

The following are excerpts from an article published in 13 Journal of Law and Health 1 (1998-99, no. 1) .

PART II: WHY LAW STUDENTS (AND LAWYERS) SURRENDER THEIR LIFE SATISFACTION AND PROFESSIONAL IDEALS

The propositions in Part I express my belief that the lives of many lawyers (and law students) are acutely uncomfortable as a result of confused priorities: many of us essentially are conducting ourselves as if deeply human elements of our lives, our selves, and others don't exist or don't matter. The following material presents aspects of psychology and addiction theory as my working hypotheses to support the propositions in Part I, to explain the problems in the profession in a coherent and unifying context, and as a step toward developing effective approaches to the various problems plaguing the profession. Some students find that this information unburdens them immediately,¹ and written evaluations from continuing education programs for lawyers have been consistent.

Seeking the Fundamental Error: Internal or External Focus?

We can begin to unify our understanding of the health, satisfaction, and professionalism problems of law students and lawyers around our pronounced tendency to focus on *externals* ("symbols") rather than *internals* ("self"--one's personal values, feelings, character, and conscience). We as a group seem to be strongly driven by symbols and apparent security--grades, credentials, "wins", power, money, and tangibles that suggest affluence, prestige, or competitive advantage.²

As previously mentioned, these matters, while desirable and important, ultimately do not determine a person's level of satisfaction in life. In fact, such a primary focus obscures the value of one's innate human qualities and thereby undermines one's ability to experience genuine self respect and respect for others. It is consequently common to find lawyers who excel in competition for the externals described but who are tense, unpleasant, or highly dissatisfied with their lives--perhaps even depressed or struggling with addictions.³

¹ I received enough positive feedback from students during my first several semesters presenting this material spontaneously, in situations of particular student anxiety or distress, that I made it a required part of my course. During the first few weeks of the semester during which I began providing the material in writing as well as through discussion, approximately half of my students individually approached me after class or in my office and expressed (unsolicited) appreciation for the perspectives provided.

² These and other "externalizing" tendencies related to law study and practice, including the agency role of attorneys and the need for objectivity and analysis, are discussed below. See *"Inhibition of Attorney Satisfaction and Sense of Self"*.

³ Perfectionism and workaholism, for example, are *process* addictions which, like substance addictions, are common among both law students and practicing attorneys. See Footnote 107.

A spectrum of respected sources tell us that high levels of emotional health, maturity, and life satisfaction depend on constant reference to such subjective qualities as one's values, commitments, and character.⁴ Such a habit of "self-referral" results in actions which naturally express core aspects of one's self, and therefore provide the individual with a continuing sense of integrity.

Unfortunately, living such a self-directed process is somewhat rare in today's society.⁵ Partly because of the increased pressure for earnings and apparent "success" typical of the modern, more business-oriented law firm, commentators recognize that this quality of life is becoming increasingly difficult for attorneys as well.⁶ Much of the story of modern lawyering can be gleaned without looking past titles such as "The Lost Lawyer"⁷, "The Betrayed Profession"⁸, and "At the Breaking Point."⁹ Seemingly in preparation for modern law practice, many law students undergo analogous processes involving the surrender of their more idealistic aspirations for lawyering, as well as their life balance, to the perceived need to compete for grades and future job security.

Learning from a Cricket

⁴ See e.g. ABRAHAM H. MASLOW, *MOTIVATION AND PERSONALITY* 153-57 (Harper & Row Publishers, 2d ed. 1970); and STEPHEN R. COVEY, *THE 7 HABITS OF HIGHLY EFFECTIVE PEOPLE* 98-99 (Simon & Schuster 1989); and footnotes 74-76 and accompanying text. It may be particularly interesting for lawyers to consider that two ancient writings which directly address leadership, governance, and the skill of conflict both focus entirely on the *inner* qualities of the individual. See TAO TE CHING (Stephen Mitchell trans., Harper Perennial 1988); and BHAGAVAD-GITA (Maharishi Mahesh Yogi trans., Penguin Books 1967). These and subsequent references to sources which may seem esoteric to some should not be surprising. The subject problems have been addressed for years with no real solutions at hand. Typically one needs to look beyond the level of complex problems for their solutions. When the issues involve the collective personal satisfaction and behavior of a profession in conflict, the holistic thinking of the humanistic psychologists, and the Eastern approaches to developing human potential, are attractive. I refer here to the most accessible and relevant translations of which I am aware, and later to a related meditation technique which bridges to our culture with supporting scientific research. See footnote 80 *infra*.

