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# Wellness and Law: Reforming Legal Education to Support Student Wellness

JANET THOMPSON JACKSON\*

## ABSTRACT

*No one goes to law school with the expectation that their mental health and overall well-being will be significantly compromised during those three years. But, for a substantial number of law students, it is. It does not have to be this way.*

*This is not a typical law review article. It cannot afford to be. Most law students begin law school as reasonably happy and well-adjusted people. We must ask, what is it about law school that contributes to the disproportionate decline in student wellness? The answer to that question is complex because many of the very factors that make good lawyers also contribute to their mental health challenges.*

*This paper contains a blueprint, born out of experience, of how to reimagine legal education with a focus on wellness. This goes beyond a general call to action, but rather presents concrete actions that faculty, law administrators, and students themselves can take to effectively manage the stresses inherent in law school and the legal profession. These changes will be long-term and will profoundly impact the well-being of not only legal practitioners, but the very practice of law itself. There will be resistance, but making this transition is crucial. We know that when law students first enter law school, their psychological profile is similar to that of the general public, but their depression rates increase*

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\* Professor of Law, Washburn University School of Law; certified wellness coach and yoga instructor. The author acknowledges, with sincere thanks, substantive and technical support from research assistant Belinda McCaskey and earlier research support from Christopher Abraham; invaluable early draft feedback from Professor Gillian Dutton, Roderick Terry, J.D., Professor Sue Schechter, and Tisha Morris, J.D., as well as early responses from colleagues who listened to a presentation that was the basis for this article; comments from Dean Carla Pratt, Professors Susan R. Jones, Jenipher Bonino, and Emily Grant; and inestimable assistance with graphics and editing from Patrick Jackson.

*drastically across three years of legal education. Lawyers have the dubious distinction of being the most frequently depressed professionals in the United States, and the legal profession ranks among the highest in incidence of suicide by occupation.*

*Two recent and major events have exacerbated this already dire landscape of wellness dysfunction: COVID-19 and widespread protests associated with the quest for racial justice. For students who managed their addiction recovery or mental health challenges in part by having the structure and accountability of a classroom setting and nearby counseling services, social distancing upended those means of coping and recent virus variants continue to threaten that structure. Then the killings of Breonna Taylor, George Floyd, and others ignited a wave of protests that likely caused some law students to experience race-based and other types of traumas. The absence of a culture of wellness in law schools may lead law students to endure these added traumas in silence.*

*As other movements have found national and global recognition recently, it is time for a wellness crusade in legal education. Just as movements have galvanized the public to demand action on issues of racial injustice, gender equality, and climate change, so the legal profession must take steps to comprehensively address the wellness crisis spanning the lecture halls to practice. Just as America must be willing to undergo an honest reckoning and radical reforms in order to evolve into a more just and equitable society, law schools and the legal profession must undergo foundational changes in order to graduate healthy and whole students. The reforms outlined in this article not only reimagine the law school experience for thousands of law students, but they would, over time, lead to a qualitative change in the delivery of legal services themselves. The legal profession, indeed our lives, literally depends on it.*

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I. IT DOES NOT HAVE TO BE THIS WAY

A. Introduction

Some people go to law school for the noble purpose of wanting to help other people or to be a legal agent for social justice. Others may choose the legal path for its earning potential or to gain influence. Most who enter law school understand that mastering the law and passing the bar will be stressful. I suspect that no one, however, goes to law school with the expectation that their mental health and overall wellness will be significantly compromised during those three years. But, for a substantial number of law students, it will be. Several studies have documented the wellness regression many law students experience during their time in law school, which often follows them into practice.<sup>1</sup> The wellness dysfunction can be insidious, at first present-

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1. See generally G. Andrew H. Benjamin, Alfred Kaszniak, Bruce Sales & Stephen B. Shanfield, *The Role of Legal Education in Producing Psychological Distress Among Law Students and Lawyers*, 11 AM. BAR FOUND. RSCH. J. 225 *passim* (1986) (reporting results of an empirical study of law students' emotional well-being); Kennon M. Sheldon & Lawrence S. Krieger, *Does Legal Education Have Undermining Effects on Law Students? Evaluating Changes in Motivation, Values, and Well-Being*, 22 BEHAV. SCI. L. 261 *passim* (2004), <https://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.555.7527&rep=rep1&type=psf> (evaluating changes in well-being, motivation, and values during law school); Jerome M. Organ, David B. Jaffe & Katherine M. Bender, *Su?ering in Silence: The Survey of Law Student Well-Being and the Reluctance of Law Students to Seek Help for Substance Use and Mental Health Concerns*, 66 J. LEGAL EDUC. 116 *passim* (2016) (reporting the results of a multi-school survey of law students' alcohol, street and prescription drug use, and mental health concerns); Patrick R. Krill, Ryan Johnson & Linda Albert, *The Prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys*, 10 J. ADDICTION MED. 46 *passim* (2016). <https://journals.lww.com/journaladdic>

ing itself as the excitement of a new, challenging experience that requires less sleep and more sacrifice. But then, as students struggle over time to adapt to the law school culture, many become “dissatisfied, demoralized, and depressed.”<sup>2</sup> Bright students who succeeded in their undergraduate studies may feel like imposters and find themselves immobilized by anxiety. As their sleep and nutrition suffer, they may turn to unhealthy coping mechanisms such as the abuse of alcohol, drugs, food, and exercise regimens. Some become so despondent they may even consider suicide.<sup>3</sup> It does not have to be this way.

In recent years, two major events have exacerbated the already dire landscape of wellness dysfunction in the legal profession. The novel coronavirus, or COVID-19,<sup>4</sup> upended normal routines and rhythms around the world. The global pandemic disrupted the regular functioning of schools, and most students had to shift to online learning. Along with this academic upheaval, for some, this shift brought additional mental health stresses or exacerbated challenges that they were already facing. Unfortunately, those stresses will not end once the virus is managed. Even as governments, businesses, and academic institutions navigate new routines and practices because of COVID-19, the most highly impacted individuals will still need long-term support.

During the same time that COVID-19 hit the world, highly publicized killings of Black people<sup>5</sup> brought renewed attention to ongoing racial injustices abetted by American institutions and society. Like many other Americans, large numbers of law students protested, and some law clinic students assisted clients impacted by COVID-19.<sup>6</sup>

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tionmedicine/Fulltext/2016/02000/The\_Prevalence\_of\_Substance\_Use\_and\_Other\_Mental.8.aspx (measuring mental health concerns and barriers to treatment among licensed attorneys).

2. NAT'L TASK FORCE ON LAW, WELL-BEING, *THE PATH TO LAWYER WELL-BEING: PRACTICAL RECOMMENDATIONS FOR POSITIVE CHANGE* 35 (2017), <https://www.americanbar.org/content/dam/aba/images/abanews/ThePathToLawyerWellBeingReportRevFINAL.pdf>.

3. *Id.* at 7.

4. *Basics of COVID-19*, CDC, <https://www.cdc.gov/coronavirus/2019-ncov/your-health/about-covid-19/basics-covid-19.html> (last updated May 24, 2021).

5. Li Cohen, *Police in the U.S. Killed 164 Black People in the First 8 Months of 2020. These Are Their Names. (Part I: January-April)*, CBS NEWS (Sept. 10, 2020, 4:39 PM), <https://www.cbsnews.com/pictures/black-people-killed-by-police-in-the-u-s-in-2020> (listing the 164 black people killed by police in the first eight months of 2020, including George Floyd and Breonna Taylor).

6. *See, e.g., Georgia State Law Community Responds to Pandemic and Protests*, GA. ST. UNIV. (Nov. 11, 2020), <https://news.gsu.edu/2020/11/11/georgia-state-law-community-responds-to-pandemic-and-protests/>; Madeline Joung, *Students Protest Tuition Hikes as Universities Continue Online*, VOA NEWS (Aug. 17, 2020, 3:43 PM), <https://www.voanews.com/covid-19-pandemic/students-protest-tuition-hikes-universities-continue-online>.

While such activism and legal representation may have been gratifying, involvement in these activities likely caused some students to experience race-based and other types of traumas, which warranted attention and treatment. Then, the blatant contrast between the law enforcement response to the Summer 2020 Black Lives Matter protests and the white-led insurrection at the U.S. Capitol on January 6, 2021, further compounded the experience of trauma for Black, Indigenous, People of Color (“BIPOC”). For students of color, while advocacy through protests and clinical work may be rewarding, their experiences impact them on a personal level, and the lack of integrated wellness checks may cause them to endure their trauma in silence.

This article does more than explore the long-standing wellness problem within the legal profession and the institutions that train lawyers. It posits that, just as America must be willing to undergo an honest reckoning and radical reforms in order to evolve into a more just and equitable society, law schools and the legal profession must undergo foundational changes in order to graduate healthy and whole students. Such changes include wellness as a key gateway to professional identity formation.

While we have long known that law school and the legal profession have caused sickness, many professors have felt that it was not their job to incorporate wellness principles into their teaching. This article points out the need to change that mindset, while endorsing a cultural shift that prioritizes wellness in law schools and the legal profession. Part I begins with my own journey from being an extremely stressed and anxious law student, lawyer and law professor to eventually becoming a person who has adopted (and continues to explore) practices to manage the inherent stresses in life. I include my personal story because, for so long, I did not think my experiences mattered. Even after I began including information on lawyer wellness in my classes and in presentations, I did not share my own story. That changed when I decided, impromptu, to talk about my own journey during a wellness presentation to law students. As I talked about my own anxiety and depression, I caught the eye of a law student who had suddenly started paying attention. I left that class knowing that telling my story made a difference to, and hopefully helped, at least one person.

Part II of this article calls for a wellness reckoning in law schools. It addresses the resistance law school faculty may have in adopting

wellness strategies in their courses, starting with an honest examination of our own wellness. This section challenges legal administrators and faculty to look below the surface and push ourselves to make fundamental changes in how we perceive our responsibility as modelers of wellness as well as teachers of the law. Part II continues by drawing a comparison with medical schools, highlighting the wellness advances made in some of those institutions, and identifying practices that law schools can adopt.

Part III provides a paradigm for wellness in legal education based on developed and tested practical tools. The model presents a wellness matrix as the floor on which a student (conceptualized as a stool) can firmly stand. This section describes a holistic approach to a lawyer's professional identity formation and approaches that can be utilized to achieve wholeness.

Part IV describes the current landscape of wellness dysfunction in the legal profession and outlines how a holistic wellness approach in law school can mitigate the current wellness costs of becoming a lawyer. This section highlights specific ways that law students respond to stress and how law schools and the legal culture contribute to the wellness dysfunction. This section offers solutions to address those problems. Part IV also illustrates how societal challenges around race, gender, and other differences are compounded by insufficient engagement around wellness. Finally, Part V suggests practices to support student wellness and explains how those practices can be put to work in different settings such as orientation, doctrinal classes, clinics and externships, and seminars (Those practices are further illustrated in a separate Wellness and Law workbook written by the author). An appendix to this article provides a sampling of what some law schools are already doing in the area of student wellness.

## B. My Own Journey to Wellness

I am very familiar with anxiety. I was so used to feeling anxious that it was somehow comforting. I now say that I am in recovery from anxiety, and I do not use that terminology lightly. I learned decades ago in therapy that my self-identity was so closely connected to my anxiety that I needed to approach it like an addiction. With every day, year, and decade it has gotten easier as I developed practices to manage my anxiety and find a new way of functioning. I can now say that *equilibrium*, instead of anxiety, is my default; however, it was a



journey to arrive at this place of balance, and it takes work for me to stay there.

My anxiety has ebbed and flowed throughout my life. The stresses of law school took my anxiety to a new high. And then, along with the usual pressures associated with law school, I had some atypical stressors. My dad died of cancer in my second year. When I returned to school, the Dean of Students suggested that I sit out the rest of the semester, but instead, I chose to put my head down, study hard, and do well. I did not allow myself to grieve. I told myself that I didn't even have time to cry. As I suppressed my grief, my anxiety continued to escalate.

My anxiety followed me after law school. I worked as a litigation associate for about six years. I liked the people I worked with, but I did not love litigation. I was gripped by stress all the time, and by the time I was twenty-six years old, I had an ulcer. My anxiety came partly from being a new associate in a large law practice, but it was more than that. I was one of four Black people in a firm of approximately 200 attorneys, and I was the only person of color in litigation. While I always felt supported and even protected by the litigation associates and partners, there were occasions when I felt unwelcome. I remember working on a case for a partner and meeting the client for the first time. When I walked into the room the client's mouth literally fell open and she stammered, "I didn't expect you to . . ." and her voice trailed off. I usually don't have a quick-witted response at the ready, but in that instance, I quipped, "I know, everyone says I look young for my age." She blushed and we went on with the meeting. The partner and I never spoke of the event. On another occasion, I appeared before a judge for a civil hearing in a small town in Pennsylvania. After the opposing counsel and I introduced ourselves, the judge looked at me and asked, "Where is your attorney?" I again stated my name and my client's name and added the name of the firm for which I worked. He asked again, "But where is the attorney?" The third time I said, "Your Honor, I am the attorney. I am here to represent my client." I repeated the name of my firm, which was one of the largest in the state. The judge stared at me for a few moments, and then invited us to proceed.

Those events occurred in the late 1980s and early 90s, a time when no one talked about the internalized stress caused by racially motivated experiences, or "microaggressions" in today's parlance. No publications existed on race-based stress and trauma. Professionals of

color were just expected to deal with whatever came our way and move on. The refrain at Howard University School of Law (and other Historically Black Colleges and Universities) was that we had to perform twice as well in order to be considered as competent as our white counterparts. Missing from our marching orders, though tacitly understood, was the recognition that “twice as good” might never afford fair and equal treatment. The award of *juris doctor* would not shield us from the mental and emotional traumas that are grounded in racism.

Those experiences served as a nagging reminder to me that in some peoples’ eyes, I did not belong. That fed into my already present imposter syndrome, and my anxiety increased even more. I did not know where to turn, so I started therapy to help manage my daily stress. That is when the floodgates first opened, and I allowed myself to process my grief over my dad’s passing for the first time. Before therapy, I dealt with stress in ways that statistics tell us *many* law students and new lawyers cope. I occasionally drank too much and developed an eating disorder. I grasped for ways to manage my constant feeling of inadequacy and overwhelm.

While therapy definitely helped me, I still felt something was missing. I wanted real tools that I could integrate into my daily life in order to manage my anxiety. I thought leaving firm work would help, so I became the CEO of a nonprofit organization. I found the nonprofit’s mission very fulfilling, and it did relieve some of the stresses inherent in law practice. I also started teaching law school as an adjunct and found that I loved it. Of course, that brought its own stresses, but it also led to my becoming a full-time law professor.

