

Book Review and Essay

Review: Shailini Jandial George, *The Law Student's Guide to Doing Well and Being Well*, Durham, N.C.: Carolina Academic Press, 2020, pp. 160, \$25 (paperback) and Essay: *From Stressful to Mindful to Joyful: Proposing a New Paradigm to Release the Deeper Chains Binding Law Students and Lawyers to Unhappy, Unhealthy Lives*

Review and Essay by Lawrence Krieger

I am pleased to review a valuable contribution at an opportune time for law students and legal education, *The Law Student's Guide to Doing Well and Being Well*, by Shailini Jandial George,¹ hereinafter *The Guide*. After presenting my review, in Part II I will urge that we supplement this excellent work and others with a new paradigm for addressing the persistent problems of distress and dissatisfaction in the law, including (a) ending the unhappy marriage of stress and the law, (b) ending the unhappy marriage of superficial, unfulfilling values and the law, and (c) amending aspects of law school pedagogy that undermine the well-being and personality integrity of students. I explain how the current paradigm obstructs health and wellness benefits such as those targeted by *The Guide*, and why those benefits will exponentially increase if healthful practices are coupled with a new paradigm that generates flow and optimism rather than tension and stress in the study and practice of law.

I. Review: *The Law Student's Guide to Doing Well and Being Well*

As a professor of legal writing, the author of *The Guide* is particularly familiar with the current language, mindset, and need for support of beginning law students. Her faculty role informs her “up close and personally” about the need for this publication, as she and her colleagues typically have the most direct one-to-one contact with beginning law students and are the first to provide them with often sobering critiques of the quality of their written work. Through her word choice and style she seeks to connect directly with students of the usual age, using an accessible tone and vocabulary fitting the task. This seems a wise choice, since the book’s goals involve inspiring students to adopt or change life habits to reach the stated goals of doing and being well.

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Nonetheless, professors viewing the book should be ready for a style and tone quite different from the typical law school text.

The timing of the book is fortuitous, coming both on the heels of renewed evidence of concern for the state of wellness in law schools² and the profession³ and at a time when the American Bar Association has adopted standards for accrediting law schools that require the teaching of professional identity formation, in part by including “well-being practices” in that segment of legal education.⁴

Approaching the Book

I worked from the e-book on Redshelf; it is also available in paper from Carolina Academic Press. The cover in either format is plain, perhaps to maintain the feel of a legal course book. Opening the book, a student will find an unusual and appealing table of contents, including light, sometimes humorous subheadings that show the author’s intent to connect with students in conversational language. This should be a positive for opening minds to what lies ahead. Examples for the introduction and the early units, addressing the well-being crisis and the imperative to cultivate mental focus, are “Your thoughts are worth way more than a penny,” “Brain health, it is a no-brainer,” and “Hold on, I just got a text.”

Professor George has clearly put thought and effort into the creation of this volume; I could sense her care and sincerity at many turns. The detail in her suggested practices and routines often conveys intimate familiarity, indications that she has experienced and tested them personally. Indeed, the personal nature of her preface made me appreciate her humanity and want to read the book. She has kept it to a modest length (about 120 pages of primary content), which should create comfort for busy law students, while still including detailed coverage of many topics that are truly critical for the high functioning and health of contemporary students. Readers will appreciate the expansive research undertaken by the author. Citations are generous and will guide the interested while satisfying any potential skeptics. The depth and diversity of scientific authority create a book that generates confidence and feels substantial despite the modest length and conversational tone.

2 Jerome M. Organ et al., *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).

3 Patrick R. Krill et al., *The Prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys*, 10 J. ADDICTION MED. 46 (2016); Bree Buchanan et al., *THE PATH TO LAWYER WELL-BEING: PRACTICAL RECOMMENDATIONS FOR POSITIVE CHANGE, THE REPORT OF THE NATIONAL TASK FORCE ON LAWYER WELL-BEING* (2017), <https://www.americanbar.org/content/dam/aba/images/abanews/ThePathToLawyerWellBeingReportRevFINAL.pdf>.

