

# Resisting the Psychological Effects of Law School

## By Will Pasley, UC Hastings NLG Graduate<sup>1</sup>

Lawyers are among the most depressed and distressed professionals; the law school environment trains students to maintain lives that promote depression and anxiety.<sup>2</sup> Qualities that contribute to depression include: isolation, extreme anxiety, a loss of personal priorities, a sense of helplessness about how we are judged, lack of balance between work and the rest of life, and an environment that drastically reduces self-esteem while promoting hyper-competition. These attributes contribute to the negative view of lawyers. Since people often rise to the expectations other people hold of them, many of us are sucked into a life we despise. Unfortunately, this role includes the negative implicit qualities of lawyers. As more individuals increasingly adopt them, the more others feel pressured to follow suit. Pressures that cause shifts in identity include student debt, fear of rejection, lack of feedback, emphasis put on grades, ineffectiveness of feedback regarding grades and intellectual progress in general, lack of guidance, lack of practical skills, competitive atmosphere, and isolation and alienation.

This section outlines the aspects of law school that contribute to the negative features of the lawyer identity, especially the high rates of anxiety, stress, competition, and isolation. Indeed, there is evidence that the emotional trauma of law school follows lawyers into their professional life, contributing to high rates of substance abuse and depression.<sup>3</sup> We need to understand why law school is such a painful experience and the consequences it has on our lives and society so that we can generate creative solutions that will make law schools less traumatic. The insights discussed below are based on a review of the legal education literature, my personal observations as a law student, and a series of interviews conducted in late September and October 2011 among students at the University of California, Hastings College of Law.

### Negative Effects of Law School

Numerous studies have explored the negative consequences of law school on students, patterns that are not mirrored in other graduate school populations.<sup>4</sup> In *Stemming the Tide of Law Student Depression*, Todd and Elizabeth Peterson delve into this body of literature to explain why law students are excessively anxious, stressed, and depressed. The authors bring startling figures to light: 44% of law students have clinically elevated levels of distress. Levels of substance abuse among law students also tend to be significantly higher than the general population. This pattern continues past graduation, with 70% of lawyers developing alcohol problems at some point in their lifetime.<sup>5</sup> Research suggests that the culture of competition and conformity is a possible cause of student distress and a primary cause of the failure of legal education reform. One study explains that this culture affects how students see the law and themselves as lawyers as well as how they interact with other students. This culture has developed from the incentive structures, dominant pedagogy, job application process, and three “mismatches” of the law school environment. These mismatches are (1) between student idealism (why they came to law school) and what they still mostly study in the identity forming first year (**the pedagogical mismatch**); (2) between what students are taught and what young lawyers say was most useful about their legal education (**the training mismatch**); and (3) between the scope of legal need, the range of advocacy work and the career path of law school graduates, especially at elite institutions (**the professionalism mismatch**).<sup>6</sup>

Among the more insidious effects of legal education is the disaggregation of intellectual, personal and professional identities. This develops because students are not given context for their academic pursuits or offered opportunities to connect their studies to their professional development or

personal goals. This, of course, causes students to lose interest in classes and creates an “asymmetry between the classroom and job search process.” The authors are adamant that a focus on changing student culture is necessary for any institutional and curricular changes to be effective.<sup>7</sup>

Identity loss—the shift away from one’s own values and self-perception that many students experience in law school—is addressed in several articles by Lawrence Krieger. He argues that while in law school students lose touch with who they are and adopt an institutionally-created identity. Student values change considerably during their time in law school, precipitating a loss of internal motivation. These changes cause distress and a drop in self-esteem and happiness. All of these changes result from the intense pressure placed on students.<sup>8</sup> This change in values and motivations is also noted in Elisabeth Mertz’s anthro-linguistic study, which partially examines how the structure of language affects law students. Mertz finds that the discourse in law school pushes students away from public interest topics, primarily because the pedagogy prioritizes authority over ethics. The process of “thinking like a lawyer” emphasizes the logical and practical reasoning of the legal arguments and downplays or ignores the ethical side of the situation.<sup>9</sup>

Numerous studies show that the law school experience produces serious negative psychological effects on students, including high rates of anxiety, stress, depression, and substance abuse. The experience of law students at UC Hastings highlights how this process takes place as well as some possible reasons that the culture of law school can have a damaging effect on the lives of students.

