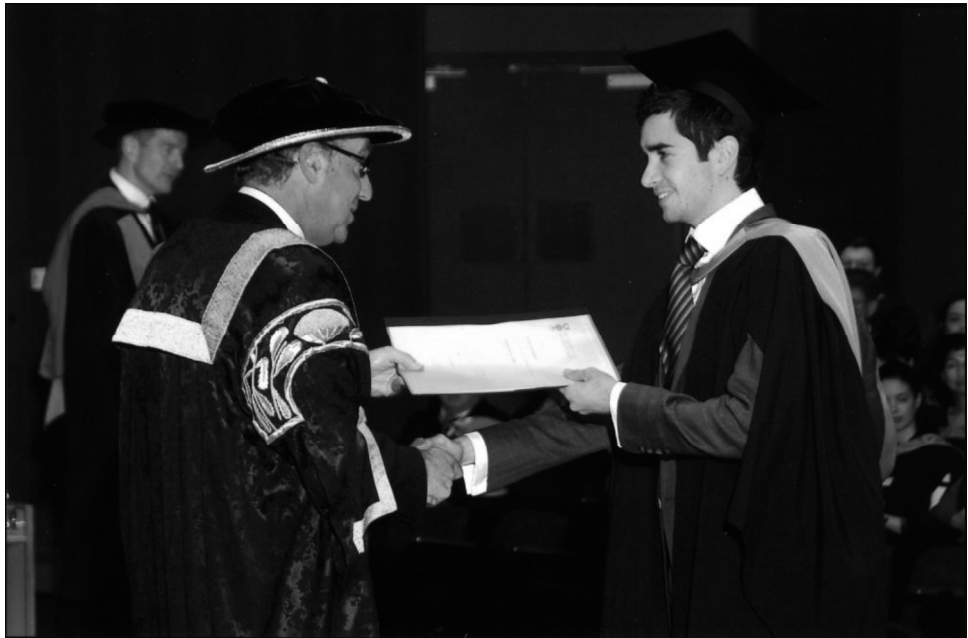


**SPEECH:
LAWYERS' SUICIDE – THE INFLUENCE OF LEGAL
STUDIES AND PRACTICE, STRESS,
CLINICAL DEPRESSION AND SEXUALITY***

THE HON MICHAEL KIRBY AC CMG**



Daniel Solomons graduated from UNSW Law, with First Class Honours, in 2008

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I CONTRADICTIONS AND DISCORDANCIES

This is not an occasion for joy. Ashurst have offered their Sydney office for the launch of the Daniel Solomons Memorial Scholarship. Daniel was their employee. Before that, he was a gifted student at Moriah College. He received the Premier's Medal for all round excellence in his Higher School Certificate results. He also graduated in his Arts/Law course at the University of New South Wales ('UNSW') with first class honours. He was respected by his colleagues at Ashurst. He was admired for his analytical skills. He was studying for admission to practise at the New South Wales Bar. Just two years ago, on 23 April 2013, he took his own life. His death has been a devastation to his family, his partner, his fellow students, and his work colleagues and the members of his intended Bar chambers. His is another story of might-have-beens.

I honour the lovely, discordant, evocative Jewish music, played by the quintet on our arrival. I appreciate the fine food and the wines. But this is not an evening for enjoyment. Losing Daniel has left a hole in the hearts of too many. The sharpest loss has been felt by those present. But others need to know:

- his parents, Sandra and David Solomons;
- his sisters Michele and Rebecca, who grew up with him;
- his domestic partner and faithful friend, who is here with his mother and still close to Daniel's family;
- his two grandmothers who are both present;
- his uncles, cousins and other family members;
- his school friends from Moriah College;
- his university friends from UNSW;
- his work colleagues at Ashurst, who cherished his dazzling abilities;
- Jordana Wong from UNSW Law, substituting for Dean David Dixon, who planned the scholarship to continue Daniel's passions; and
- the rest of us who are here, seeking to find meaning out of this tragic anniversary.

