



February 2014

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### Recommended Citation

Bridget A. Maloney, *Distress among the Legal Profession: What Law Schools Can Do about It*, 15 NOTRE DAME J.L. ETHICS & PUB. POL'Y 307 (2011).

Available at: <http://scholarship.law.nd.edu/ndjlepp/vol15/iss1/10>

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# DISTRESS AMONG THE LEGAL PROFESSION: WHAT LAW SCHOOLS CAN DO ABOUT IT

BRIDGET A. MALONEY\*

## INTRODUCTION

“The law can be a miserable profession, characterized by grueling hours, meaningless work, cutthroat colleagues—and golden handcuffs.”<sup>1</sup> Assuming this to be true, why, then, do thousands of students each year decide to enter law schools across the country?<sup>2</sup> The one question law students hate the most is: “So, why did you go to law school?” The reason we hate it is because we often do not know the answer. And, if we ever did know, after spending any period of time actually *in* law school, we soon forget.

Like many students, I have always said that I wanted to be a lawyer. Perhaps it was the influence of television shows such as *L.A. Law* or *Perry Mason*, or maybe it was because I liked to argue and my family said I should be a lawyer; I no longer remember the exact reason. I do remember that applying to law schools in my senior year of college seemed like the next step to take. With a degree in political science from a liberal arts college, what else was I to do? Even though I spent considerable time researching which law schools to apply to, I had no idea what law school entailed. These are some of the things I did not know. I did not know my first year would consist of spending eighteen hours a day, seven days a week<sup>3</sup> in the same building. I didn’t know I would have my own spot in the library where I would spend all these hours, reading and highlighting, reading and highlighting,

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\* B.A., 1998, Washington College; J.D. Candidate, 2001, Notre Dame Law School; Thomas J. White Scholar, 1999–2001. I would like to dedicate this to my parents, Michael and Mary Lou Maloney, both of whom I credit with keeping me from becoming a statistic of this Note. Their constant love and support have given me the courage and confidence to remain committed to a profession in distress.

1. Judith Schroer, *Running from the Law: Discontented Lawyers Flee Profession*, USA TODAY, Oct. 7, 1993, at 1B.

2. In 1995, 39,349 law degrees were conferred on both men and women. See Bureau of the Census, U.S. Dep’t of Commerce, Statistical Abstract of the United States: 1998, at 202 tbl. 327 (118th ed. 1998).

3. I must admit that I did break out of the law school on Saturdays when Notre Dame had home football games. I credit those six escapes with helping keep me sane during my first semester.

reading, and well, you get the picture. I didn't know I would be making these strange things called "outlines." I didn't know that my classmates would intentionally play headgames with each other, pretending not to be working at all, or pretending to be working so hard. I didn't know that my professors would choose one random student each day to be in the "hot seat," and that they would ask a hundred different questions and conclude each answer was wrong. I didn't know that we had only one exam in each class at the end of the semester and that was how our grade was calculated. I didn't know I would be so intimidated by my professors that I would be afraid to ask them a question or talk to them outside of class. I didn't know that during exams I would be unable to sleep and eat because I was so nervous. These are just a few of the things I didn't know about law school. I suspect that many of us were unaware of these same things. Looking back now, I suppose it was good that I didn't know a lot about what being a "1L" was all about, because if I did, I may never have had the chance to write this Note.

This Note examines a phenomenon that has been studied before—depression and psychological distress among law students. However, it is a bit different in the sense that it comes directly from the perspective of a current law student. Section I looks at the kinds of physical and emotional problems that law students experience, such as drug and alcohol abuse, depression, obsessive-compulsive disorder, and suicidal tendencies. These problems are serious and it is time for the legal educational system to make some changes. In this section, the Note analyzes what types of people go to law school in an attempt to answer the question: Does law school depress students, or are these students naturally prone to exhibit signs of depression, regardless of their career choices?

Before I make any suggestions as to how to handle these problems, it will be helpful to pinpoint the causes of stress in law schools. Section II addresses the five major sources of stress: the Socratic method, lack of control, lack of feedback, fear of failure, and the importance of first-year grades. There are, however, other stress origins, such as the level of competition, the lack of a significant relationship between professor and student, and anxiety over incredible amounts of debt incurred.<sup>4</sup> After examining these stressors, it is worthwhile to take a brief look at the practicing legal profession and see if it copes with the stress any better. The answer to this is no great surprise; of course, practicing

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4. Typically, the first year of law school tends to be the most stressful; therefore, this will be my focus throughout the Note.

attorneys find the work no less stressful.<sup>5</sup> Finally, I conclude with recommendations on how to make law school less stressful, and therefore, healthier for its students. And, throughout, I interject my own personal thoughts and experiences based on my first year at Notre Dame Law School.

### I. PHYSICAL AND EMOTIONAL PROBLEMS THAT LAW STUDENTS EXHIBIT

“Law school is one of those ‘difficult times,’ a time explored when students speak and write about their experience, their failure, their suffering . . . . The ‘troubles’ of the law student are a mirror reflecting the hidden, human depths of law school initiation rites. Law school is a powerful, transformative experience in which the soul as well as the mind is at stake.”<sup>6</sup> Even though I considered my first year of law school to be demoralizing at times, I never once considered myself clinically depressed or suicidal. In fact, I never even thought that my classmates seemed especially sad or withdrawn. Sure, we were a little bitter about the turn our lives had taken since entering law school, but were we depressed alcoholics—I didn’t think so. It was not until a few months ago that I even became cognizant of the problems that typically plague law students. I read an article by Professor Patrick J. Schiltz,<sup>7</sup> and, as intended, I began thinking about the pitfalls of my chosen profession. Professor Schiltz dedicated one section of his article to a discussion of the poor health of our nation’s lawyers. He concentrated on depression, anxiety, and other mental illness, alcoholism and drug abuse, divorce, suicide and physical health.<sup>8</sup> Although his discussion concentrated on practicing attorneys, I began to wonder about the overall health of law students. To my chagrin, I found that law students also had poor health.

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5. Unfortunately, I have heard some attorneys say that they would prefer to be a “first-year” again rather than a young associate at a large law firm.

6. James R. Elkins, *Rites de Passage: Law Students “Telling Their Lives,”* 35 J. LEGAL EDUC. 27, 28 (1985) (citation omitted).

7. Patrick J. Schiltz, *Symposium: Attorney Well-Being in Large Firms: Choices Facing Young Lawyers: On Being a Happy, Healthy, and Ethical Member of an Unhappy, Unhealthy, and Unethical Profession*, 52 VAND. L. REV. 871 (1999).

