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Susan Grover

William & Mary Law School, ssgrov@wm.edu

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Personal Integration and Outsider Status As Factors in Law Student Well-Being

Susan Grover*

I. INTRODUCTION

Look around any first-year law school classroom. The students may all look pretty much the same—certainly all are raptly engaged in the subject (I teach first years, so I should know). In fact, though, odds are that, for every one hundred students, more than eight have disabilities,¹ more than four have been targets of sexual assault,² fourteen are parents or otherwise financially responsible for dependants,³ twenty-eight are members of racial or ethnic minority groups,⁴ four are gay, lesbian, bi-sexual, or transgendered (GLBT),⁵ nineteen have or will develop substance abuse problems, and eighty-four are sufficiently impecunious to need financial aid.⁶ Regardless of how the class looks from the podium, many students experience their arrival at law school feeling very much outside the student mainstream.

Outsiders are the canaries in the coal mine when it comes to law

* Susan Grover is a law professor at the College of William and Mary. She has worked actively for over a decade as a volunteer and board member of Lawyers Helping Lawyers, Virginia's lawyer assistance program. The author thanks Michael Faithful (William and Mary, BA 2007), Michael Palmer (William and Mary, J.D. 2010), Sean Egan (University of Missouri at Kansas City, J.D. 2009), Professors Nancy Levit and Barbara Glesner Fines (University of Missouri at Kansas City School of Law), and participants at the Humanizing Legal Education Symposium (Washburn University School of Law, October 2007).

1. Lee E. Teitelbaum, *First-Generation Issues: Access to Law School*, <http://www.aals.org/diversity/teitelba.html> (last visited Feb. 8, 2008) (extrapolating from a 1987 Department of Education study "that 8.6% of all law students classified themselves as disabled").

2. A 2000 Department of Justice statistical report found 35.3 incidents of reported sexual assaults per 1000 female students on campus recorded during a 6.91 month period in the 1996-97 academic year. BONNIE S. FISHER ET AL., DEP'T OF JUST., THE SEXUAL VICTIMIZATION OF COLLEGE WOMEN 10 (2000), <http://www.ncjrs.gov/pdffiles1/nij/182369.pdf>. The number of incidents is actually much higher, given that sixty-one percent of rapes go unreported. Scott A. McDonald, *When a Victim's a Victim: Making Reference to Victims and Sex-Crime Prosecution*, 6 NEV. L.J. 248, 249 (2005).

3. Kenneth E. Redd, *Financing Graduate and Professional Education: 2003-2004*, 17 NASFAA MONOGRAPH, Mar. 2006, at 1, 5, available at <http://www.nasfaa.org/subhomes/researchhome/monograph17.pdf>.

4. *Id.* at 3.

5. In spring 2004, a Law School Admission Council survey found that 3.7% of first-year students self-reported being Gay, Lesbian, Bisexual, or Transgendered (GLBT) (based on thirty-eight law schools). LAW SCHOOL ADMISSION COUNCIL, THE CLIMATE IN LAW SCHOOLS FOR GLBT PERSONS: RESULTS FROM A SURVEY OF LAW STUDENTS 3-4 (2006), <http://www.lsac.org/pdfs/2006-2007/glbtc-climate-survey.pdf>.

6. The average loan is \$23,202 annually. Redd, *supra* note 3, at 10.

student distress.⁷ Studies document that legal education has a deleterious effect on law student well-being.⁸ Studies also document that outsiders feel that effect first and more deeply than do other students.⁹

An anti-diversity voice might say, "If the outsider suffers inordinately from law school's traumas, then let the outsider go back outside." This argument falls short, however, because studies show that virtually *all* law students, not just outsiders, are increasingly experiencing *some* negative effects from the culture in law schools.¹⁰ The problem belongs to the institution, rather than the students.

This article explores outsider students' experiences of law school distress through the lens of fragmentation—an individual's rejection of vital aspects of the self in the name of a perceived gain—here—becoming a lawyer. Through three narratives, the article considers the psychological fragmentation that law school triggers and its special implications for outsider students. The article suggests that an efficacious approach to ameliorating law school's fragmenting effects, as well as broader institutional problems, is to nurture the unique gifts of outsider students. To that end, the article concludes with a series of recommendations, including a model for a student workshop with specific exercises and discussions to help students triumph in the face of pressure to fragment. This workshop will be useful for any group of students, but, for the reasons just mentioned, will be most important and most helpful for students who are outsiders at law school.

II. INTEGRATION AND FRAGMENTATION

Law school presents challenges to all who enter. Some of law school's challenges are positive and anticipated, while others come as an unhappy surprise. On the positive side, law school presents the chal-

7. Studies of distress at law school and in the legal profession began in the 1980s. 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; Suzanne Homer & Lois Schwartz, *Admitted but Not Accepted: Outsiders Take an Inside Look at Law School*, 5 BERKELEY WOMEN'S L.J. 1 (1990). See generally 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 (1996). Since then, the topic has been thoroughly researched. See, e.g., B.A. Glesner, *Fear and Loathing in the Law Schools*, 23 CONN. L. REV. 627 (1991); Susan Daicoff, *Lawyer, Know Thyself: A Review of Empirical Research on Attorney Attributes Bearing on Professionalism*, 46 AM. U. L. REV. 1337 (1997); Ann L. Iijima, *Lessons Learned: Legal Education and Law Student Dysfunction*, 48 J. LEGAL EDUC. 524 (1998).

8. Nancy E. Dowd et al., *Diversity Matters: Race, Gender, and Ethnicity in Legal Education*, 15 U. FLA. J.L. & PUB. POL'Y 11, 40 (2003); Judith D. Fischer, *Portia Unbound: The Effects of a Supportive Law School Environment on Women and Minority Students*, 7 UCLA WOMEN'S L.J. 81, 87 (1996).

9. Dowd et al., *supra* note 8, at 40; see Fischer, *supra* note 8, at 87-88.

10. Similarly, the increase in lawyers needing assistance for mental health issues, including substance abuse, is too substantial to be deemed a problem of outsider or minority populations. See Beck et al., *supra* note 7, at 2. See generally G. Andrew H. Benjamin et al., *The Prevalence of Depression, Alcohol Abuse, and Cocaine Abuse Among United States Lawyers*, 13 INT'L J.L. & PSYCHIATRY 233 (1990).

lenge of confronting and mastering a new and noble discipline. Law students often grow in positive ways in response to law school's demands that students learn to manage their time and family priorities and that they persevere as they grapple with arcane cases that seem to make no sense. Perhaps of even greater benefit, law school demands that students learn to keep faith in themselves and the process—that what now seems like meaningless chaos is going to make sense by the end of the semester.¹¹

On the negative side of the balance are challenges now well documented in a growing body of literature substantiating law student and lawyer malaise—work addiction, substance addiction, depression, general dissatisfaction, and ill health.¹² The problem begins in law school, when many law students, both mainstream and outsiders,¹³ feel that succeeding in law school demands sacrifices that are, in actuality, not in the students' best interests.¹⁴ Students who sacrifice the habits of reading fiction, seeing films, culinary experimentation, sports, dating, and other "fun" things, may view the sacrifice as temporary. In fact, the disappearance of activities may actually be more permanent in nature and symbolic of—or a superficial indicator of—a far deeper and darker¹⁵ abandonment of attributes more fundamental to the students' well-being.¹⁶

11. The sacrifices that law expects have been glamorized: "[The law] is a jealous mistress." See Norman W. Spaulding, *The Discourse of Law in Time of War: Politics and Professionalism During the Civil War and Reconstruction*, 46 WM. & MARY L. REV. 2001, 2035 n.89 (2005) (attributing the jealous mistress statement to Justice Story in his August 5, 1829 inaugural address as Dane Professor of Law at Harvard, on the subject of the value and importance of legal studies). Today, there are levels of competition for clients and billable hours, and a paucity of stay-at-home parents to empower single-minded loyalty to that mistress. At one time, the law was a revered profession. Now, while envied, the law often draws society's vitriol or disdain. Those traditionally excluded from the legal profession are being allowed in, but cannot always find the resources to serve the jealous mistress in a way that allows their more mainstream counterparts to remain at the summit.

12. See generally Lawrence S. Krieger, *Institutional Denial About the Dark Side of Law School, and Fresh Empirical Guidance for Constructively Breaking the Silence*, 52 J. LEGAL EDUC. 112 (2002) [hereinafter Krieger, *Institutional Denial*]; Lawrence S. Krieger, *What We're Not Telling Law Students—and Lawyers—That They Really Need to Know: Some Thoughts-in-Action Toward Revitalizing the Profession from Its Roots*, 13 J.L. & HEALTH 1 (1999).

A 1990 American Bar Association study revealed that "40 percent of the lawyers surveyed [in 1984] were very satisfied [with practice], but this number dropped to 29 percent in 1990." G. Andrew H. Benjamin et al., *Comprehensive Lawyer Assistance Programs: Justification and Model*, 16 LAW & PSYCHOL. REV. 113, 116-17 (1992). Dissatisfaction with his or her work does not, alone, say anything about the lawyer's mental health. In fact, dissatisfaction with an unpleasant situation is, itself, a healthy response. Dissatisfaction not acted upon gets pretty depressing, and depression is, of course, a mental health problem.

13. Mainstream and outsider are simply points on a continuum, not "either/or."

14. I say that they "feel compelled," rather than that they "are compelled," because most law school faculty and administrators would refute the contention that they deliberately make such demands. Intent is irrelevant here, in any event. The concern is that a large number of students experience what they perceive as "compulsion."

15. Krieger, *Institutional Denial*, *supra* note 12, at 114.

16. Studies by teams of psychologists at the University of Arizona found that law students arrive with essentially normal psychological markers but shift quickly to major psychological distress during the first year of law school. *Id.* (citing Matthew M. Dammeyer & Narina Nunez, *Anxiety and Depression Among Law Students: Current Knowledge and Future Directions*, 23 LAW & HUM. BEHAV. 55, 61 (1999)).

At the same time, students set aside healthy pastimes, they also feel pressure to abandon aspects of personality and values that seem inconsistent with being a successful law student or attorney as defined by the legal academy. Casting off these facets of the self effectively causes a disintegration or fragmentation of the whole person. This is a more disturbing source and sign of law student and lawyer distress than relinquishment of wholesome activities.¹⁷ When students reject vital aspects of themselves in the name of becoming lawyers, they act to the detriment of their own psychological integration.¹⁸

Integration is the hallmark of good health.¹⁹ "Wellness" has been defined as "a way of life . . . in which body, mind, and spirit are integrated by the individual."²⁰ "[Psychologists Maslow and Rogers] saw people as naturally striving for their highest level of personal functioning, authenticity, integration, and actualization."²¹ To integrate is to heal. If fragmentation means losing pieces of the whole,²² then integration is putting or keeping the pieces together. Integration is synonymous with well-being.²³ The idea of unwisely relinquishing essential aspects of the self in order to achieve some perceived gain is an idea of

17. The numbers suggest that many people arrive at law school as integrated people and disintegrate in the process of becoming lawyers. See generally *id.*

18. As Kennon Sheldon and Tim Kasser report:

[W]hen people are focused on goals with intrinsic content (self-acceptance, affiliation, and community feeling) they are more likely to satisfy their higher psychological needs and thus have many of the characteristics of "fully functioning" individuals, including psychological health and strong interpersonal relationships. In contrast, a focus on extrinsic goals (financial success, popularity, appearance) signals a disjunction from one's true self and a focus on security needs, likely due to non-optimal childhood models and environments. As a result, extrinsically oriented people tend to become "stuck in a vicious cycle" in which they continually experience psychological distress and conflictual interpersonal relationships, not knowing how to escape the cycle. Beyond "non-optimal childhood models and environments," an educational environment that promotes extrinsic goals and motivation will have a similar effect. This is particularly likely in legal education, which demands of its students a new way of thinking and which typically encourages—either tacitly or explicitly—the rejection of previously held values, preferences for cooperation or mutuality, and other socializing factors.