4 AM. BAR ASS’N (ABA), SECTION OF LEGAL EDUCATION AND ADMISSIONS TO THE BAR, STANDARDS FOR APPROVAL OF LAW SCHOOLS 2022-2023, *Standard 303(3) & Interpretation 303-5*, https://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/standards/2022-2023/22-23-standard-ch3.pdf.

Throughout the book the chapters end practically, with prompts for reflection that encourage students to apply the unit content to their personal behaviors and then write modest commitments for change. The appendices are further testaments to the author's intention that this be a practical book for positive change. There is a welcome listing of additional books, magazines, articles, a podcast about brain health, and related apps that students may find of use. There are also some excellent and less common mindfulness practices, including walking and running meditations, that supplement the many practices in the body of the book. These moving practices accord with my experience that routines combining mind and movement most effectively strengthen that critical mind-body unity and quickly and surely create a healthier, more grounded person. The appendices also include helpful forms and logs with which the reader can set positive intentions and track progress across the various dimensions addressed in the book.

The Primary Content and Practices

The book starts as seemingly every article about professional wellness starts: Students are greeted with "The Wellbeing Crisis." I find a real tension around whether to provide law students the relentless "bad news" statistics about law student and lawyer mental health (3-6 & 135-136 nn.1-7).⁵ The benefit of painting a clear picture, as done in *The Guide*, is that it commands student attention, but this also generates fear and negative expectations for law school that can color the experience ahead in negative ways (more on this *confirmation bias* in Part II, below). Of course, the hope is that the attention and accompanying fear of these consequences will motivate students to take the actions we propose. Probably no one has a confident answer as to how much emphasis the negatives should receive, but it is difficult to logically start a discussion about self-care and long-term health in the profession without some discussion of the problems.

As most do, the author here chooses to paint a relatively full picture but also provides softening comments that the information need not feel negative. In recent years I have found another middle-ground approach. I mention the issues only briefly, as if everyone is aware of them (because, in fact, I have asked large groups of incoming students and they broadly confirm this). I then pivot quickly to emphasize substantive positives derived from recent research on thousands of lawyers showing that all of us substantially control our well-being through our power to choose supportive or undermining attitudes and priorities. In this way students immediately focus on a scientific overview of lawyer outcomes, so they feel empowered over their own well-being, and I provide brief, quantified "take-home" evidence⁶ to enhance that

5 Providing ample support for the continuing negative findings.

6 I provide a graphic summarizing the findings from 6200 working lawyers in Lawrence S. Krieger & Kennon M. Sheldon, *What Makes Lawyers Happy? A Data-Driven Prescription to Redefine Professional Success*, 83 GEO. WASH. L. REV. 554 (2015). For an explanation (with graphics) written directly for students see LAWRENCE S. KRIEGER, ENJOY SUCCESS & DROP THE STRESS

sense of understanding and control. In Part II I discuss this further, providing three principles for empowering students to directly eliminate (rather than “manage”) the greatest part of the typical stress experienced in law school.

The next chapter centers on the need for focused attention and methods to enhance it. This is a particularly important part of the book, given our society’s pervasive addiction to electronic screens (amply demonstrated by law students’ inability to stay off the internet during the classes for which they pay so dearly). Thus, this chapter is appropriately a substantial part of the book and is presented in three parts. The first part centers on the importance of focused attention for learning and the special challenges of the digital age. The section begins with a typical example of the accessible language employed: *Pay attention, as I am about to tell you the secret to learning. Ready? It is attention* (14).

This section includes substantial brain science highlighting various higher processes, including the biology of learning. It also covers challenges to focus, importantly explaining in some detail both the potential for addiction to screen distractions and the undermining effects of multitasking. The content further features a study showing that brains on marijuana focus and remember more effectively than multitasking brains (136 n.15). This section, like all main sections and chapters, ends with brief reflective questions that draw students to integrate the material with their own experiences. Teachers may wish to expand on these questions in their areas of particular interest. Space is provided in this part of each chapter to invite immediate responses.

The second part of this chapter is exceptionally useful. It covers tips for improving focus and decreasing digital and other distractions. This part is full of researched realities about effective study and break times; any student incorporating this material will experience a quantum improvement in both physical/emotional comfort and academic or work outcomes. It also piqued my interest and inspired me to acquire a Pomodoro timer, the tomato shape of which is clearly portrayed in the book. I was impressed by the substantial overlap between Professor George’s recommendations and the constant reports I receive from my health coach spouse about this body of research on the specific need for, and contours of, effective breaks from sitting and mental work.