8. See *id.* at 874–80.

### A. *The Studies and The Statistics*

#### 1. Comparison of Stress Levels Among Law and Medical Students

In the early 1980's, Drs. Stephen B. Shanfield and G. Andrew H. Benjamin conducted a study to measure the levels of psychiatric distress among law students as compared to the levels of stress exhibited by medical students.<sup>9</sup> At the University of Arizona, 232 law students (150 men and 82 women) in all three years of law school, and 262 medical students (190 men and 72 women) in all four years of medical school participated.<sup>10</sup>

The results of this study indicated that law students exhibited "higher rates of psychiatric distress than either a contrasting normative population or their counterparts in medical school."<sup>11</sup> The authors speculated as to reasons why, listing several factors. First, medical schools require admission interviews. Law schools do not. Emotionally unstable individuals may be barred from entering the medical profession because they are identified in the interview phase of the application process and denied admission to medical schools.<sup>12</sup> Another indicator is the differences in the learning environments between these two types of graduate schools; namely, "[l]aw school appears to be less nurturing of students than medical school."<sup>13</sup> Further, there are generally fewer teachers in law schools than in medical schools, deterring

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9. See Stephen B. Shanfield & G. Andrew H. Benjamin, *Psychiatric Distress in Law Students*, 35 J. LEGAL EDUC. 65 (1985).

10. The symptoms they tested for included *somatization* (reflects distress arising from such bodily complaints as feeling faint, nauseated, weak, numb, and short of breath); *obsessive compulsive* (indicates difficulties with cognitive performance which are of an unwanted nature, such as trouble remembering and concentrating, feeling blocked, and having difficulty making decisions); *interpersonal sensitivity* (centers on feelings of personal inadequacy and inferiority, particularly in relations to others); *depression* (relates to feeling blue, suicidal thoughts, loss of interest, and feelings of hopelessness and worthlessness); *anxiety* (reflects symptoms and signs of manifest clinical anxiety such as fearful and tense feelings, restlessness, and spells of terror and panic); *hostility* (indicates feelings of anger, irritability, rage, and resentment); *phobic-anxiety* (reflects nervousness when alone, self-consciousness with others, and avoidance of certain places); *paranoid ideation* (reveals a style of thinking involving suspiciousness, fear of loss of autonomy, and projection); and *psychoticism* (reflects psychotic thought processes, and social alienation). See *id.* at 66-67.

11. See *id.* at 69.

12. See *id.*

13. *Id.* Having never been to medical school, I cannot comment on its nurturing atmosphere; however, I can say that of all the words to describe law school, "nurturing" would probably be dead last on the list.

personal relationships between law professor and student.<sup>14</sup> Law students are also more uncertain as to future careers than medical students:

They have a less structured career track than medical students . . . . [T]he early academic ranking system guarantees financial security to the 10 or 15 percent who make law review . . . . [And] [m]any law students see the law as a stepping-stone to another career. This lack of commitment to law can be a factor in distress.<sup>15</sup>

The researchers in this study were surprised to find stress levels among law students remain constant as the school year progressed. They hypothesized that the levels would decrease as time went by and students grew more accustomed to their environment; however, the high level of distress sustained itself. "In October, students may be distressed about the uncertainties of law school and their capacity to perform. In February, the distress may indicate concerns about academic rank and the competition fostered in the learning environment."<sup>16</sup> As a result of their research, Shanfield and Benjamin found that more than 40% of the law students scored higher than the normative population on the obsessive-compulsive disorder, interpersonal sensitivity, anxiety, and "psychoticism" (social alienation and isolation) dimensions; more than 20% scored higher on the depression, hostility, and paranoid ideation dimensions; and about 10% scored higher on the somatization and phobic anxiety dimensions.<sup>17</sup>

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14. See *id.* at 70 (citing Alan A. Stone, *Legal Education on the Couch*, 85 HARV. L. REV. 392 (1971)).

15. *Id.* at 71 (citations omitted). Although this suggestion is unsubstantiated by other sources, the point is well-taken. Many students enter law school as simply a means to an end. For example, perhaps one student dreams of becoming a special agent with the Federal Bureau of Investigation, thinking the best way to do that is by obtaining a law degree. Or, maybe another student wishes to enter the world of politics and thinks a law degree will make him/her more marketable on Capitol Hill. There are many such students in law school who get frustrated when they realize the amount of blood, sweat, and tears they must shed to receive a degree in a field in which they do not wish to practice. For a recent discussion of this issue, and an answer to the question of why law school graduates leave the legal profession, see Joe G. Baker & Brian K. Jorgenson, *Leaving the Law: Occupational and Career Mobility of Law School Graduates*, 50 J. LEGAL EDUC. 16 (2000).

16. *Id.*

17. See *id.* at 74-75.

## 2. Comparison of Stress Levels Among Students Before and After Entering Law School

While it is important to recognize differences in stress levels between law students and similarly situated post-graduates, such as medical students, it is also crucial to understand whether or not law school is the cause of the depression. If it is, then we need to consider certain types of institutional reforms. If law school is not the cause, then we can stop blaming legal education for the plight of its students. This Note reviews different studies assessing changes during the first year of law school in students' attitudes. James M. Hedegard, a psychologist and professor at Roosevelt University in Chicago, completed one such study.<sup>18</sup> Hedegard studied students entering the J. Reuben Clark Law School at Brigham Young University (BYU) in the fall of 1974. One hundred forty-four participating students out of a class of 165 filled out a series of questionnaires "both at the beginning and near the end of their first year of law school."<sup>19</sup> Hedegard relied primarily on two measuring instruments: the Law Student Inquiry (LSI), that contained questions on law-related attitudes and career aspirations; and the Omnibus Personality Inventory (OPI), that measured student personality characteristics and provided scores comparable to normal population expectations.<sup>20</sup>

In general, Hedegard found that anxiety levels and feelings of internal conflict increased significantly.<sup>21</sup> To his surprise, however, the research of this relatively small and somewhat homogenous sample size indicated "individual students retained through the first year of law school the distinctive personality qualities they brought to law school."<sup>22</sup> The utility of this study may be lessened by the fact that the students at BYU tend to be similar in beliefs and interests, at least as compared to other

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18. See James M. Hedegard, *The Impact of Legal Education: An In-Depth Examination of Career-relevant Interests, Attitudes, and Personality Traits Among First-Year Law Students*, 1979 AM. B. FOUND. RES. J. 793 (1979).

19. *Id.* at 808-09.

20. See *id.* at 809-11. The LSI measured student experiences and opinions, "including reasons behind the choice of a law career and of a particular law school, anticipated impacts of law school, beliefs about the skills required for legal practice, anticipated characteristics of their own future careers, preferences among various types of law practice and possible work settings, and general beliefs about the practice of law and the role of law." Meanwhile, the OPI measured "dimensions of normal personality variation, combining items into fourteen scales, each measuring a personality characteristic." *Id.*

21. Hedegard, *supra* note 18, at 835.

22. *Id.*

schools.<sup>23</sup> Nor was Hedegard able to offer any constructive recommendations, most likely because he, too, was surprised by his results.

