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WHAT WE'RE NOT TELLING LAW STUDENTS -- AND LAWYERS¹ -- THAT THEY REALLY NEED TO KNOW

Some Thoughts-in-Action toward Revitalizing the Profession from its Roots

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I have long been concerned with the inability of legal education to consistently graduate lawyers who were happy, balanced, and who would naturally aspire to professionalism in its most exalted sense. Because the collective character and conscience of lawyers constitute the roots of the profession, and because proposals for systemic change to law schools or law firms, while laudable, are difficult to implement, I believe the most workable approaches to improving the profession will focus on the level of the internal motivations and attitudes of individual students and attorneys. I have designed and repeatedly amended my teaching for some years with these goals in mind, with increasingly positive results.

Introduction

The current state of the legal profession confirms my personal lessons as a law student, litigation attorney, and clinical law teacher²: students are not told in law school what they really need to know to have meaningful and healthful lives as lawyers. Unfortunately and to the contrary, it also seems to me that some of the things many of us do learn in law school -- largely from the culture rather than the curriculum -- affirmatively contribute to the many problems facing the profession and its practitioners today.³

¹ Although the primary perspective of this article is that of legal education, I generally use examples from the education and practice settings interchangeably because the difficulties and quality of distress experienced by lawyers and law students appear fundamentally similar. See e.g. G. Andrew H. Benjamin, et al., *The Role of Legal Education in Producing Psychological Distress Among Law Students and Lawyers*, 1986 AM. B. FOUND. RES. J. 225, 240; see also Susan Daicoff, *Lawyer Know Thyself: A Review of Empirical Research on Attorney Attributes Bearing on Professionalism*, 46 AM. U. L. REV. 1337, 1378 (1997).

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³ These matters are discussed throughout this article. See also G. Andrew H. Benjamin et al., *The Role of Legal Education in Producing Psychological Distress Among Law Students and Lawyers* 1986 AM. B. FOUND. RES. J. 225; and see Connie JA Beck et al., *Lawyer Distress: Alcohol-Related Problems and Other Psychological Concerns Among a Sample of Practicing Lawyers*, 10 J. L. & HEALTH 1, 2 (1995); see also Rebecca M. Nerision, *Is Law Hazardous to Your Health? The Depressing Nature of the Law*, 22 B. LEADER 14, 15 (1998).

It is hardly debatable any longer that the profession and its practitioners are suffering broadly from many serious problems. Indeed, studies have concluded that lawyers and law students are much more likely than the general population to experience emotional distress, depression, anxiety, addictions, and other related mental, physical, and social problems.¹ These studies confirm the subjective experiences of anxiety or distress that most law students notice in themselves or their fellows during law school, the negative public perception of lawyers, and simple observation of attorney behavior: lawyers as a group tend to be stressed and relatively unpleasant people.²

¹A recent study found lawyers to have the highest rate of major depressive disorder among 104 occupational groups. William Eaton, James Anthony, Wallace Mandel, and Roberta Garrison, *Occupations and the Prevalence of Major Depressive Disorder*, 32 J. OCC. MEDICINE 1079 (1990). For a thorough review of relevant studies, see Susan Daicoff, *Lawyer Know Thyself: A Review of Empirical Research on Attorney Attributes Bearing on Professionalism*, 46 AM. U. L. REV. 1337, 1340 (1997). See also G. Andrew H. Benjamin et al., *The Role of Legal Education in Producing Psychological Distress Among Law Students and Lawyers*, 1986 AM. B. FOUND. RES. J. 225, 226; and Stephen B. Shanfield & G. Andrew H. Benjamin, *Psychiatric Distress in Law Students*, 35 J. LEGAL EDUC. 65 n. 1 (1985); and 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, 2 (1995); and Heidi L. McNeil, *Problems Identified: The Bar Surveys*, in LIFE, LAW, AND THE PURSUIT OF BALANCE 9, 100-11 (Jeffrey R. Simmons et al. eds., Maricopa County Bar Association 2d ed. 1997; and see generally Deborah L. Rhode, *The Professionalism Problem*, 39 WM AND MARY L. REV. 283.

²As described in Part III of this article, students also readily notice and reflect on examples of unprofessional attorney and judge behavior during their clinical field placements.