⁵And probably equally rare in earlier societies, given the frequency of scholarly and religious discussion of the need for such an approach. See e.g. the text accompanying footnotes 74-79 below.

⁶ The increasing pressure on attorneys which is resulting from the business orientation is a commonplace observation in the literature. For a particularly thorough discussion of this and related topics see SOL M. LINOWITZ, *THE BETRAYED PROFESSION* 105-06 (Charles Scribner's Sons New York 1994).

⁷ ANTHONY T. KRONMAN, *THE LOST LAWYER* (The Belknap Press of Harvard University Press, Cambridge 1993).

⁸ SOL M. LINOWITZ, *THE BETRAYED PROFESSION* (Charles Scribner's Sons New York 1994).

⁹ AMERICAN BAR ASSOCIATION, SECTION OF GENERAL PRACTICE, *THE REPORT OF AT THE BREAKING POINT* (Airlie House, Airlie, VA 1991).

There are many restatements of the importance of remaining true to one's values, from ancient prescriptions ("Know Thyself"¹⁰), to Shakespeare ("To Thine Own Self Be True"¹¹), to Walt Disney's advice through Jiminy Cricket to "always let your conscience be your guide".¹² These are not just sweet or lofty platitudes; they are time-tested and practical guidelines that lawyers would do well to adopt. *When one does what s/he feels is right, for what she feels is the right reason and in the right way, an adverse outcome is still naturally disappointing, but does not eliminate the positive sense of self gained from the self-expressive process.* With such habits of self-referral, one can learn to consistently feel good about one's preparation and one's working process -- essentially having done one's part honorably and "conscientiously" -- and can more easily accept what would otherwise be perceived as "failure" simply as an event realistically¹³ beyond h/her control.¹⁴ This approach also moderates tension or anxiety over the potential outcomes of one's efforts, since fulfillment is derived from the process of completing the work. While such an internally-directed life process can often result in the attainment of relative wealth and prestige, these matters should be recognized as secondary in importance to more direct benefits such as increased life satisfaction and peace of mind, or decreased stress and anxiety.¹⁵

Life Satisfaction Requires Psychological Maturity

¹⁰ This quote by an anonymous author is inscribed on the temple of Apollo at Delphi.

¹¹ William Shakespeare, *Hamlet* Act I Sc 3 L78.

¹² PINNOCCHIO (Walt Disney).

¹³ Studies of self-actualizing people indicate that they have a particularly clear perception of *reality*, probably because they are *comfortable* with it. ABRAHAM H. MASLOW, *MOTIVATION AND PERSONALITY* (Harper & Row Publishers, 2 ed. 1970).

¹⁴ Relevant examples could include an unfavorable verdict, imperfect or "average" grades, loss in a moot court competition, or failure to gain a journal position, all despite one's best efforts.

¹⁵ See text accompanying footnotes 98-100 below, discussing Maslow's finding that self-actualizing people are consistently fulfilled, peaceful, and unworried; and my discussion of the *internal* components of stress, text accompanying footnotes 99-100.

Groundbreaking psychologist Abraham Maslow discovered the importance of this kind of self-directed life process in his studies of human motivation and development.¹⁶ Maslow discerned a hierarchy of human needs which operates universally, motivating each person through the sequential fulfillment of a series of “lower” needs, and eventually to the fulfillment of “higher” needs.¹⁷ Maslow found that only those persons who are fulfilling the higher needs for self-esteem, self-expression, and self-actualization are reliably content and satisfied with their lives. In contrast, people who are primarily motivated by any of the “lower” needs generally experience life as a series of struggles, with only moments of “episodic relief” when perceived deficiencies are met.¹⁸ The hierarchy of needs and the striking quality of life experienced by self-actualizing people are set forth in the following graphic and table.

