

3-1-2018

Lawyer and Law Student Well-Being

Filippa M. Anzalone

Boston College Law School, filippa.anzalone@bc.edu

Follow this and additional works at: <https://lawdigitalcommons.bc.edu/lfsp>



Part of the [Legal Education Commons](#), and the [Legal Profession Commons](#)

Recommended Citation

Filippa M. Anzalone. "Lawyer and Law Student Well-Being." *AALL Spectrum* 22, no.4 (2018): 44-46.

This Article is brought to you for free and open access by Digital Commons @ Boston College Law School. It has been accepted for inclusion in Boston College Law School Faculty Papers by an authorized administrator of Digital Commons @ Boston College Law School. For more information, please contact nick.szydowski@bc.edu.

LAWYER AND LAW STUDENT WELL-BEING

BY FILIPPA MARULLO ANZALONE

Lawyer and law student well-being is finally getting the full-court press it deserves. However, the topic isn't new. Known in the 1990s as "holistic lawyering," the subject was well documented by the late Steven Keeva in articles and in his book, *Transforming Practices: Finding Joy and Satisfaction in the Legal Life*. Likewise, the question of what effects the practice of law has on the minds of individuals within the profession has been powerfully examined by Anthony Kronman in his classic, *The Lost Lawyer: Failing Ideals of the Legal Profession*. Much ink has been spilled on the subjects of dissatisfaction, isolation, and lack of work/life balance in the profession. Although even a cursory literature search will produce a plethora of scholarship and popular pieces on these topics, two recent studies—"The Prevalence of Substance Use and Other Mental Health Concerns among American Attorneys," popularly known as the *Hazelden Report*, and the National Task Force on Lawyer Well-Being's *The Path to Lawyer Well-Being: Practical Recommendations for Positive Change*—are bringing the issue of attorney mental health and well-being to the forefront.

In 2016, the *Hazelden Report* found that about 21 percent of practicing attorneys are problem drinkers, 28 percent are depressed, and 19 percent exhibit indications of anxiety. The study also found that, counter-intuitively, younger attorneys in the first 10 years of practice are the most vulnerable and present the highest rate of substance abuse problems. (View the *Hazelden Report* at bit.ly/MA18Hazelden.)

Compared with other prestigious and hard-driving professions, such as healthcare, members of the legal profession experience mental health problems and the concurrent issues of

alcohol and drug abuse disorders at a higher rate. According to the *Hazelden Report*, the medical profession, for example, reportedly has a substance abuse rate congruent with the general population, which is about 11.5 percent. Thus, the legal profession beats both the general population and the medical profession with twice as many members who suffer from substance abuse problems. Lawyers and law students are generally a very competitive bunch, but winning the contest of belonging to one of the most depressed and dysfunctional professions is not an enviable prize. Signs of dysfunction are usually a signal of imbalance—a warning that a system is out of kilter.

Law Student Well-Being

Before continuing, it is important to define what well-being actually means. According to the *Merriam-Webster Dictionary*, it is the "state of being happy, healthy, or prosperous." A cover letter from the co-chairs of

the National Task Force on Lawyer Well-Being that accompanied *The Path to Lawyer Well-being: Practical Recommendations for Positive Change* report clearly states that to be a good lawyer, one has to be a *healthy* lawyer. This is a simple and rather obvious statement, yet as previously stated, the legal profession claims some of the most depressed and disaffected practitioners of any profession.

A truly sobering statistic from the *Hazelden Report* is that 14.2 percent of suffering lawyers admit that their substance abuse began while they were in law school. The question that the profession, especially the legal academy, must answer is whether attendance at law school fosters or hinders a sense of health, positive growth, and well-being in their students.

Copious amounts of time and energy have been spent analyzing and critiquing the state of American legal education over the past few years. Two major reports called for reform in legal education in 2007: *Educating Lawyers: Preparation for the Practice of Law* (also known as the *Carnegie Report*) and *Best Practices for Legal Education: A Vision and a Road Map*. In fact, these two volumes and the raising of consciousness that ensued probably did more to