This cannot be a usual dinner with laughter and celebration. We have serious work to do. And if we shed tears, that will be appropriate. Yet tears are also not enough. We must respond to Daniel's family's determination to establish a scholarship that will recognise in others, and support, the same courage, idealism and determination to change things as Daniel exhibited in his short life.

II COMMONALITIES

I feel an affinity for Daniel Solomons. Not to be too boastful (for Daniel and I would never be such) we were both pretty brilliant at school, and at university.

We were both enthusiastic and energised by our early work experience. We loved solving the problems of the law, Daniel and I.

We were both good writers. It is a genetic thing. A capacity to communicate simply. To write in the same language that we talk – a simple tongue derived from the Saxons, that now conquers the world.

We both tended to think outside the square. This irritated some people. But it helped us to see things to which others were blind.

We were both challengers of settled things. And, as we grew up, we knew, from our experiences with love and life, that many things needed changing, including in the law.

Undeservedly you might think, we both were lucky in love. We both won handsome and intelligent partners and (for a reason we could never fully understand) they loved us. Daniel's partner. My partner. Luck in love, we knew, could not be methodically planned. It was a gift from the Gods.¹

It is good that tonight we honour Daniel's partner. Often this is done for wives or husbands but not for lesbian, gay, bisexual, transgender and intersex ('LGBTI') partners. Yet they are flesh and blood. They hurt. They weep too.

III DIFFERENCES

Emanuel Poulos of Ashurst has shared with us a thoughtful and moving description of Daniel's life in the firm. So well-constructed and full of detail. Daniel's sudden death, and its circumstances, would have been a terrible shock to his work colleagues. He had so much to offer and to look forward to. The support by Ashurst for Daniel's scholarship will be one way to keep alive the flame of memory and to honour his unusual personality. It will support those selected who decide to make the study of law their dream. It will help those who need something more, to get started. It will support those who demonstrate personal courage, as Daniel did, seeking knowledge and enlightenment despite challenges, whether personal, financial or both.

Still, there were differences between Daniel's life and mine.

I am nearing the end. He was knocking on the entrance door. I applied for articles to Dawson, Waldron, Edwards and Nicholls (a predecessor of Ashurst). I may have been brilliant. But they rejected my application. My father was not a lawyer. That was often a prerequisite, in those days. Daniel was accepted here. I never made it to a top tier firm. Often in the High Court, I would look at the coversheet of the appeal books. The old firms that rejected me may have changed their names. But it did not deceive me. I knew who they were. It did not make a difference to my judgment. But I still remembered. Daniel, on the other hand, entered the magic circle.

Daniel's office was, let's face it, a mess. Mine has always been antiseptically neat and tidy.

1 Michael Kirby, *A Private Life* (Allen & Unwin, 2011) 65 ff.

Towards the end of his life, Daniel, who had suffered anxiety, came to suffer from clinical depression. I never have. Depression is not an easy journey. In Samuel Coleridge's poem *Dejection* he describes how it feels:²

A grief without a pang, void, dark and drear,
A stifled, drowsy, unimpassioned grief,
Which finds no natural outlet, no relief,
In word, or sigh, or tear –

To honour Daniel, we must resolve to talk about depression. To analyse its causes. Above all, to understand why it is so common amongst law students, legal practitioners and judges. Although I did not feel its pain myself, I spent many years of enforced silence about another demon of others that Daniel knew: sexual difference. So it is not hard for me to understand the challenge of depression. The way out of the closet is to put depression on the table, turn it around, examine it, acknowledge it and challenge its corrosive effects.