My first year at Washburn was filled with joy, but also a lot of anxiety. Pregnant with our first child, my husband and I excitedly moved across the country to start this new phase of our lives. Though I had been teaching full-time for the previous two years, I was not prepared for the stress of taking on a new course; hence, I struggled. I had moved to a new part of the country, started a new job, and I was about to have a child. I felt inadequate in the face of all of these responsibilities. After our daughter was born, I experienced postpartum depression—and I did not seek treatment for it. *Why?* We see it in the stats—I *thought I could handle it on my own*. But I could not and I very unwisely came back to teach in the middle of Spring semester. It was an unmitigated disaster. Honestly, I do not know how I got through the semester, and I wish I had asked for professional help.

Today, I urge anyone experiencing depression to get the help they need.

My depression lifted after about one year and I decided things had to change. I wanted to find the tools that could support me, so I started researching and practicing a new regimen of self-care. I came to understand something that resonated with me. I discovered that there is a very close connection between anxiety and the illusion of control. In my own life, I knew this to be true. When I worried, I felt productive. I told myself that my anxiety gave me an edge. I think that is one reason high-performing people, including law students, have a hard time adopting self-care practices. They see their anxiety as a competitive advantage. However, it is not—the competitive advantage is just an illusion.

Adopting habitual self-care practices does not usually happen overnight. Typically, a struggle is involved, especially when one has a busy life. At least that was true for me. I had a baby, a demanding tenure-track position, and a husband who, at that time, was a full-time seminary student in another city and was only home on weekends. Sleep was elusive. Exercise consisted of long neighborhood walks pushing the stroller with the help of my mother, who lived with us full-time (thankfully) for the first year of my daughter's life. When my daughter was about six months and I was on the other side of the worst of my depression, I started a journal. I mostly wrote about what was going on with my daughter, and I noticed that writing helped. Since that time, journaling has become a regular part of my self-care regimen. Gradually, I added occasional meditation and yoga sessions to my routine and rode my bicycle to work more often. I began to notice a difference in my mindset, and I seemed to handle stress better. Then, after six years of living ten minutes away from work we moved seventy miles away when my husband was called to pastor a church in Kansas City. At first, I mostly enjoyed my 2.5-hour round-trip commute four days a week. Then the drive started to wear on my body and in 2013 I was hit by a car while walking with my dog in a crosswalk. I did not sustain severe injuries at the time (and the dog was fine), but eventually I started experiencing chronic pain in my body. That led me to a greater focus on yoga to ease my pain.

Yoga helped to manage my chronic pain significantly, so I decided to take yoga teacher training to help others. It took me three years to complete on a very part-time basis, but by the time I earned my certification I understood through personal experience the power

of yoga to manage stress and relieve pain. During that time, I added daily meditation to my self-care routine, which also helped with pain, stress management, and my overall life outlook. I taught yoga and meditation for several years and often talked to my law students about the benefits of meditation, even teaching some of them some basic meditation techniques. As my law students responded favorably to meditation and other wellness tips and I spent more time talking to them about self-care, I joked to my husband that I should become a wellness coach. That thought stayed with me and after researching the field, I completed a program that required trainees to create a signature program. I chose a wellness program for law students, which is the basis for this article and the foundation of Well-Law, a multi-media wellness program<sup>7</sup> I developed.

You may think that with my background and experience I have perfected self-care and wellness for myself. Not true. Like everyone else, I sometimes struggle to manage my workload and my responses to stress. Some days I open my journal to see that it has been a week since I last wrote anything. When I have lots of projects going at once, my sleep may suffer. On occasion, I find myself ruminating at length on a worrying thought. It is during those times that I remind myself that wellness does not require perfectionism. In fact, perfectionism can be the enemy of wellness. As best I can, I anticipate my wellness struggles and prepare for them. I anticipate by knowing my triggers, be they a too-full calendar or too many days without walking or yoga. I prepare for those challenging times by having a plan to get back on track and an accountability partner or community to support me. Anticipating the downs and having a plan helps me to maintain equilibrium in the changeable flow of my wellness journey, rather than feeling thrown off by the inherent uncertainties of life. A successful approach to wellness involves adopting a personalized wellness mindset, seeking to use our wellness practices daily, and having a plan to quickly reset when we find ourselves off-track from our wellness

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7. WELL-LAW, <https://www.well-law.com/> (last visited Oct. 2, 2021). Well-Law is an interactive multi-media program designed to facilitate student wellness. *Id.* Ideally, students join the program pre-orientation and participate through post-graduation, though students may join at any time during law school. *Id.* Each module invites students to engage different facets of wellness in relation to their development as lawyers and legal professionals. *Id.* Modules cover areas such as professional identity formation, collaboration and leadership, culturally conscious lawyering, interviewing, and developing a personal wellness plan. *Id.* Students also track the state of their wellness throughout the program using an assessment tool called the Wellness Quotient. *Id.* Well-Law also gives students access to monthly wellness coaching calls, recorded meditations, and other wellness support. *Id.*

goals. This article and the *Well-Law program* give guidance on how to adopt a wellness mindset, support student wellness, develop realistic and personalized wellness goals, and navigate the ups and downs of managing our wellness in everyday life.

## II. A WELLNESS RECKONING IN LAW SCHOOLS

### A. If Not Now, When?

The wellness dysfunction in the legal profession is at a crisis level. As other movements have found national and global recognition recently, it is time for a wellness crusade in legal education. In 2017, the “Me-Too” movement became known worldwide, though it started in 2006 as founder Tarana Burke’s way of raising awareness of the abuse of women.<sup>8</sup> Black Lives Matter was started by community organizers in 2013 after the death of teenager, Trayvon Martin<sup>9</sup>, but found the movement’s greatest resonance following the spate of killings of Black men and women in 2020.

Just as those movements galvanized the public to demand action on issues of sexual assault and racial injustice, so the legal profession must take steps to comprehensively address the wellness crisis spanning the lecture halls to practice. Scholars have called for such attention as far back as 1985.<sup>10</sup> A wellness reckoning in the legal profession, and particularly in law schools, is overdue.

The legal community has known for some time that the emotional debilitation experienced by a disproportionate number of lawyers begins in law school.<sup>11</sup> The fact that such dysfunction increases drastically each semester<sup>12</sup> tells us that something is happening in the law school experience that creates or exacerbates anxiety and dysfunction. Studies give us some indication of how the culture of law school contributes to the dysfunction and some law schools have taken steps to

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8. *History & Inception, ME TOO*, <https://metoomvmt.org/get-to-know-us/history-inception/> (last visited Sept. 9, 2021).

9. George Zimmerman fatally shot the unarmed 17-year-old on February 26, 2012. *Her Story, BLACK LIVES MATTER*, <https://blacklivesmatter.com/herstory/> (last visited Sept. 10, 2021). On July 13, 2013, a six-woman jury acquitted Zimmerman of all charges. CNN Editorial Research, *Trayvon Martin Shooting Fast Facts*, CNN, <https://www.cnn.com/2013/06/05/us/trayvon-martin-shooting-fast-facts/index.html> (last updated Feb. 17, 2021, 9:38 AM).

10. See Stephen B. Shanfield & G. Andrew H. Benjamin, *Psychiatric Distress in Law Students*, 35 J. LEGAL EDUC. 65, 68 (1985); Benjamin et al., *supra* note 1, at 524; Jennifer Jolly-Ryan, *Promoting Mental Health in Law School: What Law Schools Can Do for Law Students to Help Them Become Happy, Mentally Healthy Lawyers*, 48 U. LOUISVILLE L. REV. 95, 95 (2009).

11. Shanfield & Benjamin, *supra* note 10.

12. Benjamin et al., *supra* note 1, at 241.

specifically address student wellness through mindfulness programs. Those efforts are critical, as mindfulness techniques have a proven positive effect on mental and physical health, as well as judgment and decision-making.<sup>13</sup> Still, more needs to be done to address this crisis. Many of the people in legal education who want to support student wellness need guidance in doing so. They may also need guidance in supporting their own wellness. This article seeks to give that support.

The isolation caused by COVID-19 is surely amplifying an already vexing problem. Students who managed their addiction recovery or mental health challenges in part by having the structure and accountability of a classroom setting and nearby counseling services are likely encountering heightened struggles. Additionally, for those for whom physical connection and touch is essential, social distancing presents an acute challenge.

Many law professors and administrators, while sympathetic to the mental health and alcohol/substance abuse challenges of law students, may believe that it is not their responsibility to attend to the mental and emotional health of their students. These law professor and administrators might think, that is what the counseling office or Dean of Students is for. Other concerns may include: the perceived time commitment necessary in an already overloaded schedule; questions about the efficacy of intervention by law faculty; whether, even if effective, the impact would be significant enough; and the self-critique on the mind of many: *I don't have the skills to do this and I struggle to maintain my own mental health!*

Those attitudes were prevalent in medical schools for a long time as well, but within the past decade, several medical schools recognized the cost of not attending to the mental and emotional health of its students and have begun to address those issues in medical school curricula and in residency programs.

## B. Parallels with Medical School Students

The negative statistics for medical students and physicians surpass those for law students and lawyers. Nearly one in three medical students report indicators for depression and one in nine struggles with suicidal thoughts.<sup>14</sup> At least one medical publication reported that the

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13. Jolly-Ryan, *supra* note 10.

14. Elizabeth Lawrence, *Success Story: Normalizing Mental Health Care During Medical Student Training*, AMA ED HUB (June 11, 2020), <https://edhub.ama-assn.org/steps-forward/module/2767285>.

highest rate of suicidal ideation among medical students surveyed was found among Black/African American students.<sup>15</sup> According to the American Foundation for Suicide Prevention, an estimated 300 physicians commit suicide each year.<sup>16</sup> As with law students, medical students matriculate with stress and depression levels similar to those in the general population. Also like law students, medical students experience significant increases in rates of depression after their first year of medical school.<sup>17</sup> The spike in mental health challenges after entering medical school and law school also share common causes, including role transition, lack of sleep, disconnection with support networks, and feelings of isolation.<sup>18</sup> The barriers to seeking help are also similar, including fear of a negative impact on licensing and a perceived negative impact on professional advancement.<sup>19</sup>

Recently, a number of medical schools have started to acknowledge the crisis in their midst and have instituted programs to raise awareness of mental health and well-being challenges among medical students and increase support for students. Previously, medical schools approached student wellness in a typical way—reactively.<sup>20</sup> In an effort to find a more effective approach, some medical schools began viewing “student well-being from a person-in-context perspective and targeted the specific elements of that context that are associated with poor student mental health.”<sup>21</sup> The goal of many of these programs is to normalize discussions about mental health and wellness and to integrate a culture of wellness in medical schools.<sup>22</sup> Some medical schools have established programs on mindfulness, increased access to mental health providers, and created other programs and

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15. Deborah Goebert, Diane Thompson, Junji Takeshita, Cheryl Beach, Philip Bryson, Kimberly Ephgrave, Alan Kent, Monique Kunkel, Joel Schechter & Jodi Tate, *Depressive Symptoms in Medical Students and Residents: A Multischool Study*, 84 *ACAD. MED.* 236, 236 (2009).

16. AM. FOUND. FOR SUICIDE PREVENTION, AMERICAN FOUNDATION FOR SUICIDE PREVENTION 1, [https://nam.edu/wp-content/uploads/2018/01/American-Foundation-for-Suicide-Prevention\\_Commitment-Statement.pdf](https://nam.edu/wp-content/uploads/2018/01/American-Foundation-for-Suicide-Prevention_Commitment-Statement.pdf).

17. Cheri Dijamco, *Staying Sane: Addressing the Growing Concern of Mental Health in Medical Students*, AMSA (Sept. 8, 2015), <https://www.amsa.org/2015/09/08/staying-sane-addressing-the-growing-concern-of-mental-health-in-medical-students/>; See Marc Zarefsky, *How to Help Medical Students Keep Tabs on Their Mental Health*, AMA (Sept. 4, 2020), <https://www.ama-assn.org/residents-students/resident-student-health/how-help-medical-students-keep-tabs-their-mental-health>.

18. Dijamco, *supra* note 17.

19. *Id.*

20. Stuart J. Slavin, Debra L. Schindler & John T. Chibnall, *Medical Student Mental Health 3.0: Improving Student Wellness Through Curricular Changes*, 89 *ACAD. MED.* 573, 574 (2014).

21. *Id.*

22. Zarefsky, *supra* note 17.

activities to mitigate the negative aspects of medical education.<sup>23</sup> Other medical schools, however, have gone beyond creating extra-academic programs and have instituted curricular changes that are designed to improve medical student mental health outcomes. Those schools are choosing to “attack the source of the distress within context, through the curriculum itself,” rather than placing the focus on ancillary experiences with the hope of counteracting the stressful culture of medical school.<sup>24</sup>

For example, Saint Louis University (“SLU”) School of Medicine began collecting data on student wellness in 2008 and found that 57% of students had moderate to high symptoms of anxiety and 27% had moderate to severe symptoms of depression.<sup>25</sup> The school instituted its first curricular changes for the incoming class of 2013, which included shifting some classes to pass/fail; reducing contact hours to allow students more time in learning communities; extending the time allowed to complete electives to give students more freedom to explore their interests and create mentoring relationships; and establishing learning communities composed of students and faculty.<sup>26</sup> The SLU School of Medicine wellness outcomes showed a clear trend in post-change classes, compared to pre-change classes, with the post-change classes exhibiting lower rates of moderate to severe depression and a substantial decrease in mean anxiety scores and stress levels.<sup>27</sup>

Vanderbilt University School of Medicine added a required resilience and mindfulness program for their incoming class of 2014 and in 2015, rescheduled a first-year course that was identified as a major source of stress to later in the program.<sup>28</sup> The Vanderbilt Medical Student (“VMS”) Wellness Program began in 2005.<sup>29</sup> VMS is comprised of three main components: The Advisory College Program; The Student Wellness Committee; and VMS LIVE, each separate and unique programs, but all working together to accomplish the broader “goal of maximizing student health, happiness, and potential.”<sup>30</sup> The program

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23. Slavin et al., *supra* note 20, at 574–75.

24. *Id.* at 574.

25. *Id.*

26. *Id.*

27. *Id.* at 575.

28. *Id.*

29. Brian Drolet & Scott Rodgers, *A Comprehensive Medical Student Wellness Program—Design and Implementation at Vanderbilt School of Medicine*, 85 *ACAD. MED.* 103, 103–10 (2010).