This part also provides substantial coverage of mindfulness and provides detailed instruction in a variety of techniques to clear, calm, and open the mind for more effective thinking and learning. (I note that the author often emphasizes practice benefits in terms of doing well more than feeling well, and this may well be the greater area of interest for most law students.)

The third part of the chapter then focuses on how to work or learn online and is, again, extremely important for our times. It explains clearly the many human challenges involved (including but far from limited to Zoom fatigue) and again provides many pointed suggestions for accomplishing online work both comfortably and effectively.

Following the major chapter on brain science, focus, and the mind, *The Guide* adds chapters on other critical considerations: stress, resilience, exercise, sleep, and nutrition. These chapters again provide an array of practical recommendations supported by an interesting variety of sources. The entire package results in a helpful, authoritative-feeling volume that remains relatively compact.

The treatment of stress and resilience is relatively thorough. The chapter on stress begins with a helpful overview of the neurophysiology and biochemistry of the stress response. Professor George makes clear perhaps the most important point about stress for law students and lawyers—that it impairs cognitive function. As part of this discussion, she touches on what some consider a myth about the positive effects of stress,⁷ followed by a description and excellent graphic summarizing the pervasive and mutually exacerbating negative effects of stress on health, thinking, and learning. I hear regularly in discussions of professional stress these essentially opposed ideas—that stress is pervasively damaging but also helpful in some ways. This apparent contradiction calls for clarity, because I often hear people using it to rationalize choices that invite damaging levels of stress. I discuss this further in Part II as context for a proposed new paradigm for addressing stress in law school and the legal profession.

Professor George introduces this chapter with a familiar quotation recommending that students not “sweat the small stuff, and it is all small stuff,” but then provides the familiar warning that law school causes stress, along with a summary of the key sources of that stress. This struck me as perhaps inconsistent, the quote suggesting there is little to stress about but the introduction to the chapter then affirming that law school causes stress from many quarters.

The approach taken in *The Guide* reflects the current paradigm for health and well-being, affirming the inherent nature of legal study and practice to generate pervasive stress and then suggesting many helpful ways to manage or moderate that stress. My only significant point of refinement or departure from *The Guide* relates to this current paradigm of stress in the law. In Part II I propose a major shift away from our typical identification of law school and law practice with stress, urging a new understanding that eliminates the potential negative effects of this expectation and perception. My thesis, discussed elsewhere at length,⁸ is that the greater part of law student and

7 See EMMA SEPPÄLÄ, *THE HAPPINESS TRACK: HOW TO APPLY THE SCIENCE OF HAPPINESS TO ACCELERATE YOUR SUCCESS* 4146 (2017) (explaining the many limitations on the purported benefit of stress and the risks embedded in this belief). I further discuss this confusion, which largely rests on ambiguous use of the term “stress,” in *ENJOY SUCCESS*, *supra* note 6; see also the ample discussion of stress in Part II *infra*.

8 *ENJOY SUCCESS*, *supra* note 6, at 1 *et. seq.*, the first heading of which is: “Stress Is a Choice You Don’t Have to Make.” The original title of that book includes an invitation to “Drop the Stress.” My forthcoming book further explains how and why to “drop the stress” from law school and practice, LAWRENCE KRIEGER, *FROM STRESSFUL TO MINDFUL TO JOYFUL: SIX BOLD*

lawyer stress is optional because it is self-created and can be eliminated with an informed shift in attitude.

After explaining the nature of stress, Professor George provides students with a brief summary of key stress-management practices, some of which are covered more fully in the remaining chapters of the book. She includes descriptions of meditation and mindfulness, gratitude, affirmations, music, and more, all of which may attract students to try a variety of approaches and determine those that are personally helpful. There is also coverage of impostor syndrome here and elsewhere in the book. The chapter includes reflective exercises designed to help students identify their stressors and commit to practices for relief that they find attractive.

