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The paper distinguishes productive challenge, which builds judgement when it is supported, from avoidable harm, which arises when new lawyers meet challenge without preparation, clarity or support. It identifies supervision and mentoring that combine high challenge with high support as the principal driver of early-career resilience, operating within professional relationships, work design, trauma exposure, hybrid work and AI. It then proposes an emerging framework of four interacting dimensions, and suggests how existing Victorian guidance could add a developmental element so that early-career lawyers and their supervisors work to a shared, observable standard. The framework keeps professional standards intact. What it changes is the account of how lawyers come to meet them.

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From Endurance to Sustainable Professional Functioning: Reframing Resilience for Early-Career Lawyers

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Abstract

The legal profession often equates resilience with endurance: absorbing workload, criticism and uncertainty without complaint. This paper argues that endurance is an incomplete, and sometimes misleading, measure of strength in early-career lawyers. Drawing on the Australian lawyer-wellbeing literature, lived experience and survey evidence from supervising lawyers, it reframes resilience as *sustainable professional functioning*: the capacity to keep producing accurate, timely and well-judged work, within a supervisory relationship, over time, without depletion.

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1. Introduction: The Resilience Problem

The profession expects early-career lawyers to be resilient, but it rarely says what it means by the word. Traditionally, resilience in law has meant endurance and composure. Lawyers are expected to remain calm under pressure, respond to clients,

handle conflict, work through ambiguity, accept criticism and persist through difficulty. Some measure of each is essential, because legal practice is inherently stressful and complex.

That expectation is now contested. Since *Courting the Blues* first documented high rates of psychological distress among Australian law students and lawyers, discussion of burnout, psychological safety, vicarious trauma and sustainable work has grown steadily.[1] The Victorian Legal Services Board + Commissioner (VLSB+C) reports that around one-third of lawyers experience moderate to severe psychological distress, rising to 45 per cent among early-career lawyers.[2] In parts of the profession, this openness is read as evidence that a new generation is less resilient than its predecessors, a tendency sometimes expressed through the 'snowflake' label. This paper examines that characterisation rather than adopting it. Openness about difficulty does not, by itself, indicate an inability to cope.

The difficulty lies less in the expectation of resilience than in the measure the profession uses for it. Professional virtues can become harmful when taken too far. Composure can become emotional suppression. Responsiveness can become constant availability. Commitment can come to be judged by hours worked rather than by the quality of judgement. Hierarchy can discourage questions: few junior lawyers would tell a partner that the partner is wrong. Interviews conducted for the VLSB+C's Lawyer Wellbeing Project describe early careers spent in a 'sink or swim' culture of 'build your own resilience'.[3] Visible endurance of this kind is not the same as resilience. Simply keeping going does not show whether a lawyer's professional capacity is growing or deteriorating, and the period of silent deterioration is often where mistakes are made.

The supervisors who receive new lawyers appear to want something other than endurance. In a recent survey of supervising lawyers (the SLP Survey), the most-wanted day-one capability was following instructions and asking clarifying questions, nominated by 67 per cent of respondents.[4] The gaps that cost supervisors most were silent ones. Communication with supervisors was rarely named as a shortfall (8 per cent) but was twice as often named as the greatest difficulty (17 per cent). Knowing when to ask for help was a shortfall for 21 per cent and the greatest difficulty for 26 per cent; time

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[1] Norm Kelk et al, *Courting the Blues: Attitudes towards Depression in Australian Law Students and Lawyers* (BMRI Monograph 2009-1, Brain & Mind Research Institute, University of Sydney, 2009).
[2] Victorian Legal Services Board + Commissioner, 'Lawyer Wellbeing Systems Theory of Change' (Web Page, 25 August 2026).
[3] Michelle Brady, *VLSB+C Lawyer Wellbeing Project: Report on Legal Professionals' Reflections on Wellbeing in the Legal Profession and Suggestions for Future Reforms* (Report, Victorian Legal Services Board + Commissioner, 2020) 10.
[4] Linda Baxter, Craig Collins, Donald Feaver and Shirley Southgate, 'What Supervisors Want, What They Get: The Handover Gap, the Developmental Gap and the Reform of Practical Legal Training' (Working Paper, October 2026).

management and prioritisation, for 25 and 33 per cent respectively. On this evidence, the new lawyer who presses on alone, does not escalate and does not report back is the hardest to supervise. Endurance, understood as silent persistence, is part of the problem the profession is trying to solve.

Nostalgia for earlier legal cultures needs the same caution. Senior lawyers' accounts of their own formation are valuable, but they are subject to survivorship bias. Those who left the profession through ill health, caregiving responsibilities, exclusion or unsustainable conditions are largely absent from retrospective accounts. Survival alone is not evidence of what all lawyers can, or should, endure.

This paper therefore asks:

> **How can early-career resilience be reframed as sustainable professional functioning — a shared and observable standard that early-career lawyers and their supervisors can both work towards — so that guidance and resources, including the VLSB+C's, support productive challenge and prevent avoidable harm?**

Four sub-questions follow from it:

1. How can the debate move beyond the opposition between 'snowflake' and 'tough love' accounts of early-career lawyers? (Parts 1 and 2)
2. What distinguishes challenge that builds judgement, stamina and adaptability from challenge that produces depletion and disengagement? (Part 3)
3. Which supervisory, relational and organisational conditions decide which of those outcomes occurs? (Part 4)
4. How should guidance for early-career lawyers and their supervisors be revised so that both work to the same standard? (Part 5)

The phrase 'shared and observable' is deliberate. It does not claim that any one party's standard is neutral. It claims that both parties can stand on common ground, judged by things each can see: accurate work, timely escalation, honest reporting and the use of feedback.