Krieger, *Institutional Denial*, *supra* note 12, at 122 (quoting Kennon M. Sheldon & Tim Kasser, *Goals, Congruence, and Positive Well-Being: New Empirical Support for Humanistic Theories*, 41 J. HUMANISTIC PSYCHOL. 30, 46 (2001)).

19. *Id.* at 120.

20. Catherine Y. Chang & Jane E. Myers, *Cultural Adaptation of the Wellness Evaluation of Lifestyle: An Assessment Challenge*, 35 MEAS. & EVAL. COUNSELING & DEV. 239, 240 (2003). In 1961, H.L. Dunn defined wellness as "an integrated method of functioning which is oriented toward maximizing the potential of which the individual is capable." *Id.* M. Jahoda, in 1958, established benchmarks for later theorists, concluding that "positive mental health could be summarized by six fundamental variables: self-acceptance, personal growth, autonomy, environmental mastery, personality integration, and an accurate perception of reality." William C. Compton, *Toward a Tripartite Factor Structure of Mental Health: Subjective Well-Being, Personal Growth, and Religiosity*, 135 J. PSYCHOL. 486, 487 (2001); see also Krieger, *Institutional Denial*, *supra* note 12, at 112 (citing ABRAHAM MASLOW, *MOTIVATION AND PERSONALITY* 39-46 (2d ed. 1970); CARL ROGERS, *ON BECOMING A PERSON: A THERAPIST'S VIEW OF PSYCHOTHERAPY* (Mariner Books 1995)).

21. Krieger, *Institutional Denial*, *supra* note 12, at 120.

22. It is not just the lawyer's psyche, of course, that suffers fragmentation at the hands of law. Law itself fragments in its traditional function, as it reduces problems to component parts and eliminates contextual aspects of the problem deemed "not germane."

23. Krieger, *Institutional Denial*, *supra* note 12, at 120.

mythic proportions²⁴ as old as the human condition.²⁵

Integration, the pull toward or longing for wholeness, appears as a need for healing at many levels, transcending experience from the individual to the societal level.²⁶

[S]chism in the soul, schism in the body social, will not be resolved by any scheme of return to the good old days (archaism), or by programs guaranteed to render an ideal projected future (futurism), or even by the most realistic, hardheaded work to weld together again the deteriorating elements. Only birth can conquer death—the birth, not of the old thing again, but of something new.²⁷

By the same token, fragmentation—splintering off/relinquishing a piece of the self—or disintegration is perceived as deleterious toward the whole of the individual or of society.²⁸

Law, on the other hand, pressures its students and practitioners in the direction of fragmentation. A host of modern scholarship concludes that law, both as an intellectual discipline and as a professional practice, has this effect.²⁹ In the words of one scholar, “[f]or some students, ‘learning to think like a lawyer’ means abandoning their ideals, ethical values, and sense of self.”³⁰

A. Sources of the Fragmentation Problem

Some students are brilliant writers but poor in civics. Others have a good grounding in European history, but have not studied United States history. Some are wonderful orators; others can listen between the lines and hear messages even the speaker did not know were contained in the speaker’s words. Some people can confront a chaotic problem, where people and circumstances are tripping over each other on an apparent trajectory toward doom, and can see a way to bring order to that chaos—a way that everyone else missed. Some people’s

24. See ROBERT JOHNSON, *THE FISHER KING AND THE HANDLESS MAIDEN: UNDERSTANDING THE WOUNDED FEELING FUNCTION IN MASCULINE AND FEMININE PSYCHOLOGY* 69 (1993).

25. Such sacrifice is an archetype, shared across cultures. JOSEPH CAMPBELL, *THE HERO WITH A THOUSAND FACES* 18 n.18 (1973).

26. Under many spiritual traditions, the spiritual path is equated with the path toward wholeness, integration of the self. The term “yoga” is Sanskrit for yoke, referring to the purpose of yoking together mind and body to achieve union with spirit. Jennifer Cook, *Not All Yoga Is Created Equal*, YOGA JOURNAL, <http://www.yogajournal.com/basics/165> (last visited Jan. 19, 2008).

27. *Id.* at 16. One thinks of the “laudable, but impracticable” efforts to bring “civility” back to the legal profession. The legal profession is never again going to be what it was when it was the private enclave of the few.

28. If our society were to achieve racial integration, for example, society would be healthier and better functioning. In January 2008, the Honorable William H. Pryor Jr., of the United States Court of Appeals for the Eleventh Circuit, wrote, “[D]espite considerable racial progress, racism persists as an evil to be remedied in our Nation.” *Goldsmith v. Bagby Elevator Co.*, No. 06-14440, 2008 WL 150585, at *1 (11th Cir. Jan. 17, 2008).

29. See generally Krieger, *Institutional Denial*, *supra* note 12 at 116-17. See Ann Juergens, *Practicing What We Teach: The Importance of Emotion and Community Connection in Law Work and Law Teaching*, 11 CLINICAL L. REV. 413, 415 (2005).

30. Gerald F. Hess, *Heads and Hearts: The Teaching and Learning Environment in Law School*, 52 J. LEGAL EDUC. 75, 79 (2002).

hearts are so full of love that they never miss a chance to help another in need.

To the extent that law school extinguishes any of these gifts, law school exerts a destructive force on those who entrust their education to the school. Students have no choice but to trust their education to the faculty. Students lack the breadth and depth of perspective the faculty enjoy. Faculty members can protect students from, or at least steel them against, circumstances that might threaten these gifts. They have the power and the incentive to change those circumstances because eliminating such gifts not only destroys students' well-being, but diminishes the set of tools that law graduates will bring to bear on client matters.³¹

Studies suggest that law school does, indeed, destroy such gifts. In the words of one scholar, law school "ultimately teaches many students to put aside their personal life and health"³² and to "accept persistent discomfort, angst, isolation, even depression as the cost of becoming a lawyer."³³ The factors that cause law students to relinquish essential aspects of themselves are myriad: keen competition for grades;³⁴ unexplained inconsistencies in the laws they are learning; the sometimes futility of the students' best efforts;³⁵ a narrowness of focus that renders students' other talents and abilities ostensibly extraneous; and, a lopsided focus on logical mathematical intelligence and linguistic intelligence, rather than the full range of intelligences that bear on lawyers' work.³⁶

Moreover, the lack of time to consolidate and reflect renders contemplative practices virtually impossible. Students thus may lose their most vulnerable sensibilities, while retaining their capacity for rigid, syllogistic reasoning and strident, force-grounded argument that runs

31. Lani Guinier et. al., *Becoming Gentlemen: Women's Experiences at One Ivy League Law School*, 143 U. PA. L. REV. 1, 84-87 (1994). "By relying on the norm of abstract, analytic performance to test 'merit' in this manner, the institution arguably fails to consider whether those practicing law need training in multiple rather than unidimensional skills, or whether on-the-job training is equally important to one's career development." *Id.* at 87; see also Charles Fried, *The Lawyer as Friend: The Moral Foundation of the Lawyer-Client Relation*, 85 YALE L.J. 1060, 1084 (1976) (suggesting that it is healthy for lawyers to separate their lawyer selves from their personal selves).

32. Students sacrifice physical health by relinquishing rest and exercise, turning to coffee or stronger stimulants, resorting to alcohol and drugs to escape the addictive work style they are living. Krieger, *Institutional Denial*, *supra* note 12, at 118.

33. *Id.* "This is ominous preparation for professional life, and similar constructs apparently do drive many lawyers, as they vie for status, recognition, and the highest salaries regardless of the toll on their health, happiness, ethics, and professionalism." *Id.*

34. In the words of one scholar, "The need to compare favorably to others is actually a recognized form of emotional illness." *Id.*

35. The sense of being an outsider is exacerbated for all students when students and faculty act as if students should already KNOW the law when they arrive at law school. Students often feel embarrassed for not knowing things they are in the process of learning. Law schools exist only because entering students do NOT know much of anything about law and lawyering, so, yes, they are outsiders, but they should not feel like misfits.

36. See generally Kirsten A. Dauphinais, *Valuing and Nurturing Multiple Intelligences in Legal Education: A Paradigm Shift*, 11 WASH. & LEE RACE AND ETHNIC ANC. L.J. 1 (2005).

roughshod over the nicer, more subtle, issues.

Some students respond to this pressure in a manner consistent with the dominant culture. One study concluded that “men who do not fare well [in this mindset], but whose conditioning is to see law school as a game, may ‘fight back.’”³⁷ Other students may “internalize a relatively weak performance on a single exam as evidence of personal failure. Rather than assuming the initiative to self-teach as a means of fighting back, [such students] feel overwhelmed and defeated.”³⁸

If law schools and the legal profession work such harm, it makes sense to inquire why those harmed do not rise up and change the system. Many answers are available. One is simply that the current structure predicates law student and lawyer success on a person’s willingness to relinquish fragments of themselves. This answer describes the problem, rather than explaining its continued vitality. A more responsive, though somewhat cynical, answer is that privilege and reverence for precedent contribute to the problem’s survival. Precedent³⁹ and privilege blind the profession to the damages done by stringent hierarchy and the adversarial competitiveness that hierarchy spawns.⁴⁰ The United States legal system and legal education are ensconced in hierarchy so embedded that participants do not notice it and tend to reject critiques of it. Those who are at the top of the hierarchy—judges, professors, and respected attorneys—are unlikely to find fault with a system that rewarded their own particular strengths and affirmed their worth.⁴¹ Success within the system may, therefore, blind people to the system’s corruption.⁴² Such blindness, in turn, cements in place a system that re-

37. Guinier et al., *supra* note 31, at 87.

38. *Id.*

39. In the words of Krieger,

After all, we are basically reproducing the system of legal education which we experienced and for which we had great aptitude as students. And human nature suggests that some of us simply avoid the substantial effort that helpful changes might require—particularly if they come at a cost to our own comfort or convenience . . . [C]ore attitudes and beliefs at the foundation of our educational culture would be threatened by an open look at what is going wrong.

Krieger, *Institutional Denial*, *supra* note 12, at 116-17.