IV RESISTANCE

After I was appointed to the High Court of Australia in February 1996, I was soon afterwards invited to address a judicial conference in Brisbane. I was asked to talk on any subject that I might choose. Perhaps they were hoping for *The Rule against Perpetuities* or *The Statute of Mortmain*. Instead, fresh from a recent conference in Canada, I selected stress. Judicial stress. Stress done to judges. Stress done by judges. Little did I know that I could not have chosen a more stressful topic for my audience.³

The commentator, Justice Jim Thomas of the Supreme Court of Queensland, was antagonistic to my theme. He blamed his wife, who, he said, had berated him for even coming to respond to such an inappropriate and irrelevant theme.⁴ Most of the judicial attendees at that conference appeared relieved and mischievously happy to tweak the nose of the new High Court Justice for daring to choose a 'touchy-feely' subject. How rude of him. A few supported me; but not many. However, I stood my ground.⁵ That was another thing I shared with Daniel. The sometimes irrational belief in our own correctness. I have kept gnawing away at this subject since 1995: betraying a naively simple belief in rational persuasion.⁶ Now there are fewer lawyers who are dismissive of the topic. Too much evidence of its impact. Too many suicides and breakdowns to sustain the code of silence. Now, most law deans, chief judges and leading lawyers know that this subject is serious. We will honour Daniel's life by treating it as such.

2 Samuel Taylor Coleridge, *Dejection: An Ode* (1802).

3 Justice Michael Kirby, 'Judicial Stress – An Update' (1997) 71 *Australian Law Journal* 774.

4 Justice J B Thomas, 'Get up off the Ground' (1997) 71 *Australian Law Journal* 785, 785.

5 Justice Michael Kirby, 'Judicial Stress – A Reply' (1997) 71 *Australian Law Journal* 791.

6 Michael Kirby, 'Judicial Stress and Judicial Bullying' (2013) 87 *Australian Law Journal* 516, 517.

V SUICIDAL DIMENSION

Suicide is now such a serious problem in our world that even the United Nations World Health Organisation ('WHO') has provided a first report addressing the topic.⁷ According to the report, someone in our world commits suicide every 40 seconds. This is more than the aggregate of all the victims of wars and natural disasters. The largest toll is amongst the elderly. The highest rates occur in Central and Eastern Europe and in Asia with 25 per cent of cases occurring in developed countries. Men are almost twice as likely as women to take their own lives. Inferentially, this is because women have better networks, they are more willing to talk about issues that trouble them, and to seek help. They are less likely to feel an obligation of denial. They will seek help beyond their own limited knowledge and experience. Lonely self-help will often not provide the solution.

The WHO report took a decade to produce. It found that the rates of suicide in developed countries (12.7 per 100 000 population) were slightly higher than in developing, low and middle income countries (11.2). But the very highest rates in the world occurred in North Korea, India, Indonesia and Nepal. Worldwide, the most suicide prone countries included Guyana (44.2 per 100 000 population); followed by North and South Korea (38.5 and 28.9 respectively), Sri Lanka (28.8), Lithuania (28.2), India (21.1) and Southern Sudan (19.8). Russia and Uganda each had 19.5. The purpose of the WHO report is to encourage a new global strategy. The WHO hopes that this will reduce suicide rates by 10 per cent before 2020.⁸

Australia has a rate of about 10.9 per 100 000 population.⁹ Every year approximately 2000 Australians commit suicide, with up to 40 times that number making an attempt to end their lives.¹⁰ Suicide is the leading cause of death in Australia for young men under 44 years and for women under 34 years.¹¹ One person dies by suicide in Australia approximately every four hours.¹²

One issue that the Australian Institute for Suicide Research and Prevention is studying is the particular impact of human sexuality on suicide.¹³ This is why the Institute has recently appealed to persons who know someone who committed suicide to assist them with their research into the impact of minority sexual orientation or gender identity. These are topics that can occasionally lead to

7 'One Person Suicides Every 40 Seconds, Says World Health Organisation', *The Australian* (online), 5 September 2014 <<http://www.theaustralian.com.au/news/world/one-person-suicides-every-40-seconds-says-world-health-organisation/story-e6fgr6so-1227048316779>>.