2. What Is Professional Resilience? A Short Review of the Australian Literature

The Australian literature has moved from treating resilience as individual toughness to treating it as an interaction between the person and the workplace. That shift is the starting point for the framework proposed here.

A. From individual trait to shared responsibility

At its simplest, resilience is 'a lawyer's ability to adapt and function in adversity'.[5] Wong uses that definition to argue that the profession's wellbeing efforts have leaned too heavily on building individual resilience and too lightly on structural and cultural change. Practitioner resources reflect the same tension. Bradey's *The Resilient Lawyer*, published for Lawcover, gives individual strategies for staying well, but devotes a full part to what the workplace can do: resolving conflict, confronting bullying, and building mentoring and coaching into legal organisations.[6] The empirical foundation is *Courting the Blues*, which found elevated distress and depression among Australian law students and practitioners.[7] Later work linked lawyers' stress to work culture rather than to individual disposition alone.[8]

The VLSB+C has made this systemic turn explicit. Its Lawyer Wellbeing Project set out to move the conversation 'away from a focus solely on personal resilience' towards the systemic drivers of poor wellbeing.[9] Its interviews described acculturation into a profession that discouraged prioritising wellbeing and treated any failure to cope as personal weakness.[10] Around half of the interviews recounted negative early-career experiences, including bullying and very long hours.[11] The VLSB+C's Lawyer Wellbeing Systems Theory of Change now sets goals at four levels, individual, interpersonal, organisational, and sectoral, and recognises that sustainable change depends on more than the resilience of individual lawyers.[12] Schrever's *Wellbeing Guidelines for Legal Workplaces* translate that approach into organisational action under three elements, Promote, Protect and Respond, each with 'good', 'better' and 'best' practice actions.[13]

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[5] E Wen Wong, 'Addressing the Mental Wellbeing Crisis in Australia's Legal Profession: The Need for Structural and Cultural Change' (2024) 13(1) *ANU Undergraduate Research Journal* 65.
[6] Robyn Bradey, *The Resilient Lawyer: A Manual for Staying Well @ Work* (Lawcover, 2nd ed, 2020).
[7] Norm Kelk et al, *Courting the Blues: Attitudes towards Depression in Australian Law Students and Lawyers* (BMRI Monograph 2009-1, Brain & Mind Research Institute, University of Sydney, 2009).
[8] Janet Chan, Suzanne Poynton and Jasmine Bruce, 'Lawyering Stress and Work Culture: An Australian Study' (2014) 37(3) *University of New South Wales Law Journal* 1062.
[9] Michelle Brady, *VLSB+C Lawyer Wellbeing Project: Report on Legal Professionals' Reflections on Wellbeing in the Legal Profession and Suggestions for Future Reforms* (Report, Victorian Legal Services Board + Commissioner, 2020) 2.
[10] Michelle Brady, *VLSB+C Lawyer Wellbeing Project: Report on Legal Professionals' Reflections on Wellbeing in the Legal Profession and Suggestions for Future Reforms* (Report, Victorian Legal Services Board + Commissioner, 2020) 9-10.
[11] Michelle Brady, *VLSB+C Lawyer Wellbeing Project: Report on Legal Professionals' Reflections on Wellbeing in the Legal Profession and Suggestions for Future Reforms* (Report, Victorian Legal Services Board + Commissioner, 2020) 10-11.
[12] Victorian Legal Services Board + Commissioner, 'Lawyer Wellbeing Systems Theory of Change' (Web Page, 25 August 2026).
[13] Carly Schrever, *Wellbeing Guidelines for Legal Workplaces* (Victorian Legal Services Board + Commissioner, 2025) 6-7.

The Guidelines describe wellbeing as a responsibility shared between the individual lawyer and the workplace.[14]

B. Trauma, peer support and 'vicarious resilience'

A second strand extends the concept to vicarious trauma, burnout and secondary traumatic stress, particularly in criminal, family, migration and child protection work. James argues that lawyers' vulnerability to trauma is aggravated by stigma, poor leadership, weak supervision and an adversarial 'law-as-business' culture, and proposes trauma-informed changes to legal education and practice management.[15] A discussion paper prepared for the VLSB+C by Phoenix Australia surveyed current practice in Victoria, New South Wales and Western Australia and pointed to the management of trauma exposure, workload and regular supervision.[16]

Recent research with more than 50 legal aid lawyers adds an important nuance.[17] Those lawyers developed 'vicarious resilience' when they kept a sense of meaning in their work and had access to peers, mentors and supervisors with whom they could debrief. Supervisors mattered less as debriefing partners than as the people who made time and space for debriefing, curated junior lawyers' caseloads, and normalised hard days in court. On this account, resilience describes a pattern of adaptation, not a personality trait of tough lawyers. The general psychology of resilience points the same way: resilience is typically produced by ordinary adaptive systems, such as relationships, competence, and self-regulation, functioning effectively.[18]

C. A composite definition

Across these sources, resilience emerges as an interaction among three things: individual capability (coping skills, emotional regulation, self-awareness); supportive relationships (mentoring, supervision, peer support); and healthy workplace systems

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[14] Carly Schrever, *Wellbeing Guidelines for Legal Workplaces* (Victorian Legal Services Board + Commissioner, 2025) 5.
[15] Colin James, *Vicarious Trauma and Burnout in Law: Managing Psychological Stress to Promote Safety, Performance, and Wellbeing in Legal Practice* (Routledge, 2025).
[16] Phoenix Australia, *Vicarious Trauma in the Legal Profession: Discussion Paper* (Report prepared for the Victorian Legal Services Board + Commissioner, 25 November 2024).
[17] Ray Nickson and Alice Neikirk, [article title and full author list to be confirmed] (2026) *Psychiatry, Psychology and Law* (advance online); see also Ray Nickson and Alice Neikirk, 'Why Peer Support Matters for Healthy Lawyers', *Law Society Journal* (online, 17 August 2026).
[18] Ann S Masten, 'Ordinary Magic: Resilience Processes in Development' (2001) 56(3) *American Psychologist* 227.

