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### **Humanizing Law School**

***Some professors are helping their students march through law school with their values and self-esteem intact—en route to becoming happier lawyers***

*by Jane Easter Bahls*

If you're a typical law student, you may be feeling depressed and disconnected from what you used to believe. But don't take it personally, and don't despair even further. Research shows you're far from alone, and there are simple things you and your professors can do about it.

That's the gist of the gospel from a small but energetic movement within legal academia to "humanize" the law school experience. Adherents are not only documenting a high degree of depression among law students and lawyers. They're also working to alleviate it by encouraging students to get in touch with their core values.

Studies finding unusually high levels of distress among law students and lawyers lend evidence to the reformers' efforts. Research by psychologist Andrew Benjamin, for instance, showed that significant numbers of law students at the University of Arizona were psychologically healthy when they arrived, but within the first year developed major psychological distress that remained through law school and into the graduates' careers. Anxiety, hostility, and depression ran eight to 15 times higher than in the general population.

Even though that study was conducted in 1986, many within the humanization movement consider it valid based on the soundness of the research, similar findings among lawyers, and anecdotal and empirical evidence from today's students.

Numerous studies have shown that lawyers, however prosperous they may be, are a relatively unhappy lot. For example, a 1995 study by psychologist Connie Beck and her colleagues found that 20 percent to 35 percent of the lawyers studied reported symptoms associated with being clinically distressed—at a level found in only about 2 percent of the general population.

A recent empirical study by Florida State University law professor Lawrence Krieger and University of Missouri-Columbia psychology professor Kennon Sheldon, published as a summary in the March/June 2002 *Journal of Legal Education*, measured students' motivations, values, and "subjective well-being," a term that encompasses levels of good and bad moods and life satisfaction.

Law students in the study began with higher subjective well-being than comparison samples of undergraduates and other new professional students, but by the end of their first year that had plummeted. Meanwhile, the law students became more motivated by externals—grades, appearances, money—and less by intrinsic values such as personal growth and contribution to the community.

Not that making money and being respected is inherently bad, Krieger says. The point, he emphasizes, is one that psychological research backs up: People whose primary motivation is money tend to be unhappy, while people who are motivated by goals such as helping others or making a difference tend to be happy. In Krieger and Sheldon's study, many who started law school in hopes of serving the public had given up their dream in favor of money and prestige.

"Perhaps ironically," Krieger says, "research shows that the general distress and depression among law students is not mitigated by high grades, nor is dissatisfaction among lawyers mitigated by high salaries."

Clearly, something's wrong. "Lawyers tend to ignore their inner lives," says journalist Steven Keeva, an assistant managing editor at the ABA Journal and author of *Transforming Practices: Finding Joy and Satisfaction in the Legal Life* (Contemporary Books, 1999). "They are consummate doers, trying to control things, win, take care of things."

### **One-sided thinking**

Again, that's not bad in itself, but Keeva found through dozens of interviews that lawyers tend to be psychologically one-sided—and that they became that way soon after starting law school. He explains that the primary thrust of legal education—teaching students how to think like a lawyer—is so pervasive that students and lawyers alike find themselves analyzing everything in their lives, at the expense of relationships, values, and spirituality. And when they feel the loss of things they used to hold dear, they typically keep their feelings bottled up. "There's a code of silence in the profession," Keeva says. "There's this fear of looking soft."

Those who pay attention to these issues say most law professors and administrators appear to be ignoring the problems. Others are skeptical of the supporting studies or find the whole effort flaky.

But the movement to humanize legal education—a community of law professors scattered across the nation—has been studying these issues, publishing articles on the topic, and helping students regain some perspective. They say you don't have to wait for major changes in legal education. Thinking about values and priorities now—and talking about them with other students—can help you maintain your equilibrium in law school and throughout your career.

The movement's linchpin is Krieger, clinical professor and director of externships at Florida State University College of Law. Having taught stress management both before and after becoming a lawyer, Krieger noticed how tense his law students were. "I realized these people were very insecure," he recalls.

