

Designing a Fulfilling Life in the Law

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Introduction

There is a mental health crisis in the legal profession.¹ This isn't news; in 2017, the National Task Force on Lawyering Well-Being acknowledged that the profession has failed to give adequate regard to the well-being of lawyers.² High rates of chronic stress, depression, and substance use suggest that “the current state of lawyers’ health cannot support a profession dedicated to client service and dependent on the public trust.”³

The problem is so acute that some people actually make careers out of helping lawyers escape the field.⁴ Anecdotes about people leaving the profession for a healthier life are easy to come by: One attorney works himself into the ground to make partner, only to realize that for him, “it just wasn't

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1 Daniel T. Lukasik, Esq., *Prioritizing Mental Health and Well-Being in the Workplace is Evolving and Driving Change in the Legal Profession*, PENN CAREY LAW (June 1, 2022), <https://www.law.upenn.edu/live/news/14831-prioritizing-mental-health-and-well-being-in-the>.

2 See National Task Force on Lawyer Well-Being, *The Path to Lawyer Well-Being: Practical Recommendations for Positive Change* (Aug. 14, 2017), <https://lawyerwellbeing.net/wp-content/uploads/2017/11/Lawyer-Wellbeing-Report.pdf>; Debra Cassens Weiss, *About One-Fifth of Lawyers and Staffers Considered Suicide at Some Point in Their Careers, New Survey Says*, AMERICAN BAR ASSOCIATION (May 10, 2022, 12:55 PM), <https://www.abajournal.com/news/article/19-of-surveyed-lawyers-and-staffers-said-they-considered-suicide-at-some-point-in-careers>.

3 *Id.*

4 See Leigh McMullan Abramson, *The Only Job with an Industry Devoted to Helping People Quit*, THE ATLANTIC (July 29, 2014), <https://www.theatlantic.com/business/archive/2014/07/the-only-job-with-an-industry-devoted-to-helping-people-quit/375199/>; see, e.g., *The Former Lawyer Collaborative*, FORMER LAWYER, <https://formerlawyer.com/category/podcast/> (last visited Feb.

worth it.”⁵ After years of work in law school, a young lawyer realizes that she “never seriously considered whether [she was] cut out to be a lawyer.”⁶ It’s not just anecdotal evidence, either. A recent survey conducted by the International Bar Association found that 20% of young lawyers are likely to leave the profession entirely in the next five years.⁷ Among the respondents in North America, the factor most frequently cited as pushing them from their current position was a poor work-life balance.⁸

Burnout and unhappiness are rampant for those remaining in the profession. The 2016 study that prompted the creation of the National Task Force on Lawyer Well-Being found that 28% of attorney respondents experienced symptoms of depression, 19% experienced symptoms of anxiety, and 23% experienced symptoms of stress.⁹ Alcohol abuse was also rampant, with 20.6% of respondents “screening positive for hazardous, harmful, and potentially alcohol-dependent drinking.”¹⁰

The problems aren’t limited to members of the bar. The 2021 Survey of Law Student Well-Being¹¹ reveals similarly distressing results about law student mental health and substance abuse. This survey of thirty-nine law schools provided updated information from a similar survey conducted by the same scholars as in 2014.¹² The new survey found a high degree of substance use and abuse among law students. Thirty-three percent of respondents had binge drunk at least once in the prior two weeks,¹³ 34.7% reported feeling that they should cut down on drinking,¹⁴ 31.3% felt guilt, remorse, or regret associated with drinking, 25% reported using marijuana in the prior thirty days,¹⁵ 2%

17, 2023) (providing a podcast and coaching dedicated to helping lawyers find alternative careers).

5 Edvard Pettersson, *Half of Young Lawyers Expect to Change Jobs in 5 Years*, COURTHOUSE NEWS SERVICE (Jan. 31 2022), <https://www.courthousenews.com/half-of-young-lawyers-around-the-world-expect-to-change-jobs-in-next-five-years/>.

6 Abramson, *supra* note 4.

7 INTERNATIONAL BAR ASSOCIATION, IBA YOUNG LAWYER’S REPORT 18 (Jan. 2022).

8 *Id.* at 33 (sixty-two percent of respondents in North America selected this factor).

9 Patrick R. Krill, Ryan Johnson, Linda Albert, *The Prevalence of Substance Use and Other Mental Health Concerns among American Attorneys*, 10 J. OF ADDICTION MEDICINE 46 (2016).

10 *Id.*

11 David Jaffe, Katherine M. Bender & Jerome Organ, *‘It is Okay to Not Be Okay’: The 2021 Survey of Law Student Well-Being*, 60 UNIV. OF LOUISVILLE L. REV. 439 (2022).

12 Jerome M. Organ, David B. Jaffe, Katherine M. Bender, *Suffering in Silence: The Survey of Law Student Well-Being and the Reluctance of Law Students to Seek Help for Substance Use and Mental Health Concerns*, 66 J. LEGAL EDUC. 116 (2016).

13 Jaffe et al., *supra* note 11, at 455.

14 *Id.* at 457.

15 *Id.* at 460.

reported using cocaine in the prior thirty days,¹⁶ 0.4% reported using ecstasy in the prior thirty days,¹⁷ and 0.2% reported using LSD in the prior thirty days.¹⁸ With regards to mental health, 32.7% of respondents reported being diagnosed with depression in their lifetime, with 18% reporting that they were diagnosed after starting law school.¹⁹ Similarly, 39.8% of respondents reported a diagnosis of anxiety in their lifetime, with 22.5% of them being diagnosed after starting law school.

