

William & Lonsdale Lives in the Law

Ep 61. Dr Carly Schrever

Voiceover [00:00:08] This is William and Lonsdale, a podcast about the legal ecosystem and the fascinating people who make it tick. Today your host Michael Green speaks with lawyer, psychologist and empirical researcher Dr Carly Schrever. Carly has worked in and around the legal profession and the courts for 20 years. Although she got her law degree, had wonderful articles at Allen's and was associate to Justice David Habersberger, Carly always knew deep down that working purely in the law was just not where her heart lay. This led her to become a doctor of psychology and since 2015, Carly has worked specifically on judicial and lawyer wellbeing. And as we will hear in this conversation, this is where Carly truly found her passion.

Carly Schrever [00:00:55] I'm so passionate about this topic and I've thought long and hard what is at the heart of that passion. I don't know that I've really got to the answer but it was really exciting for me to have this opportunity to understand the genuine human experience of doing this really difficult role, difficult and important and critical role in our society, to understand what it takes to do that, the impact of that and to really get to know the judges and magistrates' experience in the work.

Michael Green [00:01:48] Our guest this morning in Lives in the Law is Dr Carly Schrever. Carly's got a PhD in psychology and so you may ask, why are we talking to Carly about a life in the law? Well currently, her role in the law is in a business called Human Ethos. Carly, can you tell us about Human Ethos, what it does, what do you do, where does it fit in the legal world?

Carly Schrever [00:02:08] Yeah sure, thanks Michael. So Human Ethos is a psychological consultancy that my business partner and I, so her name's Sally Ryan, we started a couple of years ago. We direct our efforts to the wellbeing of judges and the legal profession. So we're based in Melbourne, but we work with the judiciary and the legal profession around the country and also worldwide. We do a number of different things. We work with courts or legal workplaces to run workshops and training around managing the demands and pressures of the work. We also advise leaders on how to make structural systemic changes to better support wellbeing and we work individually with judges as well.

Michael Green [00:02:46] Well we'll get to that in more detail later, because it is interesting, very interesting indeed and particularly how it might apply to the whole of the legal profession, not just to judges. But let's go back to the beginning and tell us about the journey which brought you to this position. Where did you grow up, where did you go to school, your mum and dad, all the normal stuff?

Carly Schrever [00:03:04] Sure. So I grew up in the foothills of the Dandenong's in a little place called the Basin that probably people have heard of and I went to the Basin Primary School. My maternal grandparents lived out that way as well and when I was 10 we moved up into the Dandenong's in Selby which is on the Puffing billy train line, so it's always been in and around the hills. I'm the first of my family in any direction that has ever worked in the law and my parents were the first of the first generation within their families to be tertiary educated. So I guess the story of my parents coming together was they met at university. My dad was first generation Australian with Dutch parents. They'd come out to Australia after World War II and they'd been in the Dutch resistance during Nazi occupied Amsterdam and there's a whole lot of really, really moving and sort of tragic stories that come out of their time there. My mum moved to Melbourne when she was a teenager. Her

parents had gotten together as teenagers themselves in Sydney and she grew up out in the Dandenong's and then my parents met at International House, one of the colleges at Melbourne Uni.

Michael Green [00:04:10] Just to explore a little bit about those influences and particularly your mum and dad, at age 16, which rings a bell with me because I've got a granddaughter of 16 at the moment, your mum had quite an extraordinary experience which shone a light on her and maybe influenced you and your direction in your life. Can you tell us that story?

Carly Schrever [00:04:27] Yeah, it's a really interesting story. So my mum was 16, living in the Basin on a large five -acre block. She was studying for her, I guess year 11 exams. Her younger siblings were at school. Her dad was out working and her mum I think had gone to the movies with some friends and while she was there alone in the house, she heard a noise, went into one of the back rooms and saw someone climbing through a window and the person made up a story about, I just need to use a telephone. But then mum realised that there was another person behind the door that she just walked through who put a knife to her throat and said, don't move, we need you to help us. And basically what transpired was that four escapés from Bendigo Prison had made their way to the house where my mum was alone as a 16 -year -old, thought the house was empty, had come in to try and get some food and to use the telephone, but then discovered my 16 -year -old mum there. Now she's, I've heard her tell the story, very quickly she realised she wasn't in any immediate harm, they weren't going to hurt her, but in that brief moment of course she thought she would be hurt. She ended up helping them, getting them cornflakes, helping them use the phone. I think a couple of them had grown up in the Salvation Army boys' home that's out in the Basin, which is why they'd come out that way. And they were debating about whether they would give themselves, turn themselves in or keep going. I think two of them wanted to keep going and two of them wanted to turn themselves in. And then of course mum had to be a witness in the court case and her mum, so my nana, also got very sort of interested and connected to the story of these men. And with a couple of them, one in particular, I think they maintained a bit of a relationship once he was back in jail, visiting him and kind of caring about him and his story. Interesting indeed.

Michael Green [00:06:18] Apart from that though, I can't see anything in your background, Carly, which might indicate that you were going to follow a pathway into the law.

Voiceover [00:06:25] You're right about that.

Carly Schrever [00:06:27] So there was nobody in my family that was a lawyer. There was certainly no specific encouragement to go down that path. I didn't really know anything about the legal profession. So really how it happened was I was a very academic kid. I worked hard in high school, particularly in Year 11 and 12, because I wanted to keep my options open. I did much better than I expected in VCE. And then I just kind of thought, and this was not coming from my parents or anyone in my family, and I don't remember receiving an explicit message from anyone, but I just sort of thought if you got into law or medicine, you should do one or the other. And I thought, well, I'm probably more humanities than science. I'll do law. That was really how it happened.

Michael Green [00:07:12] Somewhere around this time, Year 12 and starting university, I'm not sure exactly when, you applied for and obtained an American Field Scholarship. What's an American Field Scholarship and how did it play out?