(reasonable workloads, psychological safety, leadership and wellbeing practices). Drawing these strands together, professional resilience in law can be defined as:

> the capacity of legal practitioners to maintain wellbeing, professional competence, ethical judgement and effective performance while adapting to and recovering from workplace stress, adversity, uncertainty and trauma, supported by both individual capabilities and healthy organisational systems.

D. What the evidence does not show

The evidence base supports this composite view, but it does not support confident claims about change over time. *Courting the Blues* was cross-sectional and drew on a convenience sample, so it cannot show causation or trajectory.[19] The Lawyer Wellbeing Project drew on 37 interviewees, almost all with a personal interest in wellbeing, and its author cautions against reading the findings as representative of the profession.[20] Much other research is specific to one jurisdiction, sector or practice area. I have found no Australian longitudinal study that allows resilience to be compared across generations.

Measurement compounds the problem. Depending on the study, 'resilience' may refer to a personality trait, coping skills, recovery from adversity, adaptive capacity, psychological wellbeing or organisational capability. Distress and resilience are related but not interchangeable: high distress does not establish low resilience, and low reported distress does not establish high resilience. Changes in professional language, mental health literacy and willingness to disclose further complicate comparisons between generations. Rising reports of distress may reflect greater recognition and openness rather than declining capacity. The claim that younger lawyers are less resilient is, on this evidence, not established.

E. A working definition: sustainable professional functioning

The composite definition is accurate, but it is too broad to guide a supervisor and a new lawyer on a Tuesday afternoon. This paper therefore narrows it to a working definition:

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[19] Norm Kelk et al, *Courting the Blues: Attitudes towards Depression in Australian Law Students and Lawyers* (BMRI Monograph 2009-1, Brain & Mind Research Institute, University of Sydney, 2009).
[20] Michelle Brady, *VLSB+C Lawyer Wellbeing Project: Report on Legal Professionals' Reflections on Wellbeing in the Legal Profession and Suggestions for Future Reforms* (Report, Victorian Legal Services Board + Commissioner, 2020) 7.

> **Sustainable professional functioning** is the capacity to keep producing accurate, timely and well-judged work, within a supervisory relationship, over time, without depletion.

'Sustained' distinguishes resilience from short bursts of performance achieved at the expense of depletion. 'Professional functioning' moves the focus beyond comfort, satisfaction or positive emotion to judgement, ethics, learning, communication and professional relationships. 'Within a supervisory relationship' recognises that, for early-career lawyers, functioning is never solely individual. The definition also yields markers that both parties can observe at entry: accuracy, time management, help-seeking and the use of feedback. It is those observable markers that make a shared standard possible.

3. Practice, Judgement and Resilience on the Job

Resilience is acquired the same way judgement is: through graded exposure to real work, with feedback, inside a relationship. The experiences that build a lawyer's judgement are therefore the same experiences that test their resilience, and the two cannot be developed separately.

A. How judgement is learned in practice

The Dreyfus model describes skill acquisition as a passage from novice to expert in which novices rely on rules, and competence develops only through involvement in real situations whose outcomes matter to the learner.[21] Lave and Wenger describe the same passage socially: newcomers become practitioners through 'legitimate peripheral participation', doing bounded but real tasks at the edge of a community of practice before moving towards its centre.[22] Schön adds that professionals learn by reflecting in and on action, especially when practice surprises them.[23] And Carless and Boud show that feedback literacy, including the capacity to manage one's emotional response to criticism, is learnable rather than innate.[24]

Each account makes the same point. Difficulty is not incidental to professional learning; it is the medium of it. The question for the profession is therefore not whether early-career lawyers should face challenge, but under what conditions challenge builds

[21] Stuart E Dreyfus, 'The Five-Stage Model of Adult Skill Acquisition' (2004) 24(3) *Bulletin of Science, Technology & Society* 177.
[22] Jean Lave and Etienne Wenger, *Situated Learning: Legitimate Peripheral Participation* (Cambridge University Press, 1991).
[23] Donald A Schön, *The Reflective Practitioner: How Professionals Think in Action* (Basic Books, 1983).
[24] David Carless and David Boud, 'The Development of Student Feedback Literacy: Enabling Uptake of Feedback' (2018) 43(8) *Assessment & Evaluation in Higher Education* 1315.

capability. The same pressures can produce opposite results. Difficult work and rigorous feedback build confidence when supervision, clear expectations and support are present. Similar pressures damage when feedback is disrespectful, expectations are unclear, or mistakes are punished without guidance. Positive environments build capability; negative ones encourage concealment, hypervigilance or disengagement.

B. Two vignettes from practice

The two vignettes below are my own accounts, condensed from longer reflections. The junior lawyer in the second vignette is not identified. They are offered as illustrations of the framework, not as evidence for it.

Vignette 1: learning family law alone.