Clearly, systemic change is needed. The profession and legal education must be reformed. As a step in that direction, one option is to equip law students and lawyers with skills to help them flourish. While there have been some efforts toward this at least since 2016, it's clearly not changing quickly enough. The mental health figures in the 2021 Survey of Law Student Well-Being represent an increase in the frequency of mental health diagnoses from the 2014 survey.²⁰ And the IBA's survey finding that 20% of attorneys will leave the profession within the next five years was published at the beginning of 2022.²¹ More needs to be done. This essay outlines one response to these problems: a law school course at the University of Michigan Law School called Designing a Fulfilling Life in the Law.

Designing a Fulfilling Life in the Law (DFL) incorporates elements of professional identity formation, problem-solving, and well-being education to help students through what is independently an incredibly challenging time—law school—while positioning them to not only cope with the challenges of the profession but to thrive in it.

From the moment students enter law school, they are bombarded with an incredible list of things they must do to “succeed.” They need to get involved in an interest or affinity group, compete in moot court, write-on to a journal, participate in pro bono work, and write a student note, all while maintaining exceptional grades in their classes, applying to summer jobs, and finding a clerkship.²² Many of these activities can be enriching for law students, and they can be very valuable in preparing students for their careers. But it's unlikely that students need to check every box to be able to enter their chosen career. Unfortunately, students often have a narrow view of their career options and are under the impression that there is only a tiny sliver of legal career paths

16 *Id.* at 461.

17 *Id.*

18 *Id.*

19 *Id.* at 463.

20 *Id.* at 463-464.

21 INTERNATIONAL BAR ASSOCIATION, *supra* note 7.

22 It is commonly believed that there is a heightened level of stress in law schools, with the pursuit of grades and honors being the suspected cause. Lawrence S. Krieger & Kennon M. Sheldon, *What Makes Lawyers Happy? A Data-Driven Prescription to Redefine Professional Success*, 83 THE GEO. WASH. L. REV. 554, 561 n.17 (2015).

that are worth pursuing. They can easily get the sense that if they do not get *the clerkship*, *the big law internship*, or *the fellowship*, they have failed, and that their legal career is somehow less valuable. The irony of this is that when many of them truly take the time to reflect on their values, experiences, and desires, they may find that they do not actually want any of those paths. But because of the pressure-cooker environment of the law school, there is very little time for them to discover what will really make them happy.²³

But finding happiness in a profession may be easier said than done. The impetus for DFL was an experience shared by Professors Vivek Sankaran and Bridgette Carr, the co-founders of the course. They reached a point in their careers that many lawyers reach: They had run out of opportunities to advance. For them, this was the achievement of clinical tenure. With no obvious additional goal to strive for, they found themselves asking “Is this it?” In a field in which continual advancement is often a driving motivation, this was troubling, and they began to look for answers about how to find fulfillment and meaning in their careers. They decided to find people they admired who still found joy in lawyering and in their family lives. For Sankaran and Carr, this combo of joy at home and at work was a crucial component of how they defined success.

Professors Sankaran and Carr found that there was not a perfect job or a secret to fulfillment but rather a set of skills that allowed them to move forward given the ever-changing nature of life. Designing a Fulfilling Life in the Law is a course dedicated to learning and practicing that skill set. The course helps law students find meaning in their careers as well as other well-being practices to help students find their own path to fulfillment. Students are given time and space to reflect on and identify their values and, through a framework of design thinking, explore what it looks like to fulfill those values in a legal career. This course can serve as a model for other law schools in efforts to respond to the well-being crisis facing the legal field.

The goal of this essay is to introduce legal educators to this course and explain its role in legal education. Part I will outline the Designing a Fulfilling Life in the Law course. DFL aims to teach students well-being practices while giving them a framework for making intentional career decisions. The course uses a design thinking framework to give students a skill set for finding fulfillment. Part I will also argue that the inclusion of discussions about well-being and happiness are appropriate in the law school setting by drawing on the ideas of critical and engaged pedagogy. Part II will then position DFL as a novel approach to professional identity formation. Professional identity formation is the process by which students begin to see themselves as lawyers, and it has recently been inserted into the ABA’s law school accreditation requirements. Part II will then explain the connection between fulfillment,

23 The IBA’s survey found that young lawyers motivated by a personal interest in their work were less likely to move out of the profession in the next five years, while those motivated by peer expectations or job stability were far more likely to consider leaving the profession entirely. INTERNATIONAL BAR ASSOCIATION, *supra* note 7, at 18.

well-being, and professional identity formation. Drawing on the work of Lawrence Krieger and Kennon Sheldon, we will then demonstrate that the education provided by Designing a Fulfilling Life in the Law is crucial to the well-being of lawyers. We hope that this essay will both encourage other educators to create a similar course in their own law school and provide them with a foundational understanding of the course to get them started.

I. The Michigan Law Design Your Life Program

Designing a Fulfilling Life in the Law promotes the well-being of students by giving them a structured and dedicated environment to learn and practice the skills needed to design the type of life they want after law school.²⁴ The class meets weekly and consists of short lessons, large- and small-group discussions, and in-class activities. Before class students are asked to read or listen to assignments on the weekly topic. Writing assignments typically take the form of self-reflection, which are either then used directly in class activities or are collected by the professors. Central to this mission is the development of problem-solving skills that students can employ to make decisions about their careers.²⁵

To this end, this program must be embedded within the curriculum of the law school; students must receive course credit for participating. Law students at the University of Michigan take Designing a Fulfilling Life in the Law for two credits. For students to adequately reflect on their values and goals, they need consistent opportunities to do so. Additionally, law school is incredibly busy; students are expected to take a full course load and engage in extracurricular and cocurricular activities. If well-being education is relegated to cocurricular activities, it is inevitable that many students will opt out simply for lack of time or mental space. Putting this program in the curriculum gives students the opportunity to reflect on their goals and design their career without adding to the pressure of law school. Awarding credits for this type of skill-building also reflects the value the school puts on these types of skills and professional identity formation itself. If schools are unwilling to award credit to these skills, many students will not independently realize the value of the skills.