Carly Schrever [00:07:24] So I was young for my year level. I was still 17 when I finished Year 12, and so I thought I had a year up my sleeve before I would go to university. So I applied to do a high school exchange. The American Field Scholarship is one of these international high school exchange programs. It actually started after World War II as a way of creating cross-cultural understanding between nations and it's since become a global thing. And I was just really keen to travel overseas. I'd done French in Year 12, so I was keen to go to a French-speaking country and you can put some preferences down. So I put France, Switzerland, Canada, had to put a fourth preference. I thought, oh, what about Malaysia? And then I ended up being sent to Malaysia and I knew nothing about Malaysia. I didn't speak Malay. I really had never been there. I had been to Bali, which I suppose is the closest that I'd come to. So it was a really eye-opening experience. I lived there for a year with a family in the northeast of Malaysia in a state called Kelantan, which is a particularly Malay part of Malaysia. I went to the local high school and I lived like a 17-year-old Malay girl for those 12 months. And in many ways, I mean, it was so enriching and I think it shaped my approach to life in many ways. But the day-to-day was quite hard, actually, because I didn't speak the language. I wasn't actually having to take any classes at school. So I'd go to school every day, but I'd basically just spend the time trying to learn the language. And also the culture in Malaysia, particularly then, was that if you're an unmarried girl, you have to be home by sundown. So my life was a bit more restricted than it would have been at the same age back home. And I had a lot of time, I guess, in my own head, a lot of time kind of thinking about what I want my life to be about. And a lot of days where I felt like I wasn't accomplishing much.

Michael Green [00:09:13] Looking back, do you think it was a valuable experience?

Carly Schrever [00:09:16] Look, I do. I think it was... It's hard for me even to really identify all the ways in which I think it shaped me and set me on my professional course. I think it taught me a lot of resilience. You know, there were times where I was intensely lonely and homesick and this was before email. It was before really affordable international phone calls. So I really had to cope with that on my own. I did learn the language and that's been a great thing to speak a language of one of our close neighbours. I learned a real appreciation for a completely different culture. So my host family were Muslim, or they are Muslim. I didn't really know much about that religion before going there. I learned a real appreciation for their spirituality and what's important culturally for them. And I think it sort of taught me at an early age to rely on myself in a way that I might not have learned otherwise.

Michael Green [00:10:12] So Carly, this brings us up to 1998. You commenced law and arts.

Carly Schrever [00:10:18] Well, in fact, I'd enrolled in arts law and then while I was in Malaysia, I decided to switch to science law.

Michael Green [00:10:24] Okay, so you're commencing science and law at Melbourne University in 1998 and you live in Queen's College.

Carly Schrever [00:10:30] That's right.

Michael Green [00:10:30] You've said that college life dominated and that academic work came second. And I found that interesting because when I was at University Generations ahead of you, I made the same observation. People who lived in college, that dominated

their lives and was far more important to them than actually the course they were doing. Was that the case? Was it? How did people like you therefore pass your exams?

Carly Schrever [00:10:52] That's such a good question. Look, college life, I'm not sure if it's still the case now, but certainly when I was there in the late 90s, it was all consuming. You know, you're living there 24 -7. There are so many activities and clubs and a real expectation of full -throttled involvement in everything that's happening at college life. Also, Queen's in particular, all colleges had this to some extent, but Queen's had a particular ethos of student self -government. So there was a lot of, particularly as I sort of progressed, I was there for three years. There was a lot of expectation and opportunity to be involved in the kind of governance and management of the college. And it was kind of like a world unto itself. It was its own world. You could basically just go between the college and the university and never really leave. People would sort of jog around Princess Park, but that was pretty much it. So it was really all consuming. And I definitely remember feeling like I was 100 % occupied with what was happening at college and I had to find a way to jam in what I was doing at university. And it did make it hard at times to achieve to the same, you know, at the same level as what we probably would have if we weren't living under those conditions. But there's also a lot of life skills and other kinds of development that were really fostered within the college environment.

Michael Green [00:12:13] And then Carly, in your final year at Queen's, you're president of the student body. And I believe that had some challenges in such a traditional culture, which a culture that goes back to English universities centuries and centuries ago.

Carly Schrever [00:12:24] Yeah, that's right. So I was elected the president of the student body towards the end of my second year. You take over in the September and then you go to the following September.

Michael Green [00:12:34] Were you the first female president?

Carly Schrever [00:12:35] I was the third. So the second was the president immediately before me. And then there was one maybe the year before I started at Queen's or two years before I started at Queen's. So in all the you know, by this point, it was well and truly over 100 years of Queen's and there'd been women at the college since the early 70s. I was the third of a female president. And absolutely, I experienced how hard it was to be a female leader in in a community that had historically been and a culture that historically been much more male dominated. I have a lot of support had a great general committee of other elected leaders around me. And we had a really supportive, internally cohesive group. But there were some challenges. So because I was in this position as president, I became aware of a couple of things that had occurred in previous years that gave me a lot of cause for concern about some unchecked practises and behaviour within the college. And initially, I was thinking about sort of soft ways of trying to steer the culture in a better, more modern direction. But then about halfway through my term, I realised that some of these things really needed to be tackled head on. And I brought them to the student body, the entire group of students to get them to debate it and think about what changes might be needed. And that was a that was a really interesting and challenging time for me because I was quite amazed at how much resistance there was to the kinds of humane changes that I thought were really needed. And I felt that as a female leader, one of the first within the college, I was coming up against for the first time in my life, the full force of, I guess, kind of patriarchal culture. And I experienced firsthand just what an impossible fight it can feel like for women sometimes when that culture is established, unquestioned and kind of embraced and adored, including by a lot of women within the culture. So there

were some moments where I really felt I was out on a limb. I felt alone in trying to challenge some of these practises and traditions that really did need to change. They were from the past. They had no place in a 21st century student life. And I found it really difficult, the amount of resistance and the kind of force and aggression behind some of that resistance. I was solid that I needed to continue to push this debate forward, but I was consumed with a lot of self-doubt as to whether I was the right person to be doing it. I didn't have well-formed views or vocabulary really around culture and power and privilege and gender or any of that. I hadn't done any reading along those lines. I don't even think the mainstream discourse had gone there. And so I was really feeling my way and it was exhausting. I didn't feel like I had a whole lot of support from other sources of power within the institution. And basically, by the end of that year and when my term as president had finished and it was time for me to move on from Queen's, I was so sort of thoroughly exhausted that I decided to take a year off and go into a working holiday in England before returning to my studies.