### **Experience of Students at UC Hastings**

My own experience suggests that the perceived norms of a group, the stories we tell about ourselves and the cumulative experiences we share, have a large impact on how we perceive ourselves. We tell stories about lawyers fighting the good fight, being honest, professional, and aiding clients in need. But we also tell stories of cynicism, backstabbing and prioritizing money. Unfortunately, perceived norms have a tendency to become reified into actual norms. If we expect the majority of our peers to act a certain way it becomes more difficult to act differently even when we strongly disagree with such behavior.

When I arrived at Hastings, my class was told that we were now lawyers and needed to act like it. We were told to be ethical and professional, and that there was a tendency in our profession to do unjust and underhanded things. However, the details of what it means to be ethical and professional in the context of practicing law were never filled in. We are expected, I assume, to figure it out for ourselves, in addition to a professional responsibility class we take toward the end of our education. We are actively forming our perceptions of what it means to be a lawyer from the beginning of our law school experience and a single class is not necessarily enough to affect the inertia of the lawyer schema we have spent years mentally constructing.

The lawyer schema, like any socially-constructed category, is multi-faceted and contains elements we subconsciously use to ease the process of understanding reality.<sup>10</sup> These elements can range from behavior patterns to dress. For example, if I asked what lawyers wear, most people would say business attire or a suit. That is part of the schema we look to when we fit people into the lawyer category. This section addresses the facets of the law school environment and culture that law students experience, how those facets affect the way that law students perceive lawyers, and in turn, how students feel pressured to behave and think. This behavioral training reverberates through the entire legal profession.<sup>11</sup> Aspects of this training include pressure to adopt certain motivations and priorities, high levels of stress and anxiety, hyper-competition, isolation, and low self-esteem.

## **Anxiety**

Part of the reason law school becomes such a source of anxiety is because of the perceived high stakes. The prospect of being saddled with debt for a decade or more frightens many students into believing that the only way to achieve the life they envision for themselves is to get a high paying job regardless of whether that job has any connection to the reasons they decided to attend law school, because it is a necessity to pay off loans. The fear is that if our grades are not high enough, we won't secure a job that pays sufficiently (or a job at all) and we won't be able to live comfortably or even stay above water. Everyone takes note that there have to be people who are at the bottom end of the curve, and that possible placement is a constant concern for many people. The anxiety about grades that permeates the Hastings atmosphere is often palpable and not only pushes students into an unhealthy, overworked lifestyle, but can cause them to abandon their interests and beliefs. This undermines their sense of who they are. One source of this anxiety that came up repeatedly in my interviews was the small amount and quality of feedback students receive about how they are doing with their studies, especially in relation to their fellow students.

Comparing oneself to other students is currently the main source of feedback for students at Hastings during the semester. Several informants described how in awe and terrified they were by what some people said in their classes. During my first semester, I saw this in myself. I compared myself to other people in terms of how much I studied, the quality of what was said in class, the response of the professor to what was said in class, and how well others seemed to understand the law. This felt unhealthy to me and I decided I had to stop these thoughts by developing a mental habit whenever I experienced that kind of thinking. I would remind myself that I am not buying into the competitive atmosphere and would affirm myself. While utilizing that mental habit helped me escape some of the competitive energy, I still craved feedback.

There is a certain escalation that goes on when students compare themselves to others in terms of amount worked. I saw people reading numerous supplements and spending hours and hours working, far more than what I was doing. I certainly felt pressured to work more, beyond what was healthy for me, in addition to what classes required me to do. It is like an arms race. Your opponent gets a supplement, so you have to as well. Your opponent spends their entire weekend working, then you have to one-up them. So you dip into the only time you have left—the time you sleep. Several informants mentioned the problem of using Adderall, cocaine, and other stimulants at Hastings to get more work done. In law school, people take stimulants so they can work longer, harder and faster because they feel as though doing more signifies that they are understanding the material and doing better than their competitors. After all, grades are on a curve, and no one wants to be seen as and feel like the cushion at the bottom, especially when it comes with such a perceived dire consequence.