8 Ibid.

9 Australian Bureau of Statistics, *Causes of Death, Australia, 2013* (Publication No 3303.0, 31 March 2015).

10 Ibid.

11 Lifeline, *Statistics on Suicide in Australia* <<https://www.lifeline.org.au/About-Lifeline/Media-Centre/Suicide-Statistics-in-Australia/Suicide-Statistics>>.

12 Ibid.

13 'Your Help is Needed with LGBT Suicide Prevention', *QNews* (online), November 2013, 7 <<http://en.calameo.com/read/000180568e23cccd9f17>>.

feelings of isolation, low self-worth, fear and the experience of violence and hostility.

Although we have known the basic facts of the science of sexual orientation for more than 50 years, recent research and experience shows that there is often good reason for people, including young people, to feel depressed and discouraged because of their sexual orientation or gender identity. They may keep up appearances. But, particularly if they are suffering from clinical depression, the appearances may simply mask the inner turmoil that is going on. Sometimes that turmoil will lead them to an exit strategy. For people who face what they see as unrelieved stress and pain, suicide can appear a rational way out of unyielding conflict and misery.

Many young people in Australia come up against hostility and animosity because of their sexual orientation or gender identity. A recent report by Beyond Blue, a civil society organisation focussed on depression, revealed high levels of homophobia amongst Australian teenage boys between the ages of 14–17. A quarter of the cohort considered that it was acceptable to describe something they did not like as ‘gay’: assimilating the insult with the description.¹⁴ Most participants in the study agreed that homophobic discrimination was common in their circle. They realised that it could lead to depression and anxiety in others. However, despite this insight, a significant minority indicated attitudes that would escalate such responses:

- 38 per cent said that they would not be happy being friends with a same-sex attracted person;¹⁵
- 41 per cent said that lesbian, gay and bisexual people make them uncomfortable;¹⁶
- 34 per cent of boys were unsure whether ending a friendship if someone said they were same-sex attracted would be discrimination;¹⁷
- around 23 per cent saw homosexuality as immoral;¹⁸ and
- 17 per cent regarded it as a ‘passing phase’.¹⁹

VI DOING SOMETHING

This problem in Australian society (which would appear to be greater than in many other western countries) demands institutional and individual responses.

14 Painted Dog Research, ‘Stop. Think. Respect. Campaign Evaluation’ (Final Report, Beyondblue, 2 October 2013) 13 (‘*Stop. Think. Respect. Report*’).

15 Benjamin Riley, ‘Homophobia Common among Australian Teenage Boys, Beyondblue Study Finds’, *Star Observer* (online), 31 March 2015 <<http://www.starobserver.com.au/news/local-news/homophobia-common-among-australian-teenage-boys-study-finds/134699>>

16 Ibid.

17 Ibid.

18 *Stop. Think. Respect. Report*, above n 14, 12.

19 Ibid 13.

The places where such responses need to occur obviously include educational institutions. Some of these are under the control of religious ('faith') organisations that are resistant to changing the environment that gives rise to the discrimination, hostility and potentially terminal responses on the part of those targeted. Not all those who commit suicide amongst young Australians are from sexual minorities. But clearly some are. The higher rates of suicide amongst young males appears significant.