Michael Green [00:16:03] The working holiday in England. What did you do there?

Carly Schrever [00:16:06] So I had this grand plan of doing nothing. I arrived in Heathrow and was like, great, I've got this whole year, no plans. And then about 20 minutes into it, I thought, oh, geez, I've got no plans. What am I going to do? And so I called up my friend, Dorothy Lee, who actually was the chaplain at Queen's and had been a wonderful source of support for me, particularly in that third year. She was on sabbatical in Cambridge, writing a book. She was a theological scholar. And so I called her up and said, I'm in England, too. Any chance I could come and see you for a bit? So I ended up staying with her for a while. She found me some Cambridge professors who needed house sitters while they were going to some other part of the world. So I got a job waitressing and I got a job working in a travel agency and I was in Cambridge for a few months just making money and living my life. And then after a few months, I shifted to London and I ended up getting a paralegal position at a large commercial law firm, Freshfields. And I worked there as many hours as I possibly could, just saving money so I could do a bit more travel before heading home.

Michael Green [00:17:03] Looking back, do you think it was beneficial to have that year off?

Carly Schrever [00:17:06] Look, I think it really was. Again, a bit like when I was in Malaysia on exchange, there were lots of days and hours that were kind of lonely. But I think it was really important for me to make a break, to reset and to just have some good experiences and see different parts of the world.

Michael Green [00:17:22] When you get back to finish your degrees, you suffer from panic attacks. Did you get to the bottom of why this occurred and how did you overcome them?

Carly Schrever [00:17:33] So actually the first panic attack I had was when I was in London, actually. And yeah, for anyone who's had them, and I know that they're extremely common, they are terrifying experiences. The feeling is the same feeling you would have in your body if someone had pushed you out of an airplane without a parachute and you know that you're hurtling towards your death. This is complete and utter dread and a certainty that you're going to die is the internal feeling. So I had my first one actually at Freshfields while I was working. It just came on. Interestingly, somehow they didn't continue while I was still travelling. I think on some level; my psyche couldn't relax enough and I was just hypervigilant and I kind of got through that year. But when I got home and

I'd settled into my share house with a couple of friends from college and I was back at uni, I remember being in an international law lecture and the same feeling, the overwhelming feeling of imminent mortality just swept through my system. I had no idea what was going on. I discovered after this incident, I kind of couldn't go home to my share house. I went to my parents' house. I learned that my mother had had panic attacks and that there was quite a family history on my maternal side. So that showed me that there was clearly a sort of genetic predisposition. But in terms of really unpacking and getting to the bottom of it, I think, you know, I had this predisposition. I'd always been, you know, a high performing.

Michael Green [00:18:52] You can say high achievement, Carly, because clearly you were and still are as we go on.

Carly Schrever [00:18:58] Yeah. So that had always been my, I'd been driven during school, driven during university. And I do think that that final year at Queen's and everything that I confronted there, this feeling that I had to be absolutely beyond reproach to maybe just be acceptable, to not be totally dismissed as a leader, just put me in a state of such overdrive. And then when I found myself in England, the adrenaline sort of subsided, but I was alone. And there was a certain vulnerability that came with travelling as a 21 year old in Europe. I think probably that that confluence of factors brought them out. And they continued for sort of nine months to a year. And so for the first time in my life, I needed to seek psychological help. And it was really fantastic because what I learned was that what perpetuates the panic and the fear is the fear of the panic itself. And that the pathway to freedom is to not trying to find ways to avoid the feeling or to stop it, but to find ways to be OK with it happening. And that was a real transformation for me from just achieving and functioning and being in control and making it all happen to kind of surrendering to this totally overwhelming experience, trusting that even though it feels terrible, it will be OK. And that was ultimately it was sort of a mindfulness practise, really. And being able to sit with discomfort was my pathway through it.

Michael Green [00:20:17] Must say it sounds to me to be a very difficult thing to do.

Carly Schrever [00:20:20] Yeah, yeah, absolutely. It's a hero's journey.

Michael Green [00:20:27] By this stage, you're coming to the end of your law degree and your science degree. But really, you don't think that the law is for you. Did you go and do articles? And as much as you don't think the law is for you, you must have done well at university because you get articles at one of the big commercial firms, Allen's.

Carly Schrever [00:20:44] Yes.

Michael Green [00:20:45] And they normally pick the cream of the crop. So how did you enjoy that? I mean, going into this sort of hyper legal atmosphere or environment of a large commercial firm, it opens your eyes up to the law to some extent, I guess. How did you do? How was it? What did you make of your articles? What did you make of that whole legal system you're stepping into?