40. *Id.* at 117.

41. Some segments of bar leadership have been moving decisively in the direction of ameliorating the problems of law student mental or emotional impairment or substance abuse issues. On February 12, 2008, the American Bar Association House of Delegates Adopted Model Rule 112. Model Rule 112 provides for conditional admission to the bar for students who have sought treatment for serious problems, so that seeking treating will not operate to the detriment of the recent law graduate. See American Bar Association, Midyear Meeting Online, <http://www.abavideo.org/ABA496/av.php?id=176&type=v> (last visited Feb. 20, 2008). The purposes of this new model rule are to protect the public and to encourage law students in need of help to obtain help without fear of professional repercussions.

42. As Krieger notes:

It would be quite possible . . . to teach rigorous legal analysis in a manner that supplements rather than supplants a student’s developed values, beliefs, and sense of self—a fact that often leads me to wonder whether we law teachers persist in exclusively valuing thinking ‘like a lawyer’ because of our own adeptness at it or comfort with it.

Krieger, *Institutional Denial*, *supra* note 12, at 125.

wards students who display single-minded competition, adversarial temperament, willingness to work unhealthy numbers of hours, and the narrow range of lawyering skills that law examinations measure.

B. Traits Students Relinquish in the Name of Law School Success

1. Relinquishing Spirituality

Law students' psychological fragmentation may involve discarding spirituality or religion.⁴³ If law students set aside their spiritual selves, then they will be naturally drawn toward other ways of transcending daily life, in an effort to regain a spiritual connection. One theory of substance abuse is that alcohol and drug abuse are misguided efforts to regain such a spiritual connection.⁴⁴ This evokes the possibility that the documented increases in law student and lawyer substance abuse may actually reflect the loss of spiritual connection that has resulted from pressures of law school and practice.

With optimism about spirituality's potential to heal the legal profession, Calvin Pang advises his clinical law students to keep journals in which they write within the context of a higher spiritual journey. Professor Pang would strengthen "[w]ork's sacred dimension" by empowering students to connect with their spirituality.⁴⁵ Similarly, Leonard L. Riskin advocates mindfulness meditation as a solution to fragmentation:

Although mindfulness meditation can have many uses, [Riskin focuses] on how it can help law students and lawyers address two related problems that many of them face. The first concerns high levels of unhappiness, stress, and depression among lawyers and law students. The second concerns the tendency of some lawyers to miss opportunities to provide the most appropriate service to some clients. . . . These include some forms of mediation and negotiation, "collaborative lawyering," "problem-solving," and therapeutic jurisprudence. Although these and similar efforts have gathered much support in recent years, they remain at the periphery of the profession, unfamiliar—if not incomprehensible—to the vast bulk of lawyers and law students who remain firmly in the grip of adversarial mind-sets.⁴⁶

2. Relinquishing Collegiality and the Capacity for Intimacy

Law school asks the new student to discard any sense or capacity for

43. Law students may give up both interconnectedness and intraconnectedness, including the emotional, spiritual, and physical. See Iijima, *supra* note 7, at 529.

44. See CHRISTINA GROF, *THE THIRST FOR WHOLENESS: ATTACHMENT, ADDICTION, AND THE SPIRITUAL PATH* 14-16 (1993); ALCOHOLICS ANONYMOUS 567 (4th ed. 2001) (seeking an alternative to alcohol use as a means to transcend to a spiritual plane).

45. Calvin G.C. Pang, *Eyeing the Circle: Finding a Place for Spirituality in a Law School Clinic*, 35 WILLAMETTE L. REV. 241, 292 (1999).

46. Leonard Riskin, *The Contemplative Lawyer: On the Potential Contributions of Mindfulness Meditation to Law Students, Lawyers, and Their Clients*, 7 HARV. NEGOT. L. REV. 1, 8-9 (2002).

collegiality⁴⁷ that survived undergraduate work.⁴⁸ Students learn so quickly that grades are the be-all and end-all. Success is measured by grades, which determine journal memberships, clerkships, and jobs. Grades are awarded on a curve. The student thinks, "Another student's gain is my loss. I am not going to do anything to help other students move me down in the curve."⁴⁹

Law students quickly learn to see other people as adversaries.⁵⁰ Success means finding fault with the other side's, or the lower court's, position. If we focus on the positive, our words are deemed vacuous. This facet of our professional lives exacts a heavy toll on our ability to connect to other people in our lives, whether in professional or personal relationships.⁵¹ What are the psychological effects on a profession whose job it is to find fault?

Exacerbating the negative effect of all of the competitive paradigms, the exclusive valuing of thinking "like a lawyer" directly discourages students from being themselves. They learn to inhibit the expression or consideration of ideals, values, and personal beliefs, and they lose sight of the potential satisfaction inherent in cooperation and mutually beneficial outcomes. [This process simultaneously undermines e]nthusiasm and the sense of relevance that would result from engaging more of the students' inborn capacities.⁵²

This is exacerbated by the slant of legal education to teach students how to litigate, rather than the broad range of activities in which lawyers engage.⁵³ The legal academy prides itself on teaching critical thinking skills; students learn to scrutinize and to "identify any defect that may undermine the adversary's [argument]."⁵⁴ Unless students are focused enough to differentiate between types of human interactions, the loss of

47. Real collegiality is a relationship or environment that demands a willingness to show ignorance, gaps in one's reasoning, and insecurities about one's hypothesis. The willingness to share the weaknesses is what allows our colleagues to help us to fill in the gaps. Because law is adversarial, students often learn quite early that showing any weakness is giving ammunition to one's enemies because the law school model is litigative. Thus, by the time they emerge from law school, students are often competitive enough to be incapable of real collegiality. The model is litigative. "For every winner there is a loser, and if anything beyond winning or losing matters, it doesn't matter much." Krieger, *Institutional Denial*, *supra* note 12 at 117; see Riskin, *supra* note 46, at 10.

48. In fact, professional experience between undergraduate work and law school may revive a student's flagging capacity for collegiality. There are actually many professional situations outside the law where the ability to collaborate is rewarded.

49. See Barbara Glesner Fines, *Competition and the Curve*, 65 UMKC L. REV. 879, 905 (1997).

50. Law school's "overriding emphasis on differentiation, contingent worth, and competitive outcomes" results in isolation. Krieger, *Institutional Denial*, *supra* note 12, at 118.

51. Riskin, *supra* note 46, at 12.

52. Krieger, *Institutional Denial*, *supra* note 12, at 118.

53. The usual classroom atmosphere is one in which students are isolated from each other and the teacher, and encouraged to abandon their preferences, values, and instincts as they are trained to wholeheartedly embrace thinking "like a lawyer." Krieger, *Institutional Denial*, *supra* note 12, at 125; see Riskin, *supra* note 46, at 10.

54. Krieger, *Institutional Denial*, *supra* note 12, at 117. Traditional law school teaching "techniques desensitize students to the critical role of interpersonal skills in all aspects of a professionally proper attorney-client relationship and, for that matter, in all aspects of an ethical law practice." John Mixon & Robert P. Schuwerk, *The Personal Dimension of Professional Responsibility*, 58 LAW & CONTEMP. PROBS. 87, 102 (1995).

collegiality may be a harbinger for the loss of the capacity for intimacy. Turning the adversarial switch on and off is difficult if all of one's consciousness is devoted to gaining information and battling off perceived enemies—one's classmates.

3. Relinquishing Personal Ethics

From the start, the budding lawyer is asked to set aside personal morality, emotion, and sensibility in the name of legal analysis:

Law schools traditionally teach students to sift through facts and issues to eliminate "irrelevant" concerns and focus only on what is "relevant" to the rule of law. The emotional and interpersonal dynamics of a matter are deemed irrelevant to the pure legal analysis learned in the first year of law school.⁵⁵

Students feel from the outset that their sense of right and wrong has become suspect and unimportant in the face of law school's demand for syllogistic reasoning.⁵⁶

4. Relinquishing Work Ethic

Ironically, students find themselves casting aside their work ethic. Law students come from undergraduate or professional experiences that treasured and rewarded their fastidious attention to their work. These students, who have always taken pride in a strong work ethic, find themselves cutting corners in the face of a mountain of reading that makes attention to detail impossible. They lose what was a major source of self-esteem in the past, a habit of thorough and careful academic study, including thoughtful reflection on the readings. As more than one student has put it, academic work in law school "gets fast and dirty." Additionally, without the anchor of adhering to the high standards that have always characterized their self-perception in the past, such students' work ethic may become work addiction. One hallmark of addiction is a blindness or denial—the addict cannot see the addiction. Students who have lost the markers of the standard of excellence that has always guided their work are lost in a tidal wave of work without guiding principles and can lose sight of the big picture. So the workflow gets a hold on the student, who struggles under its grasp, but sees no way out. For law students and lawyers who find themselves on a treadmill, who blindly sacrifice all in the name of "success," work ethic has become addiction. In law school, the combination of reading overloads and the paucity of opportunities for creative work or work directed by the student's own curiosity can result in

55. Susan Daicoff, *Law as a Healing Profession: The "Comprehensive Law Movement,"* 6 PEPP. DISP. RESOL. L.J. 1, 5 (2006). See generally Hess, *supra* note 30; Krieger, *Institutional Denial*, *supra* note 12.

56. Catherine Weiss & Louise Melling, *The Legal Education of Twenty Women*, 40 STAN. L. REV. 1299, 1307 (1988).

rejection of the idea of doing work for the sheer pleasure of it.

5. Relinquishing Perspective⁵⁷

A heavy workload can be blinding. At least one young law firm associate has "died of overwork" by committing suicide motivated by despair over his workload.⁵⁸ Although that associate's parents did not prevail in their 1992 wrongful death suit against the firm of Cleary, Gottlieb, Steen & Hamilton, increasing financial pressures point to exacerbation of the already unhealthy work style that currently reigns in many law schools and firms.⁵⁹ Attorney suicide rates are increasing. For example:

One state survey showed 9% of lawyers think about suicide monthly. One Florida lawyer had nine colleagues die before the age of 55, two of them by suicide. In 1992, the New York City firm of Cleary, Gottlieb, Steen & Hamilton was the subject of a wrongful death suit after a Yale Law School graduate committed suicide in his second year as an associate with the firm. Although the suit was dismissed, it briefly focused attention on the 2,000-billable-hour workloads and constant deadlines that are the norm in big-firm practice.⁶⁰

In their responses to ever-increasing economic pressures, the profession's leaders need to remain conscious of the dangers to human constituents that these pressures create and, most importantly, to be aware that measures are available to preserve work ethic *as* ethic, rather than as addiction. The tunnel vision that addiction imposes on its victim is what enables a twenty-seven-year-old lawyer to feel so burdened by his work that he finds life not worth living.

