

DRIVING LAW STUDENTS CRAZY AND WHAT TO DO ABOUT IT

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Lawyers have been judged and criticized relentlessly by the American public as being cold, calculating, immoral individuals. They generally have a reputation for deliberately exacerbating discord between parties and turning the courtroom into a battlefield with the solitary focus being to win the case at any cost. Attorneys in America tend to experience debilitating mental health, including inordinate amounts of stress, which usually leads to high burnout rates within the profession.

While the available research suggests a serious range of problems, similar in nature, which effect all people pursuing high-stress careers, the data shows that law students tend to have these problems in considerably greater number than other graduate programs. The pervasiveness of these problems has already been proven anecdotally through administrative offices and various services provided for the students' benefit. Moreover, research studies that have compared law students' state of mind to that of other graduate students, such as those aspiring to enter the medical field, have found a high correlation between the depression suffered by law students and the amounts of alcohol, suicide, and broken relationships associated with law students.

The logical question, it would seem, is whether lawyers are predisposed to extreme psychological distress via biology or common personality characteristics. The answer is no. In fact, most potential attorneys are quite normal, idealistic people who aim to make the world a better place. However, one's upbringing and personality certainly coincide with his/her vocational choice. Moreover, in order to accomplish their goals, it is necessary to fulfill the requirements of law schools. It is in this highly competitive

and adversarial environment that law students begin to change: ideals become something to laugh at and take advantage of, empathy and cooperation become foreign and stay embedded in the past, and active hostility becomes a favorite pastime. Obviously, this tends to make them more concerned about winning and less predisposed to be counselors and listen.

Ironically, clients are generally more often concerned with telling their story and having been heard than with actually winning the case. Attorneys should be warm, sensitive, responsible people with a good ear for the client, but they also must have the capacity to be tough and do battle on the client's behalf. Law students should be trained with that in mind and taught the necessary coping skills that can be implemented in order to deal with not only their own but also their clients' daily life stressors. The most important quality of a lawyer is his/her ability not to crack up under stress, second only to the ability to craft a good argument. Therefore, in addition to putting students under stress, the law schools should be teaching them how to deal with that stress effectively.

Law students should be provided with confidential support services which focus solely on the psychological well-being of the students. The University of Miami School of Law, for example, has implemented a peer counseling center, where trained students are available to listen, provide unconditional support, and supply their peers with the most up to date information, resources, and referral centers pertaining to their particular psychological problem. The service, is of course, confidential. Although counseling centers are useful, valuable, and a giant step towards making the law student's mental health a high priority, they still remain an after- the- fact remedy.

Something must be done to combat the hostile effects of law school on the students' mental health before they even occur. If students learn how to effectively cope with their own prominent mental health issues, through personal counseling services as well as client counseling courses, then they will have more empathy and compassion for a client's story, be better able to determine the true reason the client wishes to bring suit or negotiate a transaction, and be more likely to satisfy the client and help the client overcome the painful emotions and psychological distress associated with the underlying motive for the law suit or transaction. Basically, if the law student is trained less in the adversarial nature of the law with a focus on winning, and more in the collaborative aspect of law with a focus on listening and employing empathy, then the student will be a much more effective attorney.

Personality Characteristics and Vocational Choice

One theorist has suggested that there are particular personalities that are directly related to certain careers. Attorneys hold a semblance of prestige in our society, yet they are consistently regarded as cold, calculating individuals. They probably had very demanding parents who drove them to succeed, or in the converse, they had accepting yet unconcerned parents which spurred a desire within them to succeed for themselves. Another theorist devised a career typology consisting of high point codes which demonstrate the strength of each personality component within an individual. He believed that career choice is an extension of one's personality, that people try to incorporate their personalities into the work that they do, while at the same time, they

¹ SAMUEL OSIPOW & LOUISE FITZGERALD, THEORIES OF CAREER DEVELOPMENT. (Allyn and Bacon, 4th ed. 1996).

project an opinion of themselves based on occupational titles (stereotypes). For example, an attorney's pre-career occupational stereotype of his position may have been that a Lawyer is someone of influence, one who commands respect and demand that others listen to him, and a person who is highly intelligent and self-confident.