Carly Schrever [00:21:05] Yeah, it's a great question because my final two years of my law degree, I was no longer at college and I was able to dedicate myself a whole lot more to my studies. And I started to do better. But I never felt that it made sense to me. Like sometimes I get H1s, sometimes I get H3s. I couldn't understand why. So it never really made sense to me. I've always felt like a bit of a square pig in a round hole. I was kind of amazed to get articles at Allen's. I'd done a summer clerkship that had gone well. But I did

not get an honours law degree. And, you know, it's not that hard to get an honours law degree. I did not get an honours law degree, I think principally because my marks in my first three years were not so stellar. So I would have been one of the very few to get articles at a top commercial law firm without an honours law degree. So I came into it feeling like a real imposter. First, I didn't have any family in the law. It was an unfamiliar world to me. Secondly, I didn't feel like a good law student. I didn't really know why I was doing it. But I did know that having come this far, I wanted to succeed. That had always been my approach of if I'm going to do it, I'm going to do it well. And I really felt that articles at a national, a really well-respected national firm was the right next step. I didn't expect to find many like-minded people at Allen's. I distinctly remember going and thinking, am I going to be the only Labour voter here? So I had these really ridiculous sort of misconceptions about the culture and the community at these law firms. I was very quickly, pleasantly surprised. And Allen's is a wonderful firm. They still are. Back then, we had quite a large articles group. There were about 40 of us and they were wonderful. They really recruited so well. And I met my future partner there. We were in the same articles group. So many of our really, really dear friends are part of our articles group. And so I, on that level, had a really good time. I also enjoyed the work. And if I had have been a, if the law had have been my calling and my vocation, my articles year would have been just the most fabulous year because I was in intellectual property. We had two patent litigation matters actually go to trial in the federal court in my year. And I was the article clerk working on those matters.

Michael Green [00:23:15] And you went up to the federal court and sat at the bar table striking?

Carly Schrever [00:23:19] I didn't sit at the bar table. And I was in the body of the court because I think the partner or the senior associate were at the bar table. But I was working on those matters. And I remember the buzz and the theatre of the court and the pre-trial preparation. I loved that. So I really did enjoy that. And if I had have been built for the law, it would have been the best experience. And even though law was ultimately not my calling, it was still a really, really valuable and positive experience that firstly revealed to me how much I enjoy the courtroom as an arena and really honed some really critical skills around analysis and writing and working quickly and trusting myself.

Michael Green [00:23:57] And you won a competition called the Hannover Moot.

Carly Schrever [00:24:00] Oh, that's right. Yes. So the Hannover Moot is a mooting competition for article clerks of the major firms and for article clerks to get together in a team. Amazingly, we made it into the grand finale. So the grand final is always an appellate case. And it was done in the Banco Court with three court of appeal judges. And we were an all-female team. And I remember the competing team was an all-male team that I think was from Minter Ellison. And I can't even remember the detail of the case, but I know there was kind of a gender element in the case. So that was kind of interesting. So in this, in the grand final, I was one of the counsel, but I wasn't one of the instructing solicitors. And my co-counsel was Elizabeth Bennett, now Elizabeth Bennett SC, now my partner. And we were, we argued the case for our side and we ended up winning the grand final of the Hannover Moot. And it was this, this sort of, we think back on it now, this kind of wonderful moment, because at that point we were just friends. No sense that our lives would ever come together in this way. And we were kind of play-acting it, being barristers and really enjoying it. And of course she's taken it the whole way and I've taken it a different way.

Michael Green [00:25:03] Now, I find that amazing that you, through all this, you think the law is not for you. Because after that, wonderful articles, the success in the Moot, Banco Court, then you finish up, you're the associate to Justice David Habersberger of the Supreme Court. I mean, you're on path to be a high achieving lawyer, come to the bar, et cetera.

Carly Schrever [00:25:23] Well, that was at that point what I was thinking. I thought if I'm going to have a career in the law, it's probably going to be as a barrister. I'm at a theatre, student theatre, it'd always been my passion, you know, during high school and at university. So I thought that's a way of bringing together the two. I had loved the two court cases in my articles and I thought, right, I'll go to do a judge's associateship and I'll go to the bar. And David Habersberger, Justice David Habersberger, was the most wonderful person to work for. Anyone who knows him knows what a fantastic human he is. And I had the most wonderful time as his associate for two years. He was mostly sitting in the commercial division, but he did six months in crime while I was with him. So I had that experience as well. And I thoroughly, thoroughly loved it. But it was towards the end of my second year with him, when the time came to be applying to go to the bar and to be thinking about mentors and thinking about where to from here, that I just had this growing, creeping realisation that my heart was not in it. And, you know, Justice Habersberger was teeing up meetings with silks and other barristers to help me decide where I might take my practise. And every time I had those meetings with these wonderful, generous, passionate people, I would just feel this is not me. And as it got closer and closer, I thought, you know what, you can't be a barrister half-heartedly. It's hard enough if you're fully in it. I won't be able to rise to the occasion if I'm not enthusiastic about it. And I know that I'm not. So I had a kind of mini career crisis where I thought, what's this? I don't think commercial practise as a solicitor is going to be my lifelong, I guess, vocation. It seems the bar is not going to be for me. Where can I find my place within the legal profession? And I started to kind of panic because, you know, by this stage, it'd been nine years on this track. And I remember having a conversation with a friend who I'd studied law with. And he said, Carly, I always thought you'd be a good counsellor. And I remember when he said that it just landed with this kind of beautiful, blossoming, kind of glowing light somewhere in my system. And I thought, that's right. That's what I'm here to do. And I need to find a way to do that.

Carly Schrever [00:27:31] Lives in the Law is proudly sponsored by City Maps Illustrated. Their recent publication, The Melbourne Map, is a celebration of our wonderful city. This stunning, hand-drawn illustration, which took more than three years to create, is available as an art print, jigsaw puzzle and calendar. The perfect acquisition for your home, office or corporate gifting.

Michael Green [00:27:58] Well, so tell us, how did you find the way? How did you get onto the counselling track, away from the legal track? Or maybe they ran parallel together, I don't know. So, how did you make the change? Where did you change to? This is an interesting story, Carly.

Carly Schrever [00:28:13] Well, once I decided, OK, I think I need to go and retrain as a psychologist, I looked into where and how to do that. It was clear it was a six-year minimum endeavour. And I thought, OK, I need to have a job within the law that I can do while I'm studying, and it needs to be a job that's not going to be so all-consuming that I won't have time to study. So I kind of cast around, and because I was at the court at this time, I was aware of the judicial college, which was a relatively new body at this time, created by the state government. And so I just wrote to them and said, I'm interested in

working for you, and I'm going to be going back to uni and studying psychology. And so they took me on.