Another central component of this program is the development of community. The motivations that drive our career decisions can be very personal. Students in the DFL course have myriad reasons for attending law

24 DFL was inspired and influenced by the Taylor Your Life program at Tulane University's Phyllis M. Taylor Center for Social Innovation and Design Thinking, and by the Designing Your Life course at Stanford University. See *Taylor Your Life for Grads*, TULANE UNIVERSITY, <https://taylor.tulane.edu/life-design/for-grads/> (last visited Jan. 16, 2023); *Designing Your Life*, Stanford University, <http://lifedesignlab.stanford.edu/dyl> (last visited Jan. 18, 2023).

25 We use "design thinking" and "problem-solving skills" interchangeably throughout this essay. The American Bar Association lists competency in problem-solving among the necessary learning outcomes for law students. AMERICAN BAR ASSOCIATION, SECTION OF LEGAL EDUCATION AND ADMISSIONS TO THE BAR, STANDARDS FOR APPROVAL OF LAW SCHOOLS, Standard 302 (2022) [hereinafter *Standard 302*].

school. Some are here because they want to work in a particular area of the law, and some are here simply to make money to provide for their families. It's crucial to the success of this program that students be able to discuss the various pressures that shape their decisions without fear of criticism or judgment.²⁶

To achieve this, the DFL students are divided into triads—groups of three students—with whom they engage in discussions and reflections. These groups remain constant throughout the semester, giving students the opportunity to develop rapport and trust with one another. In developing these relationships, students are able to engage with one another empathetically and genuinely. They are also able to build on their discussions throughout the course and draw on their conversations from previous classes. This enriches the experience of all students.

Additionally, each DFL class includes peer mentors. Peer mentors are law students who have previously completed the course. These students assist the professors in planning and preparing each class, making recommendations for how the lessons might be improved. They also lead activities and class discussions and host office hours. The presence of peer mentors brings a valuable perspective to class discussions and student interactions. Many peer mentors are able to attest to how the things they learned in DFL have influenced their decisions about what activities and opportunities to pursue. This can help the current students to see how their new knowledge can be put to use

A. Design Thinking as a Framework for Finding Fulfillment

As the name of the program suggests, one of the pillars of this course is the use of design principles as a tool for charting a fulfilling path. Specifically, the course utilizes a design process model—a map or diagram that provides a structure to guide decision-making—as a framework for cultivating a fulfilling legal career. Design process models allow students to take control of the career planning process in a way that is difficult to do on their own. It gives them the opportunity to exercise autonomy in a way that can be difficult in the somewhat rigid career search processes at most law schools.²⁷ Rather than being blown about by the winds of social and familial pressure, prestige, and finances, students using design thinking have a framework for decision-making without jumping to conclusions or making assumptions.

A number of design process tools can be useful for students as they plan their careers, and this course typically introduced them to several of them.

26 See *infra* Part III (discussing engaged pedagogy and the importance of encouraging students to bring their whole self to the class).

27 Most law students participate in on-campus interview programs for summer jobs at the beginning of their 2L year. Many of these students will end up accepting invitations from these employers to return full time upon graduation, meaning that many students are being placed with their future employer after only two semesters of law school. *Standard 302, supra* note 25.

However, we find the Socially Engaged Design Process Model,²⁸ developed by the Center for Socially Engaged Design at the University of Michigan, to be particularly useful. The design process has five nonlinear steps: explore, define, ideate, develop, and realize. Each of these steps is integrated into the DFL course. It is important to note that although these steps are listed in an apparently chronological order, it is inherently iterative. There are opportunities to jump forward in the process, move backward in the process, and even work at different stages simultaneously.²⁹

Explore

Students are encouraged to explore from the beginning of the course. In the context of finding fulfillment, this means reflecting on influences, values, desires, and needs. For example, in the first class of the semester, students spend time journaling about their family influences. (Who has had the biggest impact on you? How does that person think about school? Work?) Students eventually identify the messages about school and work that they have received from their families and think critically about whether they want to embrace those messages or release them. Similar reflection takes place throughout the course. Students engage in activities to identify their strengths, weaknesses, interests, passions, and needs. They think critically about how they define success and what they want out of their life. This exploration typically occurs through journaling, small-group discussion, and whole-class reflections.

Students also explore the multitude of options available to them in the legal field. Often, law students find themselves thinking that there are only three paths for attorneys: big law, public interest, or government work. But students in DFL are encouraged to look past these rigid categories and see the abundance that the legal field has to offer. For example, students participate in an activity called the “Head-Heart Mashup.”³⁰ In this activity, students quickly brainstorm things that connect to their head—the things that they are good at, the things they know that they need—and the things that connect to their heart—the things that they are passionate or excited about. They then spend time putting these things together and working with their triads to develop ways to bring those combinations into their career.

Define

“Defining” is the process of gathering all of the information that students have collected in their guided reflection and looking for patterns and

28 *Socially Engaged Design Process Model*, UNIVERSITY OF MICHIGAN: CENTER FOR SOCIALLY ENGAGED DESIGN, <https://h.edu/socially-engaged-design-process-model/> (last accessed Oct. 3, 2022, 1:37 PM).