30. *Id.*



has had great success since its inception, with steady growth and student participation.<sup>31</sup>

The University of New Mexico (“UNM”) School of Medicine developed a robust program five years ago to address student wellness and to normalize conversations about mental health. The program involves a staff of wellness cohorts, including a Director of Physician and Student Wellness, Wellness faculty, student mentors, and a university Assistant Dean for Professional Well-Being.<sup>32</sup> This multi-faceted program begins before students even start medical school. Prior to the formal White Coat Ceremony for incoming medical students, family members receive a forty-five-minute talk and a booklet that explains the unique challenges of medical school and ways that family members can support students while in school and training.<sup>33</sup> Incoming students meet upper-level students who share their personal stories about accessing wellness resources while in medical school. During medical school and training, students receive formal wellness check-ins, meetings with the Wellness Dean, and first-year students attend a wellness retreat.<sup>34</sup> The UNM wellness office published a book of narratives to encourage all medical students to share their personal stories about mental health, even if told anonymously, and developed a list of frequently asked questions about mental illness that includes input from all stakeholders.<sup>35</sup> To overcome student resistance to wellness activities, UNM School of Medicine faculty emphasize that wellness activities are designed to teach skills that will help students to thrive in their professional lives and feel better during school.<sup>36</sup> The list of frequently asked questions also addresses student concerns about the confidentiality of any diagnosis and/or treatment.<sup>37</sup> UNM School of Medicine collects data and evaluates its wellness programs on an ongoing basis. Overall, feedback about the initiatives has been positive and students have proposed new wellness practices such as yoga, mindfulness, and hypnosis.<sup>38</sup>

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31. *Id.*

32. Lawrence, *supra* note 14.

33. *Id.*

34. Topics covered by the Wellness Dean include imposter syndrome, growth and fixed mindsets, sleep, nutrition, life-work integration, depression, and anxiety. *Id.* During the retreat a panel of physicians in recovery from addiction share their personal stories. *Id.*

35. *Id.*

36. *Id.*

37. *Id.*

38. *Id.*

Law schools should follow the model of medical schools that have fully integrated a culture of wellness into their curriculum. Some law schools have already begun to make that shift and the paradigm in Part III of this Article provides a roadmap for incorporating wellness in legal education.

### III. A PARADIGM FOR WELLNESS IN LEGAL EDUCATION

#### A. The Wellness Matrix

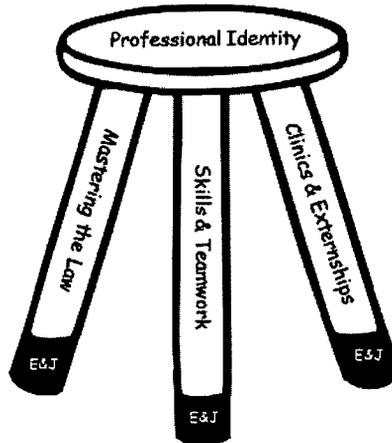
Wellness is multi-faceted. It involves different aspects of a physical, emotional, spiritual, and material existence. I conceive of this as an inter-connected matrix. When I first began speaking about student wellness, I realized that I needed two images—one to represent how we prepare law students today and a second to depict law students being equipped for the legal profession, but with their wellness intact. This led me to the stool and the floor.

##### 1. The Stool

Picture a three-legged stool. The stool itself represents the law student today. The imagined stool begins as an unadorned structure, but from the very first day, the stool starts to take on certain characteristics. Upon the first introduction to the law school culture, the students start to form their professional identity. On our stool, the seat represents the students' professional identity. Traditionally, students begin learning substantive and procedural law in their first year, and this mastery of the law is represented on one of the three legs of the stool. Law school also equips students with a variety of skills through legal writing, simulation courses, and the teamwork they experience in activities such as moot court competitions, law journal, and involvement in affinity groups. A second leg of the stool represents the skills of learning and teamwork. The third leg of the stool represents experiential learning through clinical programs and externships. Typically, a stool also has caps on the ends of the legs, which serve the purpose of protecting the floor and also finishing or completing the stool. In the same way, our stool legs have caps that represent principles that many law schools in recent years have recognized should undergird or complete the law school curriculum, namely, ethics and professionalism. Also, in the wake of social unrest and a new awakening to racial justice, many law programs are thread-

ing justice and anti-racism throughout the curriculum, as represented on our stool caps. Exhibit 1 illustrates our student stool.

Exhibit 1 – The Stool



E & J = Ethics & Justice

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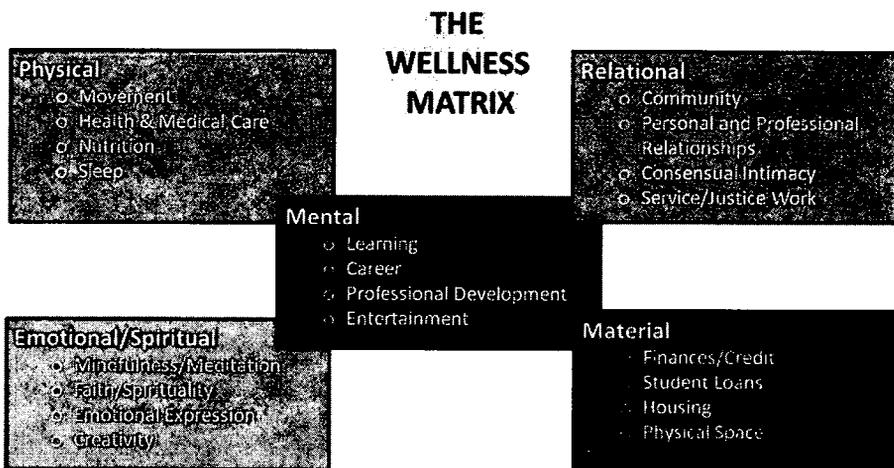
As a representation of a student who has completed law school, the finished stool looks complete, just as most of our students today appear fully equipped to pass the bar and begin their lives as lawyers and legal professionals. A closer look, however, reveals an important missing component. A well-made stool needs a solid floor on which to stand. Likewise, our students need a solid foundation that will support them as they navigate the stresses inherent in law school and the legal profession. That foundation must be one of wellness, if we are serious about ending the cycle of unwellness in law school and in the legal profession.

## 2. The Floor

Imagine a wooden floor consisting of long, interlocking floorboards. In this paradigm, the floor represents the foundation upon which our stool stands. This is not just any foundation, though. This floor is a foundation of wellness, and each floorboard represents a distinct area of wellness. The wellness areas are organized according to broad categories grouped in blocks on a Wellness Matrix, as shown in Exhibit 2. The five Matrix blocks include: (1) physical well-being, (2) relational well-being, (3) mental well-being, (4) emotional/spiritual

well-being, and (5) material well-being. Each Matrix block contains elements that relate to that particular dimension of wellness, though the lists are not exhaustive. The physical block includes movement, health, nutrition, and sleep as considerations. The relational block holds personal relationships, ties to community, and service to local, national, and global communities, such as work for racial justice. The mental block encompasses learning, career, professional development, and entertainment. The emotional/spiritual block includes mindfulness practices, faith/spirituality, emotional expression, and creativity. The material block contains finances/credit, student loans, housing, and physical space. The Wellness Matrix provides a visual illustration of the specific areas to consider as we think about wellness.

Exhibit 2 – The Wellness Matrix

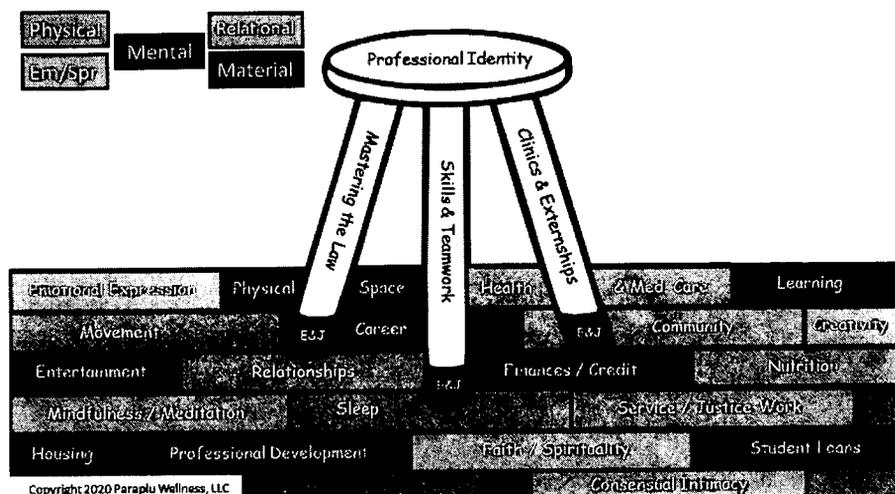


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We use the Wellness Matrix to build the wellness floor, which provides a solid support for our stool. Each floorboard contributes to the foundation of holistic wellness, which is multidimensional, as illustrated in Exhibit 3. Holistic wellness considers the entire person and all the areas of life that impact a person’s overall well-being and ability to thrive. If one floorboard, representing a single area of wellness, is missing, the stool may still have a relatively solid foundation of support. If additional boards are splintered or missing, however, the stool loses its stability. And if enough boards are missing, the stool will topple over. The stool represents the current situation in legal educa-

tion. Our current law school culture does not adequately support holistic wellness for students.

Exhibit 3 – The Floor



### B. A Holistic Blueprint to Building Wellness

A cultural shift away from the norm can be difficult and uncomfortable. The legal education experienced cultural growing pains when law schools moved from strictly doctrinal case-method instruction to the inclusion of skills training through simulations, clinics and externships.<sup>39</sup> Another cultural shift occurred when law schools stopped relying solely on third-party bar preparation programs and incorporated academic support programs into the curriculum.<sup>40</sup> In addition to concerns about the monetary cost of such changes, many complained about the cost of faculty resources needed for such experiential and academic support instruction.<sup>41</sup> I imagine that the same concerns will be voiced about integrating wellness into the law school curriculum. My response is that the data shows that the cost of not integrating wellness is far greater. Legal education can no longer afford to educate students in an intellectual silo and not attend to stu-

39. See Katherine R. Kruse, *Legal Education and Professional Skills: Myths and Misconceptions About Theory and Practice*, 45 MCGEORGE L. REV. 1, 7 (2013).

40. *Id.* at 38.

41. *Id.* at 39.

dents' wellness needs. Indeed, we have a moral and ethical duty to do so.

True change in the wellness landscape for law students will require more than occasional self-care exercises, weekly meditations, or even seminar classes on mindfulness. Rather, law schools need to expand their mission from that of producing excellent "practice-ready" legal minds capable of passing the bar and gaining employment, to producing graduates whose formative professional identity includes a focus on self-care and long-term wellness. Such focus requires a holistic approach to law student wellness. Some law schools, including my own, are making significant efforts to bolster student wellness.<sup>42</sup> However, more is needed. I propose that law schools look for ways to mitigate the stresses inherent in law school by integrating wellness into the curriculum as a core value, similar to what some medical schools have done.

Specifically, law students should receive wellness support before starting their first semester. Similar to the UNM School of Medicine's pre-White Coat Ceremony, law schools could prepare materials for family members of law students that outline a student's typical schedule, the expectations placed on students, and predictable stressors that may trigger anxiety or other problems. Orientation week would initiate a robust wellness program for incoming students. By using *Well-Law* as a model during orientation, students would come to understand the current wellness landscape for law students and lawyers, discover their own wellness quotient,<sup>43</sup> start to collect tools to manage their stress, and develop their own personal wellness plans. Wellness support would continue throughout law school through *Well-Law*'s module study each semester, including ongoing development of students' personal wellness plans and a wellness quotient survey before graduation to assess any changes that have occurred.<sup>44</sup>

Additional wellness support would include periodic evaluations that focus on areas of dysfunction that are dominant among law students, ongoing individual and group wellness coaching, participation in regularly scheduled wellness activities, and continually adopting practices to manage daily stress in healthy ways. The goal is for stu-

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42. See *infra* Section VII (displaying a sampling of wellness programs offered at law schools in the United States).

43. See *WELL-LAW*, *supra*, note 7.

44. The *Wellness & Law* program will collect and assess student wellness data throughout to determine program efficacy.

dents to leave law school with a demonstrated understanding of how to manage the stresses inherent in law practice while maintaining long-term wellness in their professional and personal lives.

As evidenced in medical schools, significant change occurs when wellness is integrated into the curriculum. Such integration could happen in a number of creative ways that would not compromise the quality of education or jeopardize ABA requirements. The “humanizing legal education” movement has called for substantive changes in legal education for over a decade and is credited with improving the learning environments at many law schools.<sup>45</sup> For example, humanizing concerns include a demonstrated respect for students, collaborative learning, increased practice and feedback, a focus on self-directed learning skills, and diverse teaching methodologies, to name a few. Yet, more is necessary. This article includes a range of suggestions that law schools and law faculty could adopt to transform the wellness landscape at law schools. Clearly, the legal education community has the data, the knowledge, and the resources to identify and address the problem. What we now need is the desire to change.

#### IV. THE HIGH WELLNESS COST OF BECOMING A LAWYER

##### A. The Adverse Conditions Experienced by Law Students and the Further Impact of COVID-19

A study funded by the Hazelden Betty Ford Foundation and the ABA Commission on Lawyer Assistance Programs found that law students and lawyers in their first decade of practice abuse alcohol and drugs and experience mental health challenges at rates substantially higher than the general population.<sup>46</sup> The personal and professional impact of COVID-19 has already been shown to make the situation worse. The pandemic has changed how we interact and, even more importantly for many people, it has taken away our normal routines. For some people, the abnormal routines may not be significant, but for those who live with anxiety, and especially Obsessive Compulsive Disorder (“OCD”) or other disorders, the sudden loss of a routine can be traumatic.<sup>47</sup>

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45. See Michael Hunter Schwartz, *Humanizing Legal Education: An Introduction to a Symposium Whose Time Came*, 47 WASHBURN L. J. 235, 235 (2008).

46. Krill et al., *supra* note 1, at 46.

47. NAT’L INST. OF MENTAL HEALTH, *OBSESSIVE-COMPULSIVE DISORDER: WHEN UNWANTED THOUGHTS OR REPETITIVE BEHAVIORS TAKE OVER* 2 (2020), <https://>

When I present these negative wellness trends to law students, I let them know that I am not trying to talk them out of being a lawyer. My goal instead is to name out loud the threats that legal education today poses to their personal wellbeing and arm them with a sense of urgency about their own self-care. I want to help them be their best selves as law students, as lawyers, and then — outside of the classroom and work — in any role that gives meaning to their lives.