Lawyers are, in effect, counselors because they have to counsel their clients not only on the relevant legal matter but also on the underlying personal issue. Lawyers and Mental Health Counselors have other career similarities as well: according to the Occupational Outlook Handbook, lawyers must possess skills in writing, research, analyzing speaking, and reading.....as must counselors. Lawyers must like to work with people and be able to win the respect and confidence of others.....as must counselors. The Handbook further states that mental health counselors emphasize prevention and work with individuals and groups to promote optimum mental healthas do lawyers, *in theory*.

The money is rarely the real (or only) reason for the litigation. Usually, the client is angry or hurt about something they believe the opponent did to them. Many times, if the underlying issue can be discussed and worked out, the client will feel better about the situation even if they lose the suit. In fact, many will not pursue the vendetta. The handbook also points out that mental health counselors help with addictions, substance abuse, suicide, stress management, low self-esteem, aging issues, career concerns, issues of emotional and mental health, and family, parenting, and marital problemsas do (should) lawyers. Counselors, says the handbook, must possess high physical and

² JOHN HOLLAND, MAKING VOCATIONAL CHOICES (Prentice-Hall: 2nd edition 1985).

³ OCCUPATIONAL OUTLOOK HANDBOOK (U.S. Department of Labor: 1998-99 edition).

⁴ *Id.*

⁵ *Id.*

emotional energy in order to handle the array of problems they address every day because the career can cause stress and emotional burnout quickly ; Likewise, lawyers. In fact, the amount of pressure, stress, and time constraints placed on attorneys often lead to depression and alcoholism as well. Furthermore, privacy is essential for confidential and frank discussions with clients, so counselors must know how to be discreet and keep their clients' confidenceas must lawyers. Those interested in the counseling or legal professions should have a strong interest in helping others and the ability to inspire respect, trust, and confidence.

Stress in General

What exactly is stress, and how does it affect our health, both physically and mentally? Stress is anything in our environment that causes us to adapt, a biological response to demands made upon an individual, and a process that affects the nervous and immune systems. For example, stress can be graduating college, beginning law school, getting married, obtaining a divorce, and thousands of other daily occurrences. There are many different types of stress (physical, psychological, and psychosocial), all of which may affect law students. Physical stress, for example, stems from environmental conditions and surroundings, such as the library being freezing cold. Psychological stress involves attitudes, feelings, or reactions to perceived threats. Psychosocial stress, on the other hand, stems from arguments, conflicts, or hostilities in interpersonal relationships,

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

¹⁰ Ari Kiev, *Managing Stress to Achieve Success*, 24 EXECUTIVE HEALTH, 1 (1987).

as well as resulting from inadequate social interactions or perceived isolation. Too much stress can cause head and back aches, illness, infection, disease, digestive problems, allergies, asthma, stroke, exhaustion, ulcers, nausea/diarrhea, insomnia, irritable bowel syndrome, depression, panic attacks, burnout, and a host of other disorders. If a person experiences chronic stress, physical effects are just the beginning. Many people with chronic stress will turn to alcohol, tranquilizers, or anti-depressants to ease the pain.

Factors such as poor diet, irregular sleeping habits, financial distress, depression, alcohol/drugs, poor self-esteem, isolation/loneliness, and work overload (all of which are experienced by law students) reduce one's ability to cope with the stress. However, factors like optimism, hope, a good support group, and a sense of control (most being perceptions/attitudes not held by law students) can help one stay healthy and serve to combat the devastating effects of stress.