29 *Id.*

30 This activity was adopted from the Taylor Your Life program at Tulane University’s Phyllis M. Taylor Center for Social Innovation and Design Thinking. See *Taylor Your Life for Grads*, *supra* note 24.

constraints. At this point, students begin to clearly define and articulate their values and goals and balance them against external factors, such as money and prestige. For example, a student might have noted that he is passionate about music and want to incorporate it into their life, but they might also have identified a need for financial security. Although a student might be passionate about something, it is important that they recognize the practical limitations of their choices. Otherwise, they may end up in a career that is unfulfilling in a different way. These observations are crucial; they reveal to the student the constraints within which they should plan their careers. By clearly defining their values and needs, they begin to develop a set of criteria by which they can clearly evaluate various plans for their lives in the law.

One crucial concept that every student is encouraged to define is success. Law school is full of boxes that a student can check to claim success: participating in a clinic, joining a journal, engaging in pro bono work, applying for clerkships, applying for fellowships. Despite the impressions that law students may have, it's unlikely that participating in any given activity will make or break their careers. Instead, they are encouraged to focus on what they will consider to be a successful career, and then identify which boxes they should actually check.

This stage occurs throughout the course through a variety of activities. For example, one activity, which takes place about midway through the semester, is writing and developing an "elevator pitch" to describe who they are and what they are looking for.³¹ Students start with an emotional hook, describe their intellectual interests, explain what motivates them, and end with some kind of "ask" to the listener. This activity allows students to define their professional selves concisely while giving them a pitch to use in professional networking.

Defining occurs again toward the end of the course in a visioning exercise.³² In this activity, students write using a "hot pen" technique (writing for a set period of time without a high level of scrutiny) about their vision for a certain part of their life. Students focus on identifying the "what" rather than the "how." For example, students might write about what they want their personal time to look like in five years. This can be very illuminating for many students; it can reveal important aspects of their priorities, such as their need for relationships, desired income, their desired location, and the importance of prestige.

Ideate

This phase of the process is probably the most fun. Students take the information they have gathered and, with patterns and constraints in mind, they develop ideas to create a fulfilling life in the law. The primary driver of this stage in the DFL curriculum is an activity in which students explore

³¹ *Id.*

³² *Id.* This activity is adapted from a similar visioning exercise taught by Zingerman's in its ZingTrain training program. See *Visioning*, ZINGTRAIN, <https://shop.zingtrain.com/products/visioning-a-tool-for-all-times> (last visited Jan. 16, 2023).

alternative life plans. This process begins with brainstorming. Students create three initial life plans: one plan reflects their current path (some kind of legal practice); another plan charts what they would do to make a living if their first plan, being a lawyer, were no longer an option; and a third plan reflects what the student would do if money, image, and prestige were no object.³³

This activity can be very helpful for many students and often loops them back to the “Explore” stage of the framework. They may choose to learn more about an alternative career path, or they may explore how to bring elements of an alternative path into their current plan. Either way, it moves students toward a path they find fulfilling.

Develop

In the Develop stage, students “home in” on a particular solution or path forward. The first step of this is prototyping. Students can prototype life designs in multiple ways; they can discuss a particular type of work with someone practicing in that area, get involved in an interest organization, take on an internship, or participate in a related clinic. The key is that the prototype should be low cost—in terms of time commitment and effort—but still give valuable information about the particular path.

For example, students in DFL participate in Life Design Interviews. Students find members of the legal community who are doing something that relates to the student’s ideation. But, like everything in this course, this too is a skill. Before conducting their own Life Design Interviews, the students work together to interview members of the law school community in class. The goal of a Life Design Interview is to ask questions to learn whether you would truly enjoy that person’s career path and to find out information about how you actually begin moving along that path.

Realize

This final stage is the broadest, and purposefully so.³⁴ Students take the information that they have gathered, through any or all of the other stages, and “realize” a next step. That could constitute a major shift; a student might choose to pursue a different type of legal work than originally intended. But it may simply lead back to another step; students may realize that they need to spend more time exploring the options or defining their values and determining how they relate to each other. They may decide to pursue an additional prototyping opportunity. Because of the iterative nature of the design process, this stage may occur throughout the coursework.

33 This activity is based on the Odyssey Plan created by Bill Burnett and Dave Evans. BILL BURNETT & DAVE EVANS, *DESIGNING YOUR LIFE: HOW TO BUILD A WELL-LIVED, JOYFUL LIFE* 80–84 (2016).

34 See UNIVERSITY OF MICHIGAN, *supra* note 28.

B. Developing Well-Being Skills

In addition to the skill of life design, a number of DFL's lessons teach students skills for the maintenance of their well-being. While we have chosen to discuss these skills in their own section, it should be noted that they are fully integrated into the process of developing life-design skills. For all of these skills, we believe that it is important that they be put to practice. They are all supported by research, and the lessons could be planned to consist of long lectures on the virtues of managing your time well or the importance of having fun. But we believe that it is important to practice what we preach.

For example, one DFL lesson focuses on the importance of play and the benefits that it can have on your life. Research shows that adults who are willing to play—who do not take themselves too seriously and take time out of their day to create moments of playful, connected, flow—have better coping skills, increased job satisfaction, and enhanced productivity.³⁵ Rather than poring over literature to convince students of the importance of fun, we take time out of our very busy and all-too-serious law school schedule and actually have fun. In the fall of 2022, students gathered under a tent in the University of Michigan Law Quad, tied balloons to their ankles, and worked in teams to stomp on one another's balloons.

The same holds true for a lesson on creativity, movement, and mindfulness. Students venture out in groups to stoke their creativity, move, and be mindful by walking through the campus art or archaeological museums or hunting for Ann Arbor's famous fairy doors. Other topics related directly to well-being that are taught throughout the course include time management, financial literacy, decision-making, and imposter syndrome.