Students need training not just in case-briefing and oral argument skills, but in maintaining perspective, maintaining health, maintaining balance, and most importantly, in keeping work in its place. This is not about how much time they spend working—it is about how they perceive their work in relation to the other elements of their lives. To that end, this arti-

57. Solutions might be to alter the profession or to expand its perspective.

As Elizabeth Dvorkin, Jack Himmelstein, and Howard Lesnick said of the humanistic perspective they described in 1980: "The goal of this perspective is not to replace the traditional strengths of the profession but to include them in a larger context. For example, the point is not that concern with human aspirations and values should replace technical mastery and analytic rigor. What is needed is a way of bringing together mastery with aspiration, intellect with experience, rigor with value, pragmatism with idealism, competence and skill with caring and a sense of meaning."

Riskin, *supra* note 46, at 21 (quoting ELIZABETH DVORKIN ET AL., *BECOMING A LAWYER: A HUMANISTIC PERSPECTIVE ON LEGAL EDUCATION AND LAWYERING* 3 (1981)).

58. Mark Hansen, *Suicide Suit Dismissed: Complaint Blamed Law Firm in Overworked Associate's Death*, A.B.A. J., July 1994, at 25, 25. A Manhattan trial court dismissed a claim in which parents of a suicide victim alleged that a firm overworked their son, leading to his death. *Id.*; *McKenzie v. Cleary, Gottlieb, Steen & Hamilton*, No. 102107/1993, 1994 WL 150139, at *3 (N.Y. Sup. Ct. March 22, 1994).

59. See Deborah K. Holmes, *Learning from Corporate America: Addressing Dysfunction in the Large Law Firm*, 31 GONZ. L. REV. 373, 377 (1996); Patrick J. Schiltz, *On Being a Happy, Healthy, and Ethical Member of an Unhappy, Unhealthy, and Unethical Profession*, 52 VAND. L. REV. 871, 898-901 (1999).

60. See Holmes, *supra* note 59, at 377; Schiltz, *supra* note 59, at 898-901.

cle concludes with a model workshop for law students.

III. OUTSIDERS IN LAW SCHOOL BEARING GIFTS—CANARIES IN THE COAL MINE

When students arrive for the first day of law school, all of them have reason to feel like outsiders.⁶¹ They are outsiders. They have not yet been to law school. They do not know the ropes. They do not know the players. They may not even know how to avoid mixed metaphors.

Still, as they approach the academy doors for the first time, some students have reason to feel more “outside” than others in ways beyond mere lack of familiarity with the legal academy.⁶² Some students, for example, those whose parents went to college and law school, may have the advantage of some familiarity with the academy and the profession.

For purposes of this discussion, “outsider” is functionally defined. Outsiders include members of groups historically excluded from law school: underrepresented racial groups, women, people with disabilities, people who are economically or educationally disadvantaged, people whose first language is not English or whose culture is not of the United States, older students, students who are parents, first-generation college graduates, and undocumented aliens. Other students count as outsiders by virtue of how they experience law school, regardless of their background. A good marker for feeling like an outsider is the “imposter phenomenon,”⁶³ which afflicts many people who ostensibly are mainstream. The imposter syndrome is a manifestation of poor self-esteem. It is the students’ sense that they got to law school by pretending to be good enough, by tricking decision-makers along the way into believing they were law school material. The law school experience can become an ongoing battle for the student suffering from the imposter phenomenon to keep others from learning that the student is in law school under false pretenses.

Privilege goes a long way to helping a student feel like an insider at law school. An elite space historically reserved for the economically and socially privileged, the legal academy even today admits only a to-

61. By the time first semester grades come out, of course, ninety percent of the class again feels like outsiders or misfits because they are not in the top ten percent. One way of looking at law school’s deleterious effects on students is that it makes them all feel like outsiders.

62. The sad irony is that more students will feel like outsiders upon graduation than on the first day. This discussion focuses both on students who are members of statistically measured underrepresented groups in law school and also students who, functionally, are outsiders for whatever reason. Recommendations on how law schools can better serve students originate with the idea of service to the outsider but are meant to assist the student body.

63. Pauline Rose Clance & Suzanne Imes, *The Imposter Phenomenon in High Achieving Women: Dynamics and Therapeutic Intervention*, PSYCHOTHERAPY THEORY, RES. & PRAC. Fall 1978, at 1, 1, available at http://www.gsu.edu/~wwwaow/resources/ip_high_achieving_women.pdf. Clance and Imes wrote that “[d]espite outstanding academic and professional accomplishments, women who experience the imposter phenomenon persists [sic] in believing that they are really not bright and have fooled anyone who thinks otherwise.” *Id.*

ken batch of outsiders.⁶⁴ Discourse in the academy often seems to assume that all members of the law school community share the same privileges enjoyed by the select few traditionally admitted—that the law student, and the law professor, are middle class and white, for example. Privilege is invisible, and privileged people do not stop to think about the assumptions and expectations their privilege creates.⁶⁵ The entry of those who do not share the privilege is the exception to the rule.

For that reason, outsiders are uniquely situated to help the institution improve.⁶⁶ Outsiders can see things that privilege renders invisible to insiders. Because the legal system reveres precedent, lawyers may favor preserving the status quo simply because of historical pedigree.⁶⁷ The gift outsiders bring is a perspective that is possible only because the outsider is neither privileged nor ensconced in a system that favors precedent. Because the outsider has perspective unavailable to insiders, the outsider's critique is essential if the academy and the profession are to advance. Outsiders bring a fresh point of view essential to fair assessment, and thus improvement, of the system.

The qualities that render someone an outsider have special implications for the fragmentation challenge. The outsider's potential gifts to her colleagues and the institution in this connection are incalculable. Outsider students typically are unable to slough off those traits that most distinguish them from the stereotypical lawyer they feel pressure to emulate. The outsider who visibly succeeds in the face of law school's compulsions toward fragmentation sets an example for all students because the outsider often, so visibly, does not comport with the stereotype. As law students feel pressure to relinquish aspects of themselves in order to fit the mold, the outsider's presence graphically demonstrates the spectrum of acceptability, allowing room and respect for each student's special gifts.⁶⁸ This sets an example that helps all students resist fragmentation.

There are two things wrong with this picture, however. One is that the academy does not accept the gift the outsiders bring. The other is

64. See *supra* notes 1-6.

65. Stephanie M. Wildman & Adrienne D. Davis, *Language and Silence: Making Systems of Privilege Visible*, 35 SANTA CLARA L. REV. 881, 890 (1995). As Wildman and Davis stated:

[T]he characteristics and attributes of those who are privileged group members are described as societal norms—as the way things are and as what is normal in society. This normalization of privilege means that members of society are judged, and succeed or fail, measured against the characteristics that are held by those privileged. The privileged characteristic comes to define the norm.

Id.

66. Cf. Richard Delgado, *When a Story Is Just a Story: Does Voice Really Matter?*, 76 VA. L. REV. 95, 103 (1990).

67. See the opinion of Justice Scalia in *Burnham v. Superior Court*, 495 U.S. 604, 621 (1990) (concluding that the transient jurisdiction rule is validated by its "pedigree"). See Krieger, *Institutional Denial*, *supra* note 12, at 126 (describing reasons for inertia in legal academy).

68. *Introduction to Reports Submitted on Behalf of the University of Michigan: The Compelling Need for Diversity in Higher Education*, 5 MICH. J. RACE & L. 243, 249-52 (1999).

that the cost to the outsiders is too dear.

Studies show that “minority students participate in law school classrooms at notoriously lower rates than white students. . . . The achievements of diverse law students mirror this disparate participation. When minority students in law school classrooms are isolated, alienated, or silenced, the educational benefits of diversity diminish correspondingly.”⁶⁹ In essence, the academy never receives the gifts these students offer.

Regardless of race, students from economically poor and working class families have additional, specific obstacles to overcome to acclimate to law school and to function well in the law school classroom. Anthropologist Annette Lareau has documented the class differentials that place students from economically lower class backgrounds at a distinct disadvantage in any educational institution—differentials that can have severe repercussions in the legal academy.⁷⁰ Poor and working class families tend to communicate with children by use of directives, rather than reasoning.⁷¹ In communicating at home, then, these children are not developing the argument and reasoning skills developed in middle- and upper-class families, where substantial time is spent reasoning with children.⁷² Lareau’s work demonstrates that children of lower class families are acculturated to refrain from engaging authority figures, such as law professors, in intellectual debate.⁷³

Because they often come to law school with barriers not shared with their insider counterparts, outsiders are the canaries in the coal mine. They experience law school’s problems earlier and more deeply than the mainstream.⁷⁴ The outsider must manage the challenges inherent in “not belonging” at the same time she manages law school’s generally felt challenges, both benign and destructive.⁷⁵ As one student put it: “Law school may be tough on everyone, but law school poses some unique challenges to people of color, women, openly LGBT students, religious minorities, people from poorer backgrounds—any person who is markedly an outsider in a traditionally elite space.”⁷⁶

69. Carole J. Buckner, *Realizing Grutter v. Bollinger’s “Compelling Educational Benefits of Diversity”—Transforming Aspirational Rhetoric into Experience*, 72 UMKC L. REV. 877, 877-78 (2004) (footnotes omitted).

70. See generally ANNETTE LAREAU, *UNEQUAL CHILDHOODS: CLASS, RACE, AND FAMILY LIFE* (2003).

71. *Id.* at 117.

72. *Id.* “[R]ather than using authority based on position (e.g., that of being a parent) middle-class parents prefer negotiating interactions with their children.” *Id.* at 116.

73. See generally *id.*

74. See, e.g., Kevin R. Johnson & Angela Onwuachi-Willig, *Cry Me A River: The Limits Of “A Systemic Analysis Of Affirmative Action In American Law Schools,”* 7 AFR.-AM. L. & POL’Y REP. 1, 15-20 (2005) (describing special challenges faces African American law students).

75. Law school produces anxiety in even the best and most balanced students. Coupled with a feeling of “not belonging,” whether due to disability, race, gender, socioeconomic status, or sexual orientation, the anxiety of underrepresented students can reach debilitating levels.

76. Anonymous student, record on file with author. In the words of Columbia Law student,

Studies of law student well-being confirm that this is so. A 1994 study of law students at several schools found that forty-one percent of female law students "felt 'less articulate and intelligent than prior to law school,'" compared with only sixteen percent of male law students.⁷⁷ A 1988 study asked students to express agreement or disagreement with the statement, "I felt intelligent before law school, but not now."⁷⁸ Of law students surveyed, twenty-five percent of white males agreed; forty-one percent of men of color agreed; fifty percent of white women agreed; and fifty-seven percent of women of color agreed.⁷⁹ In the words of Carole Buckner:

Although the prevalent emotion of most first year law students is fear, women and students of color experience disparate effects, including a serious erosion of self-esteem, . . . and an alarming increase in student psychological dysfunction.⁸⁰

The outsiders' gift to the academy, their perspective, is a major factor in the extra stress they experience. Many mainstream students revere the courts and the precedents courts set. If outsiders notice and challenge bias, while the rest of the class accepts the precedent as gospel, the outsider risks stigmatization and silencing. Moreover, outsiders who critique or raise grievances about privileges from which mainstream students benefit and thus find acceptable, are condemned as "oversensitive," "politically-correct," or "liberal."⁸¹ Diversification of the academy means that outsiders—who are likely to recognize how skewed in favor of maintaining the status quo the current reward structure is—are also at risk of being subdued and thwarted, as that system punishes them both for critiquing the system and for not having the insider knowledge and privilege that the system rewards.⁸²

Brian Owsley:

I and many of the other Black students knew that we were also tokens. Admittedly, we were not alone, but most of us never felt as if it was our law school. We were made to feel as interlopers in this precious experience who should be eternally grateful. Despite our credentials and academic records, some students still viewed us as thieves stealing a more qualified and talented white student's rightful place. These views became apparent through passing comments and classroom discussions.