Anger, annoyance, irritation, and hostility are all forms of stress that can consume one's mind and cause illness. Expressing these emotions is essential for good health, but they must be expressed in a healthy and productive manner. Bottling up or misdirecting one's anger can lead to consequences such as migraines, ulcers, skin diseases, high blood pressure, difficulty breathing, and many serious diseases (i.e.:

¹¹ BRENT HAFEN, KEITH KARREN, KATHRYN FRANDBSEN, & N. LEE SMITH, MIND/BODY HEALTH: THE EFFECTS OF ATTITUDES, EMOTIONS, AND RELATIONSHIPS. (Allyn & Bacon:1996)

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ REDFORD WILLIAMS & VIRGINIA WILLIAMS, ANGER KILLS (New York: Random House/Times Books, 1993).

cancer, multiple sclerosis, diabetes, and heart disease). Law students are taught to escalate conflict, distance themselves emotionally, display a hostile disposition, and acquire angry habits, which are all unhealthy ways to express anger. Hostility is a learned, not inherited trait, and it impairs health and the immune system. The hostile environment of law schools causes law students to be prone to suspiciousness, resentment, aggression, anger, competitiveness, and a cynical mistrust of others. Students who are unable to cope with these stresses will be more susceptible to mental distress (i.e.: depression, alcoholism, low self-esteem, etc) and ill health.

Another common type of stress encompasses certain anxieties, such as worry and fear. Law students are in a constant state of apprehension (i.e.: if they are not worried about a poor grade, then they are worried about being called on in class, and so on.). Furthermore, most law students are inherently pessimists, and constant negativism can lead to anxiety, depression, exhaustion, low self-esteem, and poor health. Excessive fear and anxiety, if not controlled, can cause serious physical and mental illness.

Depression is also a prominent stressor that can lead to ill health. It can occur as a result of a serious adverse life event or from a string of less severe difficulties that progressively erode self-esteem. Depression can adversely affect one's eating habits, sleep patterns, sex drive, self-concept, sense of hope, as well as increase alcohol consumption and anxiety. Because of the inordinate amount of stress, the time

¹⁷ C.E. IZARD, *HUMAN EMOTIONS* (New York: Plenum Press, 1977).

¹⁸ Linda Higgins, *Hostility Theory Rekindles Debate Over Type A Behavior*, *MEDICAL WORLD NEWS*, February 27, 1989.

¹⁹ REDFORD WILLIAMS, *THE TRUSTING HEART: GREAT NEWS ABOUT TYPE A BEHAVIOR* (New York: Times Books Division of Random House, Inc., 1989).

²⁰ Ruth Dailey Grainger, *The Use—and Abuse—of Negative Thinking*, *AMERICAN JOURNAL OF NURSING*, August 1991.

²¹ HAFEN, B.Q., *supra* note 11.

²² Christopher Vaughan, *The Depression-Stress Link*, 134 *SCIENCE NEWS*, (1988).

constraints, and the lack of a solid support group, many law students tend to become severely depressed. Loneliness, or the sense of not being accepted within a community, can be present in spite of having many friends. Research shows that good friends and social support are essential for good health and act as buffers to extreme stress; however, law school breeds contempt, mistrust, and hostility among students. Finally, having high self-esteem, faith in one's capabilities, and believing in one's self are all aspects of good mental health. Unfortunately, law school puts all of those to the test.

For all of these reasons, law schools should be more aware of and concerned for their students' psychological well-being. By simply showing law students that their mental health is a main priority of the school and administration, much of the stress experienced by law students can be alleviated.

Counseling

In corresponding with all of the major law schools in the country, I have discovered that the top 25 law schools each have a counseling center on the *undergraduate* campus that is accessible to the law students. The counseling centers staff doctors and occasionally provide support groups for the law school community. A few schools have implemented hotlines which provide a confidential listening service during nighttime hours for any student feeling overwhelmed by personal stresses.