Another study looked at incoming first-year students at two national, unidentified law schools, with 157 students returning completed questionnaires in the fall and 140 returning in the spring.<sup>24</sup> This study focused on changes in student attitudes during the first year of law school. Regarding views related to law school, about 40% of the students gravitated toward the positions that "grades are inaccurate indicators of student potential; professors should address issues in moral terms; the curriculum should relate to theory more than practice; and law school should prepare students for life-long more than the first few years of practice. In addition, 40% changed toward the view that law is needlessly rather than necessarily complex."<sup>25</sup> Surveyed students appeared to become somewhat disenchanted with the law after entering law school; things were not as they had anticipated. For example, students may feel that all their hard work goes unrecognized, unless they make the law review or the moot court team.

Shanfield and Benjamin undertook another study, this time at the University of Arizona Law School, in an attempt to determine whether distress among law students is caused by law school itself or is "indigenous to students who choose to attend law school."<sup>26</sup>

As the results indicate, before law school, subjects develop symptom responses similar to the normal population. This comparison suggests that prospective law students have not acquired unique or excessive symptoms that set them apart from people in general. During law school, however, symptom levels are elevated significantly when compared with the normal population.<sup>27</sup>

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23. See generally G. Andrew H. Benjamin et al., *The Role of Legal Education in Producing Psychological Distress Among Law Students and Lawyers*, 1986 AM. B. FOUND. RES. J. 225, 227 (1986) ("Note that the unusual nature of BYU students—more likely to be Mormon, to be married, and to defer to authority—may have influenced these results." (citing E.G. Gee & D.W. Jackson, *Current Studies of Legal Education: Findings and Recommendations*, 32 J. LEGAL EDUC. 471 (1982))).

24. See Audrey James Schwartz, *Law, Lawyers, and Law School: Perspectives from the First-Year Class*, 30 J. LEGAL EDUC. 437 (1980).

25. *Id.* at 461-62.

26. Benjamin et al., *supra* note 23, at 232. For purposes of this Note, it is not necessary to analyze their research methods in great detail. Rather, the main concern is with their findings.

27. *Id.* at 246.



These findings suggest that it is not the type of person who comes to law school; rather, it is the law school institution itself that causes the stress. The authors point to many of the things that have been previously mentioned to explain these results. For instance, "[f]irst-year students are generally overwhelmed. The workload leaves many without time to sleep and relax adequately or to enjoy relationships with friends and relatives. Indeed, the concern for meeting the perceived high standards of law school remains pervasive during the first year."<sup>28</sup>

Although this study was unable to pinpoint exactly the causes of stress inherent in the legal education process, the authors do focus on three areas which tend to incite the most stress. First, the problems of excessive workloads and time management skills are a persistent worry among law students. Law students are guilty of ignoring all other aspects of their lives just so they can be law students.<sup>29</sup> One author found these pressures most prevalent among first-year law students.

It is not uncommon for the workload to be such that it is physically impossible to complete assignments on time. For many highly motivated first-year students this can lead to a near constant state of anxiety. Physical and psychological exhaustion are, I think, programmed into the first year . . . . The student is stripped naked, so to speak, so that he may be remade a lawyer. The underlying dynamic, I suspect, parallels a highly structured, controlling, emotionally intense initiatory rite used by the church or the military in the indoctrination of their neophytes.<sup>30</sup>

The second stress-causing area identified in the study involved the problems law students have in forming inter-personal relationships with their law professors. Speaking personally, during my undergraduate years I was fortunate to enjoy good relationships with most of my professors. I respected them, but certainly was not afraid to approach them with a question or

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28. *Id.* at 247 (citing R.C. Cramton, *The Current State of the Law Curriculum*, 32 J. LEGAL EDUC. 321, 329 (1982) ("The first year grades control the distribution of goodies: honors, law review, job placement, and because of the importance placed on these matters by the law school culture, even the students' sense of personal worth.")).

29. I found myself with a tremendous amount of respect for classmates of mine that were married, parents, or in some cases, both. I often wondered how they were able to juggle so many things in their lives, since I had a hard enough time just being a law student. Eventually, I concluded that they probably were much better at time-management.

30. J.C. Halpern, *On the Politics and Pathology of Legal Education*, 32 J. LEGAL EDUC. 383, 389 (1982).

concern. Upon arriving at law school, I soon discovered that my professors terrified me. Not only was I afraid to talk in class, I was afraid to talk to them outside of class. I am not sure what motivated these feelings, perhaps an overwhelming sense of not being able to formulate a coherent question.

Another writer notes, "the great bulk of law students stated there was no professor in the law school who was taking a special interest in their academic progress (84%), or to whom they could turn to for advice on personal matters (71%), or who was or would be taking personal interest in helping them get a job after law school (72%)."<sup>31</sup> Moreover, many professors do not make themselves available to their students outside of class because they are busy working on their own research. "The message gets across that if you have a question you should find the answer for yourself . . . . While this may encourage self-reliance, it also means that the professors only have to show up several hours a week."<sup>32</sup>

Professor Schiltz has also written on the death of mentoring in the legal profession.<sup>33</sup> He contends that "[a]s the gateway through which virtually every new lawyer passes, the academy [law school] is an obvious candidate to replace what has been lost by the profession's abandonment of mentoring."<sup>34</sup> Professors must make time for their students. The "academy," however, is becoming just as hostile to the idea of mentoring its students as the profession is to mentoring its young attorneys. "[T]he academy appears to be in the grip of a materialism that is not unlike that of the profession, except that its focus is the accumulation of academic prestige rather than material wealth, and it is measured in pages published rather than hours billed."<sup>35</sup>

The third and final area of Shanfield and Benjamin's study focused on the failure of law schools to teach interpersonal skills. From the very first day of law school, students are told they are going to be taught "how to think like a lawyer." Without a doubt, this is true. Law students come to pay attention to detail much more closely by becoming more analytical. They question everything, almost to the point of believing nothing. What law

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31. C.A. Auerbach, *Legal Education and Some of Its Discontents*, 34 J. LEGAL EDUC. 43, 57 (1984).

32. A. Hacker, *The Shame of Professional Schools*, 32 J. LEGAL EDUC. 278, 279 (1982).

33. See Patrick J. Schiltz, *Legal Ethics in Decline: The Elite Law Firm, the Elite Law School, and the Moral Formation of the Novice Attorney*, 82 MINN. L. REV. 705 (1998).

34. *Id.* at 746 (citations omitted).

35. *Id.* at 747.

schools do not teach, however, are skills such as "interviewing, instilling others' confidence in you, negotiating, understanding the viewpoint of others, and building relationships."<sup>36</sup> Ironically, these are the tools that will actually serve us well upon entering the practice of law.<sup>37</sup>

### 3. Measures of Job Satisfaction Among Practicing Attorneys

Although this Note focuses on law students, researchers have also conducted studies on the levels of satisfaction among practicing attorneys. It comes as no great surprise that the problems students experience while in law school are similar to the ones confronting practicing attorneys.