Brian Owsley, *Black Ivy: An African-American Perspective on Law School*, 28 COLUM. HUM. RTS. L. REV. 501, 515 (1997).

77. Hess, *supra* note 30, at 77 n.6 (quoting Joan M. Krauskopf, *Touching the Elephant: Perceptions of Gender Issues in Nine Law Schools*, 44 J. LEGAL EDUC. 311, 328 (1994)).

78. *Id.* (quoting Homer & Schwartz, *supra* note 7, at 52).

79. *Id.* (quoting Homer & Schwartz, *supra* note 7, at 52).

80. Buckner, *supra* note 69, at 892.

81. See Stephanie M. Wildman, *The Classroom Climate: Encouraging Student Involvement*, 4 BERKELEY WOMEN'S L.J. 326, 328 (1989); Owsley, *supra* note 76, at 521 (stating that in the face of student protest over professors' gratuitous inclusion of racist statement in curriculum, some white students came to professors' defense, saying offended students had overreacted).

82. Paula Lustbader has written about the self-perpetuating effects of privilege in the context where law students who have sufficient funds for a Law School Admission Test (LSAT) prep class gain high enough scores to win merit-based scholarships, while those lacking such funds get lower LSAT scores. The lack of funds effectively disqualifies economically disadvantaged students from merit-based scholarships, which means they must work during law school, while the "competition" who have scholarships can study full time. Paula Lustbader, *Walk the Talk: Creating Learning*

Allowing outsider students to find their voices would mean allowing for essential institutional changes. The outsiders' ability to critique the institution would provide the insight needed to help the profession fix what is broken. In the meantime, the empowerment of outsider students to bring their full range of experiences, attributes, and circumstances to the law school process is an ideal way to help them and their colleagues confront the fragmentation demands. With sufficient support, outsiders' unique experiences can help them maintain and model integration. Focusing on support of the well-being of outsider students would have ameliorative effects on the well-being of more traditional members of the community as well.

With support and reinforcement, the outsiders' life lessons will be shared with the mainstream students and improve the institution as a whole. In the current structure, these experiences may actually weaken the outsider students' ability to confront law school's challenges. But with nurturing, the outsiders could become the role models for balance, strength, and building positive outcomes upon past hardships. For example, some students who have experienced racism or other discrimination bring unique capabilities relevant to confronting obstacles, such as those law school presents. Culturally, too, outsiders might share with their classmates stories about stronger family support groups than the mainstream students have experienced or other cultural advantages to broaden the repertoire of available responses to law school's heavy demands. Psychologists use desensitization to help clients get over their dread about upcoming stressful events. With sufficient support, outsiders' life experiences can provide the same desensitizing benefits. To quote one student: "A tough assignment seems manageable compared to dealing with the shame of being publicly ridiculed by a classmate."⁸³ If the outsider students are the canaries in the coal mine, it makes sense to focus attention on this group of students first, knowing that the ameliorative effects will transcend to all students and to the institution. This is not a judgment about who should receive assistance but about how, most efficiently, to help the institution advance.

IV. STORIES: INTEGRATION, FRAGMENTATION, AND OUTSIDERS—*RES IPSA LOQUITUR*—OR—POSTCARDS FROM HELL⁸⁴

These stories explore the intersection where outsiders encounter

Communities to Promote a Pedagogy of Justice, 4 SEATTLE J. SOC. JUST. 613, 617-18 (2006).

83. Anonymous student, record on file with author. Ann Juergens discusses the need for law professors to model integration of the cerebral and emotional in order for students to learn such integration. See generally Juergens, *supra* note 29.

84. These stories depict the possibilities. The events in these stories are real, sometimes composites of several different people's experiences. The names have been changed to protect the innocent—and the guilty.

the pressures of law school. Many of the anecdotes and experiences were reported to me by law students or alumni from a number of different schools. Some were experienced by me personally. The individuals who recount their stories are composites—whose creation has entailed borrowing traits and experiences from many different people.

A. Alice and Sharon

When I started law school, I found an apartment-mate through the law school's matching program. My apartment-mate, Sharon, was in the process of transitioning from being a female to being a male. At the beginning, I did not realize this, but just noticed that Sharon seemed to dress rather masculinely and without affect. I just figured she was gay, which intimidated me because it felt a bit as if I was sharing an apartment with a man. We each had our own rooms, though, so I had enough privacy. During the first two weeks of school, we went to and from the law school a lot together (it was within walking distance). Our conversations focused primarily on what was happening in classes, though we were not in the same section, so we had different professors. Sharon seemed extremely smart and a very hard worker, so I often asked for her insights on particular matters we were studying. Often, though, my section was focusing on material that her section had not yet covered, so she could not really help me.

One Saturday, a couple of weeks into the semester, Sharon was sitting at the dining room table, and I was sitting on the couch. Sharon asked whether I thought our apartment sharing was going okay and whether everything was alright by me. I told her that, yes, I thought we were both picking up after ourselves; we shared similar attitudes toward a lot of things. I then asked her whether she had any problems and asked her why she was asking me. Then she told me she was in the transsexual process. She had been born a female, but was undergoing therapies that would render her, to the extent possible, physically a male. She was very open about the processes involved in this transition and some of the obstacles she had already encountered.

She previously had trouble, for example, at the law school, which was not willing to accommodate her request for a unisex bathroom. In fact, she explained, her real concern was about the privacy of others in the bathrooms. Males would see her as a female invading the men's rooms; women would see her as a male invading the women's rooms. I could not see a solution, other than building new bathrooms, but Sharon explained that the law school needed just one individual, single-stall bathroom with a locking door that would be made available to students with this need. Apparently, there is such a bathroom in the building, but it is in an area of the library to which students do not have access.

Sharon told me that nursing mothers also needed a private place to pump or nurse. She said a woman was pumping with an electric pump in one of the bathroom stalls in one of the multi-stall women's rooms in the law school, and another student pulled on the door to the stall, which did not latch completely, opened the door, saw the woman with this machine attached to her breast, and screamed at the top of her lungs. Sharon told me that the woman who screamed went to the administration to complain and to ask that people not be allowed to use the restrooms for pumping or nursing. The woman who was pumping had talked with other students but had not approached the administration about the need to provide private places for nursing mothers. Sharon said she was going to try to engage the support of the nursing mother to get the administration to provide a unisex restroom with a locking door.

One other thing that Sharon told me—she said that, at her job in the university financial aid office, she had a really offensive conversation with her supervisor. Sharon was commenting on something she read in the newspaper about sexual orientation discrimination, and the unavailability of a legal claim under federal law. The supervisor said to Sharon: "Why would you want legal help for those people? Why would you care about them?" Sharon did not tell the supervisor about her own sexual orientation, but Sharon was horrified by the supervisor's presumptuousness.

B. Cynthia

I went straight from rehab to law school. It certainly was not what I had planned, but two months before I was scheduled to begin law school, I blacked out for three days and ended up in jail. The charges were dismissed as long as I would go into rehab, so I went. In fact, my employer, for which I had worked for the previous ten years, footed part of the bill, or its insurance did. I had always figured I would give up alcohol and drugs during law school as a matter of necessity. I expected to be working nonstop. So, the rehab just hurried up the date.

At law school, the first "class" meeting during orientation was with a third-year law student writing tutor and a group of first year students. The writing tutor was about ten years younger than I was. At the time I entered law school, I had already worked professionally as a writer, and it was difficult to accept instruction from someone who had less experience than I did. In the end, I really did learn some things about legal writing from him, but he was hard to take.

On the first night of orientation, there was a party at the home of a professor. I went with a group of other first years who were in my writing tutorial. I immediately alienated the hostess by lighting up a ciga-

rette in the living room. The party was alienating for me as well. I was used to socializing with drinkers/druggies, and there were certainly none of them in attendance at this party. There must have been about seventy students there, and there were uniformed servers who were bringing food back and forth from the kitchen. The food was apparently an Indian dish—also completely foreign to me. The house, too, was remarkable. There were landscaped gardens all around it, and French doors opened from the living room onto patios.

The students seemed at ease, talking comfortably with the professor and his wife, joking among themselves. I just wanted to get out of there or to be invisible. The wait staff served wine and beer, and I felt pretty tense, especially because I could not drink. Two of my classmates got me to go with them to talk with the professor. My classmates asked the professor what advice he had for us. He told us not to stress. Then the professor asked us where we had gone to undergraduate school. It was all very fake, but everyone seemed fine with it except me. I just nodded my head and wanted to get out of there. I know the professor could tell I felt awkward. Everyone else, however, was perfectly relaxed.

When classes started two days later, I was amazed to see how many students they could cram into one room; it appeared to be something like 130 students. On the first day, I sat at the front of the room in each class to pay better attention. On the second day, I moved back to be less visible, to avoid the line of attack from professors who seemed overly aggressive in extracting answers from students. I actually became less concerned about the professor than peers, who seemed not to be peers at all. The other students were all so comfortable, most of them about ten years my junior, many looking more like Youth for Hitler than guardians of justice's future in this country. The young students seemed to have many experiences in common. They reminded me of the Kennedy clan or the Bushes—well-heeled, privileged, good-looking people who got what they wanted without asking twice and who felt perfectly comfortable inside their own skins.

Drinking and drugging had made me blurry-headed at my job before law school; in law school, I was still blurry-headed, but now because I felt stupefied by the work, depression, and boredom. There were not enough hours in the day to read the assignments, and I soon developed the bad habit of letting my eyes skim over the page while my mind thought about other things, sometimes about how to find time to get my reading done. I started to fall behind. My inability to prepare just added to the anxiety I already felt about classes. I was so anxious that when I went to the library and saw other students studying away, I felt numb throughout my body, as if there were a layer of especially dense

air pressing in on my body from all directions.

In class, students were called upon and asked to describe what had happened in a case—so there was a definite memory component to this, and there were a LOT of cases to remember each night. Then the same or a different student had to answer questions about why the court had reached the conclusion it had. The problem was that the language in many of the cases was extremely arcane, so it was difficult to know what had happened and why—just from reading the cases. I was mortified at the thought of being called on. I could not understand the cases while reading them to begin with; I often could not understand the question-and-answer sessions that occupied the majority of class time, and there was a clique of younger students were just looking for someone to ridicule.⁸⁵ It was especially bad because I was older and felt that I *should know* more and know better than my classmates, and instead I felt as though I knew less. A lot of the time, I wished I could hide, physically, from people's line of sight, and I wanted to hide my thoughts and fears as well. I felt myself physically trying to fold into something smaller, less noticeable. I got so tense in class that my mind felt numb as I became more and more afraid of being called on. Before coming to law school, I had envisioned myself volunteering constantly in class, being a lively part of things, a leader; instead, I felt like a dull-witted older student, and I feared my classmates assumed I was admitted either because I was older or because I was female, or both, to help the school's demographics.