A Director of Counseling as a separate position is desperately needed in order to devote the required amount of attention to students' mental health. However, it is not popular from a budget perspective because the salary of one experienced administrator

²³ *Id.*

²⁴ HAFEN, et.al., *supra*, note 11.

can be used for other pressing needs, such as more technology acquisition or another faculty member to improve the student-teacher ratio. Most schools have their deans provide counseling services on an ad hoc basis, but ad hoc is not enough. Students need an office or person to whom they can turn whenever they feel a need for frank discussion of personal issues that are on their mind because, if the distress cannot be managed, it interferes with the students' ability to focus on their education and reduces quality of life. A permanent, central point of contact is essential in order to provide students with a safe, stable, confidential place in which to discuss and manage psychological distress.

The University of Miami School of Law is a university that puts its students' mental health at the forefront of priorities. While it has not yet employed a Director of Counseling, it has devised the first peer counseling center on a law school campus in the country. Law students at UM know that if they are feeling stressed and need somebody to talk to, peer counselors are accessible to everyone to provide support. The peer counselors are not there to gossip, but simply to listen and help. Perhaps the most important component of the peer counseling work is the availability and willingness to speak to any student about anything that is bothering them.

One of the most prominent concerns of the administration was the school's potential liability. However, it was agreed that the LSPC (Law School Peer Counseling program) would not function as an advice-giving service. Rather, peer counselors would be available to listen, provide unconditional support, and supply the students with the most up to date information, resources, and referral centers pertaining to their particular psychological distress. For serious issues that require advice-giving or monitoring of a

situation, the student can be referred to the counseling center on the undergraduate campus.

Another of the administration's concerns dealt with how to control and ensure confidentiality. Although Administrations must usually report such issues to the Bar, peer counselors are not required to follow-suit. However, there are other considerations, such as how to ensure confidentiality among the peer counselors themselves. In addressing these issues, the University resolved to alarm the peer counselors into keeping confidentiality by threatening, what is to a law student, dire penalties (i.e.: an honor code violation, a note in their academic file, being kicked out of the program, as well as other similar sanctions).

Law students are inherently cynical; however, Peer Counselors and the LSPC eventually gained the respect, trust, and confidence of the law school student body. The Law School Peer Counseling (LSPC) program serves students that do not feel comfortable speaking to the administration, as a neutral outlet for students' personal problems (e.g. depression, stress, adjustment, eating disorders, substance dependency, sexual assault, panic attacks, etc.). LSPC provides law students with an opportunity to assist peers with daily stresses inherent in the law school experience. The main objective of the LSPC is to be supportive of peers by providing a safe, confidential sounding board and acting as a contact to specialized support groups. There are various avenues provided for students to obtain assistance such as: office hours, phone lines, and a regular column in the Law School student newspaper to discuss hardships or learn relaxation, stress management, or self-esteem techniques.

The peer counselors were required to attend an extensive training program, which consisted of speakers who covered the various topics of psychological distress that the peer counselors may encounter in the law school community. During the training session, the peer counselors were also taught relaxation techniques and participated in numerous role plays. Thereafter, each counselor was assigned a day of the week. When they were not in class on that day, the peer counselors were expected to be in the peer counseling room in order to be accessible for any student that may decide to walk in or call. The office hours were from 9am to 4pm, Monday through Friday, and it was open Tuesday nights in order to accommodate the night students. Peer counselors were also available by phone or beeper for those that felt uncomfortable coming into the office. Lastly, the LSPC has an email address and a drop-box for those who have questions but would like to remain anonymous.

In the fall semester of the first year in operation, approximately one student a day (7-8% of the student body) came into the office to talk with a peer counselor. During the second semester, the numbers fell. We saw an average of a student every other day (3-4% of the student body). Although I have no empirical research as to the cause of the decline, I can only assume that most of the 1Ls became acclimated to their new environment. This assumption coincides with our demographics because approximately 90% of the students who utilized our services were 1Ls.