Many of these topics, if not all, are crucial to the course's primary topic: designing a fulfilling life. After all, how can you be fulfilled in your work if you are constantly overwhelmed by its demands on your time? How can you enjoy your life if you sacrifice your ability to have fun for professional success? Without strategies and skills for coping with the rigor of a legal career, it would be exceedingly difficult to find one fulfilling. Unfortunately, it appears that many of the profession's members lack these skills.

Clearly, many of the topics and skills taught in this course are not typical of a law school class. However, as we will discuss later, they are crucial to well-being and professional identity formation. Apart from the content, the format of the course is also somewhat unusual; rather than sitting in a lecture or participating in the Socratic method, students are actively involved in the dissemination of knowledge through opportunities to share with one another in small groups and as a whole class. The next section will discuss in greater detail the benefits of this format.

35 Jennifer Wallace, *Why It's Good for Grown-Ups to Play*, WASH. POST (May 20, 2017), https://www.washingtonpost.com/national/health-science/why-its-good-for-grown-ups-to-go-play/2017/05/19/99810292-fd1f-11e6-8ebe-6e0d4f2bca_story.html; CATHERINE PRICE, *THE POWER OF FUN: HOW TO FEEL ALIVE AGAIN* (2021).

C. Pedagogical Foundations for the DFL Format

The most traditional legal educators will likely read the preceding section and guffaw at the thought of teaching these topics in a law school setting. And they would be right to note that these are topics not typically covered, presented in a format not typically used. Rather than learning through lectures or the Socratic method, students discuss. Rather than being told what to take away, they are provided with a framework of skills that they can apply as they see fit. They are enabled, even encouraged, to find their own path to fulfillment in the legal profession, even (read “especially”) if that means that they shirk the traditionally valued paths.

However dislocated it may seem to other members of the legal academy, we maintain that the topics and format of this course are not only appropriate for the law school setting, but necessary. The format is not unlike that used in many clinical education settings. Many law school clinics utilize a class component to support students as they render legal services, and those class components often include small-group and large-group reflection and discussion, rather than lecture.

The necessity of these topics in the law school curriculum will be discussed in greater depth in Part III. Here, we will focus on the appropriateness of these topics by explaining why they belong in the classroom at all. By focusing on the subjective fulfillment of the students and fostering skills that allow them to iteratively find value, this course enables students to take transformative action in their careers. The practice of education that focuses on the student and welcomes them to bring their “whole self” into the class has been discussed at least since the early 1980s.

It can be tempting to consider the purpose of higher education, especially in professional schools, to be simply to impute knowledge onto students. The thinking goes that as long as students are receiving information about the law and its practice, the school has fulfilled its obligation. This is the banking conception of education as described, and denounced, by Paulo Freire.³⁶ In this approach to education, the teacher does not communicate but rather “issues communiques and makes deposits which the students patiently receive, memorize, and repeat.”³⁷ This description rings true in law schools; law school classrooms typically focus on the professor, who lectures at students and reinforces their ingestion of the information through Socratic questioning. The risk of this form of education, according to Freire, is the perpetuation of oppression and the destruction of critical consciousness.³⁸ The more students occupy this passive role, the more students are forced to adapt to the world rather than transform it.³⁹

36 PAULO FREIRE, *PEDAGOGY OF THE OPPRESSED* 72 (Myra Bergman Ramos, trans., 2014).

37 *Id.*

38 *Id.* at 73.

39 *Id.*

The answer to these problems is what Freire called “humanization” or “authentic liberation”.⁴⁰ Teachers should abandon the banking approach and replace it with a dialogic approach, shifting the role of the teacher and student.⁴¹ Through dialogue with students, the power dynamic of the classroom is transformed so that teachers are taught along with their students. The result is “education as the practice of freedom”; students are not forced to adapt to the world as it is presented by their teacher; instead, they are empowered to understand and transform the world, as it actually is.⁴² This approach fosters creativity.

Applying this approach to higher education, bell hooks insisted on a holistic approach to education. Teachers must “regard their students as ‘whole’ human beings, striving not just for knowledge in books, but knowledge about how to live in the world.”⁴³ Crucial to this goal is the teacher’s own vulnerability; teachers must share the story of their own experience to empower student expression.⁴⁴

Students in DFL are encouraged to bring their whole selves to the classroom, and they often do. They develop trust with the professors and the members of their triad, and they discuss personal desires and fears. As students work their way through the lessons, their learning is deeply enriched by whole-class discussions and triad discussions, in which they often learn from one another. Professor Sankaran and Professor Carr share stories from their own lives, and guest speakers from the community come to the class and share their stories as well.

All of this is to say that there is an alternative to the banking conception of education so often employed by law schools. Other higher education programs have adopted and integrated the ideas of Freire and hooks, and there is no reason that law schools cannot do the same.

There is no secret sauce or script to a fulfilling life; no knowledge that can be deposited that will imbue a student’s experience with joy and belonging. This is a skill that must be developed in the context of the whole student. Students must be given space to consider their own experiences, values, culture, and family and then be able to reflect openly on the way their whole selves affect their

40 *Id.* at 79.

41 “The teacher is no longer merely the-one-who-teaches, but one who is himself taught in dialogue with the students, who in turn while being taught also teach.” *Id.* at 81.

42 *Id.* at 79–81. *See also* BELL HOOKS, *TEACHING TO TRANSGRESS: EDUCATION AS THE PRACTICE OF FREEDOM* 12 (1994).

43 *See* HOOKS, *supra* note 42 at 15.

44 *Id.* at 21. (“When professors bring narratives of their experiences into classroom discussions it eliminates the possibility that we can function as all-knowing, silent interrogators. It is often productive if professors take the first risk, linking confessional narratives to academic discussions so as to show how experience can illuminate and enhance our understanding of academic material. But most professors must practice being vulnerable in the classroom, being wholly present in mind, body, and spirit.”)

professional identity. This approach to well-being centers self-actualization; it replaces quick fixes and tips that are so common in the space of well-being education with transformative learning. In the next part, we will position DFL within the framework of professional identity formation and explain why the content of this course is crucial to the success of law students.