The property teacher gave the class a midterm and said it would count in the students' grades. This was a good and bad thing. It was good because I finally had a finite, definable task to do. I was able to handle this pretty well by spending a weekend studying. I actually got a B on the test, and that was a bad thing, because it lured me into believing that my work style was compatible with law school. The volume of work needed to do well on a property midterm was miniscule compared with the volume that would be required for the finals, but I did not learn that until it was too late.

C. *Jasmine and Jane*

I was physically, mentally, emotionally, and spiritually prepared to enter law school. At thirty-five, with ten years of professional experience in counseling under my belt, I felt uniquely advantaged compared to those just emerging from undergraduate work. I was in for quite a surprise.

As a minority—in race, religion, gender identity, age, and political

85. See, e.g., Guinier et al., *supra* note 31, at 38.

perspective—I felt from the first day relegated to a back seat compared to my junior, straight, male, Christian counterparts. It felt a bit like when I was in the first grade and did not get picked to play with the other kids—only worse. The important thing here is not the circumstances. So—I found myself in a group of younger mainstream people . . . no big deal. The important thing is my response. Suddenly, my years of experience, my wisdom, successes of the past, the respect of my peers and clients in the counseling practice I had just left, and from the many other counselors who had attended workshops and programs where I was the expert, seemed worthless. Suddenly, I was nothing. So much for day one of law school. Nothing had prepared me for this.

We were given reading assignments on a bulletin board in advance of the first day of class, so we hit the ground running. I tend to be meticulous in my class preparation and felt pretty on top of things. In class, though, I did not completely follow what the professor was up to. He was asking questions about things that we had no reason to notice in the cases we read. The professor called on students by name, and when they did not know how to answer the question, the professor looked annoyed and moved on to another student. In the end, the professor pretty much gave us the answers he was looking for and suggested we read more closely for the next class. I had read very closely for that class but had not known what to pay attention to. I still did not know how the professor was choosing what to focus on.

I sat down that night and read until I needed to go to sleep and still had not completed the assignments. The next day, we received additional assignments, which I did not begin that night—since I needed to finish the assignments from the day before.

As we progressed through the semester, some students seemed to catch on—but I sometimes had the sense that they were really just gaining rapport with the professor, rather than grasping the concepts better than the rest of us. All of the balls were in the professor's court, so if he liked someone, he could find a way to make that student's answer correct. Not long into the semester, the professor had a little fan club of boys, and those boys had the comfort in class to be able to pay attention without worrying about being attacked if they answered something wrong. They definitely had the inside track.

One day, this professor called on the woman next to me and asked her to explain something about a statute. The woman opened the book to the text of the statute and read a segment that was responsive to the question, but she got the words out of order. The professor looked exasperated, threw his hands in the air and asked her: "What are you, dyslexic?" Then he moved on to another student. The woman sat there next to me with her mouth open and her face redder than a beet. She

bent her head down, and I could see tears dropping onto the desk in front of her. I patted her on the arm, but pulled my hand away because I could see she was just trying to keep from sobbing aloud—she was on the edge of losing control, and I did not want to do anything that would cause that. After class, though, I introduced myself to her—her name was Jane—and I asked her to come get coffee with me, but she said she needed to get home to relieve the babysitter. I gave her my card—I still had business cards from my practice—with my home phone number written on the back, and I told her to call me if she wanted to talk, that the professor had been way out of line, and that Jane had a right to be angry with what had happened.

I did not expect her to, but Jane called me that night. She said she just wanted to thank me for reaching out to her. I think she called wanting to keep the conversation very “professional,” but she soon broke into sobs when I asked her a few questions. Then I could hear her kid crying in the background too, and Jane had to get off the phone. The next time I saw Jane was when we took our seats for the next meeting of that same class. I suggested coffee, and again Jane said she needed to get home, but that she would love to have coffee with me the following day. There were no incidents in that class meeting; in fact, the faculty member seemed to avoid looking in our direction at all. He also seemed totally upbeat, as if he and the students were on the best of terms. How could he think that after his behavior in the last class? Moreover, the students were laughing along with him at his cynical, sarcastic jokes as if they were on the best of terms. Jane and I glanced at each other a couple of times when the class laughed. I think we were both shocked by what seemed to be their complicity in his disgusting nature.

When Jane and I went for coffee the following day, I asked her whether she was going to report to the dean’s office the behavior she had experienced, and she looked at me a bit strangely and asked, “How could I do that? He is one of the associate deans!” I just felt sad when she told me that. I had come to a profession that promoted to deanships people who could behave the way this guy behaved, and I gathered from his ongoing sarcasm that his abuse of Jane was not a first. If I had been Jane, I would have complained to the main dean, but Jane did not want to make matters worse. I think that she was just too humiliated.

In any event, one good thing came of all of this, and that was that Jane and I now had a friend in law school—each other. We agreed to meet each Wednesday for coffee and to talk about what we found confusing in the classes since we were in the same section. Jane and I developed our version of a study group. It turned out Jane was bright and could get a lot out of the reading, but she also seemed to have times when she was so overcome with anxiety that she was putting all of her

energy into just trying to cope with the discomfort. She and her child were living on loans, she said, and she felt a little panicked that she was running through her savings, would need more loans, and was not sure she would get them. Her main worry was that if law school did not work out, she would be in debt with no way to earn a living, other than as a teacher's aide, which is what she had been doing before law school.

I invited Jane and her son to accompany me to a service at a spiritual center that I attended at that time. The center provided care for the youth, so Jane's attendance would be easier. Many things in the services at the spiritual center tended to tug at people's heartstrings. For example, the music was sometimes agonizingly beautiful, largely because we had some trained tenors in the choir, and the selections were invariably uplifting and full of love. Jane actually agreed to come with me, and the two of us sat in chairs during the service and let the tears pour out of our eyes during the vocals. I felt as though she was letting out tears that she could not shed in the class where the professor "accused" her of dyslexia.⁸⁶

There were so few students of color at the law school, and there seemed to be an undercurrent of distrust between the races, in addition to visible voluntary segregation. Other than Jane, who was white, I was in the habit of primarily associating with other students of color. I would have preferred not to be limited to one group like that, but I felt that I could not control the culture there to change that.

In one constitutional law class, the professor literally asked me to take the position and make the argument "for the Blacks." That was the only time I was ever called on in that class—the only time the race of the litigants and lawyers was mentioned. I believe the professor had no idea of how offensive, how tokenistic, it was to call on me for that task. For the most part, on the other hand, the professors did not call on students of color at all once they knew who we were on their lists, and I assume this was because they thought we were less able than our white peers. Because of all of this, I was very self-conscious on the day I was called on to represent "the Black perspective." I knew that the professor and my white peers would judge other students of color by my performance.

There is another behavior that I noticed on the part of some of the faculty that I do not recall from undergraduate or graduate school—faculty members simply did not look certain students in the eye. They seemed to avoid the eyes of students of color and women. This was not just when these students spoke in class, but also when they conversed with or passed the professors in the hallways or stopped in the profes-

86. At one point, Jane told me that she was actually slightly dyslexic.

sors' offices.

One of the other students of color, Colin, really impressed me. One day we started talking about why we came to law school, and he was very open about his two reasons for wanting to attend. One was that he wanted to "make something of himself." He said he wanted to be a force for the good and a force to be reckoned with. The other was that he wanted to do something for his parents. He said they had worked hard their whole lives at menial jobs and that he wanted to help them get out of that. He said he did not really care that much about what happened at law school, as long as he got his degree.

Sometimes, when Jane needed to be home with her child, I would meet her at her apartment to study. One night, her son was cranky, and we took him for a walk in his stroller. As we walked, we went over aspects of the elements of contracts we were learning and worked at integrating the concepts. We both found that our thinking got clearer the more we walked. When we got back home, we rushed to make notes of what we had figured out during the walk.

Another profoundly upsetting experience was again in property class when a student suggested that slavery was moral because it was legal at the time. The professor did not even call the student out on it, but just tried to move on to the next issue. In fact, this was the one time I raised my hand, but the professor did not call on me and just moved on. In another class, the professor asked a question related to race, and the entire class was silent. The professor glanced my way, hoping that I would chime in. But I held my ground.

V. CONCLUSION AND RECOMMENDATIONS

In order to realize the gifts of experience and perspective that outsiders offer to the academy and their fellow law students, law schools should begin by nurturing outsiders to assure their voices are heard. The critique they offer will help heal institutions. The integration they model will help all students to remain whole in the face of law school's demands. The recommendations in this section are designed to achieve those ends, both through enhancing faculty consciousness and by institutional reform. Supportive materials are provided in the appendices as indicated.

Changes in law faculty attitudes and practices will profoundly improve the outsider student experience. Faculty members can be trained to understand the culture-specific differences in learning styles⁸⁷ and to acknowledge and respect difference and diversity in the classroom.⁸⁸ To

87. Please read an excellent explanation of culture-specific learning styles in Buckner, *supra* note 69. Obviously many faculty members have already made major strides forward in these regards.

88. See generally Gerry Hess et al., *Teach to the Whole Class: Barriers and Pathways to Learn-*

teach, faculty members often need to generalize about law students,⁸⁹ assuming certain background, experience, and education. At the same time, those faculty members who are consistently mindful that they cannot safely generalize about the students create a more welcoming climate. Carole Buckner has written an article to help explain the tendencies of particular groups to prefer particular learning styles and advocates, among other things, injecting small-group work into classes to meet the different learning styles of different racial and ethnic groups.⁹⁰ In addition, perhaps with the results of the focus groups discussed below, sensitive faculty members can work to help colleagues learn that they cannot assume that all students have money, health, social status, educated parents, English-speaking parents, and so on. A show of awareness for the differences in the class is felt as respect by the outsider student, while a failure to show such awareness is experienced as disrespect.

Faculty members can behave in ways they want their students to emulate by maintaining and modeling a healthy work style.⁹¹ If faculty members work to the exclusion of all else, their students will learn to do the same. Because law professors tend to be overachievers, they may need to learn some self-control in this regard. An informal symposium to teach balance would be helpful and could be held regionally. In 1997, we held such a symposium at the College of William and Mary. Presented by the MD/DC/VA/WVa Women Law Teacher's Group, *Maintain and Model a Healthy Workstyle* was designed to help faculty raise their awareness of balance issues and to help faculty set a good example for their students.