The most prominent problems that the students revealed were definitely anxiety and stress (about 80% of those that came to see us). The stress usually stemmed from a lack of time management, attempting to become acclimated to the competitive environment, and a feeling of having no true friends in whom to confide or trust. The

anxiety and panic that the students were experiencing understandably came from a fear of speaking in public (Socratic method) and an uncertainty about the future (“Is this what I really want to do for my life?” “Who am I?” etc.). Depression was the second most noticeable dilemma (8%) students reported to the peer counselors. These students usually discussed issues such as beginning or ending a relationship and being far away from their loved ones (loneliness). Other problems effecting the students ranged anywhere from drugs/alcohol (2%) to eating disorders (2%) and from bereavement (5%) to discrimination (3%).

The law school administration provided the LSPC with a room in a private yet accessible area of the law building, complete with phone lines, file cabinets, and a non-network computer to preserve confidentiality (i.e. the idea being that students would feel more comfortable walking into the office and seeking help). Students are always peeking in the window and apparently trying to decide whether they should take the extra step of opening the door to come inside. Keeping the door closed seems to create an artificial barrier which keeps some students from utilizing our services even though they may have a pressing desire or need to do so.

The number of students who pop their heads in “just to ask a little question” tripled when the door was left open, and a significant number of them ended up staying to discuss more disturbing or prominent issues in their life. The reasons for this is obvious: they saw a friendly face welcoming them, there was no artificial barrier that they had to make a conscious decision to pass, and the room (and counselors inside) became more accepted and expected as a part of the students’ law school experience. By seeing other

students walk in and out of the office, students were realizing that there is no stigma to having stress issues and seeking help.

The LSPC offered free candy to boost energy and morale. Many students would come into the office under the guise of getting some candy, only to end up staying to discuss a personal matter with the peer counselor on duty. This was all in an attempt to become more accepted as a friendly, accessible service, rather than a stigmatic one. Soon the perception on campus regarding our service was that it was okay to be seen coming into the peer counseling office.

While the formation process of the first year was essentially a success, we embarked upon a very exciting second year in which we made many changes. The peer counselors wanted to implement new strategies designed to help students look past the stigma attached to “counseling”. The students needed to feel secure in the knowledge that they do not have to be suicidal or insane to walk in the door. Venting because they had a bad day is perfectly acceptable. In an effort to make the students more aware of and comfortable with our service, we did the following: created a web page with the latest information on the various psychosis, performed a skit during orientation, sent out letters in the recruitment and admission materials, visited the 1L classes at the beginning of the semester, and put reminder advertisements in the blind grading packets. In addition, we developed seminars that covered relaxation techniques, public speaking, and stress/anxiety management that were open to the entire student body. We also coordinated activities for the students such as a massage therapy week and coffee/candy breaks during the reading period preceding final examinations.

I believe that these strategies aided in doubling the number of students utilizing our services. The LSPC was no longer considered to be simply a new administrative initiative. By including information regarding the LSPC as part of the recruiting and admissions materials for the school, new 1L students came to the school expecting the service to be offered

Reasons for Counseling

Law students, statistically speaking, are equal to the rest of the population in terms of psychological distress prior to entering law school. It is during the first year of law school, however, when the levels of psychological distress become significantly elevated from the normal population. Although law school is not boot camp, and most law students do not end up in mental hospitals, law school does tend to have serious side-effects on many highly intelligent, normal people. A significant number of such students begin to suffer substance abuse and mental health problems. The law school environment is conducive to such conditions. The reasons for this are abundant, with probably the main reason being the atmosphere of competition and hostility that American law schools intentionally foster. The teaching methods implemented by law professors for decades have the obvious intention of preparing students for the real

²⁵ G. Andrew Benjamin, Alfred Kaszniak, Bruce Sales, and Stephen Shanfeld, *The Role of Legal Education in Producing Psychological Distress among Law Students and Lawyers*, 1986 AMERICAN BAR FOUNDATION RESEARCH JOURNAL 225; Connie Beck, Bruce Sales, G. Andrew Benjamin, *Lawyer Distress: Alcohol-related Problems and Other Psychological Concerns Among a Sample of Practicing Lawyers*, 10 JOURNAL OF LAW & HEALTH 1 (1996); Ann Iijima, *Lessons Learned: Legal Education & Law Student Dysfunction*, 48 JOURNAL OF LEGAL EDUC. 524 (1998).