> I joined a small, family-run suburban practice that helped whoever walked through the door: wills, visas, bail applications, family law. When the lawyer who ran our 50-plus family law files resigned, my Principal, who disliked family law, made me the firm's family law specialist. With no mentor and little guidance, I read the *Family Law Act* cover to cover, sought advice from the barristers we briefed, and prepared relentlessly. Then I appeared before a judge who quickly realised I did not have all the answers. Question after question exposed the gaps in my knowledge. I got through it, but on the train back to the office I felt embarrassed, even ashamed. I could have blamed the lack of supervision, and there may have been truth in that, but it would not have made me a better lawyer. So I reflected on what had gone wrong, identified what I did not know, and prepared better. The next time I stood before the court, I was better because of that day.

This is a story of accountability, and it should be read as one. The learning was real, but it arose from the reflection that followed, on the train ride home and in the question "What did I learn?" rather than from the suffering itself. It is also a story of challenge without support. The entire burden of making the experience educational fell on one young lawyer's own resources at a moment of public exposure. The same circumstances, in a lawyer with fewer resources or a less forgiving bench, could produce the experience reported to the Lawyer Wellbeing Project of a new lawyer handed an

incest file on their first day and sent to court, 'thrown in the deep end'.[25] We hear the first story partly because it ended well.

Vignette 2: supervising a return to court.

> A young lawyer I managed had been directed to appear before a judicial officer to clarify an issue in one of their matters. They were terrified. Beforehand, we unpacked the issues, rehearsed likely questions and worked on their confidence. Hours later they came back to the office, head down, having clearly been crying. The judicial officer had not accepted their explanations, and the questioning had intensified until they were excused. They told me they never wanted to appear in court again. Earlier in my career, I might have told them to toughen up. Instead, over the following days and weeks, we debriefed: what had happened, what could have been done differently, how to manage difficult judicial interactions, and how to tell a tough day from professional inadequacy. Then I encouraged them back into court, and quickly. Not so they would 'get over it', but because confidence is rebuilt through evidence. What they needed from me was neither rescue nor criticism, but perspective. Over time, they found it.

The hearing in the second vignette was no easier than the first. What differed was what surrounded it: preparation before, debriefing after, and a prompt, supported return. The supervisor helped the lawyer separate a difficult experience from their professional identity. One bad day in court did not make them a bad lawyer. The supervisor's own summary is apt: the task of leadership is to let people struggle, but not to let them struggle alone.

Read together, the vignettes do not divide neatly into 'tough love' and 'care'. Both involve exacting, public challenge, and both end with a return to court. The difference lies in whether anyone stood between the experience and the lawyer's interpretation of it. Endurance has a proper place: hearings, transactions and crises demand periods of intense effort. The problem arises when endurance becomes the profession's default mode of operation. Resilience, by contrast, shows in whether a lawyer maintains judgement, learning, relationships and recovery over time.

C. The developmental gap and the handover gap

[25] Michelle Brady, *VLSB+C Lawyer Wellbeing Project: Report on Legal Professionals' Reflections on Wellbeing in the Legal Profession and Suggestions for Future Reforms* (Report, Victorian Legal Services Board + Commissioner, 2020) 13.

The SLP Survey suggests that first-year difficulty takes two different forms, and that only one of them is productive.[26]

	Productive challenge: the developmental gap	**Avoidable harm: the handover gap**
Capabilities	Developed professional judgement, autonomy, matter workflow, client communication	Accuracy, writing and drafting, and being supervised (asking, escalating, managing time, applying feedback)
When supervisors expect them	During or by the end of supervised practice (autonomy 66%, judgement 57% at the end)	At or before commencement (file notes 66%, basic drafting 58%)
Cost to supervisors	Common but tolerable (understanding client context −13 points)	Costlier than frequency suggests (communication with supervisors +9, time management +8)
Supervisors' explanation	The normal novice trajectory	Too little realistic practice before admission (75%)
Likely effect on the new lawyer (our interpretation)	Builds judgement, stamina and adaptability when supported	Challenge without preparation, with a risk of depletion

Sixty per cent of supervisors named a shortfall in a capability that they themselves place later in supervised practice. That is the ordinary path from novice to competent practitioner[27] and difficulty there is productive when supervision supports it. The handover gap is different in kind. Learning accuracy, and learning how to be supervised, for the first time on live client work and under time pressure, is where depletion is most likely. One distinction is particularly important. The foundational judgements that enable effective supervision, when to ask questions, when to escalate concerns, and when work

[26] Linda Baxter, Craig Collins, Donald Feaver and Shirley Southgate, 'What Supervisors Want, What They Get: The Handover Gap, the Developmental Gap and the Reform of Practical Legal Training' (Working Paper v3, October 2026).

[27] Stuart E Dreyfus, 'The Five-Stage Model of Adult Skill Acquisition' (2004) 24(3) *Bulletin of Science, Technology & Society* 177; Jean Lave and Etienne Wenger, *Situated Learning: Legitimate Peripheral Participation* (Cambridge University Press, 1991).

is ready to send, belong to the handover gap. The more mature exercise of professional judgement belongs to the developmental gap.

The survey also tests the trait account of resilience directly. Asked to explain the gap between what they expect and what they get, supervisors chose experience and context over individual traits by roughly two to one. Limited exposure to realistic legal tasks before practice was cited by 75 per cent, and at least one workplace factor (supervision time, expectations, induction) by 37 per cent. Lack of confidence or professional maturity was cited by 33 per cent, and variability in baseline preparedness by 23 per cent. Three of the five 'other' answers cited over-confidence, which points to miscalibration rather than fragility.