When the Australian Federal Government launched a 'Safe Schools Coalition Australia' initiative, supported by federal funding of \$8 million, to undertake an active campaign against bullying in schools, this was criticised by the Australian Christian Lobby. It called for a boycott.²⁰ Nor is its approach confined to evangelical Christian churches. In March 2015, I wrote to a senior official in a Roman Catholic educational institution, drawing attention to reports that students had been refused accreditation of a LGBTI student group which would have financial and venue advantages for them. The institution had also reportedly refused permission to the students to meet on the institution's premises. The response by the senior executive of the institution was discouraging:

As a [religious institution] recognised by Australian law, we believe that we have a right (and duty) to run [our body] in a way that is consistent with and gives witness to our Faith. We clearly identify our Objects in all of our recruitment materials and we ask all students to respect the Objects. We do not assert this as a justification for unjust discrimination, as we are absolutely opposed to unjust discrimination, but we do assert that this allows us to approach and deal with issues in ways that may be different to the practices of secular institutions but are none the less valuable and important. By way of illustration; while a secular [organisation] may well affiliate clubs with a 'Pro-Gay Marriage' advocacy purpose, [we] would not, and indeed could not affiliate a ... gay marriage advocacy club without completely undermining our existence ... which operates within a 'context of Catholic faith and values'. However, our commitment to pastoral care, human dignity and opposition to unjust discrimination means that we must – and do – ensure that all students continue to feel free to exercise their own judgment and discernment on such matters and are free to act in accordance with their conscience. Furthermore, we do not ban or prohibit such issues from being discussed publicly or privately at [our institution], and indeed to do so would be counter to the purpose and role. We would however, seek genuine debate, which means we would normally require the case for [our Faith's] position to be debated together with any opposing positions.²¹

20 Timna Jacks, 'Christian Lobby Boycotts Gay Student Program', *The Age* (online), 20 December 2014 <<http://www.theage.com.au/victoria/christian-lobby-boycotts-gay-student-program-20141218-12a0xf.html>>. In April 2015, the New South Wales Department of Education and Training withdrew approval for a number of books, produced by Christian Education Publishing, being used in State public schools in connection with Special Religious Education classes (formerly called 'Scripture'). The books, including *Teen Sex by the Book* by Dr Patricia Weerakoon, were deemed hostile to minorities and inconsistent with legislative requirements governing public education in New South Wales: see Rachel Browne, 'Scripture Classes: Calls for Crackdown on Public Schools', *Sydney Morning Herald* (online), 6 May 2015 <<http://www.smh.com.au/nsw/scripture-classes-calls-for-crackdown-on-public-schools-20150505-ggu7a1.html>>.

21 Letter to Michael Kirby, 20 April 2015. Identities have been deleted.

The fundamental message of this response remains that the institution concerned is happy to receive public funds to support its mission. But that mission is certainly hostile to the actuality of LGBTI students. Those students who are not themselves Catholic (and even some who are) might dismiss the institution's unfriendly approach as predictably unequal treatment and just move on. But some students, particularly those raised in a Catholic tradition, could easily feel conflicted, stressed and unworthy by reason of such an environment.

Recently, the Holy See refused to accept the appointment of an ambassador accredited by the Government of France. He was openly gay. His offence, it seems, was that he did not keep his sexual orientation to himself. Demanding this of experienced ambassadors may perhaps be expected in countries like Saudi Arabia, the Russian Federation, Uganda and even possibly the Vatican. But for young students in an Australian educational institution, it only serves to sharpen anxiety, stress and depression. It can clearly have deleterious consequences for those exposed to suicidal thoughts, but especially for young people who may love their religion and hate themselves for being unchangeably gay, as science teaches them they are.

Earlier, there were similar religious attitudes in the United States of America and in South Africa to support discrimination against racial minorities and miscegenation. Apartheid in South Africa was often justified by the Dutch Reformed Church (which has since recanted) on the basis of scriptural texts. These problems are bad enough as an intellectual dilemma for people growing up. But they are particularly damaging as they apply to vulnerable young people who may be suicidal in what should be a nurturing environment. I may be wrong, but I cannot see that such attitudes in publicly funded institutions in Australia are compatible either with legal and constitutional principle or with the pastoral and legal duty of care owed by every educational institution to those in their charge, given the increasing knowledge now of the risks.