### 1. Progressive Anxiety, Depression, and Suicide Rates

Law students enter law school with depression rates similar to that of the general public at less than 10%.<sup>48</sup> After just one semester, however, depression rates rise to 27%. After two semesters, the rate spikes to 34%. After three years, up to 40% of law students experience mental health challenges.<sup>49</sup> Law students also reported experiencing stress at significantly higher levels than medical and graduate students.<sup>50</sup> A further study found that law students were far less inclined to seek help than medical students.<sup>51</sup>

While anxiety may *manifest* itself in law school, it doesn't end there.<sup>52</sup> Anxiety will follow many law students into practice and onto the bench for some judges. Lawyers and judges reported problematic alcohol use at 20.6%, but after being asked specifically about frequency, the percentage rose to 36.4%.<sup>53</sup> Lawyers are among the most

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[www.nimh.nih.gov/sites/default/files/documents/health/publications/obsessive-compulsive-disorder-when-unwanted-thoughts-take-over/20-mh-4676-ocd.pdf](http://www.nimh.nih.gov/sites/default/files/documents/health/publications/obsessive-compulsive-disorder-when-unwanted-thoughts-take-over/20-mh-4676-ocd.pdf).

48. *Lawyers & Depression*, DAVE NEE FOUND., <http://www.daveneefoundation.org/scholarship/lawyers-and-depression> (last visited Sept. 9, 2021).

49. *Id.*

50. *Id.*

51. See Marilyn Heins, Shirley Nickols Fahey & Roger C. Henderson, *Law Students and Medical Students: A Comparison of Perceived Stress*, 33 J. LEGAL EDUC. 511, 520–21 (1983).

52. An additional source of anxiety and stress for law students is the bar exam. As the bar exam is administered outside of law schools, it is beyond the scope of this article. Some leaders in legal education, however, have called for reforms to attorney licensure that would benefit student wellness. While modifications concerning the exam were made during the COVID-19 outbreak, a successful bar exam remains the requirement for attorney licensure in most every U.S. jurisdiction, with Wisconsin and New Hampshire providing alternative options for licensure. Critics of the current system argue that alternative pathways to licensure would yield a more diverse profession and would alleviate student stress. Suggested alternative pathways include: (1) a performance-based bar exam; (2) an apprenticeship model; and (3) diploma privilege. *Conversation with Dean Carla Pratt*, WASHBURN L. SCH. (Jan. 28, 2021) (notes on file with author). See generally Marsha Griggs, *Building a Better Bar Exam*, 7 TEX. A&M L. REV. 1, 1 (2019); Claudia Angelos, Sara Berman, Mary Lu Bilek, Carol Chomsky, Andrea A. Curcio, Marsha Griggs, Joan W. Howarth, Eileen Kaufman, Deborah Jones Merritt, Patricia E. Salkin & Judith Wegner, *Diploma Privilege and the Constitution*, 73 SMU L. REV. F. 168, 168 (2020).

53. Krill et al., *supra* note 1, at 51.



frequently depressed professionals in the United States.<sup>54</sup> According to the American Psychological Association, “[l]awyers are 3.6 times more likely to suffer from depression than nonlawyers.”<sup>55</sup>

Not only are anxiety and depression prevalent among law students and lawyers, but the incidence of suicide is also high in the legal profession. A 2016 study showed that of 3,000 law students surveyed, 21% reported serious thoughts of suicide in their lifetimes and 6% had seriously considered suicide in the twelve months before the survey.<sup>56</sup> A major study conducted by the National Institute for Safety and Health reported that male lawyers are more than twice as likely to die from suicide than those in the general population.<sup>57</sup> Common contributing factors for lawyer suicide include depression, anxiety, job stress, unfulfilled expectations, and a perceived sense of failure.<sup>58</sup>

In terms of overall mental health, 74% of lawyers recently surveyed reported that the law profession has had a negative effect on their mental health over time.<sup>59</sup> As to whether mental health and substance abuse are at crisis levels in the legal industry, 41% said yes.<sup>60</sup> When asked what about their job negatively impacts their mental well-being, the top answers were: (a) the feeling of always being on call and unable to disconnect; (b) billable hours pressures; (c) lack of sleep; and (d) client demands.<sup>61</sup>

When asked about vacation time use, only 36% said they used all their time and of those, 72% said that when they do they cannot disconnect.<sup>62</sup> When asked if they felt they could take extended leave to address mental health or substance abuse issues, only 35% said yes. Of the 65% who said no, 78% feared taking time would hurt their

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54. *Cave Nee Found.*, *supra* note 48.

55. *Id.*; Jeena Cho, *Attorney Suicide: What Every Lawyer Needs to Know*, ABA J. (Jan. 1, 2019, 2:05 AM), [https://www.abajournal.com/magazine/article/attorney\\_suicide\\_what\\_every\\_lawyer\\_needs\\_to\\_know](https://www.abajournal.com/magazine/article/attorney_suicide_what_every_lawyer_needs_to_know).

56. Organ et al., *supra* note 1, at 139; see John Hendrickson, *Jamie Raskin Lost His Son. Then He Fled a Mob*, ATLANTIC, <https://www.theatlantic.com/politics/archive/2021/01/jamie-raskin-capitol-attack/617609> (reporting the suicide death of Tommy Raskin, a Harvard Law student and son of Congressman Jamie Raskin) (last updated Jan. 13, 2021, 4:22 PM).

57. Debra Cassens Weiss, *Lawyer Personalities May Contribute to Increased Suicide Risk*, ABA J. (Apr. 30, 2009, 6:43 PM), [https://www.abajournal.com/news/article/lawyer\\_personalities\\_may\\_contribute\\_to\\_increased\\_suicide\\_risk](https://www.abajournal.com/news/article/lawyer_personalities_may_contribute_to_increased_suicide_risk).

58. Cho, *supra* note 55.

59. Lizzy McLellan, *Lawyers Reveal True Depth of Mental Health Struggles*, LAW (Feb. 19, 2020, 11:00 AM), <https://www.law.com/2020/02/19/lawyers-reveal-true-depth-of-the-mental-health-struggles> (reporting findings from the ALM Survey).

60. *Id.*

61. *Id.*

62. *Id.*

career trajectory, 77% feared what their firm would think, and 36% feared what clients would think.<sup>63</sup>

Data are still being collected on how COVID-19 is affecting anxiety levels, but a study of graduate students, including law and medical students, showed that Major Depressive Disorder has increased from 15% in 2019 to 32% in 2020.<sup>64</sup> That same study showed that Generalized Anxiety Disorder increased from 26% in 2019 to 39% in 2020.<sup>65</sup> The report showed the same rates of depression between women and men, but women were more likely to report anxiety.<sup>66</sup> The study reported signs of mental distress as more common in low-income students, Latinx students and most dramatically, in students who identified as LGBTQ.<sup>67</sup> Also, students who stated that they *did not adapt well to remote instruction* reported higher levels of depression and anxiety and 60% said that the pandemic made it more difficult to access mental-health services.<sup>68</sup>

## 2. Abuse of Alcohol and Drugs

Law students and lawyers have always had a reputation for drinking, but these numbers help to tell the story. The most recent statistics for law students is from a 2014 study, which shows that over half the students surveyed reported being drunk at least once in the prior 30 days, 43% reported binge drinking<sup>69</sup> at least once in the prior two weeks, and 22% reported binge drinking two or more times in the prior two weeks.<sup>70</sup> A 2016 study of legal professionals distinguished between *problem* drinkers, those who have an unhealthy relationship with alcohol, and *hazardous* drinkers, those who abuse alcohol or are alcoholics.<sup>71</sup> The study revealed that 20.6% of licensed, employed lawyers and judges qualify as problem drinkers, compared to 6.8% of

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63. *Id.*

64. IGOR CHIRIKOV, KRISTA M. SORIA, BONNIE HORGOS & DANIEL JONES-WHITE, UNDERGRADUATE AND GRADUATE STUDENTS' MENTAL HEALTH DURING THE COVID-19 PANDEMIC 5 (2020), <https://escholarship.org/uc/item/80k5d5hw>. The SERU conducted a survey of nine U.S. research universities. *Id.* at 1. Among the participants were 15,000 graduate students. *Id.* Chris Woolston, *Signs of Depression and Anxiety Soar Among US Graduate Students During Pandemic*, NATURE (Aug. 18, 2020), <https://www.nature.com/articles/d41586-020-02439-6>.

65. CHIRIKOV ET AL., *supra* note 64.

66. *Id.*

67. *Id.* Alarming, 49% of students who identify as gay or lesbian and 59% of bisexual students report anxiety. *Id.* See also Woolston, *supra* note 64.

68. CHIRIKOV ET AL., *supra* note 64, at 7–8.

69. Organ et al., *supra* note 1, at 129.

70. *Id.*

71. Krill et al., *supra* note 1, at 47.

the general population.<sup>72</sup> Of that same population, 36.4% engage in hazardous drinking or alcohol abuse and women are at a higher incidence in that category.<sup>73</sup> “Problem drinkers” are mostly comprised of men (25.1% compared to women at 15.5%), junior associates (up to ten years in practice), and those working at private firms or for bar associations.<sup>74</sup> While the effects of COVID-19 on alcohol abuse among law students and lawyers are yet to be determined, alcohol sales in general have risen by at least 54% since March 2020 compared to 2019, and online sales have increased 262% compared to 2019.<sup>75</sup>

In a 2016 survey involving fifteen law schools, over 14% of law students reported using prescription drugs without a prescription in the prior twelve months.<sup>76</sup> The reasons given for prescription drug use included: to concentrate better while studying (67%); to increase alertness and study longer (64%); and to enhance academic performance (49%). In addition, a 2016 study showed that 74.1% of lawyers surveyed used stimulants in the twelve months prior to the study and 51.3% used sedatives.<sup>77</sup>

### 3. Eating Disorders

Eating disorders are an area often overlooked, but many people experience them. Commonly associated with women, a significant number of men also report eating disorder behaviors.<sup>78</sup> While no existing organization explicitly addresses eating disorders in the legal community, 27% of law students screened positive for eating disorders (18% male and 34% female).<sup>79</sup> There is a high correlation between depression, anxiety, and stress with eating disorders.<sup>80</sup> How people cope with stress through their relationship with food is not always an obvious problem. Some people may look perfectly fine, but

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72. *Id.*

73. *Id.* at 48.

74. *Id.*

75. MICHAEL S. POLLARD, JOAN S. TUCKER & HAROLD D. GREEN JR., CHANGES IN ADULT ALCOHOL USE AND CONSEQUENCES DURING THE COVID-19 PANDEMIC IN THE US 109 (2020), <https://jamanetwork.com/journals/jamanetworkopen/fullarticle/2770975>.

76. Organ et al., *supra* note 1, at 134.

77. *Id.* at 135.

78. *Eating Disorders in Men & Boys*, NAT'L EATING DISORDERS ASS'N, <https://www.nationaleatingdisorders.org/learn/general-information/research-on-males> (last visited Sept. 9, 2021).

79. Organ et al., *supra* note 1, at 138–39.

80. Hannah Geller, *High Prevalence And Low Prevention Of Lawyers' Eating Disorders, ABOVE THE LAW* (Feb. 10, 2017, 8:24 AM), <https://abovethelaw.com/career-files/high-prevalence-and-low-prevention-of-lawyers-eating-disorders/>.

they engage in bingeing and purging. Others exercise excessively. Others may be eating unhealthy food, perhaps because they have an addiction to sugar, salt, or fat that they cannot seem to control.

Since COVID-19, more than one-third of survey respondents in the United States and the Netherlands said their eating disorder had worsened during the pandemic with the changes being attributed to lack of structure, a triggering environment, the absence of social support, and the inability to get foods that fit their meal plan.<sup>81</sup> The shame often associated with eating disorders causes many people to hide the problem, leaving these disorders to thrive in isolation.<sup>82</sup>

#### 4. Burnout

Not all law students experience depression, alcohol and substance abuse, or eating disorders. But, if law students were asked if they had experienced burnout during law school, most would likely say yes. Burnout can mean different things to different people, but it usually involves emotional exhaustion.<sup>83</sup> Burnout among lawyers (and probably law students) may be related to the environment or to the individual<sup>84</sup> and the causes in both cases are likely to resonate with law students. As related to the work environment, competition, the pessimistic nature of focusing on problems, and the pressure of a new environment may lead to burnout. Individual causes of burnout among lawyers include traits very familiar to many law students: perfectionism and the need to control.<sup>85</sup>

#### B. Barriers to Seeking Help

Studies show that a significant number of law students and lawyers encounter barriers to seeking help for alcohol and/or drug abuse and mental health challenges. The top reported barrier for law stu-

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81. Michelle Konstantinovsky, *COVID-19-Era Isolation Is Making Dangerous Eating Disorders Worse*, SCI. AM. (Aug. 26, 2020), <https://www.scientificamerican.com/article/COVID-19-era-isolation-is-making-dangerous-eating-disorders-worse/>.

82. *Id.*

83. Brittany Stringfellow Otey, *Buffering Burnout: Preparing the Online Generation for the Occupational Hazards of the Legal Profession*, 24 S. CAL. INTERDISC. L.J. 147, 161 (2018); see also Jennifer Villwock, Lindsay B. Sobin, Lindsey A Koester & Tucker M. Harris, *Imposter Syndrome and Burnout Among American Medical Students: A Pilot Study*, 7 INT'L J. MED. EDUC. 364, 364, 366 (2016) (describing burnout in the medical field as a “triad of emotional exhaustion, depersonalization, and diminished feelings of personal accomplishment” and manifests as “fatigue, inability to concentrate, insomnia, irritability, and . . . ‘just going through the motions’”).

84. Otey, *supra* note 83, at 163.

85. *Id.*

dents seeking help for alcohol and drug problems is the potential threat to bar admission (63%).<sup>86</sup> Next, in order of importance, was potential threat to a job or academic status (62%), social stigma (43%), privacy concerns (43%), belief they could handle the problem themselves (39%), and not enough time (36%).<sup>87</sup> When I ask students to guess the reasons for not seeking help they mention these same reasons, with a surprising number saying that they believe they can handle the problem without intervention.

The barriers to seeking help for mental health issues are similar. Forty-eight percent view getting help a potential threat to job or academic success.<sup>88</sup> Other reasons include social stigma and financial reasons (47%), potential threat to bar admission (45%), belief they could handle it themselves (36%), not enough time (34%), and privacy concerns (30%).<sup>89</sup>

Fortunately, some jurisdictions have listened and have or are responding to the position that law students find themselves in. Many students feel, and this has turned out to be true in a few cases, that if they answer honestly to questions about mental health in particular, they may not be admitted to practice. But even if that was not a consequence of answering honestly, no one should be made to feel that the better choice is to hide their mental health condition. No one, regardless of profession, should compromise their mental health — or any aspect of their personal wellness — due to real or perceived expectations of the school or workplace.