The core is intact. Research (5 per cent), reading legal materials (12 per cent) and applying feedback (3 per cent) were rarely reported as shortfalls; on this evidence, new lawyers are not unable to take criticism. Expectations, however, are unsettled. Supervisors split on what practical legal training should deliver: 56 per cent want task-ready graduates and 43 per cent foundational preparation. Only 44 per cent hold a view of practical legal training that matches their own day-one expectations. Some apparent failures of resilience may therefore be mismatches of expectation. The survey is cross-sectional and reports supervisors' perceptions; it shows what supervisors see now, not whether resilience is rising or falling.

D. AI and the shrinking zone of productive challenge

Generative AI threatens the productive side of this picture. A third of SLP respondents (33 per cent) report traditional junior tasks reducing or changing, and 40 per cent report that AI increases the supervision burden.[28] Beane's study of robotic surgery shows what can follow. When technology removes the trainee's role in real work, learning moves into the shadows and fewer trainees reach competence.[29] If AI absorbs the bounded, real tasks through which new lawyers have traditionally practised accuracy and judgement, they lose exactly the challenges that build resilience. The handover gap may then widen at the same time as the developmental gap loses its training ground.

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[28] Linda Baxter, Craig Collins, Donald Feaver and Shirley Southgate, 'What Supervisors Want, What They Get: The Handover Gap, the Developmental Gap and the Reform of Practical Legal Training' (Working Paper v3, October 2026).

[29] Matthew Beane, 'Shadow Learning: Building Robotic Surgical Skill When Approved Means Fail' (2019) 64(1) *Administrative Science Quarterly* 87.

4. Drivers of Resilience: Supervision, Mentoring and Tough Love Made Explicit

The strongest driver of early-career resilience within the profession's reach is the supervising relationship. Supervision is where challenge is set, where support is given or withheld, and where a new lawyer learns whether difficulty means failure or development.

The evidence converges on this point from several directions. In the SLP Survey, 37 per cent of supervisors cite at least one workplace factor in explaining the gap between expectation and performance, and 12 per cent name limited supervision time.[30] Forty-two per cent want support for supervisors, and 22 per cent want a guide to developing capability during supervised practice. Forty-one per cent of respondents work in small firms or sole practice, where supervisory capacity is thinnest. The Lawyer Wellbeing Project heard that many managers lacked any training in people management, captured in one interviewee's observation that lawyers 'may be good principals but terrible managers'.[31] James identifies weak supervision as an aggravating factor in vicarious trauma.[32] Conversely, the most resilient legal aid offices were those whose supervisors knew their staff, curated junior caseloads and signalled that seeking support was healthy.[33]

A. Tough love, made explicit

The idea that development requires both challenge and support is long established in adult and higher education.[34] Daloz turned it into a simple grid for mentors.[35] Where challenge and support are both low, the learner experiences stasis. High support with low challenge produces confirmation: comfort without growth. High challenge with low support produces retreat. Only high challenge combined with high support produces growth.

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[30] Linda Baxter, Craig Collins, Donald Feaver and Shirley Southgate, 'What Supervisors Want, What They Get: The Handover Gap, the Developmental Gap and the Reform of Practical Legal Training' (Working Paper v3, October 2026).
[31] Michelle Brady, *VLSB+C Lawyer Wellbeing Project: Report on Legal Professionals' Reflections on Wellbeing in the Legal Profession and Suggestions for Future Reforms* (Report, Victorian Legal Services Board + Commissioner, 2020) 12.
[32] Colin James, *Vicarious Trauma and Burnout in Law: Managing Psychological Stress to Promote Safety, Performance, and Wellbeing in Legal Practice* (Routledge, 2025).
[33] Ray Nickson and Alice Neikirk, [article title and full author list to be confirmed] (2026) *Psychiatry, Psychology and Law* (advance online); see also Ray Nickson and Alice Neikirk, 'Why Peer Support Matters for Healthy Lawyers', *Law Society Journal* (online, 17 August 2026).
[34] Nevitt Sanford, *Self and Society: Social Change and Individual Development* (Atherton Press, 1966).
[35] Laurent A Daloz, *Mentor: Guiding the Journey of Adult Learners* (Jossey-Bass, 2nd ed, 1999).

The grid mediates between the two caricatures that dominate the current debate. The "snowflake" caricature imagines support without challenge and fears that the result is stagnation. "Tough love", as it is often practised, is challenge without support and risks retreat, the response the junior lawyer in the second vignette came close to when they said they never wanted to appear in court again. The lawyer in the first vignette avoided retreat through their own resources; in the second, the supervisor supplied the support that transformed a similar challenge into growth.

The tough love worth keeping is tough love with the love made explicit: exacting standards combined with visible investment in the person meeting them. This does not lower the bar. The VLSB+C's Wellbeing Guidelines make the same distinction when they advocate 'high standards, not perfection' and describe mistakes as learning opportunities rather than indicators of incompetence.[36]

B. What resilience-supporting supervision does

Effective supervision connects capability with context. It builds professional judgement while keeping workplace demands visible and manageable. In practice, resilience-supporting supervision involves:

- explaining the purpose and context of work, not only the task;
- calibrating responsibility to experience and readiness;
- checking understanding rather than assuming it;
- giving timely, specific and constructive feedback;
- remaining accessible when issues need to be escalated; and
- monitoring workload, role clarity and exposure to distressing material.

For junior lawyers, supervision must also extend beyond scheduled check-ins. They need to watch experienced practitioners frame complex problems, communicate uncertainty, prioritise competing demands, manage difficult relationships, and acknowledge and repair mistakes. Much of this is tacit, and it is learned by observation as much as by instruction.