As a transition to the chapter on resilience, the author returns to the idea that law school will cause stress. She begins the chapter on resilience with the neuroscience of the resilient brain, moves to a substantial discussion of social connection as a primary tool or skill for mental and physical health, and then provides numerous recommendations for meaningful connections with students, teachers, and others during law school. This is an interesting and helpful approach, forwarding healthy social connections as an additional stress-management practice. These pages provide an excellent example of the author's intention to provide very specific, practical details for student guidance rather than stopping with more abstract, general statements about what should be done. It is certainly easier to give good advice in the latter form (i.e., simply telling readers to "create sufficient connections with students, teachers, and others off campus to support your well-being"). Professor George goes several extra and precise miles, providing pages thoughtfully organized for a separate focus on each target group and including detailed, specific steps to generate working connections with each group (67-69). Some students with the typical "I am so busy" feeling will not respond here, but the positive suggestions will encourage others.

This is followed by a similar section on self-awareness and self-care that importantly includes some discussion of self-compassion. Other practices touched on for resilience include maintaining a wide perspective (having a religious base of choice, spending time in nature, etc.) and the importance of a growth mindset. This chapter includes resources and hotlines for students who are struggling with emotional or mental health challenges and, again, prompts for relevant student reflection.

The next chapter communicates the extensive researched benefits of exercise for health and well-being. Professor George recalls previous themes by focusing specifically on such benefits for brain health and function. She includes an enlightening graphic showing eight distinct benefits of exercise for brain function and mental/emotional health (78). This section includes strong scientific support and coverage while avoiding the potential for excessive length. Once again, Professor George provides a detailed breakdown (here, of types of

exercise: aerobic, high- and low-intensity, weight training) and other forms of movement (yoga, tai chi, etc.) with very specific notes about matching personal benefits and goals with each type of movement. She concludes with an array of helpful suggestions for remaining motivated and patient when starting and building healthy exercise routines, including taking small,⁹ manageable steps. The chapter closes with the accustomed reflective page.

The sleep chapter provides a detailed explanation of the stages of sleep and processes occurring during each. There is the usual helpful focus on aspects of brain function of importance to law students; here, as elsewhere, the book remains coherent as the reader is shown how each component of wellness supports the others to create an increasingly positive experience. The author then provides several pages of empirically supported recommendations for improving sleep, with the attention to detail and usefulness previously noted. The closing reflective prompts direct the reader's attention to quality of sleep, sleep changes during law school, and committing to choices for improvement from the included recommendations.

The final chapter covers nutrition, again in substantial detail. The chapter begins by returning to brain health and its relevant nutrition. This is a substantial chapter largely devoted to listing healthy foods, with short descriptions of the value of each and complementary treatment of foods to avoid. This material may not be as new or inspiring to many readers as other topics, but, given the tendency both in our culture broadly and among law students to favor fast food and to subsist on unhealthy snack foods, it is a good choice for inclusion in a book of this size. The chapter also discusses the negative effects of alcohol consumption and provides recommendations for assistance if encountering a related problem. A useful reflective page directs students to consider what they have eaten that day, what was and was not beneficial for them, and how they can improve tomorrow.

As part of her emphasis on inspiring salutary behavior changes by her readers, early in the book Professor George shares the familiar quote attributed to Einstein, that one must change behaviors to change results. She continues to encourage such changes to the very end of the book, preceding the conclusion with a section for "reflection on your reflections." She asks students to revisit all their chapter reflections and provides a set of meta-prompts, asking students to write down those beneficial changes that they choose to implement in the coming day, week, and month (all separate questions). A short conclusion follows, which again highlights the importance of brain health. Here Professor George chooses to emphasize the importance of maximal function for serving clients.

I might articulate a different or complementary purpose related to quality and capacity in one's own life, but this is a matter of personal choice and probably again reflects the author's judgment about what most concerns law

9 To supplement this critical need to build and maintain motivation when creating healthy routines, see BJ FOGG, *TINY HABITS: THE SMALL CHANGES THAT CHANGE EVERYTHING* (2019).

students at this point in their journey. The conclusion of the book leaves the reader with a vital sense of the road ahead, a continuing journey to increasing health and high function.