¹⁶ Maslow was able to identify relatively few fully mature, “self-actualized” people to study. I am nonetheless comfortable relying on much of his writing, at least for working theories, because it appears to have great explanatory power when applied to the numerous problems manifesting among law students and lawyers. It is particularly helpful for understanding the stark, apparent inconsistency between the high collective intelligence, power and affluence of attorneys, and the elevated incidence of psychological distress, depression, addiction, and simple unhappiness among us. It is also helpful to note that in his later work Maslow determined that many people exhibit *some* of the qualities of self-actualization, though few apparently were experiencing the state in a sufficiently balanced way to be considered fully actualized. Id. at xx.

There are additional experiential sources that support the application of Maslow’s work to law student and lawyer distress. First is the anecdotal success of my early attempts to apply this information to everyday law student and lawyer experiences; those limited results are described in Part III of this paper. Second, there is a profusion of relevant scientific research, primarily investigating a contemporary self-development technique (the “Transcendental Meditation Program as taught by Maharishi Mahesh Yogi”), which appears to objectively confirm Maslow’s optimism about the universal potential for self-actualization and holistic growth. This technique has been applied broadly in Western cultures; published studies indicate that it consistently produces measurable growth toward self-actualization. Charles N. Alexander et al, *Transcendental Meditation, Self Actualization, and Psychological Health: A Conceptual Overview and Statistical Meta-Analysis* J. SOCIAL BEHAVIOR AND PERSONALITY 189-247 (1991). A brief review of the numerous other published studies of this technique suggest accompanying improvements in many parameters, including: increased self-esteem; decreased anxiety, hostility, addiction; and aging; reduced frequency of disease; increased intelligence, creativity, and internal-directedness/autonomy from the environment; and improved moral reasoning. AN ANNOTATED bibliography lists 508 research studies on this technique alone, approximately 30% of which are published in independent journals. DAVID ORME-JOHNSON, PH.D., SUMMARY OF SCIENTIFIC RESEARCH ON MAHARISHI’S TRANSCENDENTAL MEDITATION AND TM SIDHI PROGRAM. (David Orme-Johnson ed., Maharishi University of Management). Because almost all of these studies were apparently performed on otherwise apparently unremarkable members of Western populations, the results appear to confirm Maslow’s findings that intimacy with and reference to one’s internal “self” produces a balanced state of increased maturity, health, creativity, individuality, and life satisfaction. Considering the name of this technique, it is also striking that Maslow’s later work describes among his self-actualizing subjects a more advanced subgroup of “transcenders”, who exhibited related qualities particularly strongly. ABRAHAM H. MASLOW, *THE FARTHER REACHES OF HUMAN NATURE* (Penguin Arkana, New York 1993). This material taken together encourages me to proceed, on the theory that essentially anyone, including law students and lawyers, can develop enhanced levels of psychological maturity, and that as they do, their life satisfaction and level of professionalism is likely to markedly increase. A longitudinal study on law students and lawyers of the effects of this meditation technique and other programs promising to produce holistic self-development would be of obvious interest.

¹⁷ ABRAHAM H. MASLOW, *MOTIVATION AND PERSONALITY* 51-53 (Harper & Row Publishers, 2d ed. 1970).

¹⁸ Id. at 57.

TABLE 1

GROWTH: THE HIERARCHY OF HUMAN NEEDS

SATISFACTION: THE HIGHER NEEDS

*Focused on Character and Growth
Motivation
Fulfillment-Based (Internalized
Experience)
Constant Appreciation, Gratitude
"Overflowing Abundance"*

**SELF-ACTUALIZATION
SELF-EXPRESSION**

SELF-ESTEEM



STRESS: THE LOWER NEEDS

*Focused on Deficiencies, Scarcity,
and Competition
Constant Needs from Environment
(Externalized Experience)
Episodic Satisfaction (Moments
of Relief)*

COMPETENCE/RESPECT

BELONGING/LOVE

SECURITY/SAFETY

SURVIVAL

TABLE 2

THE SELF-ACTUALIZER: Psychological Health

◆ SELF-SECURE

- . LOWER NEEDS MET
- . PEACEFUL, UN-WORRIED
- . HIGHLY INDIVIDUAL
- . DIFFERENCES (people, experiences) WELCOMED
- . SERVICE ORIENTED (Rather than Ego-Centered)
- . SEEKS GOOD OF OTHERS, MANKIND
- . TRANSCENDS CULTURAL VALUES AND EXPECTATIONS