Faculty members can also work to eliminate the ways in which the system advantages educationally and economically privileged students. They may wish to consider eliminating one-on-one examination preparation meetings with students. This avoids rewarding privilege to the extent that privileged students are more likely than outsiders to feel entitled to come to a professor's office. Instead, faculty members might ask students to email questions, to which faculty can respond either on a website, such as Blackboard or The West Education Network (TWEN), or in an open session. As the exam approaches, faculty can level the playing field by limiting conversations about course material to conversations that are shared with the entire class.

ing (Inst. for L. Sch. Teaching 1997) (instructional video and materials for faculty teaching diverse law student populations). This directness is also a way for law faculty to compensate for their own and their students' unconscious bias.

89. This is like any other class of students.

90. Buckner, *supra* note 69, at 877-78.

91. See Krieger, *Institutional Denial*, *supra* note 12, at 127 (advocating that law teachers begin the process of helping improve student well-being by examining their own experiences). See generally Jurgens, *supra* note 29.

Law schools can affirmatively assure improvements in the classroom climate by changing the criteria for merit evaluations of law professors. The best way to measure the success of law teachers is to measure the success of their students. Students may be getting the knowledge they need, but that does not end the professor's work. Until we equip students to respond in a healthy and productive manner to the law school environment and the profession, we deserve low scores on our merit evaluations.

Equipping students to respond to stress in healthy ways includes training to develop psychological skills and knowledge necessary to maintain good mental health in a stressful, sometimes dysfunctional, work environment. What efforts have been made to help law students prepare? What can we do that we have not yet tried? Faculty members focusing and making progress on these issues should receive high marks. On a related front, faculty members whose classrooms are characterized as an environment that outsider students find welcoming should receive high marks.⁹² Some may argue that "students' mental health is their problem, while the faculty's job is the students' intellectual/professional development." The problems with this attitude are two-fold: (1) traumas that law students undergo interfere with their intellectual/professional development; and (2) good mental health is an attribute of good professionalism.

Law schools and the profession will serve the well-being of law students and attorneys by bringing into the mainstream and destigmatizing lawyer assistance programs (LAPs).⁹³ Each state has a LAP, and many are in the process of expanding to encompass a broad range of impairment concerns in addition to substance abuse. Although people sometimes identify LAPs with the disciplinary process,⁹⁴ in fact the programs provide support and encouragement to law students and members of the bar who are in trouble.⁹⁵ In short, the availability and destigmatization of LAPs means that law students and lawyers can seek help before their substance abuse or other mental health concern results in damage to their clients and their own careers.

LAPs provide an excellent vehicle for introducing into the law schools and into the profession more academic or continuing legal education (CLE) credit for education on questions of mental

92. Similarly, the attitude "we had to go through it, so should they," should receive failing marks at annual review time. Law school, happily, is not what it used to be.

93. For more information, contact the American Bar Association (ABA) Commission on Lawyer Assistance Programs—Law School Assistance Committee, 321 N. Clark Street, Chicago, IL 60610; 800-285-2221 or 312-988-5522; Fax: 312-988-5483; Hotline: 866-LAW-LAPS; Website: <http://www.abanet.org/legalservices/colap/>.

94. Lawyer assistance programs (LAPs) provide monitoring agents to help lawyers and law students get help as an alternative to being subjected to the disciplinary process.

95. See, e.g., The Missouri Bar, Missouri Lawyers Assistance Program, <http://www.mobar.org/dcc66de3-25b5-4dc9-aca6-775afd7ab196.aspx> (last visited Feb. 20, 2008).

health/professionalism. In particular, teaching students and legal professionals about the frequency of and biochemical nature of addiction and other mental health problems destigmatizes those problems and makes them more recognizable when encountered.

Law schools should openly address the questions of stress that hierarchy causes. Make sure the career office is focusing its efforts on the bottom ninety percent—the entire world takes care of the top ten percent. Particularly when the first year students get their fall semester grades, help them with reality-checking and perspective. Portions of the workshop proposal, found in APPENDIX II, may be helpful to achieve this end.⁹⁶

Law schools should invite students to participate in focus groups to help the institutions better understand how students are experiencing the academic environment and the climate for diversity. This not only equips the faculty and administration with insight and sensitivity but also empowers students to understand that their experience matters, that the institution recognizes its responsibility for the environment in which they study. The anecdotal evidence that such focus groups provide often comes as a surprise to the faculty. Having a single dean or single faculty member who is a good listener is insufficient. Being listened to helps, but is not enough. What students have to say about their experiences at law school needs to be heard by the entire faculty and administration and give rise to change if indicated. APPENDIX I contains a model focus group invitation that has been successful in drawing participants to similar efforts in the past.

Finally, all students would benefit by administrative and faculty attention to and willingness to reward the whole range of law student behaviors that are relevant to success in the profession. The profession can be an ally in this. At present, power in the academy and the profession is vested in those who thrived under a system that privileges the privileged. A major component of the status quo consists of limiting rewards to the very narrow range of accomplishments that traditionally have been the measures of law student success: grades,⁹⁷ law review,

96. Extra curricular measures, such as the proposed workshop, are transitional tools for the movement toward curricular integration of student well-being measures.

Although extracurricular programs, orientation meetings, and such are useful, and may be more easily adaptable for this purpose at first, we should be wary of relying on such venues. Otherwise we perpetuate the institutional message that creating health and well-being in the profession, and in the lives of law students, is not important enough to merit inclusion in the curriculum.

Krieger, *Institutional Denial*, *supra* note 12, at 127.

97. Keep in mind, too, that many law school examinations are still closed book, testing memorization and recall abilities more than analytical and writing abilities. The latter two, moreover, become very different matters when a project is not timed. Those who can analyze best under time pressure may sink down through the ranks of the class when students are given an opportunity to sleep on a legal problem. Additionally, as hectic as law practice may be, there are still sometimes opportunities for practitioners to sleep on it and let the unconscious mind mull things over.

and, although to a lesser extent, moot court. While successful practitioners⁹⁸ actually are likely to gauge potential the way their own potential was gauged, they would—if they reflected carefully—describe a great many personal attributes not reflected in grades that have led to their success. Unacknowledged traits that play a significant role in attorney success run the gamut and are dependent on what sort of work the attorney is doing. These traits include listening abilities, skills in client relations, management skills, people skills, public speaking ability, dealing with multiple conflicting demands in a way that serves all pertinent interests, maintaining rapport with entities in the lawyer's segment of the legal world, public relations, most financial planning, a sense of humor, humility, compassion, optimism, generosity, breadth of perspective, and intuition. Generally, developing these traits goes unrewarded in the mainstream legal academy, though they may be determinative of a lawyer's professional success.

98. Academics are far more likely to achieve success upon the narrow range of traits measured in law school examinations than are actual practitioners, for obvious reasons.

APPENDIX I

Invitation—Focus Groups

To: All law students/ first year students/ BLSA/ etc.
From: Professor xxx
Date: 10/20/01

Have there been times when you felt that people at this law school just didn't understand your point of view? Does it feel as though your professors are teaching to students other than yourself? Now is your chance to do something about it.

If there have been times when the school could have offered you a better educational experience by accounting more fully for people of your sex, ethnicity, ability, race, national origin, sexual orientation, or other distinguishing trait, we want to hear from you. We also want to hear from you if there have been times when the school did a particularly good job of accounting for such traits. Please come to a one-hour focus group to share your views on how this institution can better meet the needs and aspirations of all members of this very diverse student community. So far, we have scheduled three focus groups at the times indicated below. If we need to schedule more, we will. The focus groups will be informal discussions of issues relevant to the experiences of the attendees. If you would like to participate in one of the focus groups, please respond to this email, indicating which session you would like to attend. If none are convenient, please say so.

Refreshments will be served.

If you would prefer to respond in writing, please drop a note (anonymous or signed) to Professor xxx's mail box/hanging file. All student communications will be kept confidential, unless the student expressly waives confidentiality.

APPENDIX II

Model Workshop

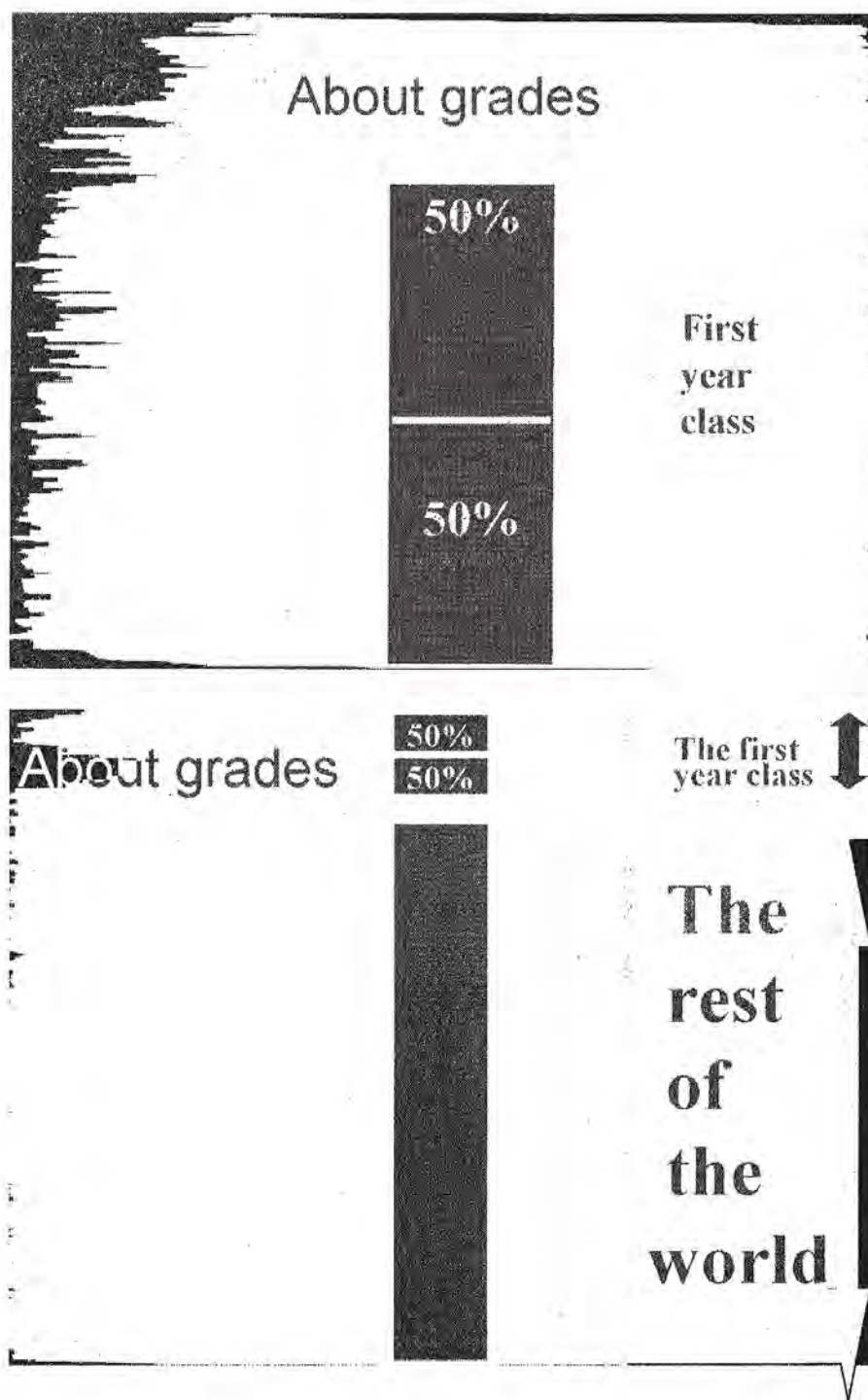
This workshop is appropriate for law students and can be modified for other audiences, such as law faculty. The ideal person to present the workshop is someone with credibility and stature as well as compassion and humility. Some faculty members would be ideal for this. Students want to emulate the faculty, not members of the campus counseling center.