Supervision must be both available and psychologically safe to use. A junior lawyer's willingness to seek help has little value if supervisors are inaccessible, dismissive or punitive; teams learn when members believe that speaking up will not be punished.[37]

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[36] Carly Schrever, *Wellbeing Guidelines for Legal Workplaces* (Victorian Legal Services Board + Commissioner, 2025) 15.

[37] Amy Edmondson, 'Psychological Safety and Learning Behavior in Work Teams' (1999) 44(2) *Administrative Science Quarterly* 350.

Poorly designed autonomy is the mirror-image risk: responsibility arrives before readiness, as it did in the first vignette.

Mentoring complements supervision but is not the same thing. A supervisor is accountable for the work; a mentor attends to perspective, identity and career. Bradey presents mentoring as a structural buffer against workplace conflict and bullying, not merely a personal benefit.[38] The Wellbeing Guidelines list mentorship programs among 'better practice' actions.[39] The second vignette shows the two roles combined in one person, which is common in small practices and depends heavily on that person's skill.

C. The conditions around supervision

Supervision operates within wider conditions that can strengthen or defeat it.

Professional relationships. The costliest gaps in the SLP Survey sit inside the supervisory relationship itself: communication with supervisors (+9 points), time management (+8), and knowing when to ask for help and applying feedback (about +6 each).[40] Peer relationships matter too. Legal aid lawyers valued informal debriefing with colleagues above formal counselling, and offices that separated lawyers or restricted such conversations weakened that support.[41] Bullying and harmful leadership are psychosocial hazards that employers must manage, not interpersonal inconveniences.[42] Relational skill can help a junior lawyer navigate a difficult supervisor, but it cannot compensate indefinitely for harmful conduct.

Work design and expectations. Work intensity is not automatically inappropriate. Legal work involves genuine deadlines, conflict and periods of exceptional effort. The useful distinctions are whether pressure is necessary or avoidable, temporary or chronic, prioritised or indiscriminate, adequately resourced or dependent on persistent understaffing, and actively managed or accepted as normal. An exceptional court deadline may justify a temporary increase in effort; a business model that requires exceptional effort every week indicates a structural problem. In the SLP Survey, 9 per cent of supervisors cite unclear workplace expectations and 5 per cent a lack of

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[38] Robyn Bradey, *The Resilient Lawyer: A Manual for Staying Well @ Work* (Lawcover, 2nd ed, 2020).
[39] Carly Schrever, *Wellbeing Guidelines for Legal Workplaces* (Victorian Legal Services Board + Commissioner, 2025) 12.
[40] Linda Baxter, Craig Collins, Donald Feaver and Shirley Southgate, 'What Supervisors Want, What They Get: The Handover Gap, the Developmental Gap and the Reform of Practical Legal Training' (Working Paper v3, October 2026).
[41] Ray Nickson and Alice Neikirk, [article title and full author list to be confirmed] (2026) *Psychiatry, Psychology and Law* (advance online); see also Ray Nickson and Alice Neikirk, 'Why Peer Support Matters for Healthy Lawyers', *Law Society Journal* (online, 17 August 2026).
[42] See, eg, *Work Health and Safety Regulations 2011* (Cth) pt 3.2 div 11; on Victorian obligations under the *Occupational Health and Safety Act 2004* (Vic), see Schrever [8] 2, 8.

induction, while 70 per cent want clearer standards for what new lawyers can be expected to do.[43]

Trauma exposure. Lawyers in criminal, family, personal injury, child protection and migration work face repeated exposure to distressing material. Exposure does not inevitably cause injury, but it is a foreseeable occupational risk. The relevant safeguards include trauma-informed supervision, structured reflective practice, careful allocation and rotation, monitoring of exposure, timely specialist support, and protected time to decompress.[44] Individual coping strategies can conceal rather than resolve cumulative exposure, so supervisors need ways to notice patterns before harm becomes visible. The SLP Survey did not measure trauma exposure, and community legal centres (14 per cent of respondents) are too few for separate analysis.

Hybrid work. Hybrid work is neither inherently protective nor inherently harmful. It can reduce commuting and widen participation, but it can also weaken informal learning, peer support and the visibility of workload and distress. Without shared expectations about urgency, availability and the frequency of supervision, the freedom to work anywhere can become an expectation to be available everywhere. I hypothesise that the capabilities of being supervised, asking questions, escalating issues, and reporting back, are harder to learn remotely because the informal observation that supports their development can no longer be assumed.

Artificial intelligence. AI is an emerging condition. Forty per cent of SLP respondents report a heavier supervision burden, and 12 per cent report more pressure on senior lawyers.[45] Automation bias, the tendency to place undue reliance on automated output, is exacerbated by heavy workloads and time pressure[46], which are the conditions new lawyers already find hardest. AI-assisted work therefore raises the importance of the escalation and checking behaviours that sit in the handover gap.

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[43] Linda Baxter, Craig Collins, Donald Feaver and Shirley Southgate, 'What Supervisors Want, What They Get: The Handover Gap, the Developmental Gap and the Reform of Practical Legal Training' (Working Paper v3, October 2026).

[44] Colin James, *Vicarious Trauma and Burnout in Law: Managing Psychological Stress to Promote Safety, Performance, and Wellbeing in Legal Practice* (Routledge, 2025); Phoenix Australia, *Vicarious Trauma in the Legal Profession: Discussion Paper* (Report prepared for the Victorian Legal Services Board + Commissioner, 25 November 2024).

[45] Linda Baxter, Craig Collins, Donald Feaver and Shirley Southgate, 'What Supervisors Want, What They Get: The Handover Gap, the Developmental Gap and the Reform of Practical Legal Training' (Working Paper v3, October 2026).