◆ FULFILLED

- . CONSTANTLY SATISFIED (Process Focus)
- . CONTINUED FRESHNESS OF APPRECIATION
- . CONSTANT SENSE OF GOOD FORTUNE (Grateful rather than Complaining)
- . "PEAK" EXPERIENCES FROM SIMPLICITY
- . CONSTANT CREATIVITY (New, playful, flowing)
- . "OVERFLOWING ABUNDANCE"

◆ WISE, HUMANE

- . UNDISTORTED PERCEPTION OF REALITY
- . SUPERIOR AWARENESS OF TRUTH
- . UNIVERSAL THINKING (Holistic, Non-Dual)
- . DEEPLY DEMOCRATIC CHARACTER STRUCTURE
- . APPRECIATION OF HUMAN NATURE, SELF, OTHERS
- . DIFFERENCES (RACE/CLASS/BELIEF) MEANINGLESS

. HUMBLE, ACCEPTS IMPERFECTIONS

◆ VALUE-CENTERED

- . GROWTH AND CHARACTER MOTIVATIONS
- . SELF-GOVERNING, SELF-DISCIPLINED
- . “MOST ETHICAL OF PEOPLE”
- . LEAD rather than FOLLOW

Notice that fulfillment of the lower needs is primarily dependent on matters external to the individual: food or shelter for the *survival* need; protection for the *security* need; love or affiliation of others for *belonging*; the opinions of others for a sense of *respect* or *competence*. The normal course of human growth requires that children and young people, who are naturally more dependent on their family, school, and social environments, fulfill these “lower” needs on the way to maturity. However, Maslow found that once an individual is fulfilling the “higher” needs for self esteem and self actualization, she becomes largely self-sufficient, or “autonomous”, with reference to her psychological needs, and is able to remain satisfied despite loss of support from external sources perceived as crucial at less mature levels of need.¹⁹ This does not suggest, of course, that an emotionally mature attorney would not *enjoy* financial wealth, comforts, or applause from clients and judges; it does clarify that she will not be *driven* by the desire for such things.²⁰

The Inhibition of Attorney Satisfaction and Sense of Self

¹⁹ *Id.* at 161; and ABRAHAM H. MASLOW, TOWARD A PSYCHOLOGY OF BEING 157 (Van Nostrand Reinhold, 2d ed. 1968).

²⁰ My suspicion is that many law students and lawyers become fixed or “stuck” in the lower needs, probably because of numerous factors in legal culture and our broader society that inhibit passage to genuine self-esteem and self-expression. I further suspect that the thwarted progression to more internally-derived need satisfaction creates a sort of endless loop wherein one essentially never perceives her “lower” needs to be met. For example, an unnatural or exaggerated need for *security* may play out far beyond actual life needs, leading lawyers to work incessantly to save for a distant retirement; or making law students compulsively anxious about grades, mistakes in class, or the challenges of a job search (often in the future). Similarly, distortion of the need for *competence* may result in the perfectionism commonly experienced among lawyers and law students; and exaggeration of the needs for *belonging* or *respect* may manifest as excessive concerns for image or the opinions of others. It is clear from Maslow’s work that self-actualizers avoid or transcend these short-circuits in their growth to fulfillment. It may be that these traps are particularly seductive to lawyers and law students, for reasons such as those discussed in the following section. For an explanation of addiction as fixation in immature developmental stages, see JEROME D. LEVIN, PH.D., TREATMENT OF ALCOHOLISM AND OTHER ADDICTIONS 229-232 (Jason Aronson, Inc., Northvale 1987).