A particularly striking study by psychologists Beck, Sales, and Benjamin found that, on a variety of psychological scales, from 20% to 35% of attorneys are “clinically distressed” (which the authors define as *in need of professional help*).³ These levels of distress are found in only about 2% of the general population,⁴ and indicate that a very large number of attorneys are indeed living the appearance of a good life but the reality of misery.

Many commentators call for law schools to address these matters directly.⁵ This article offers unifying, and hopefully clarifying, theory on many of these problems, my approach to presenting and reinforcing this theory for students and attorneys, and early indications that this approach is effective.

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³ See 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, 49 (1995).

⁴ Id. at 23.

⁵ See James J. Alfini and Joseph N. Van Vooren, *Is There a Solution to the Problem of Lawyer Stress? The Law School Perspective*, 10 J. L. & HEALTH 61 (1996); and Peter G. Glenn, *Some Thoughts About Developing Constructive Approaches to Lawyer and Law Student Distress*, 10 J. L. & HEALTH 69 (1996); and Geoffrey C. Hazard, Jr., *Commentary: Policy Implications*, 10 J. L. & HEALTH 79 (1996); and Susan S. Locke, *Lawyer Distress: A Comment*, 10 J. L. & HEALTH 87 (1996); see generally SOL M. LINOWITZ, *THE BETRAYED PROFESSION* 118-125 (Charles Scribner's Sons 1994); see also 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 (1996).

Part I of this article sets forth a generally encouraging set of propositions about student and attorney life that I have found to be true.⁶ They collectively represent an approach to life and law which, to the extent it is internalized, can increase life satisfaction, raise standards of professional behavior, and relieve many of the kinds of distress that law students and lawyers are prone to experience. Some students seem to bring much of this information with them to law school, and, based on their relatively pleasant, relaxed demeanor during their school years and after, do not lose sight of it. But many others either do not arrive so equipped, or are separated from their beliefs as their education proceeds.⁷

PART I: HOW LIFE AS A LAWYER CAN WORK WELL

Much of our discomfort is a byproduct of assumptions and attitudes commonly shared within the law school and attorney communities.⁸ These assumptions revolve in significant part around the

⁶ The organization of this article presented me with something of a quandary. My anticipated content included a framework of practical propositions around which law students and lawyers might organize their professional endeavors, and somewhat denser psychological and addiction theory to support the “wisdom”, and perhaps necessity, of heeding such propositions in order to maximize one’s chances for a fulfilling life as a lawyer. Which material to place first? The propositions logically might best follow the theory that supports them. I chose however, to place the propositions first; in part because I believe they may assist more readers, at least in the short term, and in part because I believe them to be founded essentially on common sense, with the psychology and addiction theory as secondary support and explanation. I articulate them at all because they appear counterintuitive in the context of much of what goes on in legal education and law practice, and because ignoring them creates tremendous distress in our colleges and practice settings.

⁷ Some of the factors particular to law study and practice which may contribute to the loss of healthy perspective and personal balance are discussed in Part II of this article.

⁸ Many of these assumptions and attitudes are also common in our wider society; it seems that they are more

notions that only the “best” (however defined) will reliably find success in their lives, and that performance and appearances are crucially important.

The following propositions contradict such attitudes, and are embedded in my approach to both students and lawyers. They represent much of the happier reality of life as a lawyer that I have learned.⁹

1. LAW STUDENTS (AND LAWYERS) REALLY NEED TO KNOW THAT THEIR ASPIRATIONS FOR HONORS AND HIGH ACHIEVEMENT ARE VALUABLE ONLY IN THE CONTEXT OF A BALANCED, HAPPY LIFE.

prevalent, or perhaps held more intensely, among law students and lawyers. See G. Andrew H. Benjamin et al., *The Role of Legal Education in Producing Psychological Distress Among Law Students and Lawyers*, 1986 AM. B. FOUND. RES. J 226, 226.

⁹I would not suggest that these lessons were learned without significant travail.