[46] Kate Goddard, Abdul Roudsari and Jeremy C Wyatt, 'Automation Bias: A Systematic Review of Frequency, Effect Mediators, and Mitigators' (2012) 19(1) *Journal of the American Medical Informatics Association* 121.

5. An Emerging Framework: Sustainable Professional Functioning

I propose that early-career resilience be understood, guided and evaluated as sustainable professional functioning, produced through four interacting dimensions and calibrated by the balance between challenge and support. If endurance is too narrow a measure and wellbeing alone too broad, this framing sits between them. It asks whether a lawyer can continue to do good work and continue to learn without being depleted in the process.

A. Four interacting dimensions

Dimension	What it includes	Observable in the first year	Primarily held by
Personal capability	Self-awareness, emotional regulation, persistence, boundary setting, reflective practice, recovery, help-seeking	Asks for help early; recovers from setbacks; uses feedback without defensiveness	The early-career lawyer, prepared by legal education and induction
Professional judgement	Prioritisation, ethical responsibility, decisions under uncertainty, accountability	Accurate work; knows when work is ready to send and when to escalate	Shared: the lawyer exercises it, the supervisor calibrates it
Relational capacity	Communication, supervision, feedback, trust, conflict management, belonging	Asks clarifying questions; reports back; raises concerns	The lawyer and supervisor jointly
Enabling conditions	Manageable demands, role clarity, autonomy, competent leadership, psychological safety, work design for foreseeable risks	Clear day-one expectations; regular one-on-ones; visible workload	The employer and supervisor

This is not a validated measurement model. It is a conceptual framework designed to expose category errors that recur in discussions of resilience. Remaining present under pressure is not evidence of sound judgement. Providing counselling does not fix poorly defined roles or unsustainable workloads. A supportive workplace does not remove an individual's responsibility to prepare, accept feedback and persevere. And individual

capability cannot compensate indefinitely for flawed systems or unreasonable demands. Each dimension is necessary; none is sufficient.

B. Calibrating challenge and support

The four dimensions describe what sustains functioning. The challenge–support grid describes how a supervisor sets the conditions for growth at any given moment (Figure 1).

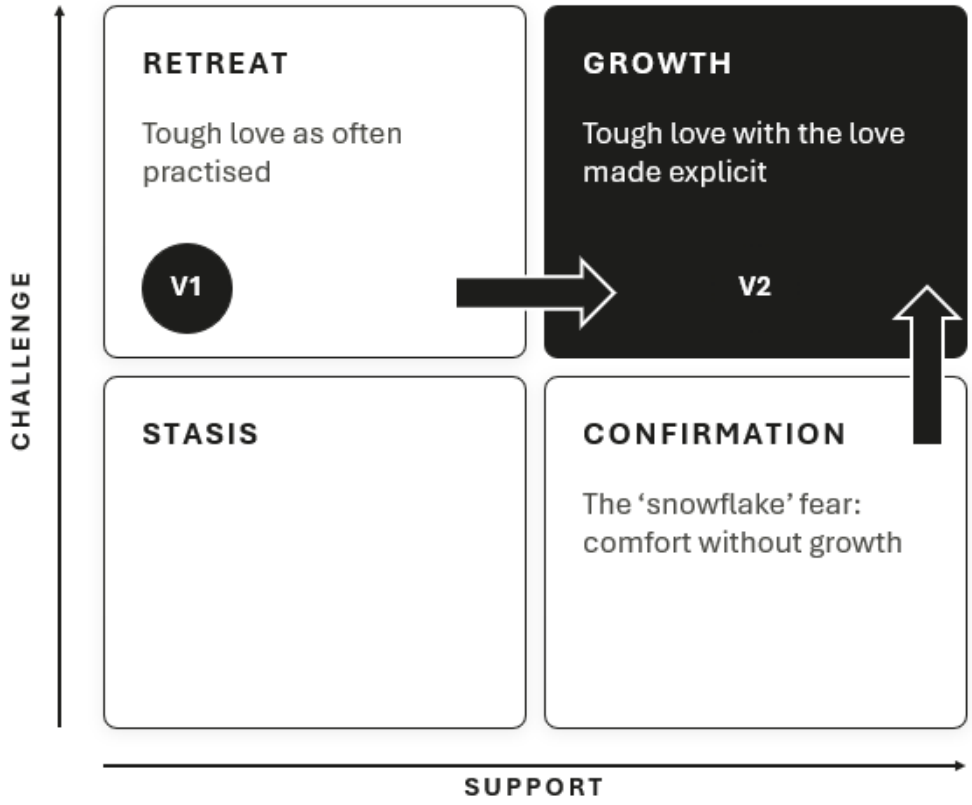


Figure 1. Only the combination of high challenge and high support produces growth. New lawyers in the handover gap need support raised to meet challenge; those in the developmental gap need challenge raised deliberately.

The target quadrant is the same for every new lawyer, but the route to it is not. In the handover gap, challenge is already high: everything is new, and stakes are real. Support must rise to meet it, through clear expectations, explicit escalation rules and close checking. In the developmental gap, support is in place and the supervisor's task shifts to raising challenge deliberately, through greater autonomy and more complex judgement. Over supervised practice, the balance should move from heavy support towards rising challenge, not from abandonment towards rescue.

C. Strengthening existing guidance: a developmental element

The VLSB+C's Wellbeing Guidelines are a strong foundation. Their good-practice actions already include weekly or fortnightly one-on-ones covering workload, role clarity, feedback and development aspirations, with no more than eight direct reports per leader.[47] Their better and best practice include mentorship programs, a no-blame culture, reflective practice groups and 'SMART' job design that promotes mastery and agency.[48] Read against the framework proposed here, three gaps remain.