Disproportionate numbers of attorneys are dissatisfied with their work²¹ despite the fact that attorney positions generally confer significant power and financial rewards in comparison with the general population. Satisfaction is an internal, “self”-based experience; a person can be quite affluent and apparently “successful” in career matters and still be intensely dissatisfied. This seemingly obvious truth is commonly ignored in our broader contemporary culture. Attorneys may be particularly prone to such dissatisfaction for a variety of reasons. As discussed above, lawyers and law students often focus intensely on external matters,²² and many have been willing to sacrifice personal life quality in these pursuits. Such sacrifices in themselves can obviously contribute to dissatisfaction, and many additional factors common to law study and practice can powerfully distract attention from personal values and internal sources of satisfaction.

The factors discussed below are largely inherent in the nature of what law students and lawyers do, and consequently should be *acknowledged as “occupational hazards” of the profession and dealt with consciously*. In my estimation all of them tend to “fix” people in the lower needs, and thus discourage a self-referent, self-expressive experience. To the extent that this occurs for a student or lawyer, Maslow’s work indicates that his potential for life satisfaction will be limited to little more than “moments of episodic relief”.²³

First, law school trains students to be rigorously analytical, and offers a panoply of recognition for analytical excellence. This focus on analysis, though essential to the law school mission, can be interpreted as devaluing the consideration, and even more so the expression, of one’s more subjective and “non-rational” qualities of feeling, value, intuition²⁴ or character. Indeed, most classrooms and courtrooms would be uncomfortable at best with expressions of deep feeling or intuitive opinion competing with concrete analysis of matters of fact and law.

²¹ See Heidi L. McNeil, *Problems Identified: The Bar Surveys in, LIFE LAW AND THE PURSUIT OF BALANCE* 9, 10-11 (Jeffrey R. Simmons et al. eds., Maricopa County Bar Association 2d ed. 1997).

²² It is unclear to what extent this superficial focus represents a predisposition of lawyers and law students, and to what extent it is a result of our legal education. If one loses one’s sense of personal worth and uniqueness during law school, it would be natural to focus one’s attention more externally. *Making Docile Lawyers, supra* note ___ offers a concrete example of such a process, suggesting that students at Harvard Law School often fall back on lucrative employment offers from large corporate law firms to fill a void created by their loss of ideals and self-esteem in law school. I hope to conduct an empirical study of the effect of legal education on self-esteem, self-actualization, and related matters in the near future.

²³ See Footnote 81. This description recalls much of my experience as a law student and lawyer, and often draws nods of recognition from attorneys at continuing education programs.

²⁴ I do not know the extent to which such subjective qualities, more commonly attributed to women in our society, may have been suppressed as a result of the traditional male domination of legal education and law practice, but I imagine it is substantial. See generally Susan Daicoff, *Lawyer Know Thyself: A Review of Empirical Research on Attorney Attributes Bearing on Professionalism*, 46 AM. U. L. REV. 1337, 1399-1401 (1997).

Second, lawyers generally act as *agents* for other people or institutions. We therefore learn to value the ability to advocate --even passionately -- any side of an issue. The economics of law practice also often motivate lawyers to advocate positions contrary to their conscience.²⁵ The result is that many of us begin to compartmentalize, or even ignore, our own feelings and values concerning the issues we deal with for most of our waking hours. Such an approach obviously tends to disconnect us from core sources of a profound sense of self. Another potentially dehumanizing factor is the adversarial nature of the legal system, which can encourage a “win-lose”, law-of-the-jungle mentality -- literally survival of the fittest. For many students, law school takes on this flavor early: competition and one-upmanship are experienced as necessities. It may be that some people are attracted to law because these qualities appeal to them; others may react to the demands of legal education and practice by assuming these qualities; and for others these “nature” and “nurture” issues may combine. Regardless, this attitude suggests that one is primarily motivated by the very early needs in Maslow’s hierarchy, those for survival and security.

We should also not underestimate the impact on lawyers and law students of the intensely negative public perception of the profession.²⁶ To the extent that one internalizes those perceptions, her progress toward self-esteem will suffer. Then there is the persistent stress presented by a constant flow of clients with major life problems -- and with maladaptive attitudes and behaviors that are likely to be “played out” in their relationships with the attorney. Clients are also often demanding and have unrealistic expectations for results, fueled in part by high hourly rates driven by yet another attorney stressor -- the high overhead typical of current practice. A sense of constant pressure is consequently common among lawyers, and one’s capacities for simple decency and caring may be further eroded by regular dealings with other attorneys affected by the same stress and depersonalization.