In April 1991, the American Bar Association (A.B.A.) convened a conference entitled *At The Breaking Point*. Its report<sup>38</sup> concluded, "there is a growing trend in the legal profession which, left unchecked, threatens the well-being of all lawyers and firms in every part of the country."<sup>39</sup> Actually, it was in 1984 that the A.B.A. Young Lawyers Division conducted an in-depth survey of the legal profession.<sup>40</sup> A random national sample of approximately 2,300 attorneys participated. The results indicated about 15% of the respondents were generally dissatisfied with their jobs. Lawyers who indicated satisfaction, however, reported their jobs required them to endure high levels of daily pressures and tensions.<sup>41</sup> The A.B.A. Young Lawyers Division followed up its 1984 study with a study in 1990,<sup>42</sup> this time surveying 2,200 attorneys. The numbers increased over time with 19% of the attorneys reporting general dissatisfaction with their jobs.

In his article on career satisfaction within the legal profession, Dr. Mark Byers analyzed the data collected by the A.B.A. in

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36. Benjamin et al., *supra* note 23, at 251 (citing J.P. YALOM, *THE THEORY AND PRACTICE OF GROUP PSYCHOTHERAPY* (1975)).

37. Speaking on behalf of Notre Dame Law School, it seems we are moving in the right direction. Recently, we have added a negotiation course to our curriculum which is an intensive, five-day course in which students receive practical, hands-on training on negotiations and dispute resolution. Also, I am proud to announce that our Barristers Team just won first place in a national moot court trial competition.

38. See AMERICAN BAR ASSOCIATION, *At The Breaking Point: The Report Of A National Conference On The Emerging Crisis In The Quality Of Lawyers' Health And Lives, And Its Impact On Law Firms And Client Services* (1991).

39. *Id.* at 29.

40. See AMERICAN BAR ASSOCIATION, *The State Of The Legal Profession—1984: Report Of The Young Lawyers Division* (1985).

41. *See id.* at 74.

42. See AMERICAN BAR ASSOCIATION, *The State Of The Legal Profession—1990: Report Of The Young Lawyers Division* (1991).

its 1984 and 1990 studies.<sup>43</sup> He stated that major causes of dissatisfaction could be attributed to the work environment: "the decrease in satisfaction levels is due to the fact that negative work factors have increased and other positive factors have decreased . . . . The satisfactory presence of intellectual challenge is no longer an overriding factor."<sup>44</sup> Byers listed several negative factors that many attorneys experience, including not much time for self, not much time for family, advancement not determined by quality of work, political intrigue and backbiting, not good opportunity for advancement, not good opportunity for professional development, no warm and personal atmosphere, and no collegial respect from superiors.<sup>45</sup>

Byers attributed many of these to the "seemingly relentless pressure for increased productivity in private practice (in the form of billable hours) and competitive market forces which push the profession inexorably toward a business model."<sup>46</sup> In fact, one of the biggest complaints that lawyers give for their high levels of stress is the hours:

[T]o bill 2000 hours per year, you will have to spend about sixty hours per week at the office, and take no more than two weeks of vacation/sick time/personal leave. If it takes you, say, forty-five minutes to get to work, and another forty-five minutes to get home, billing 2000 hours per year will mean leaving home at 7:45 a.m., working at the office from 8:30 a.m. until 6:30 p.m., and then arriving home at 7:15 p.m.—and doing this six days per week, every week.<sup>47</sup>

It is no great surprise then that many lawyers find themselves taking work home at nights, returning to the office on weekends, and never taking a vacation or even a day off.<sup>48</sup> "That makes for long days, and for long weeks. And you will have to work these

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43. See Mark L. Byers, *Career Choice and Satisfaction in the Legal Profession*, 12 CAREER PLANNING & ADULT DEV. J. 1 (1996), available at <http://profdev.lp.finclaw.com//column/article1.html>.

44. *Id.* at 6.

45. See *id.* at 7.

46. *Id.*

47. Schiltz, *supra* note 7, at 894-95.

48. During my interviewing process, I spoke with an attorney who described his experience as a young associate at one of the country's largest law firms. After having worked twelve-hour days for several weeks straight, he went in to the partner to ask for a day off. The partner, who was known for having a cup full of pencils on his desk, leaned back in his expensive leather chair, picked out a pencil, snapped it in half, and said he considered his associates to be just like the pencils in his cup—when one broke, he replaced it with another. The young associate scurried out of the office, never again asking for a day off.

hours not just for a month or two, but year after year after year. That makes for a long life."<sup>49</sup>

Thus, based upon the available research on levels of dissatisfaction among practicing attorneys, there appears to be a relationship between the stress levels students experience while in law school, and the stress levels attorneys feel in the profession.

### B. *The Symptoms/Problems*

Law students get sick more frequently than others: headaches, stomachaches, colds, allergies. They have problems in their relationships with friends or family. They worry more than they work. They are continually agitated or lethargic. They gain or lose weight. They take up or increase their chemical crutches, such as caffeine, nicotine, alcohol, or cocaine. They often become angry and bitter—especially at their teachers, sometimes at their colleagues or at the profession—or they withdraw, dropping out, skipping classes, or simply avoiding getting to know their classmates. When called upon in specific stressful situations to use reserves of courage and confidence, they may be debilitated; and they often have no reserves to call upon.<sup>50</sup>

Clearly, given this extensive list of ailments, something is wrong with the way legal education operates. Principally, this Note discusses depression, drug and alcohol abuse, and divorce among law students; however, first it is helpful to achieve a general understanding of stress and its effects on the body.

An individual's inability to cope with a demand leads to stress; essentially, it is a "demand that causes an individual to be threatened with the loss of a valuable resource."<sup>51</sup> Amiram Elwork describes stress as being composed of the following sequence of elements: Stimulus ? Thought ? Emotion ? Behavior.<sup>52</sup> An event occurs to trigger our stress response (Stimulus), which then causes us to think about it (Thought), feel strongly about it (Emotion), and induce us to act or react (Behavior). Our body responds in a number of different ways. For example,

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49. Schiltz, *supra* note 7, at 894–95. See also Schiltz, *supra* note 33, at 726 ("If, as one former practitioner wrote, '10% of a lawyer's soul dies for every 100 billable hours worked in excess of 1500 per year,' then most young attorneys lose half of their souls every year." (quoting WALT BACHMAN, *LAW V. LIFE: WHAT LAWYERS ARE AFRAID TO SAY ABOUT THE LEGAL PROFESSION* 107 (1995))).