If one is not happy, what is the point?¹⁰ As law students are preparing for their legal careers, we do not sufficiently encourage them to balance their drive for honors and recognition, either with respect for personal well-being or with trust that life will actually be fine for the many who do not place at “the top”. The summit is a great place to be, and no one should misconstrue this message as encouragement to hang back and do less than one’s best.¹¹ The precise and complex nature of the law demands hard work, but students should resist the impulse to sacrifice health, comfort, or balance in the pursuit of their goals. The common, unyielding devotion to long hours of work and study can persist as workaholism and perfectionism after graduation.¹² The fact that so many lawyers and law students continue to walk, and even push their way, into abusive work environments, and stay there long enough to feel trapped by the life style, reveals the breadth of the problem.¹³ Legal educators need to explicitly acknowledge the reality which is increasingly dawning on unhappy practitioners:¹⁴ there is much more to a good life as a lawyer than constant achievement. Students must learn early to work toward their very best while keeping personal health, happiness and life balance as absolute priorities. Otherwise, giving up quality of life now may well become a lifelong mistake.

2. LAW STUDENTS (AND LAWYERS) REALLY NEED TO KNOW THAT THEY CAN

¹⁰ See Robert M. Fenner, *Three Perspectives of the Law: Advice to the Young Lawyer*, 31 CREIGHTON L. REV. 665, 673 (1998).

¹¹ There is a delicate line to be drawn about many of these points in order to achieve a proper balance. Detractors, or unprofessional practitioners, may claim that messages intended to decrease anxiety, and help people implement healthy work limits or accept unfavorable outcomes gracefully, justify doing less than one’s best work. In practice such misinterpretation has not been a problem; no student to my knowledge has so implemented these messages. Students continue to work hard in class and in their clinical casework, and as their attitudes moderate to produce less tension and more balance, their performance seems to improve rather than suffer. Students typically report this improvement explicitly in their self-evaluations during the clinical semester. For discussions of the negative consequences of performance anxiety on lawyers and law students see Susan Daicoff, *Lawyer Know Thyself: A Review of Empirical Research on Attorney Attributes Bearing on Professionalism*, 46 AM. U. L. REV. 1337, 1376, n. 217 (1997); and G. Andrew H. Benjamin et al., *The Role of Legal Education in Producing Psychological Distress Among Law Students and Lawyers*, 1986 AM. B. FOUND. RES. J. 225, 249.

¹² Students with whom I have discussed this are convinced that their high loan balances mandate the sacrifice of their life quality, and that in x years when they make partner they will be able to start enjoying their life in a balanced way. I do not believe that people can surrender their souls for x years and then take them back on a given date, and observation of lawyers ten and twenty years past graduation confirms my belief. Hence my focus on revamping attitudes and instilling a genuine sense of self-worth in law students and lawyers.

¹³ In this context Dean Kronman mentions the “confidence-sapping conformism of student culture”. Kronman, *infra*, note 71, at 380. In my estimation this phenomenon is continuing relatively unabated, reflecting something of a “herd” mentality in law schools. Competition for every symbol of recognition is intense; most often the prize for the self-imposed pressure is an interview, and eventually a job offer, with a high-paying, 70-hour-per-week law firm. See also G. Andrew H. Benjamin et al., *The Role of Legal Education in Producing Psychological Distress Among Law Students and Lawyers*, 1986 AM. B. FOUND. RES. J. 225, 226.

¹⁴ For statistics on depression and dissatisfaction in practicing attorneys, 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); and see generally footnote 4.

HAVE GOOD LIVES AS LAWYERS IF THEY ACT ACCORDING TO THEIR
CONSCIENCE, THEIR DEEP PERSONAL VALUES, AND THEIR IDEALS.

Many law students sense that, to deal effectively with legal issues, they are expected to silence their personal ethics in favor of analysis and “objectivity”.¹⁵ Analytical skills and substantive knowledge are important, but should not be used to supplant the remainder of one’s personality qualities. *Only a whole person can be a whole* (i.e., healthy and professional) *lawyer*. Students exhibit relief when I tell them this. They need to hear it often from their teachers as an adjunct to their learning of substance and skills.

¹⁵ Many law students, and law professors at a variety of colleges, have confirmed this to me.