Additional factors which are particular to law students and which may tend to keep them focused on the “lower” needs in the hierarchy are inherent in the content and style of education at many, and perhaps most, law schools. First, as discussed above, the often pervasive emphasis on grades and honors suggests that only those “at the top” will be considered valuable, and creates a sense of competition-for-survival. Additionally, traditional case analysis, though crucial for preparation, can leave even strong students with a baseline sense of incompetence if emphasized to the exclusion of the many other skills that students sense are necessary for law practice.²⁷ And

²⁵ There are important distinctions for a lawyer to draw between positions he disagrees with, or positions that are unpopular, and positions that violate his conscience. I believe one must avoid the latter in order to maintain a healthy regard for one’s self and all that flows from that self-regard. These are subjective matters. For example, when faced with a potential client requesting action or advocacy of a position that all might agree to be reprehensible, one lawyer may be *unable* to proceed “in good conscience”, while another may be *compelled* to proceed by a genuine and overriding sense of fairness, belief in the nature of the adversary system, commitment to the universality of constitutional rights, etc.

²⁶ It is beyond the scope of this paper to consider the portion of such public disgrace we may have earned, although the other documented problems in the profession suggest it is substantial. Journals of my clinical students confirm my observations, as a litigator, that far too many lawyers and judges have lost their tolerance, respectfulness, patience, and simple ability to care.

²⁷ Many students have confirmed this to me personally.

the Socratic method, particularly if implemented by an abusive professor, can create a law school experience dominated by insecurity, anxiety, and the fear of shaming in the presence of one's peers.²⁸ Such factors may explain why, when I ask my classes to evaluate their position on the hierarchy of needs, most place themselves at the level of *survival* or *security*, with a very few at the level of *competence* or beyond.

²⁸I also believe that the Socratic method, to the extent that it suggests to students a single right answer which is known by another (the teacher), and which students will discover if they are thinking well, inherently undermines creativity and genuine (internally-derived) self worth. For more thorough critiques of the law school experience, see *infra*, note ____.

Taken together, these factors (and there are undoubtedly others) do much to explain why law students and lawyers are at particular risk for the kinds of problems we so commonly experience. They all undermine one's ability to appreciate her innate human qualities and her uniqueness as a person, and consequently erode her capacity to genuinely respect herself. These "occupational hazards" require for most of us some regular time and attention for strengthening personal balance, connection with our subjective values and faculties, and self-care²⁹ -- practices often disregarded by lawyers and law students. Being a whole person is a choice for most people, but a requirement for fitting practice of law; the low public view of the profession and the high rates of addiction, depression and dissatisfaction among us attest to our shortcomings in this most important regard.

What One *Feels* to be Right . . .

Recall the suggestion that as lawyers we should "do what we *feel* is right, for what we *feel* is the right reason".³⁰ We have seen that the analytical demands of "the law", the agency role, and other factors can lead one to ignore, or even denigrate, the importance of his feelings. The role of feeling deserves special emphasis because many, and perhaps all, of the most vital and fulfilling human experiences -- joy, satisfaction, love, and appreciation, for example -- are experienced on the level of feeling. If one "loses touch" with his feelings he loses the capacity to experience the richness of life, which can result in an abiding sense of emptiness, and potentially lead to addiction³¹ and depression. Even this discussion will cause some readers to feel uncomfortable -- which may confirm that many of us are more comfortable avoiding feelings. Additionally, what can be seen as "unfeeling" conduct commonly attributed to lawyers -- callousness or incivility for example -- damages a lawyer's reputation among her peers, her relationships with clients, colleagues and others, and the perception of the profession in the eyes of the public.

Competition, The Need for Control, The Illusion of Control

²⁹Relevant methods are suggested in Part III of this article.

³⁰ I do not ignore the many conflicts that can arise during client representation. Much useful discussion, beyond the scope of this paper, can be had concerning the difficulty of remaining true to one's own values, feelings, etc. while zealously representing another with conflicting values. See MARY ANN GLENDON, *A NATION UNDER LAWYERS* 40-84 (Harvard University Press 1994) for a discussion of many of the conflicts inherent in lawyering.

