Scott Y H Kim & Trudo Lemmens, “Should assisted dying for psychiatric disorders be legalized in Canada?” (2016) 188:14 CMAJ E337.

73. Doraisamy, *supra* note 1 at 27.

74. Johnston, *supra* note 5 at 44-45.

one of ongoing despair but of hope. Everyone who shared a story for the book “is currently thriving in...professional life despite the enormity of what he or she experienced.”⁷⁵ These success stories send a strong message:

No matter how bad you feel, regardless of how awful things may appear, don't ever forget that things can get better.⁷⁶

75. Doraisamy, *supra* note 1 at 193. This includes the author who states that he is feeling “infinitely better” (*ibid* at 226).

76. *Ibid* at 7. There is hope. The author of this review has experienced depression and is the survivor of two suicide attempts. He is a member of the *Zero Suicide Implementation Committee*, St. Joseph's Health Care, London, ON.