Michael Green [00:28:49] Carly, can I just clarify, what is the judicial college? I'm assuming it hasn't got a campus like Queen's College or Melbourne University. What is it? What does it do? Where does it fit in the whole scheme of things?

Carly Schrever [00:29:01] Yeah, so the Judicial College of Victoria is an independent statutory authority that was established in 2004. And the idea of the college is its purpose is to provide education, judicial education and training and resources to the Victorian judiciary. So it doesn't have a campus per se, but it does have a training facility, so judges and magistrates and tribunal members can come to the college to participate in different classes and workshops and events. And for larger events, sometimes they're held either at the court or externally.

Michael Green [00:29:37] And are other judges or existing judges, are they the ones running these education sessions?

Carly Schrever [00:29:43] Sometimes. So the judicial college is staffed by legally trained people, for the most part, who work together with the judges in a sort of co-design way to determine what kinds of workshops, training, seminar are needed and then to identify the people who should present. So sometimes that is finding just the right judge to present on a particular matter. Sometimes it's bringing in judiciary from overseas. Sometimes it's bringing in other experts, academics or people with lived experience expertise as well.

Michael Green [00:30:12] And so how long did you spend at the judicial college and what did you do there?

Carly Schrever [00:30:16] So I was a manager of programs and that meant that I was working with steering committees of judiciary to develop different trainings and workshops. So I was there for a long time. I joined in 2007. While doing my undergraduate psychology studies, I was there until the end of 2012. Then I took a break to do my honours in psychology and to start my master's and then I returned. And when I returned, I was in a new role, which was called judicial wellbeing advisor, which was of course bringing together what I'd learnt through my psychology studies with this new topic for discussion among the judiciary, which is supporting their wellbeing in their work.

Michael Green [00:30:55] So while you're working at the college, you do an undergraduate degree in psychology.

Carly Schrever [00:31:01] That's right.

Michael Green [00:31:01] Then a master's.

Carly Schrever [00:31:03] So then it's honours.

Michael Green [00:31:04] Honours, sorry.

Carly Schrever [00:31:04] Yeah, honours.

Michael Green [00:31:05] A year for your honours.

Carly Schrever [00:31:06] A year for my honours, full -time. Master's, full -time.

Carly Schrever [00:31:08] Yeah.

Michael Green [00:31:09] And then a PhD.

Carly Schrever [00:31:10] That's right.

Michael Green [00:31:11] So keep taking us along this track.

Carly Schrever [00:31:13] Right.

Carly Schrever [00:31:14] So I came back to the college halfway through my master's. So master's is a two -year full -time degree and you have to have a master's to practise as a psychologist these days. So I was a master's of clinical psychology. And it was in that first year of my master's when I'd returned to the college to do some work on judicial wellbeing that I had a conversation with the then chief judge of the county court, Michael Rosines, and he was saying, look, we know that there's been all this research done on stress within the legal profession. There's been a series of studies that have been published in the intervening years. We know nothing about stress within the judiciary. And he was saying that, you know, I feel like I'm often losing my most experienced judges before they are really required to live, before they, you know, reach their statutory retirement age. And I suspect that for many of them it's because of burnout and other kinds of experiences. But we don't have any information about it. We need research. And I was listening to this and thinking, well, I'm part way through my master's. I have to do a master's thesis. Maybe I could do something on this for my master's thesis. As I looked into it, it became clear it was far too big for a master's thesis. So I converted it to a PhD. And my PhD was the first psychologically grounded study of stress within the Australian judiciary.

Michael Green [00:32:26] I'm assuming such a thesis requires research. And it's got to be original work.

Carly Schrever [00:32:30] That's right.

Michael Green [00:32:31] What research did you do? How did you gather your data? How did you collate your data? Take us through that process.

Carly Schrever [00:32:36] The first, yeah.

Carly Schrever [00:32:37] So I was doing empirical research, which meant, yeah, gathering data directly from the judiciary. And the very first step was securing the support of the heads of jurisdiction. So I approached the heads of five Australian jurisdictions to see whether they would support me approaching their judges and their magistrates to participate in the study. And they all did offer that support. So that was the first piece to get to.

Michael Green [00:32:59] Can I just interpose there? So when they've all agreed, maybe all of them have had the same problems Michael Rosines had had in the county court of losing good people at a certain stage. And they all think, well, there is an issue here. We need to find out more about it.

Carly Schrever [00:33:13] Possibly.

Carly Schrever [00:33:14] I think there was an increasing willingness to talk about the human dimension of judging at this time was sort of the right time and place. So I think the heads of jurisdiction in different courts were beginning to look at this issue of the wellbeing of their judiciary in a new way. It was really very new globally. No one had really talked about it much until then. There was a famous time you might have heard of in the 90s when Michael Kirby presented and published a couple of papers on judicial stress. And then that was challenged by another Supreme Court judge from Queensland who basically said, get up off the ground. We shouldn't be talking about this. And then there was kind of silence for a long time. So it had this history of being a taboo, very sensitive topic. But at this point in time, so we're talking 2014, 15, the tides had changed and there was an increased interest in talking about it. I don't know for all the heads, whether it was because they, like Michael Rosines, felt that they were losing the most experienced judges or whether they just had a sense that we needed to know. So once I'd secured the heads of jurisdiction support, the next piece then was to try and recruit judicial officers to participate. And I decided early on that I was going to do two phases. There was going to be a survey that would empirically measure different forms of stress within the judiciary and to enable comparisons with what was already known in the legal profession and the general population. So to kind of answer the question, are judges stressed? And then I was going to do a series of interviews to really uncover the experience how stress impacts the judiciary and their ideas for what could help them.