II. Professional Identity, Well-Being, and the Pursuit of a Fulfilling Life

The Design Your Life Framework is responsive to the anxiety, depression, and general unhappiness of the legal profession and law students. It allows students to reflect on the intrinsic values that motivate their professional choices and leads them to reflect on their experiences in a way that law school rarely allows. In this way, it provides a space for students to begin forming their professional identity; it allows them to see themselves as lawyers. Well-being and fulfillment are essential components of professional identity, and they are necessary for a happy career. This part will discuss professional identity education and explain why DFL's emphasis on well-being contributes to the formation of professional identity.

A. Professional Identity Formation in Law Schools

Professional identity education came into the spotlight in the summer of 2022 when the ABA modified the law school accreditation standards to require law schools to provide “substantial opportunities to students for . . . the development of a professional identity,”⁴⁵ which includes “an intentional exploration of the values, guiding principles, and well-being practices considered foundational to successful legal practice.”⁴⁶ The ABA's interpretation highlights the importance of well-being as a crucial component of a professional identity. But what does professional identity look like in a law school curriculum?

The introduction of professional identity into the discourse of legal education has been credited to a 2007 report by the Carnegie Foundation for the Advancement of Teaching, which heavily criticized law schools for failing to give adequate attention to the formation of professional identity.⁴⁷ Initially,

45 Neil W. Hamilton & Louis D. Bilonis, *Revised ABA Standards 303(b) and (c) and the Formation of a Lawyer's Professional Identity, Part 1: Understanding the New Requirements*, NALP (May 2022), <https://www.nalp.org/revised-aba-standards-part-1>; STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS, Standard 303 (2022) [hereinafter *Standard 303*], https://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/standards/2022-2023/22-23-standard-ch3.pdf.

46 *Standard 303*, *supra* note 45 at Interpretation 303-5.

47 David I.C. Thomson, *Teaching Formation of Professional Identity*, 27 REGENT U. L. REV. 303 (2014); WILLIAM M. SULLIVAN ET AL., EDUCATING LAWYERS: PREPARATION FOR THE PROFESSION OF LAW 14 (2007). It should be noted that the phrase “professional identity” can be found in scholarship predating the Carnegie Report. See, e.g., Bruce Levine, *An Issue of Professional Identity*, 32 WASHBURN L.J. 35 (1992) (“I am beginning to believe quite strongly that a Jewish professional identity and a professional interest in Jewish affairs would result in some lawyers more sensitive in their professional lives to the human concerns of all people.”).

this criticism confused the legal profession, with many professors and lawyers failing to see the distinctions among professional identity, professionalism, and professional ethics.⁴⁸ In response to the report, one scholar wrote that “[p]rofessional identity for lawyers simply *is* performing the complex task of representing clients effectively within the bounds of the law.”⁴⁹ Others continued to explain professional identity as some variation on professional ethics, with an emphasis on how the individual chooses to resolve ethically ambiguous situations.⁵⁰

With time, various concise definitions of professional identity have been advanced, with general agreement that professional identity incorporates elements of professional ethics and professionalism, with an emphasis on the development of a personal sense of identity as a lawyer. At the center of this is the reconciliation of personal values with the professional role of an attorney.⁵¹ The formation of professional identity involves several different skill sets, including the development of professionalism, an understanding of the values of the profession, and an understanding of the work lawyers do.⁵²

The ABA’s revised accreditation standards are not silent on the definition of professional identity, a significant point in reaching a standardized understanding of the concept, particularly in a profession that is often preoccupied with definitions. Interpretation 303-5, which accompanies the revised requirements, incorporates several of the understandings of

48 See Thomson, *supra* note 47 at 304, 310.

49 W. Bradley Wendel, *Should Law Schools Teach Professional Duties, Professional Virtues, or Something Else? A Critique of the Carnegie Report on Educating Lawyers*, 9 U. ST. THOMAS L.J. 497, 498 (2011).

50 See, e.g., Benjamin V. Madison III, *Professional Identity and Professionalism*, 24 THE PROFESSIONAL LAWYER, no. 3, at 16, 17 (“Professional identity formation presents students instead with a scenario in which they can act either in a civil way or badly, or in which the person can be honest or deceptive. Then the student reflects, ideally in writing, on the values that are implicated by the scenario, the available courses of action, and the consequences likely to flow from each course of action.”); Thomson, *supra* note 47 at 315 (“Professional identity relates to one’s own decisions about professional behaviors ‘above the line,’ as well as a sense of duty as an officer of the legal system and responsibility as part of a system in our society that is engaged in preserving, maintaining, and upholding the rule of law.”).

51 See Daisy Hurst Floyd, *Practical Wisdom: Reimagining Legal Education*, 10 U. ST. THOMAS L.J. 195, 201-02 (2012) (“Professional identity refers to the way that a lawyer integrates the intellectual, practical, and ethical aspects of being a lawyer and also integrates personal and professional values. A lawyer with an ethical professional identity is able to exercise practical wisdom and to live a life of satisfaction and well-being.”); Benjamin V. Madison, III & Larry O. Natt Gantt, II, *The Emperor Has No Clothes, but Does Anyone Really Care? How Law Schools Are Failing to Develop Students’ Professional Identities and Practical Judgment*, 27 REGENT U. L. REV. 337, 344-45 (2015) (“Professional identity encompasses the manner in which a lawyer internalizes values such that, for instance, she views herself as a civil person who treats others with civility and respect even in hotly disputed matters.”); Martin J. Katz, *Teaching Professional Identity in Law School*, 42 THE COLORADO LAWYER, Oct. 2013, at 45 (“Professional identity is more than simply ethics or professionalism—or even both together.”)