Many law students accept or assume that other important aspects of their subjective life -- including their needs for satisfying family and personal time, and intimacy with their emotions and other subjective qualities -- are also to be subsumed to their study of law.¹⁶ All of these assumptions ignore the seemingly obvious principle that life is an “inside-out” phenomenon¹⁷, and cannot be experienced positively if one ignores her conscience or denies other core elements of her humanity.¹⁸

3. **LAW STUDENTS (AND LAWYERS) REALLY NEED TO KNOW THAT THEY CAN NOT HAVE GOOD LIVES AS LAWYERS IF THEY DO NOT ACT ACCORDING TO THEIR CONSCIENCE, DEEP PERSONAL VALUES, AND IDEALS.**

When we discourage the appreciation and expression of subjective qualities such as values, feelings, and conscience, we undermine our potential for satisfaction by attenuating our connection with the very faculties that define human life. No wonder life becomes less than a worthwhile experience for many lawyers! It is no coincidence that the common caricature of lawyers includes shallowness, greed, or dishonesty – qualities that manifest in a personal environment devoid of real meaning. And the high rate of addiction among lawyers¹⁹ by

¹⁶ See Susan Daicoff, *Lawyer Know Thyself: A Review of Empirical Research on Attorney Attributes Bearing on Professionalism*, 46 AM. U. L. REV. 1337, at 1381, 1415 (1997).

¹⁷ Virtually all religions and classics teach this lesson in some form. This concept is at the heart of Steven Covey's popular works for effectiveness in business. STEPHEN R. COVEY, *THE 7 HABITS OF HIGHLY EFFECTIVE PEOPLE*. 42-43 (Simon & Schuster 1989).

¹⁸ The importance of conscience in this context is discussed in Part II; see text accompanying footnotes 74-76.

¹⁹ Addictions, including workaholism and perfectionism as well as the commonly recognized substance addictions, are discussed in some detail in Part II of this article.

definition reflects a loss of connection with our feelings and inner sense of self.²⁰

A partial person simply cannot live a full life; I use “word games” to clarify this point. I often begin my presentations by listing the many pervasive problems in the profession and then reviewing specific aspects of the study and practice of law which encourage us to ignore basic internal qualities such as feelings and values²¹.

Similarly, the loss of a lawyer’s “integrity” literally results in her *dis-integration*, which alludes to the loss of key parts of her person²²; while loss of one’s “character” is defined as loss of the “defining quality” of one’s self.²³ It is crucial that any tendency to become disassociated from our defining internal qualities be recognized and moderated to produce health, satisfaction, and professional behavior as an attorney.

It obviously remains for law students and lawyers to use good sense in determining when and where to express distinctly subjective qualities of themselves. One would not encourage appellate arguments based on intuition rather than precedent and analysis, for example; but the fact that one may find inappropriate the expression of deeper faculties of one’s self in a particular classroom or courtroom setting does not mean that the faculties themselves are inappropriate. Part III of this article suggests ways to remain well-connected to the more subjective personal qualities often discouraged or minimized by study or practice of law.

²⁰ See Footnote 110 and accompanying text.

²¹ These potentially dehumanizing elements are discussed in some detail below in the text accompanying footnote 87. See also Susan Daicoff, *Lawyer Know Thyself: A Review of Empirical Research on Attorney Attributes Bearing on Professionalism*, 46 AM. U. L. REV. 1337, 1401 (1997).

²² See WEBSTER’S NEW WORLD DICTIONARY 404-05 (2d ed. 1980).

²³ *Id.* at 239.

4. LAW STUDENTS REALLY NEED TO KNOW THAT THEY DO NOT **HAVE** TO BE AT THE TOP OF THE CLASS, OR ON LAW REVIEW, TO BECOME SUCCESSFUL, SATISFIED LAWYERS.

I recently asked our entire first year class how many wanted to be in the top 10% of the class. The affirmative response of 90% indicates the potential problem – if this *want* is perceived as a *need*, most of the class must eventually see themselves as failures. The only variables will be which members of the group will constitute the “failing” majority, and which few will manage to “make it”. A “law-of-the-jungle” mentality is encouraged by this pervasive misperception of need, potentially creating a need to defeat, rather than support, classmates and peers. This attitude can follow graduates into the practice of law, where participation in an adversarial process is misconstrued as an imperative to prevail. Years of experience and observation tell me instead that the attorney’s *internal process*, rather than the outcome of specific cases, is the more likely determinant of her personal satisfaction and professional reputation.²⁴