Michael Green [00:34:46] Was this exciting for you at the time? It sounds exciting to me.

Carly Schrever [00:34:48] It was so exciting. I'm so passionate about this topic and I've thought long and hard what is at the heart of that passion. I don't know that I've really got to the answer, but it was really exciting for me to have this opportunity to understand the genuine human experience of doing this really difficult role, difficult and important and critical role in our society, to understand what it takes to do that, the impact of that and to really get to know the judges and magistrates' experience in the work.

Michael Green [00:35:18] Working in the dark, i.e. no one before you had done any of this work, even internationally?

Carly Schrever [00:35:22] So there have been a few psychological studies in America over the years and there had been some significant research in Australia, not from a psychological perspective. So two researchers from Flinders University, Cathy Mackinshire and Rochamlew, had done some national surveys of kind of workload and the judicial experience. So it wasn't entirely in the dark. I had some ideas but there had been no measurement of judicial stress levels in Australia.

Michael Green [00:35:51] And so the first step is the survey which you've drafted. Did judges in the five jurisdictions willingly participate?

Carly Schrever [00:35:59] Yeah, they did. So the way that I did it was I got a spot in each of the court's internal conferences and I presented the rationale for the research and I distributed the surveys after that presentation. And across the five jurisdictions I had a response rate of 67%, so two thirds of the people who could have participated did, which in research terms is an extremely good response rate. So there was clearly a real desire for this topic to be researched and a desire to kind of be seen and heard, I think, on the part of the judiciary.

Michael Green [00:36:29] And so when you got those 152 surveys back and analysed them all, what were your findings?

Carly Schrever [00:36:36] So the overarching finding was that there's a significant stress problem within the Australian judiciary, so levels of what's called non-specific psychological distress were elevated within the judiciary compared to the general population and even compared to barristers actually, but lower than solicitors and law students, so that was interesting. Alongside that, really high rates of burnout and secondary traumatic stress. So I used a validated measure of secondary traumatic stress which looks at the development of PTSD symptoms, not as a result of one's own trauma but as a result of repeated exposure to stories about other people's trauma. And a staggering 30 % of judges and magistrates scored in the range suggestive of likely PTSD on that scale. So that to me was really shocking. There was also I used a measure of the World Health Organisation's measure of alcohol use independence and 30 % of the judiciary were scoring in the range suggestive of problematic alcohol use, which is on par with the Australian legal profession. So there was some interesting things coming out of it. However, when we looked at levels of mental ill health, so levels of depression and anxiety, judicial officers' levels were significantly lower than the legal profession and lower even than the general population. So I guess the overarching picture from the survey was a significant stress problem with burnout and secondary trauma being prominent features of the judicial stress experience but unlike the rest of the legal profession, this stress problem was not so far manifesting as a widespread mental health problem among the judiciary.

Michael Green [00:37:59] Any explanation for that?

Carly Schrever [00:38:01] Well, I can only sort of hypothesise, but the way that I understand it is there's probably three things that come together. The first is that possibly judicial work is quantitatively less stressful than legal practise and certainly when I asked judicial officers how the stress of judicial office compared to their time in practise, most of them said they found it less stressful on balance. Secondly, judicial officers are those who have done well in law. There's kind of a survivor bias. They are those that, maybe to whom legal work is kind of peculiarly suited to them. And so they are maybe a subset of legal practitioners who do well in this kind of work, in this sort of environment. And the third thing is that we know from population mental health research that late midlife is the period of peak mental stability and that tends to be when judicial officers are appointed.

Michael Green [00:38:50] What about looking at it from another perspective, was there any correlation between stress and the jurisdiction judges work in, be it crime judges, civil judges, trial appellate, different courts or was it all pretty well the same across the board?

Carly Schrever [00:39:05] Great question. So no, when I came to look at which judges, which judicial officers are most stressed and why, I sought to correlate levels of stress with a whole range of different demographic variables. The only one that I found had a statistically significant relationship with stress was jurisdiction. So that is which court within the court system a judicial officer is sitting. There was no effect of gender, age, seniority, practise area even. It was just jurisdiction. And in my study, it was the high volume lower courts that were significantly more stressed on a range of measures than the trial and appellate courts. So the magistrates were significantly more stressed than the judges.

Michael Green [00:39:43] And do you think it was because of the high volume of work?

Carly Schrever [00:39:45] I do. I think it's partly because of the high volume of work. Also magistrates have less generous terms and conditions. They don't have as much leave as judges do. They don't have personal staff. I was able to demonstrate using a different measure of well-being factors within workplaces that magistrates higher levels of stress could be pretty much entirely explained by their lower levels of autonomy and relatedness satisfaction within their workplace. Magistrates have less control over how their working day unfolds and less opportunity perhaps to interact and get some of those lovely collegial resources from their colleagues because they're just going hell for leather all day long.

Michael Green [00:40:21] All day. Can or has anything been done about that?

Carly Schrever [00:40:25] An enormous amount has been done. So I collected the data for my PhD in 2016 -2017 and I presented it to the judiciary pretty quickly. And of course I was also working at the judicial college at the same time. So the college was doing work in this space and working with the courts. So the Victorian courts have since then done a lot to address the issue of stress in judicial work and Victoria is acknowledged as the nation leader and one of the leaders internationally actually as well. So there's been a number of things. Partly creating occasions for safe and constructive conversations about the human experience of the work among judges so they can learn from each other to normalise the experience. Also the courts have done lots of things to think about where the sources of stress are in each jurisdiction and think about ways of perhaps tackling or mitigating those issues at the organisational level. All courts in Victoria now have a well-being committee that thinks about this in an ongoing way and some of the courts have got very detailed well-being plans.

Michael Green [00:41:27] And you think they're genuine, they're not just ticking the box?