²⁶ *Id.*

²⁷ John Mixon & Robert Schuwerk, *The Personal Dimension of Professional Responsibility*, 58 LAW & CONTEMP. PROBS. 87 (1995); Susan Daicoff, *Lawyer, Know Thy Self: A View of Empirical Research on Attorney Attributes Bearing on Professionalism*, 46 AM. U. L. REV. 1337 (1997).

²⁸ Stephen Shanfield & G. Andrew Benjamin, *Psychiatric Distress in Law Students*, 35 J. LEGAL EDUC. 65 (1985).

world. The Socratic method, however, only serves to intimidate and humiliate the students, invade their dignity, and create anxiety, which in turn creates a combative atmosphere. The intention is good, but the method employed to achieve their goal should be revised with the students' mental health and psychological well-being in mind.

Many law professors come across as impersonal and inaccessible. In an attempt to instill the qualities deemed necessary in order to be a good attorney, the professors only manage to spurn self-doubt, low self-esteem, suffocating anxiety, and sometimes debilitating depression. If a student masters the emotionless and immoral traits taught and encouraged by law schools, then professors and other students alike will shower him/her with praise and admiration.

The adversarial nature that is fostered by the law school results in a lack of collaboration and support among students. Some students become cruel and engage in underhanded sabotage, and insensitive communication. Sometimes one's own severe anxiety and self-doubt is manifested in a hostile, yet self-affirming, manner.

If the students are not being alienated by other students or professors, then they are probably isolating themselves. Couple the aforementioned stressors with the insurmountable amount of work and dedication that is expected from law students and the lack of time for a social life that accompanies that work, and it is not hard to contemplate how it is that law students become increasingly withdrawn socially and

²⁹ John Mixon, *supra*, note 27; John Rogers, *Class Participation: Random Calling & Anonymous Grading*, 47 JOURNAL OF LEGAL EDUC. 73 (1997).

³⁰ Stephen Shanfield, *supra*, note 28; John Rogers, *supra*, note 29; James Taylor, *Law School Stress & "Deformation Professionelle"*, 27 J. OF LEGAL EDUC. 251 (1997); James Elkins, *Thinking Like a Lawyer: Second Thoughts*, 47 MERCER L. REV. 511 (1996); Drew Kershen, *Humanities and the First Year Curriculum in Law School*, 34 OKLA. L. REV. 790 (1981).

emotionally. People who are used to consistently being at the top of the class are finding themselves getting B's and C's for the first time in their lives. If their self-worth is defined by their sense of achievement, then it is no wonder that they would become increasingly depressed. Law students tend to globalize and catastrophize in their thoughts, evaluate classroom performance as poor and humiliating, pass harsh self-judgments, and have consuming feelings of hopelessness. Self-esteem and self-worth tend to plummet considerably with the constant influx of negative energy and thoughts that consume the students. This negative self-image leads to major anxiety and depression. The inordinate amounts of time required to study, and the new skills acquired in law school, may have the undesired effect of alienating friends and family. Furthermore, law school offers few opportunities to develop new support networks with its competitive, adversarial environment, which advocates suppressing emotions. Ironically, this is the time when the law student most needs his support system to be firmly entrenched. Without family and friends with whom to discuss anxiety and concerns, the student will only become more withdrawn and feel more alone.

Most first year law students have no time to take care of themselves physically (i.e.: eat 3 proper meals a day, do yoga or exercise, etc) or mentally (i.e.: meditation, speak to loved ones on the phone, etc). In fact, they usually spend the majority of their time in the library attached to their books and attempting to read the 600 pages required

³¹ James Taylor, *supra*, note 30; Susan Daicoff, *supra*, note 27; James Elkins, *The Quest for Meaning: Narrative Accounts of Legal Education*, 38 J. of LEGAL EDUC. 577 (1988); James Elkins, *Rites de Passage: Law Student "Telling their Lives,"* 35 J. of LEGAL EDUC. 27 (1985).