Students tell me that they resent *institutional* requirements that they compete against each other for limited recognition opportunities. Administrators and faculty reply that the need to distinguish student “quality” is imposed on colleges by hiring firms. Neither view is dispositive, and in my view competition need not be defended. Competition is healthy and natural to an extent, and those who attain excellence in a particular area will and should be recognized. The problem is not the competition; it is the individual’s disposition to experience distress around competition. Beyond accomplishing nothing, it can be counterproductive to the ability to function well²⁵. Students also need to be aware that the actual percentage that secure employment within months of graduation is generally high even now, and that “winning”, while a worthwhile goal, is actually *not* the key to gaining *satisfaction* in personal or professional life.²⁶

A potential contributor to this area of student distress is the fact that virtually all of their role models, the law faculty, were at the top of their classes and on their journal staffs. Law teachers

²⁴This point is clarified in the discussion of points 5 and 6 below, and in Part II, *Competition, the Need for Control, the Illusion of Control*. Of course, it would be nice to always win *and* always feel “right” about what one was doing. One has much greater control over the latter experience than the former, despite an appropriately strong effort toward to winning the day.

²⁵ See footnote 25; and footnote 96 and accompanying text.

²⁶Healthy attitudes in general are discussed below in point 7, and in further detail in Part II of this article.

need to pay special attention not to convey, expressly or tacitly, the message that only the “top” students are valuable or employable. In most professional contexts, it is character, consistency, and competence that rule the day²⁷, but student behavior demonstrates that they believe otherwise.

5. LAW STUDENTS REALLY NEED TO KNOW THAT, AS ATTORNEYS, THEIR BEST PERSONAL ATTRIBUTES ARE MORE IMPORTANT THAN THEIR BEST SKILLS OR PERFORMANCES.

²⁷ This may be a difficult message for some law teachers and senior attorneys to convey, particularly if we have gained a significant portion of our esteem from academic performance. Whatever happened to the adage that “A” students become professors, “B” students become judges, and “C” students make money?

Law school seems to communicate to students that it is how you do, rather than who you are, that really matters. This message encourages fear of mistakes, anxiety over grades (etc.), and singular devotion to competition, and can result in hectic, even frantic lives.²⁸ Students who bring this approach with them to the practice of law are obvious candidates for high stress, low self-esteem, and burnout. Students and lawyers need to realize that good, valuable people make mistakes as a normal part of human life, and that mistakes reflect (transitory) imperfections in what one is *doing*, rather than (fundamental) flaws in what one intrinsically *is*.²⁹

On a related note, law students often manifest extreme concern over how they may appear to or compare with others (including how their performance reflects on them). It is interesting to note that, of all the psychological scales reported in the Beck/Sales study, attorneys displayed the highest incidence of dysfunction in the area of *interpersonal sensitivity* – a measure of insecurity specifically focused on the need to compare one’s self with others.³⁰ An astounding 35% of the responding attorneys were found to be distressed to the “clinical” level on this scale.³¹ One manifestation of this phenomenon may be the self-inflating posturing not uncommon among lawyers (and law students) -- a sort of egotism that results from the sense that one needs to be better than others.³² In contrast, genuine self-esteem would involve the sense that one is

²⁸ See discussion of “urgency addiction” in footnote 51 and accompanying text.

²⁹ The discussion of self-esteem and self-actualization in Part II will clarify this point.

³⁰ Interpersonal sensitivity is defined as “feelings of personal inadequacy and inferiority in comparison with others”. Connie T. A. Beck et al., *Lawyer Distress: Alcohol Related Problems and other Psychological Concerns Among a Sample of Practicing Lawyers*, 10 J. L. & HEALTH 1, 14 (1995).

³¹ “...individuals scoring two standard deviations away from the mean are considered clinically distressed and in need of treatment.” *Id.* at 15.

³² To point up the difference between egotism and self-esteem, I ask students or lawyers what “average” connotes to them when used to describe a person. Most people, of course, tend to cringe a bit -- revealing their perceived need to

inherently good, without comparison with or reference to others, and regardless of whether one committed palpable errors that day.³³

be better than average. The negative sense of the term “just average” even more clearly indicates the emphasis on *comparative* excellence, rather than *intrinsic* worth, in our professional culture and broader society. I suggest that competitive excellence in fact does not produce genuine self-esteem, and can create a continuing need to excel if the person is thus deriving his primary sense of personal worth -- probably not unusual among the “high-achiever” law student and lawyer population. Again, this is not to diminish the importance of doing one’s best, but rather to emphasize the damaging effect of internalizing one’s appearance or performance as a measure of one’s self-worth.