Krieger related their feelings to psychologist Abraham Maslow's hierarchy of needs: how people must meet the basic needs for survival, security, belonging, and respect before they move toward contentment. But from the earliest days of law school, he says, students get the message that they must make top grades, must perform flawlessly in class, and must compete with other students. In effect, law students have to worry about survival, security, and whether they really belong. Many panic.

"I was very aware of the emotional health problems of lawyers," Krieger says. "How much of that starts in law school? How much of it could we head off if we taught them healthy perspectives?"

He began teaching students in his classes about Maslow's hierarchy and getting them to talk about their needs and fears. Nearly all of them defined success in law school as being in the top 10 percent, which means that 90 percent are set up for failure.

"I was a litigator for a long time, and I never had a judge ask me what my class rank was," Krieger says. "Ninety percent of our students have a legal job within six months of graduating—but our students don't know that."

Krieger reminds students that only a tenth of them can be in the top 10 percent, but nearly all will survive law school and get decent jobs. Top students get first crack at big-firm

interviews—but is that worth sacrificing your health and relationships for three years? Many of his students report that it helped tremendously just to put it all in perspective.

### **Exchanging ideas and support**

Krieger now manages a listserv for about 230 law professors and others interested in these issues, to exchange ideas and mutual support. One member is Daisy Hurst Floyd, a professor at Texas Tech University School of Law. Floyd engaged students in a Carnegie Foundation project on professional identity, where students in her seminars read and discussed readings, listened to visiting lawyers, wrote reflective essays, and participated in a web-based discussion board.

Floyd and her students agreed that law school does an excellent job of teaching students to think like lawyers. However, the students also reported competition among students so intense that many classrooms were actively hostile. Those who couldn't attain the prizes of top grades and law review suffered feelings of failure and inadequacy.

"Students were talking to each other about feelings of isolation," Floyd says. "They'd felt they couldn't talk about it before." She notes that it's natural to have some doubts about a position with as much responsibility as being a lawyer, "but we were sending signals that if you feel doubt, maybe you're not cut out for it."

While the practice of law is about relationships, Floyd explains, legal education devalues relationships and other emotional matters. "It is not just that we fail to teach students about relationship skills," she says. "Legal education actually diminishes or eliminates the ability to form and sustain relationships that students possess when they begin law school."

Floyd observes that most students enter law school with a clear sense of purpose and a passion to do something important, but they soon find that their passion isn't even addressed. Appellate cases, the staple of first-year study, focus far more on legal issues than on the people involved. The idea that lawyers help clients—real people with real problems—drops off the radar screen.

"Students think they were wrong about what law is all about," she says. "They think their initial vision was naive, so they have to give it up." That leads to a deep sense of loss and a numbing resignation to the system.

A related movement called "therapeutic jurisprudence" is addressing those issues by seeking to make people's experience with the legal system supportive and healing rather than traumatic and stressful, as it often is. Led by law professors David Wexler of the University of Puerto Rico and Bruce Winick of the University of Miami, proponents focus on cooperation, communication, and being sensitive to a client's personal issues.

"If it weren't for David Wexler, I would have been totally discouraged and depressed," says Puerto Rico third-year law student Adi Martinez, who finds legal analysis mechanical and dull. "Therapeutic jurisprudence is about talking to the client, not just doing whatever the client wants." That perspective, she says, has helped her keep her chin up in more traditional classes.

Floyd contends that the best way to help students is to give them permission and opportunities to engage in two activities generally devalued in law school: reflection and

connection. Writing reflectively helps them understand why they've experienced law school the way they have. Connecting with other students on an emotional level can be a relief, as students discover they're not alone in their feelings. So can connecting with lawyers who've achieved balance and found meaning in their lives.

Just ask Richard Chapman, newly graduated from American University's Washington College of Law. "Law school is a very lonely process," he says. "Even though you're around people all the time, you don't get in touch." In an externship class with professor Marlena Valdez, another listserv member, Chapman read and discussed articles on how being a lawyer fits into your spiritual being. "Her class really made me think about why I was going to be a lawyer," he says. "We all felt we were detached from people, and appreciated being able to get in touch."