50. B.A. Glesner, *Fear and Loathing in the Law Schools*, 23 CONN. L. REV. 627, 631 (1991).

51. See *id.* at 632 (citations omitted).

52. See AMIRAM ELWORK, *STRESS MANAGEMENT FOR LAWYERS* 35 (2d ed. 1997).

"[b]reathing gets faster, digestion slows down, heart rate and blood pressure go up, perspiration increases."<sup>53</sup> Different students try different techniques to deal with stress. While some may exercise or pray, others may abuse alcohol or drugs. The following sections briefly provide statistical information on many of the physical and emotional dysfunctions that plague the legal profession.<sup>54</sup>

### 1. Depression and Suicide

A team of researchers at Johns Hopkins University measured the prevalence of Major Depressive Disorder within a number of occupations across many locations.<sup>55</sup> They studied twenty-eight occupations and found that lawyers were the most likely to suffer from depression and 3.6 times more likely than average to do so.<sup>56</sup> Furthermore, they concluded the legal environment might be conducive to depression due to the stress it produces and the heavy workload.<sup>57</sup>

Another research study completed in the state of Washington surveyed 1,184 lawyers and found high rates of depression and substance abuse. The Washington study found that 19% of Washington lawyers suffered from depression and 18% were problem drinkers.<sup>58</sup> Elwork reported these rates are at least twice the national average for the general population of non-lawyers.<sup>59</sup> "With no reason to believe that there is something unrepresentative about Washington state lawyers, the researchers concluded that similar rates of depression and problem drinking would be found in most jurisdictions in the United States."<sup>60</sup> Taking into account all of the available statistics on depression among lawyers, Elwork estimated out of the 850,000 attorneys in

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53. *Id.* Any law student can attest to feeling these responses in anticipation of being called on in class, especially the first few times.

54. Some studies expressly report on lawyers, rather than law students. I rely on them, in large part not only because studies on law students are unavailable, but also because law students will eventually become lawyers, and the problems experienced are similar.

55. See ELWORK, *supra* note 52, at 15 (citing W.W. Eaton et al., *Occupations And The Prevalence Of Major Depressive Disorder*, 32 J. OCCUP. MED. 1079 (1990)), that notes, such locations included New Haven, Connecticut; Baltimore, Maryland; St. Louis, Missouri; and Los Angeles, California).

56. *See id.*

57. See ELWORK, *supra* note 52, for a general discussion of stress among lawyers and its role in causing depression.

58. G. Andrew H. Benjamin et al., *The Prevalence of Depression, Alcohol Abuse, and Cocaine Abuse Among United States Lawyers*, 13 INT'L J.L. & PSYCHIATRY 233, 240-41 (1990).

59. See ELWORK, *supra* note 52, at 15.

60. *Id.*

the United States in 1997, approximately 275,000 of them were experiencing significant mental health problems.<sup>61</sup>

Research suggests lawyers think about committing suicide and commit suicide far more often than do non-lawyers.<sup>62</sup> The Washington study reported "lawyers are more likely than [the rest of] the general population to experience suicidal ideation and are at much greater risk of not only acting upon their suicidal ideation but of also being lethal during an attempt."<sup>63</sup> In one study of men's suicide cases, researchers found "male lawyers were two times as likely to commit suicide as the general population."<sup>64</sup>

## 2. Alcohol and Drug Abuse

Some research estimates that 15% of lawyers are alcoholics.<sup>65</sup> Presumably, the drinking begins in law school<sup>66</sup> and continues throughout their legal career. Some lawyers equate drinking with stress relief. Recognizing the problem, state bar associations have developed programs to assist lawyers with drinking problems.<sup>67</sup> The statistics for drug use are not yet published. However, the Washington study found that 26% of

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61. See *id.* at 16.

62. See Deborah K. Holmes, *Learning from Corporate America: Addressing Dysfunction in the Large Law Firm*, 31 GONZ. L. REV. 373, 377 (1995/1996) (citing Doretta Zemp, *Turned-off Lawyers*, STUDENT LAW, NOV. 1981, at 23, 37). See also Laura Gatland, *Dangerous Dedication: Studies suggest long hours, productivity pressures can cause serious health problems and a higher suicide rate for attorneys*, 83 A.B.A. J., Dec. 1997, at 28; Doretta Zemp, *Turned-Off Lawyers*, STUDENT LAW., NOV. 1981, at 23, 37.

63. Schiltz, *supra* note 7, at 880 (citing Benjamin et al., *supra* note 58, at 241).

64. Gatland, *supra* note 62, at 28.

65. See Eric Drogin, *Alcoholism in the Legal Profession: Psychological and Legal Perspectives and Interventions*, 15 LAW & PSYCHOL. REV. 117, 127 (1991) (citing Andrew V. Hansen, *Alcoholism in the Lawyer's Context*, 7 LEGAL REF. SERV. Q. 231, 236 (1987)).

66. In some law school brochures, it is actually advertised that student bar associations sponsor kegs every Friday. I can attest to the strong emphasis placed on alcohol consumption while in law school; every Wednesday night at Notre Dame, many law students hit a local bar, calling it their stress relief. However, one must not forget that binge drinking is also quite common at the undergraduate level, not just in law schools.

67. See Peter Kutulakis, *Stress And Competence: From Law Student To Professional*, 21 CAP. U. L. REV. 835, 839 (1992) ("As a preventive measure, practitioners speak to law students about the problems they have experienced as a result of alcohol abuse. They discuss how impairment adversely affected them personally and professionally, often resulting in disciplinary action.").

Washington lawyers had used cocaine at least once, which was a rate over twice that of the general population.<sup>68</sup>

### 3. Divorce

Stress not only causes law students and lawyers to abuse alcohol or drugs, it contributes to high rates of divorce for them as well.<sup>69</sup> Professor Schiltz reports, "Although empirical research is sparse, there is some indication that the divorce rate among lawyers is higher than the divorce rate among other professionals."<sup>70</sup> In fact, research indicates women lawyers divorce at a rate twice that of physicians and approximately 25-40% higher than teachers.<sup>71</sup> Studies show "[d]ivorced people suffer from cancer, cardiovascular disease, infectious diseases, respiratory illnesses, digestive system illnesses, and other acute conditions more frequently than do single, married, or widowed people."<sup>72</sup> Thus, if lawyers divorce more frequently than others, they are also more likely to suffer from some of the aforementioned medical conditions.

#### C. *The Students*

Given all the negativity associated with being in law school and with being a lawyer, who would choose to subject themselves to such misery? At the outset of my research, I hypothesized that the reason the legal profession is in a state of distress had more to do with the personalities of those who are attracted to it than the institution itself. Although research indicates that this is incorrect, it is worthwhile to look and see if there are any common personality types among law students. "Students, after all, are not randomly assigned to law school or some other profession. Those who chose law school made that selection partly because they assumed that their temperament and motives were

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68. See Benjamin et al., *supra* note 58, at 241. Once again, there is no reason to think that lawyers in Washington are any different than lawyers in the other forty-nine states.

69. See Schiltz, *supra* note 7, at 877-79.

70. *Id.* at 878 (citing DAVID B. LARSON ET AL., *THE COSTLY CONSEQUENCES OF DIVORCE: ASSESSING THE CLINICAL, ECONOMIC, AND PUBLIC HEALTH IMPACT OF MARITAL DISRUPTION IN THE UNITED STATES* 46-47, 58-61 (1995)).