³³ The qualities of self-actualizing people discussed in Part II confirm these observations.

In my teaching I use the terms *performance-esteem* and *other-esteem* to contrast the foregoing attitudes with genuine self-esteem. In my experience, openly addressing the realities -- that one's performance is variable from day to day, and that outperforming others, impressing them, or shaping their attitudes is even less predictable -- greatly ameliorates student anxiety around these issues. Lawyers and law students need direction to find a reliable and constant basis for self-esteem, in order to reduce their dependence on the vagaries of "performance-esteem" or "other-esteem" and create a foundation for a balanced, healthy life.³⁴ Despite the fact that most law faculty have consistently excelled in their academic endeavors, we must, again, take special care to articulate to students (and lawyers) the importance of character over competition in the quest for professionalism and life satisfaction.³⁵

6. LAW STUDENTS REALLY NEED TO KNOW THAT IT IS POSSIBLE TO CONSISTENTLY FEEL GOOD ABOUT THEMSELVES AS LAWYERS, AND HAVE THE RESPECT OF THEIR PEERS, REGARDLESS OF THE OUTCOME OF THEIR CASES . . . AND THEY NEED TO KNOW HOW.

The desire to prevail is natural; the need to prevail is destructive. In the immediate aftermath of competitive situations it is natural for the "loser" to feel disappointed and the "winner" to feel happy. Problems arise if the outcome is internalized as a reflection of one's *self* however: the "loser" is likely to become depressed -- "down on himself"; the "winner" may become boastful or egotistical; and these feelings will tend to persist. Like students overstressing themselves to make top grades or put on flawless performances, those lawyers who base their esteem and satisfaction on positive case outcomes are likely to become compulsive as they struggle to avoid reality. The numbers speak for themselves: for each typical trial, for example, there will be one "winner" and one "loser". Basing satisfaction primarily on outcomes is unsound, even though so many of us tend to do it; the result is constant anxiety during preparation, and a subsequent emotional roller-coaster experience as outcomes fluctuate.³⁶ I suggest to lawyers and to my students that they work hard with the intent to prevail, but find a stable basis for their sense of professional satisfaction and personal value in their strong preparation, clear presentation, respectful actions and worthy motives rather than in (unpredictable) outcomes. This approach to professional life needs to be encouraged in law students, early and often, to interdict any tendency to confuse professionalism with prevailing. "Losing" cases, disappointing clients, and

³⁴ Maslow emphasizes the self-actualizer's relative autonomy from such external matters, acceptance of the human tendency for errors, and the consistent satisfaction s/he derives from a self-directed approach to her life. See ABRAHAM H. MASLOW, *MOTIVATION AND PERSONALITY* 156-57 (Harper & Row Publishers, 2d ed. 1970). See Footnote 105 and accompanying text concerning Maslow's findings that self-actualizing people are industrious and highly effective as well.

³⁵ Otherwise we are supporting an unusual system akin to reverse denial, in which no one talks about the reality; but in this case the reality --that most of us are quite fine-- is more positive than the illusory construct --that only the "best" or the "winners" are sufficiently valuable to have good lives. For a stark perspective on the role of negativism and fear in unhealthy systems, see ANNE WILSON SCHAEF, *WHEN SOCIETY BECOMES AN ADDICT* 92, 93 (Harper San Francisco 1987).

³⁶ At a recent continuing education program I was offering, an attendee suggested that lawyers become addicted to the adrenalin that this approach constantly produces. His thought is reminiscent of Steven Covey's proposal of an "urgency addiction" afoot in modern society. STEPHEN R. COVEY et al., *FIRST THINGS FIRST* 33-35 (Simon & Schuster 1994). The discussion of addictions in Part II may be clarifying concerning such broad applications of the term.

making some “B”s (even “C”s for most of us!) are obviously inevitable, and should not be internalized.³⁷

7. LAW STUDENTS (AND LAWYERS) REALLY NEED TO BE ENCOURAGED TO DEFINE *SUCCESS* IN TERMS THAT ARE PERSONALLY MEANINGFUL, ACHIEVABLE, AND WHICH INCLUDE THE EXPERIENCE OF A FULL, HEALTHY, AND SATISFYING LIFE.