### C. How Law School Culture Contributes to the Wellness Dysfunction & Some Solutions

Law school's arguable focus on a narrow definition of success — getting high grades and securing prestigious employment — undermines the foundation that previously gave students a sense of self-worth, purpose, and personal fulfillment. Ironically, while the students' worth becomes increasingly identified with intellectual ability, their intellectual ability comes into question, perhaps for the first time.<sup>90</sup>

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86. Organ et al., *supra* note 1, at 141.

87. *Id.*

88. *Id.*

89. *Id.*

90. Ann L. Iijima, *Lessons Learned: Legal Education and Law Student Dysfunction*, 48 J. LEGAL EDUC. 524, 527 (1998).

Given that most law students begin law school as reasonably happy and well-adjusted people, a question that begs to be asked is, what is it about law school that contributes to the disproportionate decline in student wellness? The answer to that question is complex because many of the very factors that make good lawyers also contribute to their mental health challenges. Hence, some of the areas listed below as “dysfunction” may also have positive attributes. I have also included “sources of anxiety” for law students, which disproportionately affect students of color and other marginalized groups and are likely on the rise as BIPOC individuals feel threatened and vulnerable in American society. The suggested actions law schools can take in all of these areas should not be viewed as exhaustive and some solutions will apply to more than one dysfunction or source of anxiety.

### 1. Dysfunction: Think Like a Lawyer

During my year between college and law school, I interned on Capitol Hill and some of the people I worked with had law degrees. When hearing them discuss the merits of certain legislation or develop strategy, I noticed how the legally trained aides framed their positions and developed arguments. I was already leaning toward law school, but being around these legally trained minds convinced me. I wanted to learn to think like a lawyer. I literally said those words.

When I arrived at law school, I experienced culture shock. I felt as though I had been dropped into a foreign land. I had to learn a new way of reading, deciphering, and analyzing information. I experienced a completely different classroom interaction with my professors and classmates than what I had experienced in college. And I learned a new language and method of speaking. I learned to think like a lawyer.

Those critical thinking and analyzing skills are crucial to good lawyering. What we now know, however, is that those skills sometimes come at a high cost. As one scholar put it:

in law school, we purposely teach students to not only think about the worst things that can happen but also to look for fault in others. We teach students to look for defects and holes in arguments. We call it ‘issue spotting,’ learning to think like a lawyer, and developing critical thinking skills.<sup>91</sup>

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91. Nathalie Martin, *Think Like a (Mindful) Lawyer: Incorporating Mindfulness, Professional Identity, and Emotional Intelligence into the First Year Law Curriculum*, 36 U. ARK. LITTLE ROCK L. REV. 413, 425 (2014).

But, students pay a price for the skill of thinking like a lawyer. After two years of law school education, students' interpersonal and empathy skills suffer.<sup>92</sup> Moreover, "thinking like a lawyer" can deplete students' creativity and lead them to value "consistency over ambiguity, rationality over emotion, and rules over social context."<sup>93</sup> Students have reported that law school's intellectual emphasis led to them suppressing their feelings and caring less about others.<sup>94</sup> Students also found that their value systems changed in that their ability to express and defend cogent arguments assumed paramount importance, resulting in the "moral neutering" of students.<sup>95</sup>

The same characteristics that may make a person a good lawyer also predisposes that person to depression. Their problem-solving skills lead to high success rates, but also to perfectionism.<sup>96</sup> While these traits may result in high levels of achievement, they also highly correspond to depression, which can lead to suicide or suicidal ideations.<sup>97</sup>

i. What Law Schools Can Do: Facilitate Development of Empathy Skills and Mindfulness

The solution should not include abandoning the traditional approach of teaching law students to think logically and analytically. Rather, teaching "empathetic lawyering"<sup>98</sup> must accompany issue spotting and analytical reasoning. The study and practice of law are, substantially, cognitive endeavors that require logic, analysis, judgment, and problem-solving. Empathy, on the other hand, "is not entirely, or even primarily, a cognitive experience . . . [rather] it involves the momentary *suspension* of most of the key cognitive func-

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92. *Id.*

93. Rhonda V. Magee, *Legal Education and the Formation of Professional Identity: A Critical Spirituo-Humanistic — "Humanity Consciousness" — Perspective*, 31 N.Y.U. REV. L. & SOC. CHANGE 467, 469–70 (2007) (quoting JEAN STEFANIC & RICHARD DELGADO, HOW LAWYERS LOSE THEIR WAY: A PROFESSION FAILS ITS CREATIVE MINDS (2005)).

94. Iijima, *supra* note 90, at 529.

95. *Id.*

96. Weiss, *supra* note 57.

97. Angela Morris, *Lawyers Are at High Risk for Suicide. Texas Program Aims to Fight Back to Help Attorneys, Law Students*, LAW (May 13, 2020, 1:36 PM), <https://www.law.com/texas-lawyer/2020/05/13/lawyers-are-at-high-risk-for-suicide-texas-program-aims-to-fight-back-to-help-attorneys-law-students/>. Texas Lawyers' Assistance Program director Chris Ritter encourages attorneys to support their colleagues by asking three questions: "Are you okay? Have you thought of suicide? Do you have a plan?" *Id.*

98. Ian Gallacher, *Thinking Like Non-Lawyers: Why Empathy is a Core Lawyering Skill and Why Legal Education Should Change to Reflect Its Importance*, J. ASS'N. LEGAL WRITING DIRS., (Oct. 16, 2012), at 37, [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1693146](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1693146).

tions we teach . . . in law school.”<sup>99</sup> Why, then, would we advance empathy as a lawyering skill? Because emotional wellness requires empathy, and a higher degree of emotional wellness or intelligence results in better lawyering. “It is empathy’s ability to act as a moral compass which allows lawyers to steer an often difficult professional and personal course in a complicated world.”<sup>100</sup>

While most people have experienced empathy, the concept can be difficult to describe. A helpful understanding of empathy captures the meaning in three categories: “1) feeling the emotion of another; 2) understanding the experience or situation of another, both affectively and cognitively, often achieved by imagining oneself in the position of the other; and 3) action brought about by experiencing the distress of another . . . .”<sup>101</sup> Even if difficult to adequately describe in writing, empathy can be emphasized and developed in law school. One suggestion includes “permeat[ing] empathetic development before, during, and after law school” by assigning pre-law school reading, adapting legal research and writing courses to emphasize empathetic responses, and introducing post-law school programs and CLEs on developing empathetic skills.<sup>102</sup>

Another scholar suggests an increased focus on relationships to develop empathy. Through a course on Interpersonal Dynamics, Professor Joshua Rosenberg allows and encourages students to share their “perceptions, thoughts, feelings, motivations, and wants” with each other and gives them time to “slow down their own processes enough so that they become aware of the thoughts and feelings that motivate their behavior, as well as of the impact of their behavior on others.”<sup>103</sup> Professor Rosenberg accomplishes this with as many as thirty-six students who meet both as a large group and in smaller groups with faculty facilitators. Clearly, Professor Rosenberg has put much thought into the structure and environment that creates a safe space for students to share and “attain self-knowledge in the service of more effective behavior.”<sup>104</sup> While he acknowledges that he did not set out to teach empathy, by teaching students essential communica-

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99. Joshua D. Rosenberg, *Teaching Empathy in Law School*, 36 UNIV. S.F.L. REV. 621, 632 (2002) (emphasis in original).

100. Gallacher, *supra* note 98, at 36.

101. Chalen Westaby & Emma Jones, *Empathy: An Essential Element of Legal Practice or ‘Never the Twain Shall Meet’?*, 25 INT’L J. LEGAL PRO. 107, 113 (2018).

102. Gallacher, *supra* note 98, at 37.

103. Rosenberg, *supra* note 99, at 642.

104. *Id.* at 657.



tion skills, he has found that students shift from a state of alienation to an interest in, and concern for others.<sup>105</sup>

## 2. Dysfunction: Limited View of Professional Identity Formation

It is well accepted that professionalism is an attribute expected of law students entering the legal profession. Law students' first formal encounter of professionalism usually comes through professional responsibility courses. Those courses examine the Rules of Professional Conduct for lawyers and help students understand a lawyer's ethical obligations and how to avoid conflicts of interest. While a critical part of a law student's training, those courses are generally not designed to provide a full understanding of professional identity. How, then, do law students learn to shape their professional identities?

The medical profession has long realized that medical students begin their professional identity formation while still in medical school. Law schools have increasingly come to that same conclusion and, as a result, many now offer courses in professional identity formation ("PIF"). Too often, however, a lawyer's professional identity is not viewed beyond their role as a stakeholder in the legal system. Some scholars have articulated the need for a broader perspective, including adopting normative ideas from other disciplines like "philosophy, education, social work, psychology, and pastoral studies. . . . [as well as the] developing fields [of] mindfulness and neuroscience."<sup>106</sup> From those disciplines, law schools could gain guidance on "how to teach relational skills and values, including practical wisdom, self-awareness, deep listening, empathy, compassion . . . and an ethic of care."<sup>107</sup> I applaud that approach and, as described below, I would go further in fostering a holistic professional identity based on a foundation of wellness.

Another limiting factor in how PIF is currently approached involves the standard by which we measure professional identity. As in the rest of American society, the dominant group is the norm in legal education and, therefore, serves as the standard by which PIF is defined. Such a standard discounts people of color and other groups that have been marginalized and leads to "problems with self-esteem,

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105. *Id.*

106. Susan L. Brooks, *Fostering Wholehearted Lawyers: Practical Guidance for Supporting Law Students' Professional Identity Formation*, 14 U. ST. THOMAS L.J. 412, 420 (2018).

107. *Id.*

feelings of isolation, and lack of meaning.”<sup>108</sup> Professor Rhonda Magee posits that such alienation impacts

[A]ll students in ways that infringe upon students’ full and free development. Accordingly, all of those engaged in the legal educational process should care about and address these feelings of alienation as a means of minimizing their impact *on the system as a whole*—including the students of today who will be the practitioners of tomorrow.<sup>109</sup>

The approach to professional identity formation in law schools must be broadened to include non-dominant identities and must find support in principles of wellness.

i. What Law Schools Can Do: Adopt a Holistic Approach to Professional Identity Formation Based on Wellness

Law schools can learn from medical schools’ approach to professional identity. One doctor offered a message to her students that is equally relevant to law students. I have changed “doctor” to “lawyer” and “patient” to “client” to reset her words for the legal academy.

If you believe that ‘real’ [lawyers] never show weakness, then you run the risk of shame and inadequacy whenever you find yourself struggling. If you believe that the best [lawyers] demonstrate compassion towards both their [clients] and towards themselves, then you set yourself up with the capacity for self-love in times of distress. Our professional identities can impact our tendency toward burnout and our ability to bounce back from stress.<sup>110</sup>

Understanding the connection between PIF and wellness is especially important when we consider the relationship between PIF and the lack of wellness many law students experience. Data support that when a person’s wellness quotient goes down, their professional identity quotient goes down, and imposter syndrome goes up.<sup>111</sup> Fortunately, the opposite is also true. Studies with medical faculty showed that when faculty taught mindfulness as a tool to reduce stress and foster self-awareness, they saw positive effects on professional identity

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108. Magee, *supra* note 93, at 473.

109. *Id.* (emphasis in original).

110. Arlene Chung, *Wellness and Resiliency During Residency: Professional Identity Formation (Featuring a Podcast with Dr. Michael Weinstock)*, *ACAD. LIFE EMERGENCY MED.* (Apr. 24, 2017), <https://www.aliem.com/wellness-resiliency-residency-professional-identity-formation/>.

111. Valerie E. Houseknecht, Brenda Roman, Adrienne Stolfi & Nicole J. Borges, *A Longitudinal Assessment of Professional Identity, Wellness, Imposter Phenomenon, and Calling to Medicine Among Medical Students*, 29 *MED. SCI. EDUCATOR* 493, 493 (2019), <https://doi.org/10.1007/s40670-019-00718-0>.

including communication, connection with others, empathy, active listening, and self-confidence.<sup>112</sup>

A holistic view of professional identity “necessarily entails the nurturing of a sense of professional self-consciousness and constructive introspection, and an attitude of respect and responsibility towards others . . . .”<sup>113</sup> Another descriptor of holistic professional identity is that of a “wholehearted”<sup>114</sup> lawyer. Professor Susan Brooks distills five core principles for wholehearted lawyering, which she describes as bringing more heart-centered practices into legal education and practice.<sup>115</sup> The principles, intended to create a law school culture conducive to professional identity formation, start with the principle of teaching with kindness and curiosity and encouraging students to do the same.<sup>116</sup> The second principle calls for everyone “mattering,” that is, every student knowing that their presence makes a difference and that they are seen and heard.<sup>117</sup> Such mattering, Professor Brooks says, correlates with academic success and positive outcomes.<sup>118</sup>

The third wholehearted lawyering principle involves the importance of contextualizing information and includes an awareness and appreciation of the different culture and values each person brings in the lawyering process.<sup>119</sup> The fourth principle, strengths orientation, focuses on the awareness and building of assets and abilities in order to help students become more resilient.<sup>120</sup> Professor Brooks calls the final principle an ethic of care, which she describes as an ethic that calls our attention to responsiveness in relationships, including relationship with self, and highlights the cost of losing those connections.<sup>121</sup> Professor Brooks’ principles for wholehearted lawyering describe a mindfulness approach to PIF. As with most mindfulness practices, incorporating even some of the practices into our teaching and daily lives will have a positive impact.

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112. Chung, *supra* note 110.

113. Jan L. Jacobowitz, *Cultivating Professional Identity & Creating Community: A Tale of Two Innovations*, 36 UNIV. ARK. LITTLE ROCK L. REV. 319, 321 (2014).

114. Brooks, *supra* note 106, at 423.

115. *Id.* at 423–25.

116. *Id.* at 424.

117. *Id.*

118. *Id.*

119. *Id.*

120. *Id.* at 424–25.

121. *Id.* at 425.

Another support for law students' professional identity formation can be found in wellness and leadership coaching. Wellness coaching leads a person toward whole life transformation by guiding individuals and groups in gaining self-awareness, clarifying goals, and reaching their full potential. Specifically with law students, a wellness coach can support students by guiding them to respond differently to the stresses of law school so that instead of resorting to the overuse of alcohol, drugs, food, or other damaging behaviors, they can successfully manage their daily demands in healthy ways while learning to shift to positive thinking patterns.