First, the Guidelines are addressed to employers and leaders.[49] They do not give early-career lawyers a reciprocal standard, so the 'shared' element of a shared standard is missing. Secondly, they treat supervision mainly as a means of detecting and controlling risk. They do not name its developmental function: calibrating challenge to readiness across supervised practice. Thirdly, they do not distinguish the handover gap from the developmental gap, and so cannot tell a supervisor which kinds of first-year difficulty to prevent and which to support.

I therefore suggest a fourth element, **Develop**, sitting alongside Promote, Protect and Respond: *calibrate challenge to readiness and support, so that difficulty builds capability rather than depleting it*. Its actions could follow the Guidelines' own good, better and best structure:

Practice level	Example Develop actions
Good	A written handover standard stating what is expected on day one and what develops during supervised practice; escalation rules agreed at induction (what to ask, when, and how); a structured debrief after first high-stakes events such as a first appearance or a first client complaint
Better	A graduated allocation plan across supervised practice; training that treats supervision as a skill, not a by-product of seniority; structured opportunities to observe senior lawyers' reasoning, including in hybrid teams
Best	Periodic review of functioning markers (accuracy, timeliness, escalation, use of feedback) alongside supervisor workload; AI adoption designed to preserve

[47] Carly Schrever, *Wellbeing Guidelines for Legal Workplaces* (Victorian Legal Services Board + Commissioner, 2025) 14.
[48] Carly Schrever, *Wellbeing Guidelines for Legal Workplaces* (Victorian Legal Services Board + Commissioner, 2025) 12, 15-16.
[49] Carly Schrever, *Wellbeing Guidelines for Legal Workplaces* (Victorian Legal Services Board + Commissioner, 2025) 4.

	bounded junior tasks; shared or external supervisory capacity for small practices

The reciprocal half of the standard belongs to the early-career lawyer. It consists of the capabilities of being supervised: asking clarifying questions, escalating early, reporting back, managing time honestly, preparing thoroughly and using feedback. These are the capabilities supervisors most want and most often miss.[50] Stating them openly turns them from tacit expectations, learned by trial and error on live work, into a standard a new lawyer can meet deliberately.

Small practices need particular attention. Forty-one per cent of SLP respondents work in small firms or sole practice[51], and the Guidelines invite sole practitioners to adapt them to their context.[52] A Develop element would need to supply supervisory capacity those practices lack, for example through peer supervision networks, professional-association mentoring, or structured follow-through from practical legal training providers into the first year.

D. Testing the framework

The framework is a set of propositions to be tested, not conclusions. The SLP Survey captures the supervisor's side of the handover. A matched survey of early-career lawyers, mirroring its items on expected capability, shortfalls, greatest difficulties, explanations for the gap and the stage at which each capability should be reliable, would provide evidence from both sides. Where possible, supervisors and their own first-year lawyers should be paired.

Four questions would test the framework's central claims. Do early-career lawyers experience the developmental gap as a productive challenge and the handover gap as depleting? Does realistic, supervised practice before admission predict sustainable professional functioning in the first year of practice? How do supervisory conditions, including time, support, and clarity of expectations, moderate that relationship? And as AI reshapes junior legal work, is it changing where new lawyers encounter productive challenge?

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[50] Linda Baxter, Craig Collins, Donald Feaver and Shirley Southgate, 'What Supervisors Want, What They Get: The Handover Gap, the Developmental Gap and the Reform of Practical Legal Training' (Working Paper v3, October 2026).

[51] Linda Baxter, Craig Collins, Donald Feaver and Shirley Southgate, 'What Supervisors Want, What They Get: The Handover Gap, the Developmental Gap and the Reform of Practical Legal Training' (Working Paper v3, October 2026).

[52] Carly Schrever, *Wellbeing Guidelines for Legal Workplaces* (Victorian Legal Services Board + Commissioner, 2025) 4.

6 | Conclusion: Reframing Resilience Without Lowering the Bar

Reframing resilience as sustainable professional functioning does not lower the bar. It means preparing lawyers for the bar, being clear about where it sits and supporting them while they reach it.

Supervisors' standards are high where it matters. Accuracy is both the leading shortfall (47 per cent) and the leading source of difficulty (51 per cent) in the SLP Survey.[53] Professional standards, accountability and challenge all remain. Stamina, composure and persistence remain valuable. What this paper questions is whether silent tolerance should continue to count as a sign of professional strength, when it may instead conceal deteriorating judgement, stalled learning or declining health.

The framework answers the research question in three commitments:

1. **Preparation.** Realistic, repeated practice before admission, so that the handover gap is not learned for the first time on live client work.

2. **Clarity.** A shared handover standard that states what can be expected on day one, what develops during supervised practice, and what the new lawyer owes in return.

3. **Support.** Supervisors resourced and trained to make the developmental gap a productive challenge rather than a test of endurance.

Rather than asking whether a generation has become less resilient, the profession might ask which demands help lawyers grow, which simply exhaust them, and how the two can be told apart before harm or error becomes visible. Those questions do not have simple answers. They are, however, more useful to the future of legal work than a debate about whether lawyers are becoming tougher or softer.

Resilience, on this account, is less a trait lawyers bring to practice than a capacity the profession builds through preparation, relationships and conditions.

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[53] Linda Baxter, Craig Collins, Donald Feaver and Shirley Southgate, 'What Supervisors Want, What They Get: The Handover Gap, the Developmental Gap and the Reform of Practical Legal Training' (Working Paper v3, October 2026).

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