## **Competition**

Due to the curve, grades are an artificially scarce resource, meaning that my good grade depends on my classmates getting bad grades. Students at Hastings are painfully aware of this fact. Competition over this scarce resource is likely the reason that during my first year orientation we were admonished not to tear pages out of law books. The grading system is seen as nebulous and arbitrary. To a large extent, students are told that grades are based on how well you know the law, but my grades do not reflect how well I think I understand the law. This has played both to my benefit and my detriment. There is a skill to taking exams, a skill which is not taught in class and is of no apparent use in the world of practice. Part of the competition is learning the exam-taking skill outside of class. While academic support services offers crash courses in exam-taking, the private sector also preys upon anxious law students. For example, take a look at this excerpt from a hyperbolic mass advertisement that went to first year students:

## WHY LEEWS IS SO EFFECTIVE

Law exams confuse everyone! LSAT score, hard work – almost irrelevant! Those who do well are merely less inept than classmates. Simple fact – law school and all other sources do a poor job instructing how lawyers think, analyze, and address legal problems. Nor has anyone but LEEWS figured out how, systematically, any and all essay exam hypos can be broken down and addressed in concise, impressive paragraphs under time pressure (roughly one per issue). As a consequence, LEEWS is bound to improve performance and vault you ahead of clueless classmates.

While this is clearly a snake-oil salesman situation, most students feel as though they have to go above and beyond what is taught in class to get a good grade. This extreme pressure to out-compete other students makes them susceptible to this kind of exploitation. Most students interviewed explicitly stated that they felt as though there wasn't a correlation between their ability with the law, the amount of work they invested, and their grade. I certainly feel that way. As a 2L, I decided to put this hypothesis to the test. One experiment I conducted was in Criminal Procedure: I did about one class's worth of reading for the class. I did go to every class and pay attention, but I did not do the reading. I studied someone's outline from the previous year, and updated it based on my notes from class. It was a closed book exam, and I memorized the law well enough to satisfy my standards. I got a B, which was much better than some of my first semester grades where I thought I knew the law just as well. I repeated this experiment the next semester with Corporations, which also had a closed book exam. I did about one class's worth of reading, went to every class, and updated an old outline. I memorized the law well enough for my standards, and I got an A-. I felt I knew the material as well as Criminal Procedure, yet I got a much better grade. I cannot explain why I did better in Corporations, nor can I explain why I did better than people who got below a B, many of whom I am sure put significantly more effort into their work. This experiment has reinforced my belief in the inherent arbitrariness of grades, and made me feel much less in control of what grades I receive.

There is a complex interaction between the implicit qualities discussed so far. Lack of feedback, shifted priorities, the perceived high stakes of grades and competition produce the “frenzied environment” that we find at Hastings and other law schools. Lack of institutional feedback tends to result in people creating their own feedback, and using each other as a guide. Consistent, critical self-comparison to others amplifies the competition which is already emphasized by the grading system. The perceived high stakes that grades represent puts extreme pressure on students, increasing the level of stress. This creates a situation in which hundreds of people go into an upward spiral of pushing themselves to work harder, longer, and faster to out-compete everyone else for the scarce resource of high grades. The resource is then allocated seemingly arbitrarily and not necessarily based on any feedback that has been given. This cycle creates isolation and a self-esteem roller-coaster that undermines the confidence and mental health of students at Hastings. This situation produces anti-social behavior, low self-esteem, and mental health problems as an implicit element in a lawyer's identity.

### **Isolation**

One of the most troubling implicit qualities of a lawyer is alienation from other people. This was a universally mentioned aspect of law school among interviewees. While some had developed a few good friendships, in general they felt isolated from other people. The competition and anxiety push students apart and train us not to trust each other. Instead we try to figure out how to out-do others, and form small cliques of friends who “can have our backs.”