52 See Patrick E. Longan, Daisy Hurst Floyd & Timothy W. Floyd, *Law School and Professional Identity Formation*, 25 GA. BAR J., Dec. 2019, at 62.

professional identity while adding an emphasis that has been largely ignored. According to the ABA, professional identity “focuses on what it means to be a lawyer and the special obligations lawyers have to their clients and society.”⁵³ Its formation requires “reflection and growth over time” and involves an examination of “values, guiding principles, and well-being practices.”⁵⁴ This definition of the concept includes elements of professional ethics (“the special obligations lawyers have to their clients and society”) as well as some elements of “traditional values of the profession” (“guiding principles”). Most significant, perhaps, is the inclusion of well-being principles. This part of the new standard is not new to the discourse of professional identity,⁵⁵ but its adoption as a requirement for accreditation has the capacity to truly change the experience of legal education.

Some law schools have offered courses focused on well-being and professional identity formation at one point or another. In 2021, Harvard Law School offered a course called *The Fulfilled Life and the Life of the Law* in which students explored various philosophical theories of the good life and their implications on leading a fulfilling life in the law.⁵⁶ Northwestern University offers a noncredit course called *Mindfulness-Based Resilient Lawyering* that focuses on developing resilience and life skills to help students thrive as lawyers, and another course called *Finding Yourself in the Law* that encourages students to reflect on the experiences that might shape their legal practice.⁵⁷ However, these courses have been offered only sporadically, and often as cocurricular courses, rather than as courses for credit.

DFL differs from them in its insistence on a collaborative format in which students are an active part of the learning process, and on the insistence that the course be offered for credit. In the next section, we will draw on the research of Lawrence Krieger and Kennon Sheldon, who found that finding meaning in one’s work is crucial—to the point of being a prerequisite—to happiness.

B. Professional Identity and Well-Being

Despite the slight difficulty in clearly defining what a professional identity entails, the connection between professional identity and well-being is quite intuitive. A person with a firm sense of professional identity has an enhanced

53 *Standard 303 supra* note 45 at Interpretation 303-5.

54 *Standard 303 supra* note 45 at Interpretation 303-5.

55 See Floyd, *supra* note 51 at 201-02 (“Professional identity refers to the way that a lawyer integrates the intellectual, practical, and ethical aspects of being a lawyer and also integrates personal and professional values. A lawyer with an ethical professional identity is able to exercise practical wisdom and to live a life of satisfaction and well-being.”).

56 *The Fulfilled Life and the Life of the Law*, HARVARD LAW SCHOOL, <https://hls.harvard.edu/courses/the-fulfilled-life-and-the-life-of-the-law/> (last visited Nov. 25, 2022, 3:10 PM).

57 *Wellness Curriculum*, NORTHWESTERN PRITZKER SCHOOL OF LAW, <https://www.law.northwestern.edu/student-life/student-services/wellness/curriculum/> (last visited Oct. 25, 2022, 9:23 PM).

sense of well-being.⁵⁸ However, well-being practices are also crucial as part of the professional identity itself. One article, on professional identity formation among medical students, advocates for the inclusion in medical school curriculum of “mindful reflective practice to promote resilience—conceptualized as part of [professional identity formation] and to enhance learner’s well-being.”⁵⁹ Practices that promote well-being are therefore crucial for developing a professional identity.

But in the legal profession, there is a severe lack of well-being. This has been documented in various studies, which, when taken together, paint a picture of an unhappy profession. Why is it like this? Lawyers enjoy prestige and, in some corners of the profession, very large paychecks. The problem is that these simply don’t contribute to well-being in the way that many people expect them to. In their 2015 study, Professor Lawrence Krieger and Professor Kennon Sheldon set out to determine what factors contributed most to the well-being of lawyers.⁶⁰ They found, contrary to the common assumption that prestige and money are particularly important for well-being, that these external factors (earnings, debt, comparative grade performance, honors, and credentials), which are “emphasized in law school and by many legal employers,” “have nil to modest bearing on lawyer well-being.”⁶¹

If those external factors are only modestly associated with well-being, then no amount of academic improvement, desirable job placements, or resume items is going to improve the state of law student and lawyer well-being. Law schools that hope to provide a professional identity education then completely miss a huge aspect of professional identity—they leave students to cultivate their well-being on their own.

DFL rejects the idea that law students should have to develop these skills on their own. It seeks to integrate law student well-being directly into the law school curriculum. Previous law school studies “show that the psychological factors seen to erode during law school are the very factors most important for the well-being of lawyers.”⁶² DFL incorporates well-being practices such as financial literacy, time management, and the importance of play and rest directly into the school curriculum,⁶³ giving students a toolbox to help them in the dawn of their careers. But more important than these hard skills, DFL gives

58 PATRICK EMERY LONGAN, DAISY HURST FLOYD & TIMOTHY W. FLOYD, *THE FORMATION OF PROFESSIONAL IDENTITY* 14 (2020) (stating their hope that their insights will enable the reader to “see the connection between professional identity . . . and [their] own well-being”).

59 Hedy S. Wald et al., *Professional Identity Formation in Medical Education for Humanistic, Resilient Physicians: Pedagogic Strategies for Bridging Theory to Practice*, 90 *ACAD. MED.* 753 (2015).

60 Krieger & Sheldon, *supra* note 22 at 559.

61 *Id.* at 560, 584–85.

62 *Id.* at 560.

63 *See supra* Part I.A.

students the opportunity to reconcile their personal values and desires with their chosen career, incorporating a crucial aspect of well-being: fulfillment.