The workshop consists of the following exercises:⁹⁹

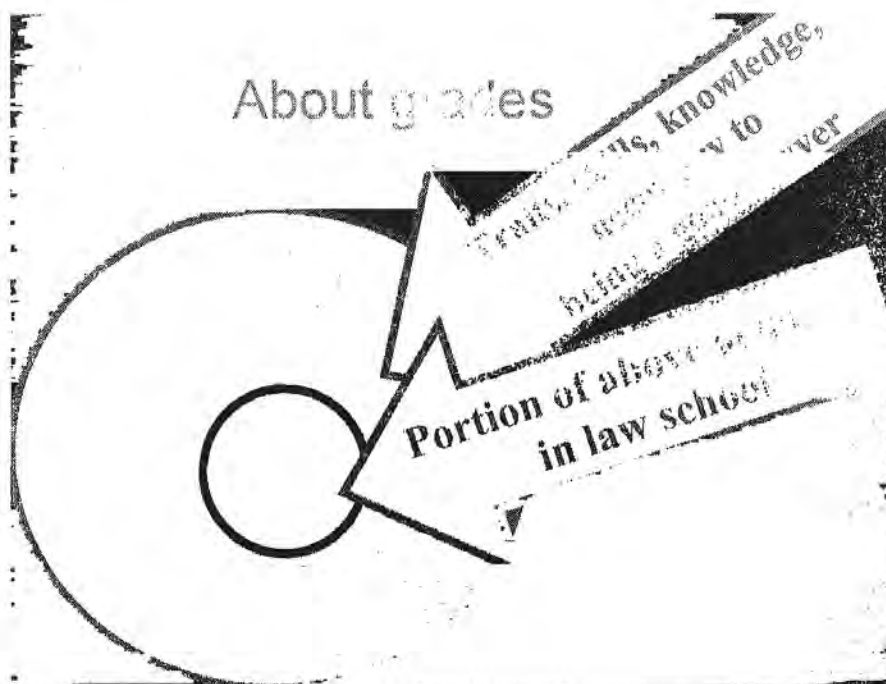
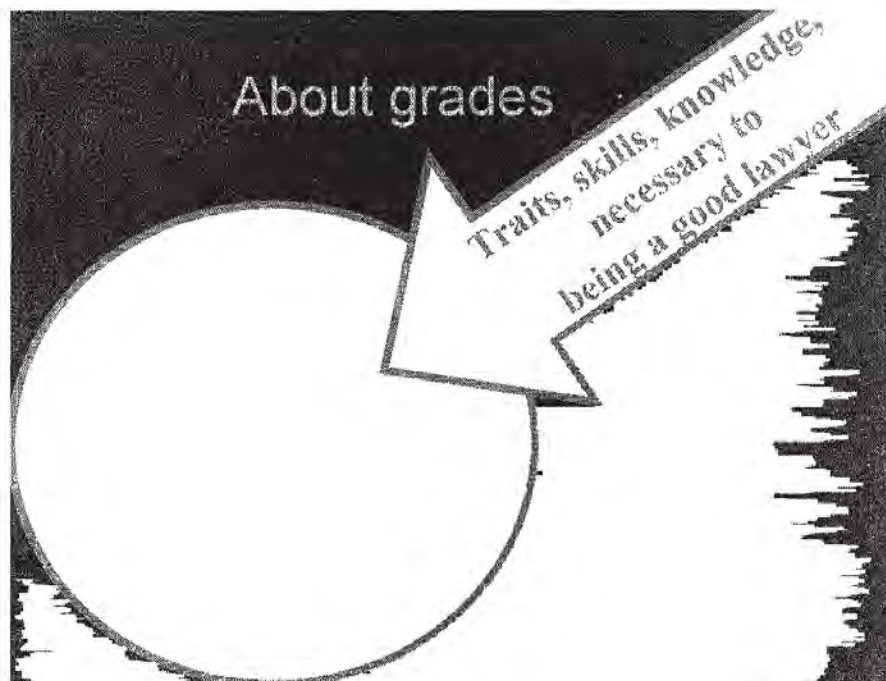
- I. Exercise on Invisibility of Privilege. If the workshop includes both insiders and outsiders, then it will be appropriate to use at least one exercise to make students aware of the invisibility of privilege. Many exercises are available to achieve this end. One that I have found effective involves passing out index cards to the students and asking the students to write their three most important traits on one side of the card. After they have accomplished that part of the exercise, ask them to turn the card over and record whether they are male or female, of color or not, or whatever insider-outsider category is appropriate. Then collect the cards. Typically, if there is a fairly large group, there is a disparity between what the insiders list as their traits and what the outsiders list. The insiders do NOT list their insider traits, such as maleness or whiteness. The outsider students DO list those traits that render them outsiders: race, gender, etc. When you tell the group of students about this disparity, the students have an excellent opportunity to discuss the invisibility of privilege.
- II. Exercise to assess and reinforce kinesthetic learning. Show students the scene from the 2006 film, *Akeelah and the Bee*, in which Akeelah begins jumping rope while memorizing spelling words. Ask the law students to attempt to memorize a list of five words while sitting still and then a list of similar words while rhythmically slapping the back of one hand against the palm of the other. Then discuss whether motion helps learning.
- III. Reality check. Exercise to confirm that behaviors that seem dysfunctional to the students are, indeed, dysfunctional. Show excerpt from the film, *A Civil Action*, in which a law firm associate delivers a package to a senior partner during the latter's lunch break and is threatened with termination of employment in a hostile and abusive fashion. Ask the students which person in that scene behaved unprofessionally? What should students do if they encounter such abuse in their own professional or personal lives? Could the students envision themselves behaving the way the senior partner did?

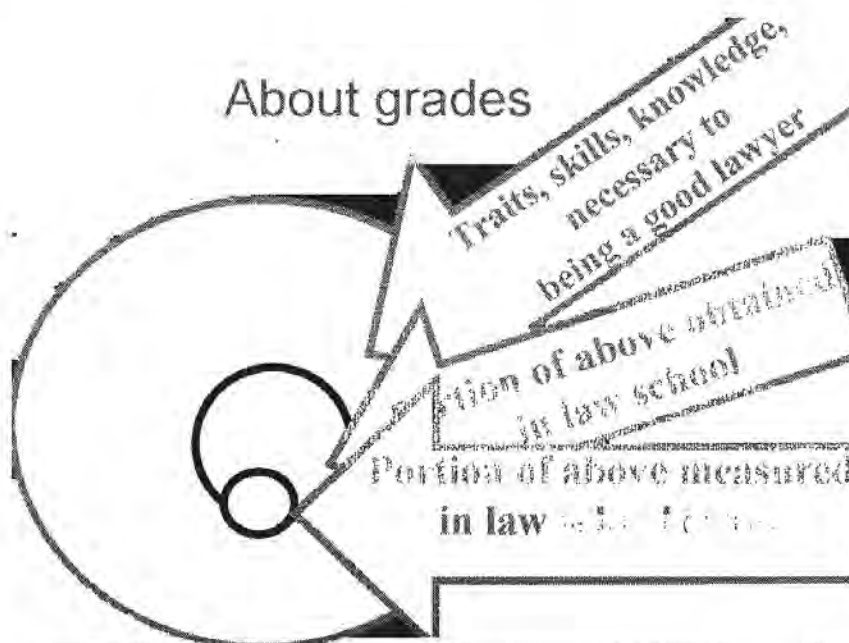
99. All of these exercises have worked successfully in groups of law students. Many other possibilities exist, of course.

- IV. Discuss the basics of good physical and mental health, including:
 - 1. Increase the amount of physical exercise you get.
 - 2. Increase the amount of water you drink.
 - 3. Get enough sleep.
 - 4. Avoid too much sugar, caffeine, and alcohol.
 - 5. Stay in touch with other people who make you feel good (especially those who make you laugh).
- V. Discuss with the students the following "cognitive distortions," identified by David Burns in his book on mood therapy:
 - 1. **ALL-OR-NOTHING THINKING:** You see things in black and white categories. If your performance falls short of perfect, you see yourself as a total failure.
 - 2. **OVERGENERALIZATION:** You see a single negative event, such as getting a low grade, as a never-ending pattern of defeat.
 - 3. **MAGNIFICATION OR MINIMIZATION:** You exaggerate the importance of things, such as your goof-up or someone else's achievement, or the converse, shrinking things, such as your own accomplishments, to appear less important than they are.
 - 4. **JUMPING TO CONCLUSIONS:** You make negative interpretations of situations even though the facts do not support those interpretations. An example is arbitrarily concluding that you caused someone's negative behavior.
 - 5. **SHOULD STATEMENTS:** You try to motivate yourself with shoulds and should nots, as if you had to be whipped and punished before you could be expected to do anything.
- VI. **Breathing 101.** Ask students to put their hands on their abdomens while staying seated in their chairs. Ask them to breathe ten slow breaths into their abdomens. Ask that they try to fill their lungs completely from abdomen to shoulders. Also, ask that they attempt to make the duration of their inhales and exhales approximately equal. They may wish to close their eyes during this exercise to enhance the relaxation effect.
- VII. Discuss grades and the ways in which student perceptions of their own self-worth become skewed as a result of grading curves among a group of super achieving talented students. Use the following graphic demonstrations or something similar.



- VIII. Discuss with students the narrowness of the range of skills and strengths taught in law school and tested on law school examinations. Use the following graphic to demonstrate the disparity between the narrow range of ability reflected in law school grades and the broad range of abilities that are necessary to the practice of law.





- IX. Finally, give students information about all of the resources that are available to help students, and subsequently lawyers, who encounter problems with depression, substance abuse, or other mental health issues. Remind the students that they need to retain this information regardless of how likely they believe it is that they personally will escape such problems. The statistics about mental health and substance abuse among law students and lawyers tell us that these students will have opportunities to help others, whether other students or colleagues in the future. Additional information to provide to the students may be obtained from the American Bar Association Commission on Lawyer Assistance Programs at ABA Commission on Lawyer Assistance Programs—Law School Assistance Committee, 321 N. Clark St., Chicago, IL 60610; 800-285-2221 or 312-988-5522; Fax: 312/988-5483; Hotline: 866-LAW-LAPS; Website: <http://www.abanet.org/legalservices/colap/>.