In Daniel's case, he had no religious conflicts we know of as he grew up in Moriah College. He was surrounded by love and protection by his family, teachers and fellow pupils. Yet, even then, he was caught in the vortex of suicide. Daniel's basic problems were that, at the end, he suffered from clinical depression, a recognised pathology. And he worked in the law. For such a person, this is an especially hazardous occupation.

VII CLINICAL DEPRESSION

I have just returned from a conference in England, most of whose participants were statisticians and biological scientists. Statisticians are drawn from the most brilliant of school students. I know this from my time as Chancellor of Macquarie University, with its degrees in mathematics, statistics and actuarial studies. I was the only lawyer at the conference. One participant, Professor Lewis Wolpert, an expert in cell and developmental biology at University College London, talked of the challenge of severe depression. He has given papers and written books on the

subject.²² He talked openly about his own experience with depression. He explained that:

If you can describe your severe depression, you probably have not had one. It is indescribable and one enters a world with little relation to the real one. It was the worst experience in my life, even worse than the death of my wife from cancer. With her dying, I could do things to help her and I mourned afterwards. But with my depression, there was nothing I felt I could do and I believed that I would never get better. My state bore no resemblance to anything I had ever experienced before. I had had periods of feeling low but they were nothing like my depressed state. I was totally self-involved and negative and thought about suicide all the time. I just wanted to be left alone.²³

Cognitive therapy eventually gave assistance to Professor Wolpert. He gradually got better. But his family were embarrassed about his depression. They would tell no one. He knew from his reading that only 10 per cent of patients with severe depression do not have a relapse. He regarded William Styron's *Darkness Visible* as an outstanding exposition of the problem. Styron points out that: '[t]he pain of severe depression is quite unimaginable to those who have not suffered it, and it kills in many instances because its anguish cannot be borne'.²⁴

Cultural and social inhibitions in many countries prevent identification, treatment and support during such an illness. Pharmaceutical drugs can sometimes help. Professor Wolpert found that physical exercise was useful. He saw an analogy between depression and cancer, in the sense that it is a normal process of living (sadness) that has become disordered and magnified. He tried to analyse the condition from an evolutionary point of view. Feelings that are so common in society could have some advantages for the individual. A 'social competition hypothesis'²⁵ suggests that depression is an adaptation whose function is to inhibit aggression by rivals and superiors when one's status is low. It is a means of yielding, when there is acute social competition. It thus reduces the efforts of the aggressor. But Professor Wolpert is not convinced. Especially when depression leads to suicide, it is hard to see an evolutionary value in it. It may have a perceived individual value, as terminating unendurable pain. It may, like sexual orientation, simply be a variant in nature whose purpose is not always clear and may not matter much, given its reality as part of human experience. If it exists, that is enough. Society must respond. It must seek to palliate and help the

22 Lewis Wolpert, *Malignant Sadness: The Anatomy of Depression* (Faber, revised ed, 2001). See also Lewis Wolpert, 'Commentary: Depression in an Evolutionary Context' (2008) 3 *Philosophy, Ethics, and Humanities in Medicine* art 8 <<http://www.ncbi.nlm.nih.gov/pmc/articles/PMC2267800/pdf/1747-5341-3-8.pdf>>.

23 Wolpert, *Malignant Sadness*, above n 21, xx.

24 William Styron, 'Darkness Visible', *Vanity Fair* (online), December 1989 <www.vanityfair.com/magazine/1989/12/styron198912>.