71. See *id.* at 879 (citing Teresa M. Cooney & Peter Uhlenberg, *Family-Building Patterns of Professional Women: A Comparison of Lawyers, Physicians, and Postsecondary Teachers*, 51 J. MARRIAGE & FAM. 749, 749 (1989)).

72. *Id.* (citing ELWORK, *supra* note 52, at 16).



congenial with the responsibilities they expected in the profession of law."<sup>73</sup>

Glesner felt some students are better than others at handling stress, although she said it depended on their individual makeup.<sup>74</sup>

For someone who has a high need for approval from authority or for certainty in information, a traditional 'Socratic dialogue' class will be more stressful than for someone who is more iconoclastic or tolerant of ambiguity. Likewise, someone whose personal or cultural values place a high priority on conciliation and conflict avoidance will face more stress from much of the adversarial process in law school. One's needs and values not only affect whether a demand will be threatening but also one's ability to mobilize resources for coping with that threat.<sup>75</sup>

Professor Geoffrey Hazard identified some common characteristics among students choosing to attend law school.<sup>76</sup> His impression was that, more so than others, law students are concerned "with ordering conduct by rules, with treating people equally according to rules, with 'injustice' in a more general sense, with verbal abstractions, and with systems of authority and people's places in such systems."<sup>77</sup> He feels students with these traits "come to law school because that is where attention focuses on rules, justice, order, and authority."<sup>78</sup> Hazard did comment, however, that in terms of making the legal educational process less stressful, it is irrelevant whether law students are stressed before or after they enter law school—"[t]he fact remains that law people have high levels of distress."<sup>79</sup>

In some instances, attending law school may actually change a student's personality type. This can have some rather unfortunate consequences. Paul N. Savoy suggests law schools foster the development of authoritarian personalities with the following traits: "[s]ubmissiveness to authority, dependence on external judgment, contempt for idiosyncrasy, distrust of feelings, exces-

73. LAWRENCE S. WRIGHTSMAN ET AL., *PSYCHOLOGY & THE LEGAL SYSTEM* 80 (4th ed. 1998).

74. See Glesner, *supra* note 50, at 634.

75. *Id.* (citing A. SMITH, *COGNITIVE STYLES IN LAW SCHOOL* 65-67, 125 (1979) (finding that the greater the students' tolerance of ambiguity, the lower their anxiety and the higher their grades)).

76. See Geoffrey C. Hazard Jr., *Commentary: Policy Implications*, 10 J.L. & HEALTH 79 (1995/1996).

77. *Id.* at 82.

78. *Id.*

79. *Id.*

sive control of impulses, a predilection for formalism, and an intolerance for ambiguity."<sup>80</sup>

## II. SOURCES OF STRESS IN LAW SCHOOL

As already indicated, law students are in a state of distress. "Regardless of their year of study or the diversity of their class schedules or teachers' styles, law students will still face a process that has a similar effect upon them. Law school is stressful."<sup>81</sup> Non-lawyers who still are not convinced should read *One L*<sup>82</sup> or *The Paper Chase*,<sup>83</sup> and will soon see what all the fuss is about. Why is law school so stressful? Elwork concluded that the high level of stress is due to "a variety of environmental stressors in interaction with a number of predisposing individual characteristics."<sup>84</sup> His approach encompasses both schools of thought. The causes of depression cannot be linked solely to law school, nor can they be linked solely to the personality types of those choosing to attend law school. Thus, we need to adopt a more holistic approach and consider both factors as key pieces in this mysterious puzzle we call "the law." To be sure, "[b]eing committed without *getting committed* requires us to come to terms with stress in the practice. We can make stress more manageable by becoming aware of its sources, recognizing its symptoms, and finding responses that maximize productivity and minimize burnout."<sup>85</sup>

It is helpful, however, to consider the distinguishing features of a legal education that not only make it unique, but also make it terrifying. James B. Taylor noted that "[m]any students . . . expect from law a source of certainty, predictability, and order—an expectation soon disabused; many students find themselves ill-equipped for the emphasis upon analytical reasoning; and many find disconcerting the separation of legal training from the realities of everyday practice."<sup>86</sup>

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80. Paul N. Savoy, *Toward a New Politics of Legal Education*, 79 YALE L.J. 444, 484 (1970).

81. Glesner, *supra* note 50, at 627.

82. SCOTT TUROW, *ONE L* (1977).

83. J. OSBORN, *THE PAPER CHASE* (1971).

84. ELWORK, *supra* note 52, at 18 (citations omitted).

85. *LIVING WITH THE LAW: STRATEGIES TO AVOID BURNOUT AND CREATE BALANCE* xii (Julie M. Tamminen ed., 1997).

86. James B. Taylor, *Law School Stress and the "Déformation Professionnelle,"* 27 J. LEGAL EDUC. 251, 254 (1975) (citing A. Watson, *Reflections on the Teaching of Criminal Law*, 37 U. DET. L.J. 701 (1960); A. Watson, *The Quest for Professional Competence: Psychological aspects of legal education*, 37 U. CIN. L. REV. 93 (1968); D. Lortie, *Laymen to Lawmen*, 29 HARV. L. REV. 352 (1959)).

### A. *The Socratic Method*

Without a doubt, one aspect of legal training that incites fear and anxiety among law students is the Socratic method. This unique teaching device is *the* distinctive characteristic of law school. The Socratic method originated at Harvard Law School under Dean Christopher Langdell.<sup>87</sup> Through this method of instruction, the professor chooses one student each class to discuss a particular case. The professor then questions that student extensively until the student either falls into a contradiction or can no longer explain his or her position.<sup>88</sup> "Believing that law was a 'science' consisting of a cohesive body of clearly discernable 'principles or doctrines,' [Langdell] felt that the dialogue was the best way to help the student discover these principles."<sup>89</sup> Unfortunately, some instructors use this as a way of indoctrinating students into the legal world, and instead of being useful, it ends up causing additional anxiety in the first-year of law school. "Being called on in class is rarely perceived as an invitation to interact with the professor; rather, it is seen as a time to be in the 'hot seat.'"<sup>90</sup> Students come to fear giving a wrong answer. The result is rather ironic—this form of dialogue is supposed to invite discussion, yet, it freezes students with fear and keeps them from raising their hands to participate.<sup>91</sup> "Socratic teaching has been attacked as infantilizing, demeaning, dehumanizing, sadistic, a tactic for promoting hostility and competition among students, self-serving, and destructive of positive ideological values."<sup>92</sup>

Despite its problems, there is value in this teaching style. It helps develop legal analytic skills, acclimates the student to the lawyer's adversarial style of exchange, and offers a forum to promote and foster public speaking ability.<sup>93</sup> Problems occur when the professor repeatedly questions the same student or deliberately makes comments to embarrass the student. Stone maintains, "[the Socratic method's] functional value is, however, that group hostility is controlled, and the class knows that the teacher's authority . . . is unquestioned."<sup>94</sup>

In one study, the Law Student Activity Patterns Project, researchers interviewed students from five different law schools and had them rate potential changes in law school according to

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87. See WRIGHTSMAN ET AL., *supra* note 73, at 75–76.