Similarly, leadership coaching supports students, not only by helping students develop leadership skills, but also by reinforcing student well-being; aiding students' critical thinking abilities; contributing to diversity, equity, and inclusion in the legal profession; and, preparing students to engage globally.<sup>122</sup> Today, many business leaders, academics, lawyers, and professional athletes enlist coaches to enhance their performance and improve their work and life satisfaction. Since becoming trained as a wellness coach, I have regularly employed coaching techniques as a part of my teaching in the law clinic and classroom, both in groups and individually. From my observations and from the feedback I have received, students greatly appreciate the attention to their well-being and have responded favorably to coaching they received. I have included some student testimonials at the end of this article.

### 3. Source of Anxiety: Imposter Syndrome

Almost everyone experiences some level of insecurity at some point in their life. Impostorism, also known as imposter syndrome, goes beyond mild insecurity and describes an internal feeling of distrust in one's own abilities and accomplishments along with the fear of being exposed as an "imposter," even in the face of demonstrated success and competence.<sup>123</sup> A phenomenon first attached primarily to women, imposter syndrome has been observed across genders and populations.<sup>124</sup> Among students of color, studies suggest that those

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122. See Susan R. Jones, *The Case for Leadership Coaching in Law Schools: A New Way to Support Professional Identity Formation*, 48 HOFSTRA L.R. 659, 659-660 (2020).

123. Beth Levant, Jennifer A. Villwock & Ann M. Manzardo, *Impostorism in Third-Year Medical Students: An Item Analysis Using the Clance Imposter Phenomenon Scale*, 9 PERSP. MED. EDUC. 83, 83 (2020), <https://doi.org/10.1007/s40037-020-00562-8>.

124. *Id.*

who reported significant impostorism also reported higher levels of depression, anxiety, psychological distress, and minority student status stress.<sup>125</sup> While research on imposter syndrome among United States law students is limited, a study of the experiences of Indigenous law students may be instructive. That study revealed that imposter syndrome manifested in Indigenous students as feelings of social and academic isolation, and that such feelings created a barrier to students completing their studies.<sup>126</sup> Studies on college students found mature students (defined as twenty-one years or older) more at risk for imposter syndrome.<sup>127</sup> Those students expressed fear of being judged harshly for less-than-perfect assignments and fear of being judged by their classmates.<sup>128</sup>

The psychological attributes associated with imposter syndrome include perfectionism, anxiety, and neuroticism.<sup>129</sup> Studies of imposter syndrome among medical students is illustrative, especially given similarities in anxiety and depression markers between medical and law students. In the medical profession, imposter syndrome has been associated with related mental health issues such as pervasive self-doubt, anxiety, burnout, increased substance use, depression, and suicide.<sup>130</sup> Described as a culture of “low psychological safety,” traditional medical learning and training environments have been said to promote anxiety and impostorism by viewing student doubts and fears as signs of weakness.<sup>131</sup> Studies of medical students have also shown that impostorism impedes professional identity formation.<sup>132</sup> The same is likely true for law students. As the intensity of imposter feelings tend to increase during career transitions, it makes sense that the

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125. Jeremy Bauer-Wolf, *Feeling Like Impostors*, INSIDE HIGHER ED, (Apr. 6, 2017), <https://www.insidehighered.com/news/2017/04/06/study-shows-impostor-syndromes-effect-minority-students-mental-health> (following a study by the University of Texas at Austin of 332 minority undergraduate students); see also Ling Le, *Unpacking the Imposter Syndrome and Mental Health as a Person of Color First Generation College Student Within Institutions of Higher Education*, 15 MCNAIR RSCH. J. SJSU 21, 22 (2019), <https://scholarworks.sjsu.edu/cgi/viewcontent.cgi?article=1035&context=Mcnair>.

126. Melanie Schwartz, *Retaining Our Best: Imposter Syndrome, Cultural Safety, Complex Lives and Indigenous Student Experiences of Law School*, 28 LEGAL EDUC. REV. 1, 7 (2018).

127. Le, *supra* note 125, at 30–31.

128. *Id.* at 31.

129. *Imposter Syndrome*, PSYCH. TODAY, <https://www.psychologytoday.com/us/basics/imposter-syndrome> (last visited Sept. 9, 2021).

130. Anique Atherley & Stephanie N E Meeuwissen, *Time for Change: Overcoming Perpetual Feelings of Inadequacy and Silenced Struggles in Medicine*, 54 MED. EDUC. 92, 92 (2020), <https://onlinelibrary.wiley.com/doi/epdf/10.1111/medu.14030>.

131. *Id.* at 93.

132. Levant et al., *supra* note 123, at 84.

syndrome increases in medical students as they move from the preclinical to the clinical stages of training.<sup>133</sup> I see the same phenomenon in my clinical law students as they move from the classroom to clinical law practice. They demonstrate significant levels of insecurity and impostorism as they assume the role of representing actual clients, even when their performance demonstrates high levels of proficiency.

i. What Law Schools Can Do: Provide Direct Support

Many students experience imposter syndrome at some point in their studies. Those who overcome it usually have received direct personal support from their professors, mentors, or others in their institution.<sup>134</sup> Some solutions include the use of upper-level peer mentors with whom beginning students can share their feelings and gain a sense of belonging,<sup>135</sup> improving cultural competence in the classroom to boost feelings of safety and belonging,<sup>136</sup> fostering a sense of community on campus,<sup>137</sup> and understanding the relationship between complex lives and academic success.<sup>138</sup>

4. Source of Anxiety: Stereotype Threat

Stereotype threat is another phenomenon that is attached to the stress and anxiety especially experienced by people of color and commonly seen in students.<sup>139</sup> While distinct concepts, both imposter syndrome and stereotype threat underscore the anxiety that some groups who have been marginalized, such as women and people of color, experience based on how they interpret and internalize the perceptions of others. Whether they feel as though they do not belong (i.e., imposter syndrome) or they feel as though they must prove they belong (i.e., stereotype threat), some groups are hyper-aware of how they are othered, and this awareness influences how they navigate spaces. Instead of being their full selves, they mask, camouflage, or alter their being to be accepted by the majoritarian group. In addition, for individuals who identify with two or more

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133. *Id.* at 89.

134. *Le, supra* note 125, at 31.

135. *Id.* at 31–32.

136. Schwartz, *supra* note 126, at 13.

137. *Id.* at 16.

138. *Id.* at 17.

139. Callie Womble Edwards, *Overcoming Imposter Syndrome and Stereotype Threat: Reconceptualizing the Definition of a Scholar*, 18 *TABOO: J. CULTURE & EDUC.* 1, 19–20 (2019).

marginalized groups, [such] intersectionality . . . can overlap creating multilayered experiences with identity-based oppression.<sup>140</sup>

Stereotype threat adds to already present anxiety for students and can negatively impact the performance of members of stereotyped groups. Specifically, the threat interferes with the brain's capacity to process information, making memory, cognition, and mental processing more difficult, and it can get worse over time.<sup>141</sup> "The lower performance occurs because the psychological impact of the existence of a risk of confirming the group stereotype works to limit the individual's ability to perform up to capacity on the task."<sup>142</sup> In addition, the more a person is aware of the negative stereotype, the worse that person will perform.<sup>143</sup> For law students at the bottom of their class, stereotype threat increases the danger of them performing badly on the bar exam, regardless of their individual abilities.<sup>144</sup> Fortunately, some interventions have been shown to ameliorate the effects of stereotype threat.

i. What Law Schools Can Do: Neutralize it Through Feedback and Belonging

Academic institutions have substantial control over the prevalence of stereotype threat, as students' experience of it is often in response to their immediate environment.<sup>145</sup> Studies reveal that directly acknowledging the existence of stereotype threat can neutralize it, as can providing feedback to students that both holds them to a high standard and affirms the students' ability to meet that standard.<sup>146</sup> With respect to the bar exam, a reframing of students' understanding of the exam can reduce negative stereotypes. For example, academic support programs can clearly communicate to students that the bar exam is a test of preparation rather than a test of intelligence.<sup>147</sup> Other interventions include providing students with positive images of

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140. *Id.*

141. Russell A. McClain, *Helping Our Students Reach Their Full Potential: The Insidious Consequences of Stereotype Threat*, 17 RUTGERS RACE & L. REV. 1, 12 (2016).

142. *Id.* at 12.

143. Catherine Martin Christopher, *Eye of the Beholder: How Perception Management Can Counter Stereotype Threat Among Struggling Law Students*, 53 DUQUESNE L. REV. 161, 165 (2015).

144. *Id.* at 165–66. ("The pressure to perform, and to counter the stereotype, may actually inhibit students from performing up to their natural capabilities, like an athlete who 'chokes' in a crucial moment.").

145. McClain, *supra* note 141, at 23–24.

146. *Id.* at 24–25.

147. Christopher, *supra* note 143, at 172.

people with whom they identify, exposure to positive role models, opportunities for conscious reflection, and mindfulness practices.<sup>148</sup>

Reducing or dissolving stereotype threat may also occur when faculty members celebrate students' struggle as a sign of emotional strength rather than weakness.<sup>149</sup> One scholar also suggests that struggling students may find support during bar study from lawyers who graduated with low GPAs but succeeded in passing the bar exam.<sup>150</sup> Interventions such as these are needed and appropriately begin with actions within law schools. One scholar who has lived with stereotype threat, however, voiced the importance of students themselves actively unlearning what these experiences implicitly teach.<sup>151</sup> Recognizing her own tendency to self-criticize, she articulates the importance of acknowledging the systemic origins of stereotype threat and practicing self-compassion.<sup>152</sup> She asks the questions, "*What power differentials are at play? How does the environment contribute to the situation? What messages are being promoted explicitly or implicitly? How does this current situation relate to my past lived experiences?*"<sup>153</sup> For that scholar, such inquiry allows her to mentally shift from a place of condemnation and self-doubt to freedom.<sup>154</sup>

## 5. Dysfunction: Teamwork Without True Collaboration

Law schools generally do a great job of creating opportunities for students to work together outside of the classroom through moot court competitions, student affinity groups, law journal boards, and other activities. Such teamwork helps students to use their individual efforts to achieve a goal, but it does not necessarily teach students how to collaborate. Collaboration occurs when people combine their knowledge, efforts, perspectives, and expertise in order to achieve a common outcome.<sup>155</sup> Beyond teamwork, where typically a team leader directs the group and each individual team member contributes their part, collaboration requires more than simply working together, it also involves *thinking together*. Collaborators are equal partners

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148. McClain, *supra* note 141, at 24–26.

149. Christopher, *supra* note 143, at 174–75.

150. *Id.* at 175.

151. Edwards, *supra* note 139, at 32.

152. *Id.*

153. *Id.* (emphasis added).

154. *Id.*

155. Heidi K. Gardner, *Collaboration in Law Firms*, THE PRAC., Sept.–Oct. 2015, at 1, <https://thepractice.law.harvard.edu/article/collaboration-in-law-firms/>.



who create together an end product through a process that reflects an investment in the mutual growth of each person involved. In addition to the benefits of collaboration discussed below, law schools should recognize that Gen Z students, like the Millennials preceding them, have grown up in collaborative learning environments and tend toward team-based approaches.

i. What Law Schools Can Do: Emphasize Collaborative Learning

Collaboration as a lawyering skill finds early support in the 1992 ABA MacCrate Report, which identified “collaborating with other attorneys in the same office or other offices” as an essential element of efficient law office management.<sup>156</sup> The MacCrate Report concluded that “effective collaboration with others” was a critical skill, “regardless of whether a lawyer is a solo practitioner, a partner or associate in a firm, or a lawyer in public service practice.”<sup>157</sup> Yet, twenty-five years later, collaboration still does not receive high priority as a practice skill outside of clinics, legal writing, and skills courses.<sup>158</sup>

This underemphasis of collaborative learning spaces in law schools has its origins in the traditional culture of competition between law students. Some of the blame for this competition goes to law school grading policies that reinforce the “zero sum, you win I lose” competitive culture in the legal academy. Such a system results in “the (accurate) message that success is only to be determined by besting your classmates, not by the absolute measure of your understanding.”<sup>159</sup> Arguably, professors share some of the blame for the competitive culture. “[L]aw students learn more than just law from their professors. They also learn what it means to be a lawyer. In terms of their psychological and intellectual development, [p]robably the greatest role models for students are faculty members themselves. To the extent that law professors avoid collaboration, so will their students.”<sup>160</sup>

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156. ROBERT MACCRATE, *LEGAL EDUCATION AND PROFESSIONAL DEVELOPMENT: AN EDUCATIONAL CONTINUUM* 201 (AM. BAR ASSOC. 1992).

157. *Id.*

158. Janet Thompson Jackson & Susan R. Jones, *Law & Entrepreneurship in Global Clinical Legal Education*, 25 *INT’L J. CLIN. LEG. EDUC.* 85, 117 (2018), <https://doi.org/10.19164/ijcle.v25i3.769>.

159. *Id.* (quoting Michael I. Meyerson, *Law School Culture and the Lost Art of Collaboration: Why Don’t Law Professors Play Well with Others?*, 93 *NEB. L. REV.* 547, 556 (2014)).

160. *Id.* at 118–19; see also Janet Weinstein, Linda Morton, Howard Taras & Vivian Reznik, *Teaching Teamwork to Law Students*, 63 *J. LEGAL EDUC.* 36, 36 (2013) (“[L]aw professors unfu-

The consequences of the legal academia's underutilization of collaborative learning are many, and increasingly harmful in a global society. "Among the many critiques of legal education are criticisms that law students do not graduate with effective emotional intelligence<sup>161</sup> skills — in particular, they have not learned to work well with others."<sup>162</sup> Sending new lawyers into the workforce with low emotional intelligence ("EI") is problematic on multiple levels, but perhaps most strikingly, as it relates to well-being. From an emotional and mental health perspective, weak EI translates to lower resiliency, which often results in problems accepting failure, rejection, and loss.<sup>163</sup> It should then follow that collaborative skills would give rise to emotional intelligence and, correspondingly, to greater resilience, by offering students opportunities to exercise judgment, self-awareness, and relationship building. Resilience, defined as "the ability to recover from or adjust easily to misfortune or change,"<sup>164</sup> is critical for law students and legal professionals at any time, and especially so during times of unusual stress and uncertainty.

Considering the many benefits of collaborative learning, along with the expectation of collaborative lawyering, law schools should include collaboration as a core learning objective. Professors can honor diverse learning styles when teaching collaboration by communicating that students who learn through "deliberation, contemplation and quiet reflection" are as valued as those who actively participate in the classroom.<sup>165</sup> Collaborative skills may take more time to master, but it would be worth the effort to help mitigate the loss of interpersonal skills and empathy typically experienced in law school while also equipping students with the skills they need to excel in the increasingly diverse United States workforce and global marketplace.