Isolation develops because we are worked very hard and pressured by both the grading system and the student culture to compete with each other to an extreme degree. The level of stress can make it difficult to connect with strangers, because students often just don't have the energy. That is not to say that students do not make friends: cliques are common, but it has been my observation that in law school people think they have fewer friends and they feel less connected to them than in other environments. The majority of students don't show the true depth of themselves to each other. I remember an admonition my class received during orientation: "Make friends now in these first few weeks, because once the semester gets going, people won't have the time or inclination." That warning was an accurate assessment of the social dynamics I saw during my first semester.

One of the most effective ways I found to mitigate the tendency to become isolated in law school is to join a group of like-minded people who can help provide a community and keep you focused on the ideals that brought you to law school in the first place. Joining or reviving a NLG chapter at your school is one way to counter the isolation that can easily occur during law school.

### **Self-Esteem Roller-Coaster**

The seasons of law school are varied, and intricately tied to grades and grade anxiety. Many students feel like failures every grade season. Of course, many students doubt the validity of grades and try not to tie their self-esteem to exam outcomes. But not everyone is successful and simply getting one C+ can be devastating. Because students believe that their future worth as employees will be judged by these grades, a low grade carries an implicit message of unworthiness. This is especially frustrating in light of the belief in the arbitrariness of the grading system.

Other interviewees described a similar situation, where they felt a blow to their self-esteem when they got their grades and when they compared themselves to other students. The culture and dynamics at Hastings generates extreme amounts of self-criticism, lowering our self-esteem. After the melancholies of the first two semesters, the roller coaster flies up with the sense of pride for completing the first year and surviving. Almost all the upper division students I have interviewed mentioned that feeling. Surviving law school is an accomplishment and one of which we are proud. But that is only one of the threshold questions that employers look at when filtering us out. As time passes after this accomplishment, the roller coaster starts up again.

### **Conclusion**

The reasons students come to law school are often replaced with the generic priorities of law school (e.g. grades, getting on journals, high status internships). This is more pronounced in students who have spent less time defining themselves, their passions and their ideals. Students who come to law school with a sense of how they will fit into the lawyer role are able to reject the parts they do not like and maintain the valuable aspects of themselves that law school suppresses. Students who have more knowledge about themselves, who have a clear conception of who they are and why they want a law degree are more resilient in the face of the pressures of the atmosphere at law schools. Unfortunately, most law schools do not offer much guidance or opportunity for the development of self-knowledge.

However, it is encouraging to note that several people described a certain point in their law school career, an epiphany where: 1) they realized that they did not have to agonize over grades (they still cared about grades, just not to an unhealthy extent); 2) that they had to prioritize their health and well-being over their grades and; 3) that they did not have to buy into the pack mentality of the student body at Hastings. Helping students to recognize this earlier in their law school career by openly discussing these issues could go a long way toward reducing anxiety and producing healthier and happier lawyers. Practices such as establishing restorative circles, teaching meditation, and

creating alternative curriculum programs can aid in this effort, as can any other drive to develop self-knowledge among the student population.

I am sure my experience at Hastings is not unique among law schools; indeed, people from many other law schools have confirmed that this is a common experience. But it need not be this way; we can change it! Simply creating a more caring, team-oriented environment would also have a lasting impact. Establishing and emphasizing positive role models is another important method, as it gives an alternative aspiration for law students to construct their identities around. Changing the grading and teaching practices of legal education would also help to ameliorate the worst consequences of law school as it is currently set up. More on these topics will be found in Part 2 of the manual: *Alternatives*.

### **Further Resources**

Peterson, Todd and Elizabeth Peterson, “Stemming the Tide of Law Student Depression: What Law Schools Need to Learn from the Science of Positive Psychology” (2008). *GWU Law School Public Law Research Paper* No. 448.

Sturm, Susan P. and Guinier, Lani, *The Law School Matrix: Reforming Legal Education in a Culture of Competition and Conformity*. *Vanderbilt Law Review*, Vol. 60, No. 2, p. 515, 547. 2007

Sheldon, Kennon and Lawrence Krieger, “Does Legal Education have Undermining Effects on Law Students? Evaluating Changes in Motivation, Values, and Well-Being” (2004) *Behav. Sci. Law* 22: 261–286.