Carly Schrever [00:41:29] I think they're genuine. I think there's always a risk as other topics of interest take prominence within the conversation that well-being can fall into the background. I think it's something that we always have to keep on the agenda and I think it's always important to take it seriously. But my experience has been over the years that there have been a lot of judicial officers and judicial leaders that are taking this very seriously.

Michael Green [00:41:55] I've skipped over the face-to-face interviews you had with the judges, Carly, but I'd just like to go back to that a little bit. Did anything different come out of your face-to-face interviews and what had come out of the surveys?

Carly Schrever [00:42:05] Yeah, the interviews were seeking to probe something a bit different. So I wanted to find out what judges and magistrates thought were the major sources of stress, but also the sources of satisfaction, because satisfaction can offset stress, how stress impacts them, so how they perceive stress might change their ability to do the work, and also their ideas for how courts could better support judicial well-being. And there were some really, really interesting and moving themes and findings that came out of those interviews. So 59 judges and magistrates participated. Each interview was an hour, so there were some rich stories. I guess the first big thing to come out was that workload was an issue for everyone. It was experienced differently in different courts, but that was a major glaring, urgent message. The second interesting thing was that when I asked judges and magistrates what are the main sources of stress in your work, they didn't tend to emphasise aspects of the task of judging itself. So they weren't talking so much about managing a courtroom, dealing with people in distress, making difficult decisions that impact people's lives, writing reasons. They talked about those things absolutely as

challenges and burdens at times. But what was clear really kind of caused the most distress or upset were more sources of stress within the judicial working environment. So here we're thinking about how different parts of the system treat each other. So people often spoke about perceptions of unduly harsh language from appellate courts.

Michael Green [00:43:29] I was going to ask about appellate courts because you often wonder whether judges sit in fear of what may happen if they're appealed.

Carly Schrever [00:43:36] There was a lot of emphasis on what comes from the court of appeal and from appellate courts, from judges particularly trial judges. Then there was also about kind of more systemic factors about the overloaded court system, particularly for magistrates where they felt that the volume of work and the pace at which they had to work to get through that volume made them often feel that they were not able to kind of deliver the best possible justice to the people coming before them. They're having to work so quickly to get through it that they couldn't always take the time to make sure people understood what was happening to them. They were having to read dynamics really rapidly and make really significant decisions. There was also a lot about how the administrative arm of the court works with the judicial arm of the court and then other things as well about media commentary around the role of judges. So they tended to emphasise aspects of working as a judge that weren't actually the irreducible sources of stress of judging but were nonetheless in the judicial working environment.

Michael Green [00:44:34] But to go back to where we were earlier, you are seeing improvements in those areas of stress or all those conditions which create stress on judges. You are seeing things improve.

Carly Schrever [00:44:43] Yeah, I think so. I think the difficulty is that a lot of the sources of stress are really hard things to fix. Courts don't determine their own workload and so there's a massive humanity getting pushed into the courts and the courts have to deal with it. They also don't determine the judicial resources. That's determined by the executive government. Judicial leaders have more limited levers to pull than say a CEO and a private organisation. So some of these challenges are really difficult ones to fix. But what we have seen is in different courts, they're really grappling with, OK, so we know that workload or workflow or a lack of predictability around workload pressure is an issue. What can we do to create some predictability, to create some regular half days or days in chambers, well-being days, thinking kind of outside the box as to how some of these particular sources of stress can be tackled.

Michael Green [00:45:37] Extending the discussion a bit, from what you have learnt and are learning about stress in the legal world, are we any different to other workplaces in other areas of the community?

Carly Schrever [00:45:49] So that's really interesting. When I came to relate my findings to the existing literature, as you have to do when you're writing up empirical reports, what I found startling was just how similar the kinds of things that judges and magistrates were talking about were to the kinds of things that people talk about in any sector. You know, it's workload, it's autonomy, it's opportunities for collegial connection, it's opportunities to build competence, it's what you're getting or not getting from leadership. These are all the same things that people in any sector talk about. And there's decades of research in the broader occupational well-being literature that has a lot to offer. The legal profession and the courts in terms of thinking about this.

Carly Schrever [00:46:40] William and Lonsdale is brought to you by Greens list, one of the leading multi-disciplinary barristers lists in Australia. Greens list believe in promoting conversation around the ideas and issues that shape not only our legal system, but our wider community.

Michael Green [00:47:00] So all of this work with the jurisdictions, with the survey, with the interviews, leads to your thesis, the conferral of your PhD, but all this time you are working within the judicial college. That's right. But at about this time, I guess, around the time of the conferral of your PhD, you start this consultancy, which is now up and running, called Human Ethos. How did that come about? What were the steps that led to Human Ethos coming into being?

Carly Schrever [00:47:26] So I've been at the college for a really long time and had been doing the work as the judicial wellbeing advisor for I know seven or eight years. And along the way I've been joined by my colleague Sally Ryan, so we were doing that work together. And Sally's a psychologist, her husband is a judicial officer, so she'd sort of tracked the wellbeing conversation within the legal profession as well. So we're doing this work together and we were getting increasing interest for the work from interstate and overseas. And we just got to the point where we felt that the conversation and the education and the broader judicial wellbeing work was so established in Victoria that it was probably the right time to be able to branch out and take the work to other places as well. So I hadn't quite finished my PhD when we started Human Ethos. We started at the start of 2023, but I'd almost finished. And we basically just together decided, okay, we're going to set up this consultancy Human Ethos and direct our efforts to the wellbeing of the judiciary and the legal profession. How did you get the word out

Michael Green [00:48:29] that this consultancy known as Human Ethos existed and was available to help judicial officers? You know, we have

Carly Schrever [00:48:36] done virtually no marketing. It's probably something we should do at some point. But basically we've just been so busy through word of mouth that we haven't really needed to. I put a little bit of stuff on LinkedIn here and there. But our work was well known in Victoria and around the country. The research papers that I've written are well known in people with an interest in judicial wellbeing around the world. So a lot of the work has come just from that reputation. And also some of the international conferences and things that we've spoken at. I do feel that work begets work. You know, you do something with an organisation and it leads to other things. So far that's really how it's happened. We haven't gone out and marketed ourselves specifically.