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miliar with teamwork theory and practice are unlikely to use teams to engage students in learning.").

161. The term emotional intelligence became widely known through the work of Daniel Goleman, who describes it as an array of emotional competencies consisting of self-awareness, self-management, social awareness, and relationship management. See Daniel Goleman, *What People (Still) Get Wrong About Emotional Intelligence*, HARV. BUS. REV., Dec. 22, 2020; see also Martin, *supra* note 91, at 420.

162. Sophie M. Sparrow, *Can They Work Well on a Team? Assessing Students' Collaborative Skills*, 38 W.M. MITCHELL L. REV. 1162, 1162 (2012).

163. See Larry Bridgesmith, *Collaboration Is the Future, Not Competition*, ABA (Sept. 1, 2018), [https://www.americanbar.org/groups/law\\_practice/publications/law\\_practice\\_magazine/2018/SO2018/SO2018Bridgesmith/](https://www.americanbar.org/groups/law_practice/publications/law_practice_magazine/2018/SO2018/SO2018Bridgesmith/).

164. *Resilience*, MERRIAM-WEBSTER, <https://www.merriam-webster.com/dictionary/resilience> (last visited Sept. 10, 2021).

165. See Thompson Jackson & Jones, *supra* note 158 (quoting A. Rachel Camp, *Creating Space for Silence in Law School Collaborations*, 65 J. LEGAL EDUC. 897, 899 (2016)).

6. Source of Anxiety: Race-Based Traumatic Stress

Race-Based Traumatic Stress (“RBTS” or “racial trauma”) is a mental and emotional injury experienced by BIPOC.<sup>166</sup> While studies do not yet exist on how RBTS impacts law students in particular, we know that BIPOC law students experience racism, and that racism itself is traumatic. Particularly relevant to current events in the United States, increased racism occurs during national challenges and times of tragedy.<sup>167</sup> Middle Eastern Americans, including law students, experienced increased discrimination following September 11, 2001.<sup>168</sup> Asian Americans, including law students, have been targeted as the source of COVID-19 in the United States, even at the level of the presidential administration and some media referring to COVID-19 as the “Chinese virus” or “kung flu.”<sup>169</sup> In fact, the effects of cultural and structural<sup>170</sup> racism have been felt in the U.S. since its formation. And while all people of color are at risk of experiencing racial trauma, Black Americans face the highest risk because of historical and systemic anti-Black racism.<sup>171</sup> Belonging to multiple marginalized groups compounds the impact of racism and may increase experiences of racial trauma.<sup>172</sup> Therefore, RBTS must also be viewed through the intersectional lenses of race, gender, sexuality, and disability. Additionally, RBTS can have intergenerational effects. Specifically, historical traumatic events such as “colonization, genocide, slavery, dislocation, and other related trauma” can create epigenetic “soul

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166. ROBERT T. CARTER & ALEX L. PIETERSE, MEASURING THE EFFECTS OF RACISM: GUIDELINES FOR THE ASSESSMENT AND TREATMENT OF RACE-BASED TRAUMATIC STRESS IN JUNE 7 (Columbia Univ. Press 2020).

167. Sabrina R. Lui & Sheila Modir, *The Outbreak that Was Always Here: Racial Trauma in the Context of COVID-19 and Implications for Mental Health Providers*, 12 AM. PSYCH. ASS'N 439, 439–42 (2020).

168. *Id.*

169. *Id.* at 440.

170. Structural racism is

a complex, dynamic system of conferring social benefits on some groups and imposing burdens on others that results in segregation, poverty, and denial of opportunity for millions of people of color. It comprises cultural beliefs, historical legacies, and institutional policies within and among public and private organizations that interweave to create drastic racial disparities in life outcomes.

William M. Wiecek, *Structural Racism and the Law in America Today: An Introduction*, 100 KY. L.J. 1, 5 (2011).

171. See generally RESMAA MENAKEM, MY GRANDMOTHER'S HANDS: RACIALIZED TRAUMA AND THE PATHWAY TO MENDING OUR HEARTS AND BODIES *passim* (Central Recovery Press 2017); *Coping with Racial Trauma*, UNIV. GA. DEP'T PSYCH., <https://www.psychology.uga.edu/coping-racial-trauma> (last visited Sep. 9, 2021).

172. UNIV. GA. DEP'T PSYCH., *supra* note 171.

wounds” that parents pass on to their children.<sup>173</sup> That means that the horror that most everyone felt when viewing the brutal killing of George Floyd by police may trigger RBTS in some black people.

Racial trauma shares symptoms with post-traumatic stress disorder (“PTSD”), such as re-experiencing traumatic events; increased somatic disorders; chronic stress and depression; anger; increased sensitivity to threat; increased vigilance and suspicion; low self-esteem and avoidance, which to law students, can manifest as decreased willingness to take academic risks.<sup>174</sup> Distinct from PTSD, however, racial trauma contains the accumulation of experiences of racism, which can extend to a larger collective of historical and generational encounters with racism.<sup>175</sup>

Given the number of first-generation BIPOC law students and the ongoing racial hostility encountered by students of color at predominantly white law schools, racial trauma must be addressed when considering the wellness needs of students. As students of color engage in protests and other activities to fight racial injustice, they frequently ignore their own wellness needs and may have less emotional bandwidth to perform academically.<sup>176</sup> Studies on adult learners found that such trauma may negatively affect student learning with regards to storing and retrieving new information, vocabulary, and in other ways.<sup>177</sup>

Dealing with regular microaggressions and overt acts of racism on an individual level, while also living through the constant debates and discussions of systemic and institutional racism, can be sources of pain, trauma and stress. . . . Additionally, the coronavirus pandemic has had a disproportionate impact on Black and brown people who have died from COVID-19 and suffered financially at much higher rates than white people.<sup>178</sup>

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173. Lillian Comas-Díaz, Gordan Nagayama Hall & Helen A. Neville, *Racial Trauma: Theory, Research, and Healing: Introduction to the Special Issue*, 74 AM. PSYCH. 1, 2 (2019), <http://dx.doi.org/10.1037/amp0000442>.

174. UNIV. GA. DEP'T PSYCH., *supra* note 171.

175. Della V. Mosley, Candice N. Hargons, Carolyn Meiller, Blanka Angyal, Paris Wheeler, Candice Davis & Danelle Stevens-Watkins, *Critical Consciousness of Anti-Black Racism: A Practical Model to Prevent and Resist Racial Trauma*, 68 J. COUNS. PSYCH 1, 1 (2020), <http://dx.doi.org/10.1037/cou0000430>.

176. Greta Anderson, *The Emotional Toll of Racism*, INSIDE HIGHER ED (Oct. 23, 2020), <https://www.insidehighered.com/news/2020/10/23/racism-fuels-poor-mental-health-outcomes-black-students>.

177. *Id.*

178. *Id.*

Not only students experience race-based trauma. BIPOC faculty often find themselves in the position of having to perform their academic obligations as usual while at the same time supporting BIPOC students and living with their own trauma. Faculty of color also expend considerable emotional and physical energy responding, on the one hand, to concerned colleagues who want to dialogue about anti-racism and contribute to meaningful change, and on the other hand, to colleagues who insist that *all lives matter*, thereby discounting BIPOC experiences and grievances. In addition, non-tenured faculty may feel pressure to remain silent or carefully manage their responses about racial injustice, and specifically about implicit bias among their own faculty, to advance in their institution.

i. What Law Schools Can Do: Name It, Hold Space, and Provide Allyship

One of the most important responses to RBTS is to acknowledge its existence and the vulnerability of BIPOC students who may be experiencing it. If law school administrators understand the symptoms and triggers, they can take steps to proactively address it. Creating supportive communities and spaces for students and faculty of color to share their stories and feel validated can go a long way to counteracting the devaluation that racism brings.

Law schools can also provide allyship training to address RBTS and the trauma of “otherism” in law school. The concept of allyship has early roots in the 1920s Harlem Renaissance, but allyship has been most closely connected to the 1990s LGBT political movement.<sup>179</sup> More recently, the concept of allyship has arisen in the Black Lives Matter movement, though a dearth of research exists that examines ally activism on behalf of BIPOC and communities.<sup>180</sup> A useful definition of allyship in the context of racial injustice is “a *strategic* mechanism used by individuals to become *collaborators*, *accomplices*, and *co-conspirators* who fight injustice and promote equity . . . through supportive personal relationships and public acts of sponsorship and advocacy.”<sup>181</sup> Citing evidence-based best practices for becoming an

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179. Breana Z. Clark, *Enhancing Racial Allyship at a Predominately White Institution*, UNIV. SAN DIEGO SCH. LEADERSHIP & EDUC. SCI., Spring 2019, at 7-8.

180. *Id.* at 8.

181. Tsedale M. Melaku, Angie Beeman, David G. Smith, & W. Brad Johnson, *Be a Better Ally*, HARV. BUS. REV., Nov.-Dec. 2020, <https://hbr.org/2020/11/be-a-better-ally> (emphasis in original).

ally, scholars listed a number of ways for people in positions of power and privilege to support colleagues of color. Some practices include adopting a learning mindset, owning one's own privilege, accepting feedback, becoming a confidant, creating a community of allies, and most critically, speaking up and shutting down racist comments and behavior.<sup>182</sup> Perhaps most importantly, support comes through believing a person's experience rather than questioning it. Scholars warn against gaslighting, the "psychological manipulation that creates doubt in victims of sexist or racist aggression, making them question their own memory and sanity."<sup>183</sup> While it is not possible to always know if a law student experiences race-based or other trauma, certain mindfulness strategies, described later in this article, can be helpful for any student and have been shown to help those living with trauma.

## 7. Dysfunction: What We Model

Even before the coronavirus pandemic, the typical academic may have found setting boundaries between work and life challenging. Now with Zoom meetings from home and students in multiple time zones, those boundaries are more blurred than ever. Many professors can likely relate to one faculty member's comment that, "faculty are expected to be available to their students not merely during office hours but via email and social media as well, which results in a daily avalanche of requests on their time and attention. With the hours students keep, academia becomes a 24/7 job."<sup>184</sup>

Assuming the truth of that statement, we need to change what we are modeling in legal education.

### i. What Law Faculty Can Do: Incorporate Wellness in Our Own Lives

Law school faculty and administrators can take small steps to incorporate wellness in our own lives and, thereby, model wellness to students. To start, faculty can consider: (1) What days and times do we send emails to students?; (2) How do we use (and talk about) our weekends and holiday time?; (3) How do we demonstrate flexibility or innovation in our classrooms or curricula?; and, (4) How do we model anti-racism through coursework and professional conduct?

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182. *Id.*

183. *Id.*

184. Philip Preville, *Work-Life Balance: A Guide for Professors*, TOP HAT (Apr. 24, 2019), <https://tophat.com/blog/work-life-balance-guide/>.

All of these considerations begin with reflection. As faculty, we often feel like we are on a treadmill that never stops. In reality, we must stop the treadmill (or jump off) and give ourselves space and time to reflect so that we can be more fully present in our own lives and for our students. While work-life balance may represent more of a myth than a realistic aspiration, work-life harmony or integration is achievable. A helpful place to begin is with awareness. Awareness of how we spend our time and whether those choices align with our values and desires. Awareness of how much of our time, if any, is dedicated to self-care. We too often, especially women, put the needs of everyone else in our lives before our own. But, in reality we cannot give to others what we lack in ourselves.

Integrating self-care into our lives begins with making the daily choice to do so. All of the self-care practices included in this article can be adopted by anyone who chooses to try them and determine what works for them. Some practices, such as yoga, tai chi, or certain meditation methods may require some training and practice to feel proficient or see results, but others may offer immediate relief. For example, I rarely give a class or presentation these days where I do not ask the students or audience to take a moment to breathe consciously. Taking less than three minutes, I ask the audience to (1) close their eyes or lower their gaze, (2) notice their connection to the chair or seat holding them, (3) notice their breathing and where they feel their breath in their bodies, (4) allow their bodies to relax, starting with softening their eyes and jaw, then their shoulders, back muscles, hips, legs, and feet, (5) and rest in that relaxed state for a few seconds. I have noticed that even people who resist following my cues become quiet and more relaxed. Simply being part of a relaxed environment appears to benefit people. Try it.

## V. PRACTICES TO SUPPORT STUDENT WELLNESS

### A. Using the Wellness Matrix: Personally

I will use the Wellness Matrix as a guide in demonstrating how wellness practices can be incorporated during in-person and Zoom classes and in presentations. But first, I want to share some of my own personal practices because my ability to support my students' wellness begins with my taking care of myself.

A quick and easy way to brighten my morning involves essential oils. I spread a few drops of an invigorating oil like orange or lemon

on the floor of my shower and inhale the scent. It is surprising how such a small act can bring me so much joy. I meditate every day. I didn't always have a daily meditation practice, but it is something I developed when I realized the benefits I reaped from my practice, such as sustained emotional equilibrium, increased compassion, and better sleep. Even weekly or occasional meditation is helpful.

I move my body almost every day, either through yoga, walking, or biking. I walk in nature as much as possible and I try to journal daily, even if to write just one gratitude for the day. If I am having an extremely busy day my yoga practice may be five minutes. I find that consistency is more important than quantity. If, however, my body tells me to rest instead of move, I honor that. I have a morning waking ritual that does not involve looking at my phone or other screen. After my meditation and gentle stretching, I have a drink of warm lemon water before I consume anything else. Getting my lemon water is my signal to start my screen time if I wish. It took practice to release the habit of reaching for my phone first thing in the morning, but I have found that those few minutes without checking my email, texts, or the latest news helps me to ease into my day more calmly. I also give myself social media breaks. Several days may go by when I do not check social media, which may mean that I am extending belated birthday wishes and missing friends' posts, but I now enjoy the occasional disconnection. I try to schedule phone or video check-ins with my community of friends on a regular basis. Finally, I do something for enjoyment every day. Recently my sixteen-year old daughter noted that I did not have any fun hobbies. In response to her astute observation, I began taking violin lessons again.

## B. Using the Wellness Matrix: With Students

We can adopt a range of practices to support student wellness. Exhibit 4 below lists some of the practices from the five categories of physical wellness, emotional/spiritual wellness, mental wellness, relational wellness, and material wellness.