Patrick Schiltz. “On being a happy, healthy, and ethical member of an unhappy, unhealthy, unethical profession,” *Vand Law Review* (1999).

Matthew M. Dammeyer and Narina Nunez, “Anxiety and Depression Among Law Students: Current Knowledge and Future Directions,” *23 Law & Hum. Behav.* 55 (1999).

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, 1 (1995-96).

Daniel N. McIntosh et al., “Stress and Health in First-Year Law Students: Women Fare Worse,” *24 J. Applied Soc. Psychol.* 1474 (1994).

B. A. Glesner, “Fear and Loathing in the Law Schools,” *23 Conn. L. Rev.* 627 (1991).

G. Andrew H. Benjamin, et. al., “The Role of Legal Education in Producing Psychological Distress Among Law Students and Lawyers,” *Law & Social Inquiry*, Volume 11, Issue 2, pages 225–252, (April 1986).

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<sup>1</sup> This section is based on a longer ethnographic article on Hastings Law. If you would like a copy of the paper, or you just want to talk about these issues, please feel free to email [will.pasley@gmail.com](mailto:will.pasley@gmail.com).

<sup>2</sup> Todd and Elizabeth Peterson, *Stemming the Tide of Law Student Depression: What Law Schools Need to Learn from the Science of Positive Psychology* (2008); *GWU Law School Public Law Research Paper* No. 448; *Yale Journal of Health Policy, Law, and Ethics*, Vol. 9, No. 2, 2009; *GWU Legal Studies Research Paper* No. 448.

<sup>3</sup> Peterson and Peterson, *Stemming the Tide of Law Student Depression*.

<sup>4</sup> Benjamin, Kazniak, Sales & Shanfield (1986). The role of legal education in producing psychological distress among law students and lawyers. *American Bar Foundation Research Journal*, 1986, 225-252.;

Sheldon, Kennon M. and Lawrence Krieger, J.D., “Does Legal Education have Undermining Effects on Law Students? Evaluating Changes in Motivation, Values, and Well-Being” (2004) *Behav. Sci. Law* 22: 261–286; B.A. Glesner, *Fear and Loathing in the Law School*, *23 Connecticut Law Review* 627-68 (1991).

<sup>5</sup> Peterson and Peterson, *Stemming the Tide of Law Student Depression*.

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<sup>6</sup> Susan P. Sturm and Guinier, Lani, “The Law School Matrix: Reforming Legal Education in a Culture of Competition and Conformity,” *Vanderbilt Law Review*, Vol. 60, No. 2, p. 515, 547. 2007; Columbia Public Law Research Paper No. 07-155; Harvard Public Law Working Paper No. 07-23.

<sup>7</sup> *Ibid*, 22.

<sup>8</sup> Lawrence Krieger, “Roasting the Seeds of Law School Stress,” *Journal of College and Character*, Vol. 5, Issue 8 (2004); Lawrence S. Krieger, “Human Nature as a New Guiding Philosophy for Legal Education and the Profession,” March 5, 2008. *Washburn Law Journal*, Vol. 47, p. 101, 2008; FSU College of Law, Public Law Research Paper.

<sup>9</sup> Elisabeth Mertz, “Teaching Lawyers the Language of Law: Legal and Anthropological Translations,” *34 J. Marshall L. Rev.* 91 (2000).

<sup>10</sup> Linda Hamilton Krieger, “The Content of Our Categories: A Cognitive Bias Approach to Discrimination and Equal Employment Opportunity,” *47 Stan. L. Rev.* 1161-1202.

<sup>11</sup> Benjamin, Kazniak, Sales & Shanfield (1986). The role of legal education in producing psychological distress among law students and lawyers. *American Bar Foundation Research Journal*, 1986, 225-252.; Sheldon, Kennon M. and Lawrence Krieger, J.D Does Legal Education have Undermining Effects on Law Students? Evaluating Changes in Motivation, Values, and Well-Being (2004) *Behav. Sci. Law* 22: 261–286; B.A. Glesner, Fear and Loathing in the Law School, *23 Connecticut Law Review* 627-68 (1991)