³² Phylis Beck & David Burns, *Anxiety and Depression in Law Students: Cognitive Intervention*, 30 JOURNAL OF LEGAL EDUC. 270 (1997); Ann Iijima, *supra*, note 25.

³³ Phylis Beck & David Burns, *supra*, note 32.

³⁴ Phylis Beck & David Burns, *supra*, note 32.

³⁵ Ann Iijima, *supra*, note 25.

³⁶ *Id.*

for the next day's classes. After reading and analyzing the exuberant amounts of text, many law students proceed to then memorize it in an effort to be extra-prepared in the event that they get called upon. First year law students find themselves getting physically nauseous before class every day in anticipation of hearing their name called and being humiliated in front of their peers. Instead of having the intended effect of guiding the students to become better attorneys, the teaching methods may tend to hinder the learning process and impede the students' ability to become well-rounded attorneys.

Students experiencing law school in this light usually begin to ponder the direction their life has taken and question if they are capable of meeting the demands of the law profession. Because law students begin to dislike the cutthroat atmosphere and the lack of humanness within themselves, they become further entrenched in anxiety and depression. In conjunction with the diminishing self-worth, the lack of time to sleep or exercise, and the lack of a support system, the law student also begins to experience physical symptoms, paranoid suspicion, and phobic-like anxiety.

Some professors might unintentionally make students feel alone, unsure about their ability or intelligence, confused about whether they fit in, embarrassed or dishonored, and instill low confidence. The anxiety and fear created by this differential treatment is quite a staggering, isolating experience. When law students begin to feel overwhelmed by these psychostressors, they are usually quick to learn there is no one to talk to about these problems. Professors make clear from the start that they are to be

³⁷ Connie Beck, Bruce Sales, G. Andrew Benjamin, *supra*, note 25.

³⁸ Susan Locke, *Law Student Distress: A Comment*, 10 JOURNAL OF LAW & HEALTH 87 (1997).

³⁹ *Id.*

⁴⁰ Phylis Beck & David Burns, *supra*, note 32; James Taylor, *supra*, note 30; Ann Iijima, *supra*, note 25.

⁴¹ *Id.*

⁴² G. Andrew Benjamin, Alfred Kaszniak, Bruce Sales, and Stephen Shanfeld, *supra*, note 25; Susan Daicoff, *supra*, note 27.

feared, not seen as confidants or mentors. Administration seems to be the sole place for students to turn; however, because of the large student to teacher ratio, even well intended administrators do not have the time needed to devote to individual students. With the analytic, unemotional emphasis of law school, the students' psychological well being is greatly ignored.

The results of one empirical study, which compared first year medical students and the normal population to first year law students, showed that law students are more psychologically distressed than medical students and suggests that the collaborative atmosphere, pass/fail curriculum and supportive nature of the professors in medical school may be a prominent reason.

Beyond Counseling

Providing a supportive outlet for students is imperative; however, it is an after-the-fact remedy. Although counseling centers are a valuable asset to any law school community, a giant step towards making the law student's mental health a high priority, and a step in the right direction towards producing more efficient, humanistic, and well-rounded attorneys, something must be done to combat the hostile effects of law school on the students' mental health ahead of time (before those issues even have the chance to rear their ugly heads).

Students, themselves, can alleviate stress by performing relaxation exercises, having lunch with a friend or family member once a week, cutting down on caffeine and/or tobacco, engaging in a ten minute daily walking routine, visiting a personal place of peace (i.e. the beach, a park, the mountains, etc), and changing negative thoughts into

⁴³ *Id.*

⁴⁴ Carl Auerbach, *Legal Education & Some of its Discontents*, 34 J. of LEGAL EDUC. 43 (1984).

positive ones. However, it is imperative that the Law Schools themselves take steps towards making student mental health a top priority and implement strategies or activities to prevent feelings of depression, isolation, self-hate, and anxiety.