³⁷ These points are discussed further in the sections on *internal focus*, *control*, and *stress* in Part II of this article.

A satisfying life experience requires a measure of self care,³⁸ supported by a definition of “success” which is personally meaningful³⁹ -- and attainable with a reasonable amount of effort.⁴⁰ This may seem obvious, but the intense focus of so many law students both on the kind of after-graduation employment typically considered prestigious,⁴¹ and on the competition for grades and

³⁸ Thwarting of unimportant desires produces no psychopathological results. Thwarting of basically important needs does produce such results". MASLOW, MOTIVATION, *supra* note ____, at 57. *See also infra* notes _____ and accompanying text. Much law student and lawyer distress would be obviated by acknowledging that desires for high grades and high income, though valid, are unimportant in this context, particularly when they are permitted to displace one's pursuit of basically important needs such as one's self care in its many dimensions.

³⁹ Steven Covey advises readers to “start with the end in mind”. STEPHEN R. COVEY, THE 7 HABITS OF HIGHLY EFFECTIVE PEOPLE 97-99 (Simon & Schuster 1989). Attorneys respond strongly when I repeat the observation that despair can be defined as climbing and climbing the proverbial ladder, and finally reaching the top, only to find that one has leaned her ladder against the wrong wall.

⁴⁰ Students grasp well the analogy of a high jumper setting her bar so high that she is constantly straining and falling short .

⁴¹ Much of the discussion of dissatisfaction in the profession focuses on the abuses of many large firms. *See* SOL M. LINOWITZ, THE BETRAYED PROFESSION 100-05 (Charles Scribner's Sons New York 1994). While such positions generally offer higher income than others, student choices to surrender their life quality to their concerns about image or loan balances must be suspect, and are discussed briefly in footnotes 19, 27 and accompanying text.

honors during the school years, suggests an adopted, common standard of success rather than many personal ones. The incidence of dissatisfaction in the profession further suggests that many lawyers have not respected their actual needs when defining *success* for themselves, or that they have not maintained their lives in accordance with their (appropriate) definitions. And because lawyers are notorious for living unbalanced lives⁴², it is important to remember that a consistently satisfying life generally requires balancing work or study with time for ones' self, family and friends, and play.⁴³

Since the potential pressures of a lawyer's life often militate against both personal choices and the maintenance of balance, after thoughtfully developing one's personal definition of *success* one needs to regularly review her life experience with an openness for amending choices as appropriate. Distraction from personal purpose can translate into the effective loss of significant portions of one's life.⁴⁴

8. LAW STUDENTS (AND LAWYERS) REALLY NEED TO KNOW THAT GOOD APPEARANCES DO NOT NECESSARILY INDICATE A GOOD LIFE.

The experience of life can differ markedly from its appearance. Some wealthy, powerful people

⁴² See Susan Daicoff, *Lawyer Know Thyself: A Review of Empirical Research on Attorney Attributes Bearing on Professionalism* 46 AM. U. L. REV. 1337, 1392-94 (1997); and GERALD LE VAN, *LAWYERS' LIVES OUT OF CONTROL: A QUALITY OF LIFE HANDBOOK* (World Comm Press Alexander 1992).

⁴³ Bryan Robinson offers a self-evaluation exercise designed as a "balance wheel". BRYAN E. ROBINSON, PH.D., *WORK ADDICTION* 138-45 (Health Communications, Inc., Deerfield Beach 1989).

⁴⁴ Otherwise, one risks great disappointment upon reaching the top of a ladder leaned on the wrong wall; see Footnote 53 above. In Part III I also offer a poignant journal entry of a student discussing his relative's unhappy life as a lawyer.

are miserable; some of modest means and position enjoy their lives thoroughly. It is curious that the term *quality of life* generally conjures up images of external affluence, since *quality of life is primarily an internal matter*.

Awareness of this principle can help law students and lawyers stay connected with the many internal dimensions of themselves -- desires, feelings, values, and personal goals and needs -- which are crucial to a satisfying life. This does not mean that one should not seek prestige or affluence,⁴⁵ but the assumption that they define a good life, or are absolutely required for one, is incorrect -- and has undoubtedly helped create many compulsive or addicted students and lawyers.⁴⁶

9. LAW STUDENTS (AND LAWYERS) REALLY NEED TO KNOW THAT THEIR LEVEL OF PROFESSIONALISM WILL PROBABLY IMPROVE IF THEY LIVE A FULL, SATISFYING LIFE.