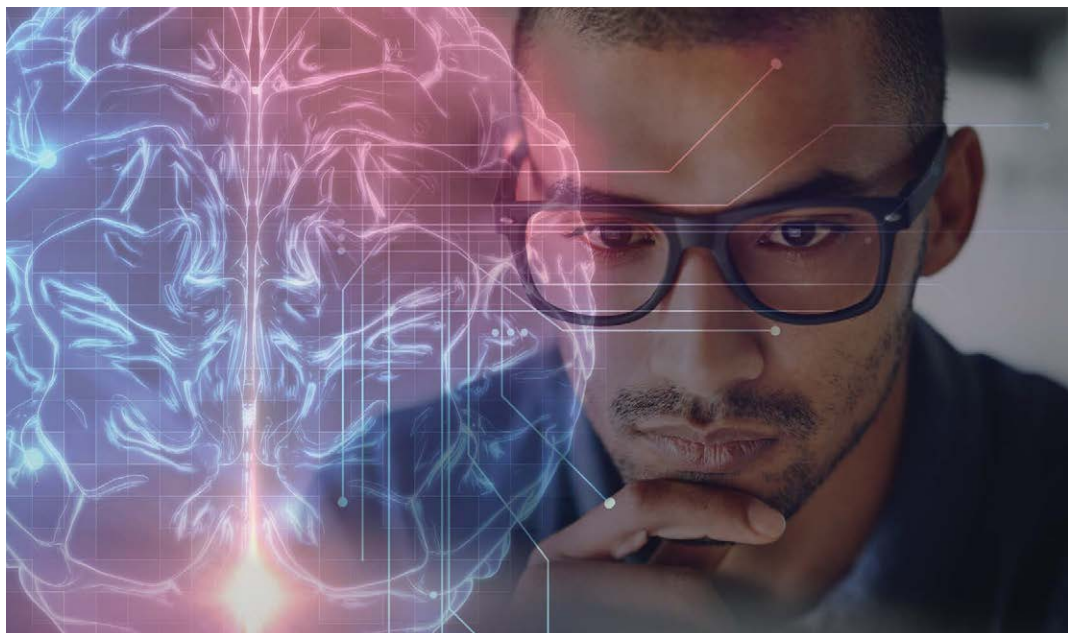
A truly sobering statistic from the *Hazelden Report* is that 14.2 percent of suffering lawyers admit that their substance abuse began while they were in law school.



improve legal education than previous assessments of the oftentimes toxic environment of the hidebound and traditionalist law school classrooms. Although most law schools have moved away from using the worst examples of Socratic dialogue, perhaps best exemplified by the infamous scene of Professor Kingfield's 1L contracts class in the satirical film *The Paper Chase*, the hallmark teaching technique is still pretty much regarded as both humiliating and infantilizing for the uninitiated. Even though legal education has experienced many needed reforms, the law school environment is still rife with fierce competition and an adversarial spirit. Mandatory grading curves, trial advocacy and writing competitions, high-stakes exams, and intense rivalry for 2L summer jobs often have intimidating effects on students who might have been more familiar with group projects, collaboration, and teamwork in their undergraduate learning experiences. The constant barrage of measuring, sorting, and ranking in law school can leave many students with feelings of insecurity, failure, and demoralization.

The Importance of Well-Being to Professional and Personal Development

Well-being is often experienced from satisfaction with one's work. Feelings of well-being and happiness have also been explained as engagement with one's work to the point of achieving a state of flow. Flow, according to renowned psychologist Mihaly Csikszentmihalyi in his book *Finding Flow: The Psychology of Engagement with Everyday Life*, is the feeling that comes when "action and awareness are merged." Harvard University has a very popular course that regularly enrolls more than 1,400 students a semester. The course focuses on happiness and was conceived of and is taught by the distinguished lecturer Dr. Tal Ben-Shahar. In his book *Happier: Learn the Secrets to Daily Joy and Lasting Fulfillment*, Ben-Shahar writes that peak experience and performance are achieved while in the state of flow, and that it is then we "experience pleasure and perform at our best." How



Well-being is often experienced from satisfaction with one's work. Feelings of well-being and happiness have also been explained as engagement with one's work to the point of achieving a state of flow.

can we help law students achieve this state of joy that leads to sustained career satisfaction? Devising a personal life's purpose and articulating clear goals is essential to experiencing flow in one's professional life. Flow and happiness exist in the sweet spot between over-extension and under-extension. The state of over-extension brings anxiety, whereas under-extension leads to boredom.

Psychologists, especially proponents of positive psychology, which focuses on the ways that people can attain happiness and fulfillment in their lives (a concept sometimes known as flourishing), agree that happiness can be learned. In fact, flourishing is an interchangeable synonym for well-being. For some excellent background on this topic, read Martin Seligman's *Flourish: A Visionary Understanding of Happiness and Well-being*.