88. *See id.*

89. Stone, *supra* note 14, at 406.

90. Kutulakis, *supra* note 67, at 837.

91. *See id.*

92. Stone, *supra* note 14, at 407.

93. *See id.* at 409.

94. *Id.* at 413.

the increase in satisfaction that each would confer.<sup>95</sup> The students ranked substituting more lectures for the Socratic method fourteenth of twenty-four potential changes.<sup>96</sup> However, since having smaller classes and receiving more feedback from faculty ranked ahead in Pipkin's list, the Socratic method is not the only cause of stress in the law school that deserves attention.

### B. *Lack of Control*

Psychological research indicates that the amount of control over stress is a major determinant of its impact.<sup>97</sup> Suzanne Segerstrom studied law students and their measure of stress control during the first year of law school. She surveyed fifty-two first-year law students in their eighth and ninth weeks of law school and had them rate sixteen different law school stressors according to their perceived stressfulness and controllability.<sup>98</sup> She grouped the stressors into six factors: time pressure, difficulty of material, feedback, lack of recreation, academic environment, and pressure. The factors rated highest on stressfulness were time pressure, difficulty of material, and feedback; pressure and feedback were rated least controllable.<sup>99</sup> This means that the factors that cause the most anxiety (pressure and feedback) are the same ones over which law students feel they have no control.

### C. *Lack of Feedback*

Segerstrom noted that students cite a lack of feedback, especially positive feedback, as an aspect of law school that is even more stressful than the Socratic method.<sup>100</sup> This can be attributed to many factors. Many law students, like myself, came from undergraduate institutions where we not only enjoyed relationships with our professors, but we had several exams and papers throughout the semester to gauge our academic standing. Everything changes in law school. There is no chance to receive any written feedback from the professor until the final exam. Stu-

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95. See Ronald M. Pipkin, *Legal Education: The Consumers' Perspective*, AM. B. FOUND. RES. J. 1161, 1183 (1976).

96. See *id.* at 1184-85.

97. See Suzanne C. Segerstrom, *Perceptions of Stress and Control in the First Semester of Law School*, 32 WILLAMETTE L. REV. 593 (1996) (citing Susan Mineka & Robert W. Hendersen, *Controllability and Predictability in Acquired Motivation*, 36 ANN. REV. OF PSYCHOL. 495, 495-509 (1985); and Sheldon Cohen, *Aftereffects of Stress on Human Performance and Social Behavior: A Review of Research and Theory*, 88 PSYCHOL. BULL. 82 (1980)).

98. See *id.* at 599-600.

99. See *id.* at 601.

100. See *id.* at 602.

dents have absolutely no means to figure out how they will do on exams. Even after completing exams, students still have a long wait until grades are released. By the time the student may choose to review their exam for mistakes and potential comments, months may have passed. This uncertainty frustrates and worries law students.

#### D. *Fear of Failure*

Law students are generally successful people. That attainment of success is, in large part, what got them into law school. Most students in law school have had high academic achievement. In law school, however, things change. Not everyone in law school can receive an 'A' or make it onto the law review. Realizing this, law students worry about not succeeding. Many students, particularly first-years, "are haunted by the fear of failure."<sup>101</sup> The lack of feedback and the lack of student-professor relationships contribute to this fear. Students take their final exams having absolutely no idea what the professor expects.<sup>102</sup> "After exams, because they had no idea how they were doing beforehand, students start feeling out of control. They start feeling like victims."<sup>103</sup>

Randall discussed the overwhelming effect that a fear of failure can have on law students. The initial fear felt by first-years upon arriving to law school intensifies as the semester progresses

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101. Kutulakis, *supra* note 67, at 837.

102. See Vernellia R. Randall, *The Myers-Briggs Type Indicator, First Year Law Students And Performance*, 26 CUMB. L. REV. 63, 65 (1995-1996). Randall uses an analogy between playing the piano and taking an exam to demonstrate how law schools fail to provide opportunities for students to learn or improve their skills through practice and critique.

Imagine, if you will, taking a class in piano playing. Assume the teacher focuses all of her effort on analyzing sheet music of great musicians. At each class, students are called on to dissect, digest, analyze and compare various works. Occasionally, they are asked to play very short snippets, but most of the time they read and discuss. At the end of the course when the students have learned everything there is to know about the treble and base clefs, timing, notes, beats and rhythms, the student is asked to take a final exam, which consists of playing a piano piece that they have never seen before. They are given no time to practice the piece. The piano is wheeled in and the students proceed. Assume the professor discloses to the students this testing practice, but adamantly assures the students that if they prepare for class diligently they will be prepared for the exam.

*Id.*

103. Kutulakis, *supra* note 67, at 837.

until some students become paralyzed by "failure anxiety."<sup>104</sup> The following statement defines failure anxiety: "I am so concerned about failing my examination that I am unable to study."<sup>105</sup> Four factors are linked to the source of failure anxiety: (1) high expectations, (2) the method of law school instruction, (3) the subject matter and method of study, and (4) the importance of first semester grades.<sup>106</sup> Additional causes of anxiety are "insensitive classroom teaching methods . . . , unsympathetic families and friends . . . , absence of periodic meaningful feedback . . . , uncertainty over what one should be learning . . . , the recognition that one's friends are also one's competitors . . . , and disappointment over grades."<sup>107</sup>

Individuals who have made it as far as law school must be, at bottom, fairly decent students. In fact, most are extremely bright and conscientious. Having grown accustomed to excelling in academics, it is difficult for many law students to adjust to a change in status from valedictorian to middle-of-the-pack. Realizing this is often the case, students enter their first year already afraid of receiving much lower grades than usual. Unfortunately, this is not a fear that subsides as the semester progresses.

#### E. *Importance of First-Year Grades*

Unlike in college, the grades law students receive during their very first semester directly impact their future. For example, low grades in the first year affect class rank that, in turn, affects law review membership and job opportunities.<sup>108</sup> Therefore, from the very beginning, students feel pressure to obtain high marks in order to secure good jobs. "The perception today is that rank in class equals job."<sup>109</sup> This perception places an enormous burden on students; it is this type of burden that can adversely affect performance on exams.<sup>110</sup>

This section has discussed the five major sources of stress in law school: the Socratic method, lack of control, lack of feedback, fear of failure, and the importance of first-year grades. All of these combine to make life as a first-year miserable from the end of August until mid-May. There must be something that may

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104. Randall, *supra* note 102, at 66 (quoting Lawrence Silver, Comment, *Anxiety and the First Semester of Law School*, 1968 Wis. L. REV. 1201 (1968)).