Michael Green [00:49:14] And there is a large demand for you and Sally?

Carly Schrever [00:49:16] More than we can meet.

Carly Schrever [00:49:18] Yeah, yeah, there is. Which is wonderful. There's a real sort of exponential interest in the legal profession globally to tackle the issue of stress for lawyers in an evidence based and systemic way. Australia is acknowledged as a country that's led the way in research and thinking on that. And there's also an exponential increase in interest within the global judiciary. So back if I think back to when I started my PhD in 2016, the topic of judicial stress was still really pretty taboo. Now fast forward to 2024 and just a few months ago a committee of judges from all over the world and I was part of helping them do this, came together to draught a universal declaration on judicial wellbeing that's now before the UN to be formally adopted. So there's a lot that's happened in the

last few years to really put this on the agenda. Also with judiciaries that perhaps haven't thought about it before in the developing world and parts of the world where it just hasn't been on the radar. So there does seem to be a real need and there just aren't I guess that many people that have chosen to specialise in this very niche area.

Michael Green [00:50:25] And beyond just judicial officers, other parts of the profession, are they coming to you as well? Solicitors, legal firms, the Law Institute, the Victorian Bar saying we need help.

Carly Schrever [00:50:36] Yeah they are. So often we're approached by firms or legal professional bodies, the Legal Services Board and Commissioner is another one that we do some work for to deliver training or to facilitate occasions to have conversations but also to work on key documents to help organisations work on key documents directed to lawyer wellbeing. So yeah, we're doing work with kind of all parts of the profession I think.

Michael Green [00:50:59] It interested me as a former solicitor. Are solicitors aware that from your initial survey those with the highest level of stress were in fact solicitors and students? Yes. Are solicitors aware of that and are they doing something about it to help themselves?

Carly Schrever [00:51:13] Yeah they are. The research on lawyer stress actually really took off around 2007 in Australia. So by the time I was doing my research that was kind of well-known within the profession and I was sort of building on that. We know this about lawyers, we don't know anything about judges yet. So it was kind of spring boarding off that that my research happened. And increasingly other countries, so the UK, Canada, other parts of the world are doing research basically revealing the same issue. Anywhere in the globe there's high levels of psychological distress and mental ill health among lawyers. So this is well known. Where the conversation has got to now is how can we actually address this? Let's stop admiring and describing and understanding the problem. How can we tackle this as a profession wide issue? And it really, really calls on all parts of the profession to come together to think about how each part of the profession affects each other and to think about ways of preventing unnecessary sources of stress that lawyers face as well as supporting them to manage the irreducible sources of stress.

Michael Green [00:52:11] Really interesting Carly. You obviously started paddling your surfboard at just the right time and the wave has picked you up and it is really going. Now I think you've also got an academic position.

Carly Schrever [00:52:21] Yes, I do. Yeah, so I've got a point to a one day week position through the law school at UWA and that's for an ARC funded research project that I'm a part of. Australia Research Council. So the Australia Research Council is the major funding body for academic research and I am part of a national team of researchers that includes a team from the University of New South Wales that did a similar study to what I did with my PhD. They did a similar study with the New South Wales Judiciary and then there are academics from all the other states as well that have come together as part of this big project to basically do a national empirical study of judicial stress. We've done a survey. We're now moving into doing the interviews and asking some similar questions but also some different questions because the conversation has kind of evolved and so my position at the law school of UWA is basically to serve that particular project.

Michael Green [00:53:16] Absolutely fascinating. The and really worthwhile too. It's just fantastic. But let's get back to the judiciary which has been your niche area started off. If

you had a magic wand what changes would you make today to help those judicial officers do a better job for us the community but also lead a more fulfilling and balanced life themselves?

Carly Schrever [00:53:37] It's such a good question and I've thought long and hard about this because I do get asked this from time to time. I think I've got two answers. One is kind of practical and one is a little bit more esoteric. If I had a magic wand and money was no object I would give more leave to magistrates. I think their job is extraordinarily emotionally taxing and they need regular breaks from it to be able to do it and their leave entitlements are about half that of judges and I think they need to it needs to match the leave entitlements that judges have. So that's a practical thing that I think could make a big difference. Of course there'll be resource implications that you'll need more magistrates to get through the work. The other thing the more sort of esoteric point, if I think into where I would like to see this movement, this conversation about judicial wellbeing go, I think I would like to see the culture and the discussion be one where judicial officers can passionately strive for excellence, high performance, high expectations, all the things that have been hallmarks of what we expect from judicial officers throughout the ages. Where that can be absolutely what is expected and a motivating kind of force for judicial officers alongside a nuanced conversation about the very real normal responses that judges and magistrates will have from time to time to the extraordinary demands of their role. I wouldn't like to see a dichotomy where either all about kind of excellence and high performance and therefore we can't talk about stress or we're talking about stress and therefore we kind of don't worry about the other stuff. I think the two absolutely go together. I think it's absolutely expected that judges and magistrates will have times where the stress gets the better of them. I think that's only normal and natural and I think the suffering that is attendant upon those times is just ten times more when there is a perception that it can't be shared and talked about and that it will be perceived as a weakness. So I would like the culture to get to a point where we can be striving for the best within ourselves, for the judiciary to have that as a real sort of source of inspiration and motivation and what they're there to do but also that there can be times where they may need to turn to each other for support and that can be welcomed, not stigmatised, understood and support can be given.

Michael Green [00:55:58] What a wonderful morning I have spent here this morning Carly listening to you. You are an inspiration I am sure to all those who work with you and I'm sure to the judges who know you and have worked with you too. Thank you very much for coming in and telling us about your life in the law.

Carly Schrever [00:56:12] It's been my real pleasure Michael thank you.