Exhibit 4. Wellness Practices Across the Matrix

Wellness Practices Across the Matrix				
Physical Tools	Emotional/Spiritual Tools	Mental Tools	Relational Tools	Material Tools
<ul style="list-style-type: none"> <li>• Get Moving</li> <li>• Regularly take Meds &amp; Supplements</li> <li>• Eat Healthy/Mindfully</li> <li>• Get Restorative Sleep</li> <li>• Spend Time in Nature</li> <li>• Drink Alcohol Responsibly</li> <li>• Take Standing Breaks from Computer Hourly</li> </ul>	<ul style="list-style-type: none"> <li>• Practice Meditation/Mindfulness</li> <li>• Connect with Faith/Spirituality</li> <li>• Be Emotionally Honest</li> <li>• Express Creativity</li> <li>• Practice Self-Compassion</li> <li>• Get Centered at the Beginning of the Day</li> <li>• Express Gratitude</li> <li>• Practice Forgiveness</li> </ul>	<ul style="list-style-type: none"> <li>• Strike a Weekly Balance</li> <li>• Seek Career Happiness &amp; Fulfillment</li> <li>• Use High Frequency Thinking</li> <li>• Read / View / Listen for Uplift</li> <li>• Create a Routine</li> <li>• Protect Down Time</li> <li>• Seek Help When Needed</li> <li>• Take Breaks from Electronic Devices</li> <li>• Create a Personal Wellness Plan</li> </ul>	<ul style="list-style-type: none"> <li>• Engage Your Community</li> <li>• Nurture Relationships</li> <li>• Do Pro Bono Work</li> <li>• Practice Anti-Racism</li> <li>• Be Collaborative</li> <li>• Have an Accountability Partner</li> <li>• Be Kind</li> </ul>	<ul style="list-style-type: none"> <li>• Gain Financial Literacy</li> <li>• Seek Counseling for Student Loan Debt</li> <li>• Create a Positive Home Environment</li> <li>• Ensure the Safety of Your Physical Space</li> <li>• Ensure Adequate Technology for Professional, Medical, and Personal Needs</li> </ul>

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Below, I describe in brief how I use one practice from each wellness dimension in my teaching.

Wellness Dimensions	Practices
Physical	<i>Take standing or stretching breaks.</i> If a class or presentation is more than one hour, pause and invite the students to stand or stretch in their seats.
Emotional/ Spiritual	<i>Emotional expression.</i> Before beginning class, ask students to write down one thing they are grateful for that day. <sup>185</sup>
Mental	<i>Entertainment.</i> At the beginning or end of class, ask students what they like to do for fun and encourage them to protect down time, even during busy periods. Perhaps share something you do to unwind.
Relational	<i>Practice anti-racism.</i> When teaching, be deliberate about unpacking concepts of privilege and power and how those are reflected in your area of teaching/practice. Also be intentional about featuring scholars of color in assigned readings.
Material	<i>Safe space.</i> Create a safe and positive physical or virtual space for students by being conscious of how course materials, language used by you and students, and body language may affect students.

In addition to the examples above, my classroom strategies include being as transparent as possible with my students about expectations, including sharing with them that I am concerned about and invested in their wellness. Specifically, I share the statistic that entering law students have a psychological profile similar to the general public, but by the end of their third year up to 40% of law students will experience anxiety or depression. I let them know that I am sharing that information to let anyone in that situation know that they are not alone. But, I also believe that a downward trend in mental health during law school places some responsibility on me to try to mitigate that. I let them know that I will do that by talking to them about wellness and facilitating some short self-care practices during class. I also invite my students to extend grace to each other, and in a clinical setting, to their clients. That does not mean excusing behavior, but it

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185. *Giving Thanks Can Make You Happier*, HARV. HEALTH PUBL'G (Aug. 14, 2021), <https://www.health.harvard.edu/healthbeat/giving-thanks-can-make-you-happier> (explaining that acknowledging even one gratitude daily improves mental health and life satisfaction).

does ask students to consider not only the actions of others, but also their needs and circumstances. That is my way of introducing empathy into my courses as I seek to model that for my students. Witnessing a student occupy that space of grace and empathy has been one of the most rewarding experiences of my teaching career.

### C. Putting the Practices to Work

Having a collection of wellness practices is one thing, knowing what practices to use and when to use them is another. To make these practices as accessible as possible I have categorized practices that, through my experience, work well in groups, individually, via email or video, and in conjunction with other support networks.

#### 1. Supporting Student Wellness in Group Classes

In addition to the breathing and gratitude examples already given, I often spend approximately five minutes or less on the following practices.

*Word for the day.* Ask students to write a word or phrase that expresses their intention or desire for that day. I often give them an example to get them started, such as “calm,” “energy,” or “I am prepared.”

*Brain dump.* Often at the end of a class I will ask students to take thirty seconds to list all of their worries or repetitive thoughts on a piece of paper. I then give them thirty seconds to circle anything on the list they have *no* control over. For another thirty seconds they transfer everything that is not circled to another piece of paper. I then have them review the list of things they *do* have control over and invite them to later (outside of class), create a plan to address the things they can control and release the things they cannot control. Students have told me that the act of simply writing their worries on paper gives them emotional release.

*Share your stories.* Without revealing anything too personal, share your own joys and challenges. Doing so makes faculty more accessible to students and also gives faculty a chance to model how they handle different situations.

*Mindfulness exercise.* Invite students to do the 5-4-3-2-1 exercise where, in the environment immediately around them, they silently note five things they can see, four things they can feel with their touch,

three things they can hear, two things they can smell, and one thing they can taste. End with one good thing about themselves.

## 2. Supporting Student Wellness in Individual Meetings

*Invite conversation.* Ask a student about their biggest current challenge and what they can do immediately to try to overcome it. I find that asking about the biggest challenge helps to narrow a student’s focus to one area they can then take steps to resolve.

*Time management.* Suggest time management systems for students struggling with prioritization, organization, and focus.

*Resources.* Suggest resources for dealing with boundary setting, trauma, and mental health concerns.

*Personal Wellness Plan.* Help students develop a personal wellness plan by asking them to identify one current wellness goal, why it is important to them, how they plan to achieve it, what obstacles they might encounter, and to name an accountability partner.

Exhibit 5 provides a Personal Wellness Plan template.

Exhibit 5. Personal Wellness Plan Template

Personal Wellness Plan for:					
How I Define Wellness:					
Wellness Matrix:	Physical	Emotional / Spiritual	Mental	Relational	Material
Goal:					
Why:					
Plan:					
Obstacles:					
Accountability:					
Wellness Matrix Elements:	<ul style="list-style-type: none"> <li>• Movement</li> <li>• Health &amp; Medical Care</li> <li>• Nutrition</li> <li>• Sleep</li> </ul>	<ul style="list-style-type: none"> <li>• Mindfulness/ Meditation</li> <li>• Faith/Spirituality</li> <li>• Emotional Expression</li> <li>• Creativity</li> </ul>	<ul style="list-style-type: none"> <li>• Learning</li> <li>• Career</li> <li>• Professional Development</li> <li>• Entertainment</li> </ul>	<ul style="list-style-type: none"> <li>• Community</li> <li>• Personal and Professional Relationships</li> <li>• Consensual Intimacy</li> <li>• Service/Justice Work</li> </ul>	<ul style="list-style-type: none"> <li>• Finances/Credit</li> <li>• Student Loans</li> <li>• Housing</li> <li>• Physical Space</li> </ul>

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### 3. Supporting Student Wellness via Email

Send wellness tips to students as part of a larger email or separately. Check-in and follow-up with students who have expressed concerns or have met with you individually. Provide access to videos or resources on wellness topics.

### 4. Supporting Student Wellness in Connection with Other Networks

Create student awareness of university or law school wellness programs and events. Provide information about your local lawyer's assistance program. Invite guests to speak in your class on wellness topics.

Below are a few comments from students about what it means to them to have wellness incorporated into their law school experience.

#### D. Student Testimonials

I am a law student and had the opportunity to hear your presentation to our class. I just wanted to reach out and express my appreciation for your presentation. I particularly appreciated how candid you were about your own experiences dealing with mental health and burnout issues. I feel that your presentation has influenced me to be more active and deliberate in my approach towards my own self-care.

–Wayne State law student

I am thankful for a space where PJJ [Professor Janet Jackson] has acknowledged the stressful times that everyone is going through and offered to listen if we needed it. It helped to have a professor acknowledge what we're going through and to affirm that it is okay if it takes some time to adjust or even find a new routine. Simply having PJJ affirm my feelings was extremely reassuring for me, it made me feel seen.

–Washburn Law School student (early COVID-19)

“We appreciate your guidance and calm leadership during this uncertainty . . . [Your] class could not have come at a better time. Thank you for how well you share your gifts of understanding the natural tools we have to function in the world.”

–Washburn Law School student

“After my first year of law school I was not expected to pass the bar. You encouraged me to try again and to keep working toward

my goals. Now, not only [am I licensed in two jurisdictions], I'm the president-elect of my local bar association!"

–Washburn Law School alum

Thank you so much for offering this class. I really enjoyed the content, as well as your teaching style. There are some pretty obvious (at least to me) reasons why law school is so stressful, and many of them can be resolved by how professors treat and evaluate students. I think you are doing more than your part to help with this!

–Visiting law student

You, personally, have done wonders for my confidence and I always hear your voice in my head when I'm being too critical, hard, or down on myself, reminding me to be kind and give myself a break. The lessons you've taught me about self-care resonate more strongly each day. Thanks again for all you do and the investment you make in your students.

–Washburn Law School student

## VI. CONCLUSION

The wellness crisis in the legal profession begins in law school. For far too long we have known that, but we have failed to adequately address it. While we may be graduating students who are capable passing the bar and securing employment, too many of those same students lack the foundation of a complete professional identity that will support them as they navigate the stresses inherent in the legal profession. That foundation must be one of wellness if we are serious about ending the cycle of anxiety, depression, extreme stress, and suicide in law schools and the legal profession.

The time for action is now. Just as other movements have galvanized the public to demand change, so too must legal education take action to comprehensively address its lack of wellness. This is especially urgent in light of the recent global and national events of COVID-19 and protests over ongoing racial injustice. These events challenge the coping mechanisms of students who already struggled to manage anxiety, depression, and addiction in addition to creating anxiety for students who feel newly anxious and overwhelmed by societal events.

Needed action begins with acknowledging the sources of anxiety created or exacerbated by law school culture and then addressing the willingness to make systemic changes. And, as law faculty and admin-

istrators, we must also be willing to support student wellness by addressing how we model wellness ourselves.

While this article focuses on what can and should be done in law schools to support student wellness, the entire legal profession would do well to consider how employers can better support legal professionals. Our very lives and our profession depend on it.

VII. APPENDIX: SAMPLE OF WELLNESS PRACTICES IN LEGAL EDUCATION

- A. UC Berkeley School of Law
  - (a) *Mindfulness Weekly Wit*, 4-part workshop offered to all students each fall/spring, contacts: Emily Bruce and Sue Schechter
  - (b) *Mindfulness and Law*, 2-unit course, offered each fall or spring: Judi Cohen
  - (c) *Satisfaction in Law and Life*, 1-unit course, offered each spring
  - (d) *How to Be Happy in Law School*, 1 unit course, offered this fall: Kristen Holmquist
  - (e) *Human Centered Lawyering Initiative* offers meetings (including a monthly Community Craft Circle) and other events throughout the semester, contacts: Molly Van Houweling and Kristen Holmquist
  
- B. Denver Law School
  - (a) *Guest speakers*, Patience Crowder, Denver
  
- C. George Washington University Law School
  - (a) Ice-breaker interview in clinic orientation. Questions include: *what brings student attorneys joy and balance?*;
  - (b) One-word check in periodically. *How are you feeling?*;
  - (c) Learning Goals Worksheet questions include: what are you most passionate about and what activities and experiences bring you peace and energy?, *Susan R. Jones, George Washington University*
  
- D. Loyola – Chicago Law School
  - (a) *Leadership Lab* - a program where students get points for taking courses and participating in activities involving leadership skills that includes a heavy emphasis on mindfulness, wellness and dispute resolution
  - (b) *Mindfulness* sessions two times a week for the law school community. Students, faculty, staff and families participate regularly
  - (c) *Community Building Circles* - a number of students, faculty and staff have been trained to facilitate talking circles. The



law school holds circles on a regular basis and particularly when disturbing events are in the news.

- (d) *Professional Identity Formation* - a required course for 1L students held in a circle format to build community with a special focus on anti-racism as part of professional development.
- (e) *Lawyers Assistance Program* - on campus, University wellness services extended to law students, including mental health services, *Chipo Nyambuya and Teresa Frisbie, Loyola - Chicago*

E. *McGeorge Law School*

- (a) *Alternative wellness activities* (from which students choose) that are built into orientation
- (b) *Connect students to their purpose, e.g., letter to future self* about why they are in law school
- (c) *Structured study group program* to provide academic and social support
- (d) *First-year class, the Legal Profession*, that includes wellness activities
- (e) *Meditation and yoga student groups*
- (f) *Annual wellness week*, filled with wellness-focused activities, *Michael Schwartz, McGeorge*

F. *Northwestern Pritzker School of Law*

- (a) *Wellness Curriculum*, <https://www.law.northwestern.edu/student-life/student-services/wellness/curriculum/>. The listed classes and workshops centers around several topics: Mindfulness in Law, Mindfulness-Based Courses and Curriculum, Personal Development, Stress Management, and Healthy Relationships. Such workshops include Introduction to Mindfulness, Mindfulness-Based Resilient Lawyering (MBRL), Emotional Intelligence: What It Is and Why it Matters for Lawyers, Understanding and Avoiding Burnout, and Mastering Work/Life Balance, respectively.

G. *Seattle Law School*

- (a) Work on secondary trauma and secondary resilience, and imposter syndrome [through] *reflection, growth mindset, Gillian Dutton, Seattle*

H. Stanford Law School

- (a) “WellnessCast” Podcast, <https://law.stanford.edu/media/wellnesscast/#slsnav-about>. It is cohosted by a Stanford Law Professor and students and features expert guests each week. The podcast is a part of the school’s Law School Wellness Project and focuses on the wellness and mental health in the legal profession. It is available on both iTunes and Soundcloud.

I. Washburn Law School

- (a) *Yoga* with Dean Carla Pratt
- (b) *Weekly Meditation* with Professor Jackson
- (c) Talk about the *emotional side of learning, writing, and rhetoric* at least weekly in class, sometimes daily; encourage them to take *longer-term views of their education* and to focus on *positive goals*, even though grades are hard to ignore, *Antonia (Tonya) Kowalska, Washburn*
- (d) *Wellness-related ice breaker questions* (what’s one thing you did this last week for one aspect of your personal wellness? on a scale of these *funny looking sheep, how are you feeling this week?*), *Emily Grant, Washburn*