105. Silver, *supra* note 104, at 1202.

106. *See id.* at 1202-10.

107. Michael I. Swygert, *Putting Law School Grades in Perspective*, 12 STETSON L. REV. 701, 702 (1983).

108. *See id.* at 704.

109. Kutulakis, *supra* note 67, at 837.

110. *See id.* at 836.

be done or changed in order to relieve some of the stress. Stress impedes the learning process, and since students attend law school to *learn*, it would be helpful to make the process a bit more humane.

#### RECOMMENDATIONS AND CONCLUSIONS

As time goes on and the world gets more complex, no doubt, everybody feels more stress from the demands placed upon them. Why then do we concentrate particularly on the stresses facing law students and lawyers? Can it really be that much worse for this group as compared to everyone else? Hopefully, this Note has been effective in answering this question in the affirmative. Simply put, stress interferes with learning. The goal of the legal educational system should be to find ways to minimize the stress, while maximizing feelings of satisfaction and congeniality among law students. I suggest a few improvements that could be made to make educating our nation's lawyers a more fruitful and pleasant experience.

First, law school faculties need to take an interest in law students. This point cannot be emphasized enough. By this, I mean more than just calling on them in class or grading their exams—professors should take a personal interest in their students. In fact, one of the negative factors law students cite about law schools is the lack of relationships with professors. “Faculty members have a professional responsibility to address their students’ fear and loathing [of law school].”<sup>111</sup> As Glesner noted, “The enormous expenditure of time, money, and energy given by our students requires a just return.”<sup>112</sup>

Professor Schiltz also addressed the lack of mentors in the legal profession.<sup>113</sup> He wrote, “[P]rofessors must be willing to spend time with students. Although what goes on in the classroom can contribute to character formation and integration, effective mentoring is difficult without at least some one-to-one contact between mentor and mentored.”<sup>114</sup> Perhaps faculty hiring committees could ask interviewees to comment on how, and even if, they would establish relationships with their students. Further, they could inquire as to what the interviewee saw as his/her main responsibility—teaching students or publishing articles? There certainly is no absolute right or wrong answer to these questions, but at least it would give the faculty committee

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111. Glesner, *supra* note 50, at 628.

112. *Id.* at 641.

113. See Schiltz, *supra* note 33, at 747.

114. *Id.*

some insight as to what type of professor this person aspires to be.

A professor who serves as a mentor would also be a person to whom a distressed student could approach for advice, guidance, or just simple reassurance. Inevitably, most first-year law students will experience overwhelming feelings of self-doubt as they search for case holdings, correct answers to Rule Against Perpetuities problems, and the like. Some students just want to be told that everything will be okay and that they will survive. It seems that an appropriate choice for this "guidance counselor" would be a faculty member—an older, more mature individual who has experienced these same feelings at one point. Everyone needs positive reinforcement, especially law students. If students knew that their faculty advisers were ready, willing, and able to discuss personal problems, as well as school-related issues with them, then student/faculty relationships would likely flourish.

In addition to making themselves accessible to their students, professors should also make learning more comfortable for them. This change can take basically two forms—in the material that is taught and the manner in which it is taught. In terms of the material, of course, no major overhauls can be made without depriving students of pertinent knowledge they will need for the bar exam and for practice. For example, I am not suggesting that students no longer read *Palsgraf*<sup>115</sup> in Torts. However, I think professors should incorporate more "real-life" issues into the classroom. For instance, "[t]eaching students to 'think like a lawyer,' often translates into an impersonal study of law. Perhaps law school curricula should devote some attention to the human aspects of practicing law."<sup>116</sup>

Professors could formulate hypotheticals to illustrate the principles of law, as well as incorporate ethical issues. Students would feel more comfortable talking about ethical issues, in which there may or may not be a right answer, instead of being drilled by the professor on the insignificant facts of a particular case. "There is no inherent reason why the agenda of scholarship and teaching in the law schools cannot include substantial inquiry into the nature of the actual practice of law, including examination of the effect of rules of professional ethics and liability not only on the behavior but also on the feelings and mental health of lawyers."<sup>117</sup> Perhaps if professors could make

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115. *Palsgraf v. Long Island R. Co.*, 162 N.E. 99 (1928).

116. ELWORK, *supra* note 52, at 42–43.

117. Peter G. Glenn, *Some Thoughts About Developing Constructive Approaches to Lawyer and Law Student Distress*, 10 J.L. & HEALTH 69, 73 (1995/1996).



students more aware of what to expect in practice, students could make more informed decisions when they begin interviewing for jobs.

It is doubtful that professors will stop relying on the Socratic method, as it is the most recognizable feature of legal education to date. The most frightening aspect of being called on in class is that you never know when you could be next. You sit in fear during every class, just waiting; perhaps that fear leads to better preparation on the part of the students. In some ways, the feelings of pressure and anxiety may actually be good preparation for the profession we are about to enter.

Professors could implement the Socratic method, however, in a couple of different ways. For example, professors could call on students in alphabetical order or allow them an opportunity to pass if they are unprepared. These suggestions provide the students with some predictability, as they have the comfort in knowing when they will be called upon or at least that they have the option of passing. "Even if the option [of passing] is never exercised, the mere opportunity to exert control might have positive effects on the psychological well-being of students."<sup>118</sup> Glesner notes that, by sharing control with the students, professors can help them cope with the stress by reducing their "feelings of powerlessness and paranoia."<sup>119</sup> In addition, professors should organize their larger classes into smaller discussion groups, offering more students the chance to participate and have their opinions heard. This division would "encourage independent learning while actively engaging the entire class."<sup>120</sup>

Our law schools have paid a great deal of attention to study of the law. It is time that our law schools add to their agendas a more systematic study of lawyers and of the practice of law. It is time that we heed the messages warning us to pay more attention to the personal needs of law students and lawyers.<sup>121</sup>

Researching and writing this Note has given me the opportunity to spend a fair amount of time reflecting on my law school experience. It has been the most challenging experience of my life. And, while at times the challenges of law school seem unconquerable, as soon as I finish an exam or turn in a paper, a feeling of incredible accomplishment overwhelms me. It is not easy getting into law school, but I think the hardest part is stay-

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118. Segerstrom, *supra* note 97, at 604.

119. Glesner, *supra* note 50, at 657.

120. *Id.* at 652.

121. Glenn, *supra* note 117, at 77.

ing. Staying is not hard because it means you have passed all your classes; staying is hard because it really means a commitment to the law. The students who remain in law school are the people who really want to be lawyers. Why else would anyone subject themselves to such a stressful environment? It seems appropriate to conclude with a quote from Charles Dickens that, although not directly referring to law school, describes the law school experience quite nicely: "It was the best of times; it was the worst of times."<sup>122</sup>

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122. CHARLES DICKENS, *A TALE OF TWO CITIES* 1 (Dutton Books 1958) (1906).