25 John Price et al, 'The Social Competition Hypothesis of Depression' (1994) 164 *British Journal of Psychiatry* 309.

subject to avoid needless depression, isolation and especially termination of the subject's life.²⁶

VIII LAWYERS' RESPONSES

Those who suffer the indescribable pain, as recounted by Professor Wolpert, are rendered extremely vulnerable if their career choice has taken them into the law. The law is usually a very public vocation. Its top practitioners are on display most of the time. They face fierce competition. They are often perfectionists, overachievers, trapped in 'pin striped prisons'.²⁷ We now know that law places special and excessive pressures on students and practitioners. Working in symbiosis with clinical depression, this can trigger suicidal thoughts and actions. As wise commentators have observed, because lawyers generally sell their talent in modules of time, there is always pressure on them to sell more and more time, until there is no time left for the other priorities of life.²⁸

There is some evidence that pressures of this kind are heaviest in large legal firms, where it is harder to maintain a life/work balance.²⁹ Although many firms today (and some law schools, even Bar and judicial institutions) have attempted remedial measures to show that they care about the challenge of depression and the risks (including suicide) that it brings, commentators repeatedly observe that the lawyers most at risk commonly do not believe that these efforts are real or intended to be taken seriously:

[P]rivate practice lawyers are often subject to tight, client-driven deadlines and exacting internal performance targets – the competitive and confrontational nature of legal practice leaves many believing that such wellbeing policies are not worth the paper they are written on. 'A few months ago, my firm distributed helpful tips printed on colourful postcards suggesting we ought to "Go for a swim in the ocean" or "Go home and cook a meal with your family",' wrote one lawyer, anonymously ... in 2013. 'Apparently the irony of recommending such fun and whimsy to a group of employees who are effectively required to remain at the office upwards of 14 hours a day for months on end was lost on the hopeful folks in human resources.' Under such conditions, and with the profession's poor track record in looking after its own, ... cynicism is well placed.³⁰

26 For strategies, see Tristan Jepson Memorial Foundation, *Psychological Wellbeing: Best Practice Guidelines for the Legal Profession* (2013) <http://www.tjmf.org.au/wp-content/uploads/2013/02/TJMFmentalHealthGuidelines_A4_140426.pdf>.

27 Australian Law Students' Association, *Defending Your Sanity* (2012) 5; Council of Australian Law Deans ('CALD'), *Promoting Law Student Well-Being – Good Practice Guidelines for Law Schools* (September 2014). CALD points to the similarities in the outcomes of United States and Australian research on law students: at 2.

28 Debra Cassens Weiss, 'A Lawyer's Regret: "My Boundaries Slipped Away until Work was all That was Left"', *ABA Journal* (online), 13 March 2013 <http://www.abajournal.com/news/article/a_lawyers_regret_my_boundaries_slipped_away_until_work_was_all_that_was_left>.

29 Justin Whealing, 'Large Firms Lacking Balance', *Lawyers Weekly* (Sydney), May 2012, 1, reporting on the views of Professor Margaret Thornton.

30 Justin Whealing, 'Cut the Bull', *Lawyers Weekly* (Sydney), February 2015, 19.

Certainly, there now seems to be a growing realisation of the existence of a kind of crisis in legal employment as a student and career choice. In a recent poll asking 'is life as a lawyer what you thought it would be when you were a student?', more than 37 per cent of respondent lawyers said 'No, I wish I was working in a different career'. Only 11 per cent of the 444 respondents to the survey said their law career had fulfilled all their expectations.³¹

Plainly, we have a problem here. Estimates suggest that one in three lawyers, from law school to final retirement, suffers at some stage from depression and low self-esteem. A number will face serious suicidal imaginings. If one googles lawyers' suicides and inserts the name of the city or town, names will come up that one knew but sometimes one had forgotten. Tristan Jepson was such a name. His parents established the Foundation in his name to tackle the issue.³² Daniel Solomons was another young lawyer who fell victim to suicidal depression. Most of his colleagues did not know, could not understand and could not believe that such a talented and handsome, much admired person would suffer from such a condition at the end of his life. Or respond as he did. But that is the fact. Lawyers have to face the facts.

Shortly before the launch of the Daniel Solomons Memorial Scholarship, yet another Sydney lawyer, a specialist in tax law, who had taken a part in advocacy for a genuine response to suicide risks, took his own life. This challenge is always with us. It goes on. It does not disappear.