Creating a Movement to Improve Well-Being in the Legal Profession

Where should we begin, and how do we start? As students and young associates

prepare for a life in the legal profession, law school and law office library professionals should think about how they might support this well-being movement. To achieve the ineffable sense of joy in one's work that well-being unlocks, it is foundational that law students begin to discern their life's meaning and set meaningful and attainable goals for themselves. Perhaps, in this highly personal act of discernment and self-awareness, law libraries can play an essential role in the emotional education of their users. In its recommendations, *The Report of the National Task Force on Lawyer Well-being* focused on five central themes; the fourth, "educating lawyers, judges, and law students on lawyer well-being issues" can be read as an invitation to law librarians to expand our roles and help our users learn to deal with stress and deadlines in order to develop resilience during their time in legal education. If we can help students cultivate new habits, increase their ability to flourish, and strengthen their grit, we will have contributed significantly to the "clarion call" of the report.

The Law Library's Role in Student Well-Being

Law librarians are frequently catalysts for change in their respective organizations. Information selection, curation, and dissemination is our stock-in-trade. At the very least, law libraries can provide book lists and annotated bibliographies of different facets of wellness literature. We can act as a clearing house for information about attorney assistance programs that are sponsored in many jurisdictions by state and local bar associations. Additionally, law librarians might consider setting aside some of their acquisitions budgets to create appropriate collections of wellness, time management, and positive psychology titles for their users. Instituting a well-being speaker series, or partnering with appropriate department heads to identify and set up relevant lectures or brown-bag lunch book discussion groups on particular wellness titles might be other avenues to explore. Sponsoring regular yoga or meditation classes that could be held in a comfortable study room or dedicated law library space, such as a meditation room, would identify the law library as a safe place not only to find information on stress and its antidotes, but also to participate in well-being activities. The law library can certainly become the well-being clearinghouse for its users by pointing law students and new associates to titles on health and well-being, positive psychology and spirituality, and mindfulness practices.

Other simple ways of helping law library users to take a breather and de-stress would be to schedule therapy dog visits near exam times and reading periods, to keep healthy snacks at the circulation or reference desk, or to sponsor (or co-sponsor) events such as a comedy night or a movie night for students before tense times of the year.

Why should the law library become involved? To quote American Association of Law Libraries member Joan Howland, who is the Roger F. Noreen professor of law and associate dean for information and technology at the University of Minnesota

School of Law, law libraries need to be “relevant, relevant, relevant” to their organizations and their users. Lawyer well-being is imperative to the sustained health of the legal academy, the bar, and the bench. In addition to being relevant to the mission of our parent organizations, most law libraries include the promotion of continuous learning as part of their own missions. It is the perfect way to collaborate with the legal profession as well as work with other departments within our law schools and law offices to effect change and to join the

movement to improve well-being in the legal profession.

Many years ago, when I worked as a law librarian in a large law firm, newer associates frequently stopped in to discuss their fears and to express their frustrations and the emotional highs and lows of practice with me. All I had for them was sincere sympathy and a box of tissues. We can do better. Our work in dealing with mental health issues will not only benefit the legal profession, it will also increase our own capacity for self-awareness and compassion for others as well.

LEGAL COMMUNITY WELLNESS AND LAWYER ASSISTANCE PROGRAMS AS A RESOURCE

BY CAMERON VANN

Each state has its own lawyer assistance program and most are statutorily confidential and voluntary for the impaired lawyer to follow the recovery suggestions. The conditions of substance abuse (alcohol, prescription drug misuse, and illegal drugs), depression, anxiety, and stress are absolutely treatable. The barrier is often doubt of confidentiality and the propensity of those within the legal culture to not appear less than perfect or weak: The legal community doesn't have problems—it fixes them. Studies show lawyer personalities often have the following traits: skeptical, analytical, autonomous, negative, and time-urgent. It is no wonder that lawyers resist help.

What to Look for and What to Do?

In the legal community, there are some consistent red flags that indicate common problems with mental well-being. First, isolation is a giveaway. If there is a professional not showing up, hiding out in the office, “working from home,” or procrastinating about dealing with clients and colleagues, there is likely a mental health issue. Another sign is irritability—a demanding tone, impatience,

blaming, and flare-ups. Other symptoms include mood swings, changes in normal activity, lack of concentration, expressions of worthlessness, perpetual lateness, declining appearances, and turning to addictive behaviors to feel better.

Most people in the legal community are not healthcare professionals, but they *are* experts at identifying behaviors of clients, witnesses, and colleagues, and they know when something is wrong. Relying on that expertise, the only wrong action is no action. Truly confidential referral of an impaired lawyer to the statewide assistance program for help is the right step; this satisfies an ethical duty and does not get anyone in trouble. Most programs gladly share resources and services to assist non-lawyers. Confidentiality cannot be stressed enough, and information about the impaired person, referring person, and the reported facts are secure. A desk reference for symptoms and access to help is available at bit.ly/MA18ref.

What Happens at an Assistance Program?

Research literature on wellness in the legal community recommends