Is all this too touchy-feely for legal education? Some critics think so. Professor Barbara Glessner Fines of the University of Missouri-Kansas City reports that some faculty members equate humanizing legal education with lowering standards. "If you talk about lowering expectations, they say you're coddling into the profession people who aren't cut out for it," she says. "They say, 'If you can't take the heat, get out of the kitchen.' But why can't you put a fan in the kitchen?"

### **"The walking wounded"**

Even schools that attract the brightest legal minds in the nation could use a fan in the kitchen. A student essay in the *Harvard Law Review* in 1998 reported that by the second year, "a surprising number of Harvard Law students resemble 'the walking wounded': demoralized, dispirited, and profoundly disengaged from the law school experience. What's more, by third year, a disturbingly high number of students come to convey a strong sense of impotence and little inclination or enthusiasm for meeting the world's challenges head on."

Krieger assigns the essay (*Making Docile Lawyers: An Essay on the Pacification of Law Students*) to his students to read. He estimates that more than 90 percent indicate their experience is similar.

There's hope, even at Harvard. Professor Todd Rakoff, dean of Harvard's J.D. program, reports that the school's emotional culture is changing. During the past 30 years, he notes, the student body has become more attuned to the emotional side of the classroom. That calls for a different approach to teaching.

"The older-school professors believed that first year should be like boot camp— tough as nails, and professors should never be nice to students," he says. "Harvard has been making efforts to move away from that." Legal education must be rigorous, he says, but it's really important to look at the psychodynamics of the classroom.

Outright resistance to the humanizing movement isn't its biggest challenge. Krieger contends that the larger challenge is institutional denial—faculties and deans not even acknowledging that there's a problem, despite the growing body of empirical and anecdotal evidence. "The problem is no one is reading the articles," Krieger says in frustration. He says there's little evidence that more than a few law professors are aware of the problems he's addressing.

More will soon. The Association of American Law Schools Section for Student Services has scheduled a major program at the association's annual meeting in January on depression and distress among law students and what to do about it. Deans of students from across the country will be discussing these issues and seeking solutions.

What are the solutions? Even those most familiar with the problems don't have it all worked out; many are still grappling with possible causes. Krieger makes three suggestions for institutional change.

One is for law schools to reconsider the practice of making students work exceptionally hard. "Persistently long hours of high-demand work obviously drains personal resources," he says. The endless hours of nothing but legal study displace other things people need to be doing to remain psychologically healthy.

A second is to stop communicating to students that they're only succeeding if they rank in the top 10 percent, that failing to do so jeopardizes their future employment, and that personal character, values, and ideals are now largely irrelevant. "One could hardly design by intention a more effective belief system for eroding self-esteem," he says.

Third, he contends that schools should back away from the mandatory or "strongly suggested" grade curve that must include a certain percentage of D's. Under this system, no matter how narrow the spread between the top exam and the bottom one, those on the bottom must be D's. That further demoralizes students for no good reason, he says.

Whether or not they're likely to see institutional change, certain law professors are helping students examine these issues in and out of class. For instance, professor Laurie Morin, who teaches professional responsibility at the University of the District of Columbia law school, has students write for five minutes at the beginning of every class, reflecting on what they're learning and how it relates with their own beliefs. Then they talk about it. Students are initially skeptical, she says, because they're being asked to deal with the personal values that law school tries to drum out of them. Once they get beyond that, she says, "They get so excited. No one else asks them about what they're feeling."

Morin advises law students to do this on their own, whether or not a professor requires it. "Remember why you went to law school in the first place," she says. "Write it down. Ask yourself every day how what you're doing is related to that reason."

Florida State law graduate Jeff Schumm, a former student of Krieger's who is now working for the Florida attorney general, advises law students to maintain as much balance as possible in their lives. "If that means keeping up with a hobby, working out, or spending time with your family—try to allocate a priority to these things. It will help you maintain a healthy perspective on things, and probably, over the long run, improve your performance in law school."

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