C. Fulfillment: A Necessary Component of Thriving

Well-being and fulfillment are inextricably linked.⁶⁴ Those with a clearly developed professional identity are more likely to be fulfilled; and vice versa. This means that finding meaning in one's work can lead to increased well-being.⁶⁵ Psychologists have found that meaning in life is associated with a higher quality of life, improved health, decreased mortality, and lower incidence of psychological disorders, including suicidal ideation.⁶⁶ In the medical profession, scholars have noted that finding purpose in professional work is crucial for well-being and argued that professional identity formation is an opportunity to leverage meaning to improve well-being.⁶⁷ There is no reason that this cannot also be true in the legal profession.

For their study, Krieger and Sheldon defined well-being as the sum of two components: life satisfaction (including the individual's own subjective evaluation of their objective circumstances) and affect or mood (the subjective experience of feeling good or bad about one's experience, as it is perceived over time).⁶⁸ Many of the hard "well-being skills" taught in DFL correspond to affect or mood. For example, developing a habit of making time for an important hobby will likely have an impact on affect or mood, while it may have no bearing on the objective circumstances in which a person finds herself. The emphasis in DFL on exploring career options, defining values, and prototyping career paths relates directly to life satisfaction or fulfillment.

Before balking at the suggestion that students take time from their rigorous curriculum to learn how to find happiness, consider this: Krieger and Sheldon found that internal reasons for choosing a particular career, which they describe as self-determined or autonomous, such as interest, enjoyment, or effectuating core values, were strongly associated with well-being and had an

64 See LONGAN, *supra* note 58, at 14 (stating their hope that their insights will enable the reader to "see the connection between professional identity . . . and [their] own well-being).

65 For a general explanation of the interplay between well-being and fulfillment, see VALERIE TIBERIUS, WELL-BEING AND VALUE FULFILLMENT: HOW WE CAN HELP EACH OTHER TO LIVE WELL 34 (2018) ("According to the value fulfillment theory, our lives go well to the extent that we pursue, and fulfill or realize, our appropriate values. In short, we live well when we succeed in terms of what matters to us emotionally, reflectively, and over the long term.").

66 Diana Toubassi, Carly Schenker, Michael Roberts & Milena Forte, *Professional Identity Formation: Linking Meaning to Well-Being*, ADVANCES IN HEALTH SCI. EDUC. (Aug. 1, 2022), <https://doi.org/10.1007/s10459-022-10146-2>.

67 *Id.*

68 Krieger & Sheldon, *supra* note 22 at 562–63 ("Although moods are experienced as transient, they have been found to persist over time in stable ways. Positive and negative affect are purely subjective, straightforward experiences of "feeling good" or "feeling bad" that many people would interpret as happiness or its opposite.").

inverse relationship with depression.⁶⁹ Choosing work based on an internal motivation, rather than external motivations like money or prestige, had such a large correlation with well-being that Krieger and Sheldon theorized that it “may not be possible to experience thriving without relative satisfaction of [the need for autonomous experiences].”⁷⁰

This research should be sobering even for the most traditional legal educator. Institutions of legal education have been sending students to sea in a leaking ship. They have knowledge of the law and a lucrative job, but in the process of getting those they have degraded their well-being and find themselves with neither fulfillment nor positive affect. DFL patches the hole; it gives students a chance to stop and truly reflect on the internal motivation for their work.

Although we have not collected empirical data about student outcomes, we have collected feedback from students at the end of the course each semester. One student described the course, saying “it provides space for students to challenge the dominant law school narrative about prestige, financial achievement, and other external sources of success as the primary motivators for our lives as lawyers.” Another described the course as “the only fully-structured opportunity for students to plan their futures in the law with their cohort.” Other students expressed appreciation for the opportunity to take time and reflect, something they felt was otherwise lacking in their law school experience.⁷¹

Beyond this, many students deeply appreciated the class for valuing them as individuals. One student wrote, “it [was] the first time in law school that I [felt] valued,” and another described it as the “group therapy I desperately need by didn’t know I could get in law school.” Others called it “life-giving,” “reassuring,” “relaxing,” and “a warm weekly hug of connection and support.” For these students, DFL filled a very real gap in their law school experience: the opportunity to examine and to reflect thoughtfully on their choices in space free from the expectation and pressure that colors much of the law school experience.

This feedback indicates that not only do students recognize the need for thoughtful planning for their future, but the absence of such opportunities in law school is palpable. DFL provides students with something they desperately need. And law schools should not leave their students’ ability to have a long and prosperous legal career to chance any more than they should leave a student’s competence to chance.

69 *Id.* at 580. (“This finding is particularly important, because law students have been found to turn away from internally motivated careers, often in favor of more lucrative or prestigious positions, after beginning law school.”)

70 *Id.* at 617-18.

71 “It’s a great opportunity to learn more about yourself, set goals, and work on creating good habits.” “I loved [DFL] because it provided the space to pause, reflect, and refocus on what I wanted from law school and a career in law.”

Conclusion

Law schools have a duty to prepare students for their careers. As the evidence shows, there is a huge gap in that preparation. Lawyers are struggling to find happiness and fulfillment, and the result is an exceptionally unhappy professional community, clinging to money and prestige to find meaning. Law schools need to step up and begin teaching their students how to maintain their well-being. They need to teach them how to find fulfillment in their careers. *Designing a Fulfilling Life in the Law* is one such program. It sets aside what it takes to be a good lawyer in favor of what it takes to be a happy lawyer. Law schools around the country are invited and encouraged to use DFL as a model for their own well-being education programs. But if law schools continue to abdicate their responsibility for student well-being, we will continue to have unhappy lawyers, and unhappy lawyers don't remain lawyers for long.