Professionalism as discussed in this article transcends the limited sense of *competence* to include the more aspirational qualities traditionally associated with the ideals of the legal profession:

⁴⁵ I often point out in my presentations for lawyers that the root meaning of *affluence* is *flowing smoothly* or *moving easily*. WEBSTER'S NEW WORLD DICTIONARY 23 (2d College ed., 1980) How many lawyers have enough money but are stressed and tense rather than "flowing easily" through life? The attorney who is generally content and living in personal balance *experiences* the quality of affluence much more than the one who is generally tense and overworked, regardless of their relative material wealth.

⁴⁶ Addictions are discussed further in Part II.

broad vision and wisdom; integrity and deep commitment to values; compassionate regard for humanity, unselfishness and the genuine desire to serve others, self-confidence, individualism, and leadership.⁴⁷ When the relative power and freedom which accompany the license to practice law are not tempered by such qualities, attorneys are likely to harm the functioning of the judicial system, the reputation of the profession, and their self-concept as well.

⁴⁷ Such qualities are intended to represent the ideals of the learned professions generally, exemplified for attorneys by the “lawyer-statesman” model. *See* ANTHONY T. KRONMAN, *THE LOST LAWYER* 11-14 (The Belknap Press of Harvard University Press, Cambridge 1993). While I am aware of no generally accepted listing of these qualities, I have not received significant disagreement after presentation of this list to numerous lawyer and law student groups.

Psychological studies strongly suggest that emotional maturity, personal satisfaction, and the expression of the qualities of professionalism tend to accompany and encourage one another.⁴⁸ Knowing that satisfied lawyers tend to be more professional and that professional lawyers tend to be more satisfied, and understanding the process that human life is thought to undergo to progress to this level – can serve to focus law students and lawyers on all of these areas of concern.⁴⁹ This is a primary focus of the material in Part II of this article.

10. LAW STUDENTS (AND LAWYERS) REALLY NEED TO KNOW THAT A RESPECTFUL, CARING ATTITUDE AND CONSISTENT ENJOYMENT OF LIFE ARE SIGNS OF A MATURE, HEALTHY PERSON.

This point is strongly supported by the psychological findings summarized in Part II of this article⁵⁰, as is the converse truth that overwork and abusive attitudes toward one's self and others are symptoms of immaturity, and possibly of addictive processes. I emphasize this as a separate point because, despite the current emphasis on restoring ethics and professionalism to lawyering, much of the common culture of law school and law practice settings obscures the importance of decency -- toward one's self as well as others -- by overemphasizing competition, production, and accomplishment. Attorney distress resulting from living out of balance obviously contributes to the poor public perception of the profession, while also undermining personal satisfaction. The particular nature of many practice settings, involving both constant demands and exposure to the problems of others, can lead lawyers and judges to lose the capacity to really care about the *people* involved with the problems. Further, the "law's" requirement for distinction and analysis can create a habit of judging and ranking people in the same way that we deal with ideas and issues: according to their apparent similarities and differences. Law teachers, bar leaders, judges, and attorneys in senior positions need to clearly model, and espouse with conviction, the principles of life balance and respect for others. It is irrational for us to bemoan the public's lack of respect for us, and we should expect no significant change in that regard, while many of our own do not consistently convey respect for others, including other members of the profession, or for themselves.

⁴⁸ The interrelatedness of many of these concepts is discussed in Part II of this article and is diagrammed in the appendices. See also Susan Daicoff, *Lawyer Know Thyself: A Review of Empirical Research on Attorney Attributes Bearing on Professionalism*, 46 AM. U. L. REV. 1337, 1395 (1997).

⁴⁹ I am finding that practicing lawyers, even more than students, are encouraged by this information. I present it to them, with substantiation, much as set forth in Part II of this article. This approach seeks to reduce the many current problems in the profession to basic causes, and enables lawyers experiencing those problems to shift their focus from a variety of seemingly unmanageable difficulties to a few workable solutions.

⁵⁰The most psychologically healthy people are found to have deeply democratic character structures and to regard differences of class, race, etc. as meaningless. See footnote 129 and accompanying text.