Law School Curriculum Generally

Perhaps the time has come, as part of the overall need to update the legal curriculum, to go to a four year law school. Thirty years ago, at a time when most of our law professors and judges were learning their profession, the more compact curriculum did not include courses on environmental law, employment law, condominium law, computer law, telecommunications law, and more fuzzy legal concentrations like “women and the law” and the rights of children. Those subjects simply were not so prevalent that they would merit courses of their own. At the same time, we have sacrificed fundamentals. Thirty years ago Contracts was two mandatory semesters, Real Estate was two mandatory semesters, Torts was two mandatory semesters. Now they are one, as though the fundamentals of law are less important or less complex today than they were in the recent past. State Constitutional law was a mandatory subject; now it is an elective, as though an understanding of constitutional frameworks are an optional consideration for the modern lawyer. The same can be said of basic Commercial Law and Tax law. These subjects affect or infect every aspect of legal life, yet are able to be put aside to allow a look at the more specialized areas that have arisen and grown. A first year curriculum should be longer, not shorter on the fundamental subjects.

Ethics should be a first year requirement, not something fit in later on, usually at the end, so you can memorize it for the Bar exam. Rather, it would serve as an early

⁴⁵ G. Andrew Benjamin, Alfred Kaszniak, Bruce Sales, and Stephen Shanfeld, *supra*, note 25.

indicator of the conflicts inherent in the ethical system and allow for a healthy consideration at a more appropriate juncture. Perhaps the ethics curriculum can also include discussion of stressful situations in which lawyers will find themselves and appropriate ways for dealing with stress. Also, much of the post school stress could be lessened or at least anticipated if law schools offered a course (as part of the required curriculum) on law firm management (including practice options, such as government, in-house, small firm, large firm) which would go into the financial pressures, legal requirements (trust accounting, employment issues, etc), and basic management aspects of practicing law in the modern world. Further, courses focusing on the practical aspects of being an attorney (i.e.: a drafting course that would cover contracts, complaints, final judgments, and other motions or orders) are currently non-existent, yet essential for a less stressful life-practice. Law students come out of three incredibly stressful years of school only to realize they, in essence, know little more than how to be analytical.

I would be remiss if I did not repeat the necessity for law students to be provided extensive training in interest-based bargaining and deskside manner. Both are crucial in order for an attorney to best serve his/her client's needs. Once again, law students should also be required to look within and do some personal "inner work" of their own as a prerequisite to being permitted to counsel others (i.e.: clients in future practice) regarding personal issues of mental distress. As mentioned previously, most litigation is a proxy for the underlying emotional pain that the client is experiencing. By being required to take a course in client relations (i.e.: empathy, counseling, active listening, etc.), and by being required to obtain some personal counseling of their own, the law student is better able to comprehend how to best help the client cope.

Finally, perhaps the best suggestion in helping law students become acclimated to the real-life expectations of their chosen profession would be to require (not merely recommend as an elective) that each law student work in a legal-based internship in which they would be forced to draft legal pleadings, implement their acquired active-listening skills, and deal directly with clients seeking help. Medical students are not thrust alone and unsupervised into the world of medicine simply upon graduating from medical school. Because of the life-or-death aspect of their occupation, as well as the complexity of medicine, they are required to first do many residencies (i.e.: internships) before being labeled as a full-fledged competent doctor.

Why should it be different for lawyers? A person's mental health can be just as important, life-threatening, influenced, and effected as their physical health. A client's underlying mental distress can either be exacerbated and caused to spiral into severe depression and/or alcoholism, or it can be discussed, accepted, understood, and soothed. The outcome of a client's mental health (and, in the larger picture, the client's life) depends greatly on the learned abilities and instilled character traits of the lawyer. And who is responsible for teaching lawyers these all-important abilities and character traits? That would be the law schools.