³¹ Studies document the high incidence of addiction among lawyers, including the startling conclusion of Beck, Sales and Benjamin that 70% of their respondent lawyers were likely to have problems with alcohol during their careers. Connie J. A. Beck et al., *Lawyer Distress: Alcohol-Related Problems and other Psychological Concerns Among a Sample of Practicing Lawyers*, 10 *J. L. & Health* 1, 3 (1995). The importance of loss or suppression of feelings to the addiction process generally is discussed below.

We have discussed the tendency of law students and lawyers to measure themselves by their performance, level of affluence, or by others' opinions³². The perceived need to control external circumstances and events is one predicted result of loss of connection with internal sources of self-worth and satisfaction, since external factors then determine one's level of satisfaction. It is usually apparent to others when someone is caught up in the phenomenon of "image management", or is desperate to obtain a specific outcome. And it is good to consider the reality behind the term: working on one's "image" or boasting about what one does usually reflects a sense of insecurity and a real lack of connection with and appreciation for one's self.³³

In many law school cultures the perceived need for control may be seen in a variety of ways. People are often highly motivated to manage (control) how others perceive them--i.e., as intelligent, successful, etc.--and often strain themselves or distort their life balance in the competition for grades and other credentials. Recalling Maslow's hierarchy of needs, these experiences suggest that students are acting from "lower" needs such as those for security, belonging, or respect. Practicing attorneys also seem to commonly act out these needs--driving themselves to earn more money than they actually need, and worrying about their practice, image, retirement, children's future, etc.--while losing their life balance and personal satisfaction in the process.

The extraordinary levels of stress in law students and lawyers may well relate directly to efforts to control what is essentially uncontrollable--most if not all of the future, the outcome of cases, or the ability to achieve in constant competition with other highly intelligent students or lawyers, for example. A need to constantly "win", be perfect, or avoid criticism must be recognized for the impossibility that it is and regularly contradicted if one is to moderate her level of stress. And considering one's potential for fulfillment, a perceived need to attain the unattainable supports a persistent sense of personal failure, and thus blocks progress toward the satisfaction attending the "higher" experiences of self-esteem and self-actualization.

Given the adversarial nature of most law practice, it is particularly crucial for lawyers and law students to learn to compete in a way which promotes health and balance rather than stress. This can only occur when one is doing her best, and is motivated primarily by the desire to express her character and professional skills in her work. One can enjoy competition³⁴ and derive fulfillment from the process, regardless of the outcome, if one derives satisfaction *internally* as do those living from the higher needs.³⁵ Such satisfaction can be experienced by every law student or

³² See text accompanying footnotes 43-45.

³³ Defining one's "self" is not an undertaking common in Western cultures, and may be considered to be a "spiritual" question. I suggest that deeply subjective qualities however denominated -- conscience, value, feeling, character, or integrity, for example--should be considered qualities of one's self. The "spiritual" question is raised by lawyers and students more than occasionally during my presentations, generally in a comment relating to specific religious beliefs. I believe matters of religion and spirituality, while often overlapping, can be quite distinct. I leave such issues for a later article, or for the consideration of each individual so inclined.

³⁴ See, for example, TAO TE CHING Verse 68 (Stephen Mitchell trans., Harper Perennial 1988), describing competition among accomplished professionals in the "spirit of play".

³⁵ ABRAHAM H. MASLOW, MOTIVATION AND PERSONALITY 173 (Harper & Row Publishers, 2d ed. 1970).

lawyer who is so motivated, despite unfavorable events or circumstances. By contrast, life lived from “deficiency motivation”, in which competitive outcomes provide one’s primary fulfillment, is experienced as a “zero-sum” game of limited resources and produces tension by its very nature.

Anxiety and the need for control are significantly diminished in people living from the “higher” needs. Maslow found self-actualizing individuals to be quite accepting of their innate humanness, tendency to make mistakes, and physical imperfections; and to be generally unworried, creative, comfortable with risks, and open to fresh experiences³⁶ -- all expansive qualities which are stifled by the illusion of, or perceived need to, control.

³⁶ Id. at 155-172.