IX WHAT CAN WE DO?

The beginning of wisdom is the getting of knowledge.³³ The Tristan Jepson Memorial Foundation has sponsored research by Professor Ian Hickie of the Sydney University Brain and Mind Institute.³⁴ There must be more such research.³⁵ The burgeoning legal industry and the multiplying Australian law schools – now numbering more than 35 – should contribute to it. They have a stake in addressing the challenge successfully. So have we all. So has our society.

As with sexual orientation and gender identity, those who have faced the challenge of depression and suicidal thoughts need to come forward, stand up

31 Stephanie Quine, 'Poll Finds Law Not Living Up to Great Expectations', *Lawyers Weekly* (online), 8 December 2012 <<http://www.lawyersweekly.com.au/news/11163-poll-finds-law-not-living-up-to-great-expectations>>.

32 Tristan Jepson Memorial Foundation <<http://www.tjmf.org.au>>.

33 Michael Kirby, 'Judicial Stress and Judicial Bullying' (2014) 14 *Queensland University of Technology Law Review* 1.

34 Norm Kelk et al, 'Courting the Blues: Attitudes towards Depression in Australian Law Students and Legal Practitioners' (Report, Brain and Mind Research Institute, 2009) 2.

35 Stephen B Shanfield and G Andrew H Benjamin, 'Psychiatric Distress in Law Students' (1985) 35 *Journal of Legal Education* 65; Wendy Larcombe et al, 'Does an Improved Experience at Law School Protect Students against Depression, Anxiety and Stress? An Empirical Study of Wellbeing and the Law School Experience of LLB and JD Students' (2013) 35 *Sydney Law Review* 407; Kennon M Sheldon and Lawrence S Krieger, 'Understanding the Negative Effects of Legal Education on Law Students' (2007) 33 *Personality and Social Psychology Bulletin* 883.

and identify themselves if they can. They should bravely become role models for those who do not yet dare. Tristan and Daniel did not live long enough to follow the lead of Professor Wolpert in acknowledging the condition of depression, facing it squarely and seeking to communicate its burdens and dangers to their fellows. So this is the great opportunity loss we have suffered through the deaths of these young men. We must act before more join them.

My own decision (with my partner Johan van Vloten) to be open about our sexual orientation was, in part, motivated by a feeling of obligation to young LGBTI people (including lawyers) coming along behind us. I cannot respect the attitudes of the faith organisations quoted above who enter the educational space and alienate and humiliate a vulnerable cohort who come under their direct influence. They seem to be far from the loving message of the religion they claim to promote.

Eventually, faith organisations, Christian and non-Christian, will have to reconcile themselves to the science of the origins, causes and features of diverse sexual orientation and gender identity. It is not binary. Meantime, they should be helped to understand that their practices promote homophobia in society, as is recorded in the recent Australian survey on the attitude of teenage males. They cause, or aggravate, low self-esteem, lack of honesty and consignment to silence or duplicity that feeds depression and suicidal conduct.³⁶ Especially in the stressful world of legal studies and of contemporary legal practice.

Lawyers and law students should support the Tristan Jepson Memorial Foundation and the Daniel Solomons Memorial Scholarship. These parental-driven initiatives help us to fill the void left by the loss of gifted, young people. Not all of them are LGBTI. Not all of them suffer clinical depression. Not all of them are remembered as they should be. But all of them deserve to be respected. This way, we can learn from their pain. We can respond to their cries of despair.

The Daniel Solomons Memorial Scholarship is a practical initiative in a great ocean of neglect and indifference. Daniel's life, and death, should not have been in vain.

36 William Leonard, Anthony Lyons and Emily Bariola, 'A Closer Look at Private Lives 2: Addressing the Mental Health and Well-Being of Lesbian, Gay, Bisexual and Transgender (LGBT) Australians' (Report, Australian Research Centre in Sex, Health and Society, April 2015).