Ultimately, readers finishing this book will likely feel a sense of achievement and empowerment from the diverse, well-considered information and numerous helpful recommendations. The detail provided for each recommendation can genuinely guide engaged students seeking to implement these many important ideas, and readers who implement even a few will gain substantial benefits. I felt grateful to the author for this wise, practical, empirically founded and obviously heartfelt contribution to the cause of law student well-being.

II. Essay: From Stressful to Mindful to Joyful: Proposing a New Paradigm to Release the Deeper Chains Binding Law Students and Lawyers to Unhappy, Unhealthy Lives

The Guide is an excellent contribution. It is sharply targeted to the typical lifestyle, concerns, and interests of law students and will benefit in many ways those who apply its teachings. At the same time, reading this work helped me realize that this and other welcome efforts will fall short of their intended benefits unless they are supported by a deeper change in the shared mindset and beliefs of law students and lawyers. This essay addresses that need, an entirely new paradigm for our shared vision of life in the law, to complement the kind of detailed health and wellness information offered in *The Guide*. This new paradigm supports instruction about daily practices and routines by uprooting and replacing the foundations of our persistent problems, the deeper causes of distress and unhappiness that law students and lawyers consistently face. Both approaches are needed. If applied together, they would rapidly uplift the lives of our students and graduates to a level that all of us would want but few presently experience - feeling inspired, joyful, and fulfilled nearly all the time.¹⁰

Current thinking about improving life in the law typically includes approaches to stress management and work-life balance. Such approaches, without more, continue to leave us far short of the goal because they leave untouched the root causes of the problems. Indeed, recent research shows little if any improvement in the well-being of law students and lawyers, despite the increasing attention and efforts towards these ends,¹¹ and other research that I will discuss explains why this would be. The most nuanced investigations to date of well-being in law schools and the profession show that the well-being problems we face have subtle but powerful roots. They include our shared vision, values, motivation, and purpose - issues that transcend the reach of

10 We recently introduced a course at our law school combining both components - practical training in reducing stress and establishing healthy routines, supplemented by deeper training as proposed in this essay, to change the focus and expectations of students from stress to joy. The results were most encouraging, as documented in student reviews at midterm and end of term.

11 See Organ et al, *supra* note 2; Krill, *supra* note 3.

stress management, time management, work-life balance, or the like. I briefly summarize this research and then propose needed solutions.

Carefully tracking the psychological effects of the complete law school experience, a three-year longitudinal investigation revealed that students entered with strong mental health supported by healthy, intrinsic (community and service-oriented) values and motivations, but that well-being and emotional adjustment quickly turned more negative across the samples. In the first year, students broadly shifted toward stress-producing, extrinsic values and motivations, focusing more on image and appearance. They then suffered a broad decrease in all valuing in the second year, suggesting a general loss of interest, engagement, and meaning in their studies. Further, the most academically successful students continued the negative psychological shift away from service careers and towards those that provide affluence and prestige.¹² The authors summarize:

Past scholarly commentaries and previous studies paint a bleak picture of the effects of legal education on the well-being of law students. Our data from two very diverse law schools confirm these negative reports, and further reveal that in these classes, the law-school experience was associated with troubling increases in extrinsic values and declines in self-determined motivation. If these experiences are common in American law schools, as anecdotal reports and other studies indicate, it would suggest that various problems reported in the legal profession, such as depression, excessive commercialism and image-consciousness, and lack of ethical and moral behavior, may have significant roots in the law-school experience.¹³

Similarly, the authors of the most detailed study of lawyer well-being to date (n = 6,200) summarize the related problems our students encounter after they enter the profession:

Striking patterns appear repeatedly in the data and raise serious questions about the common priorities on law school campuses and among lawyers (factors oriented towards money and status, which...) showed nil to small associations with well-being. **Conversely, . . . internal and psychological factors shown in previous research to erode in law school (were) the most important contributors to lawyers' happiness and satisfaction.**¹⁴

12 Kennon M. Sheldon & Lawrence Krieger, *Does Legal Education Have Undermining Effects on Law Students? Evaluating Changes in Motivation, Values, and Well-Being*, 22 BEHAV. SCI. & L. 261 (2004).

13 *Id.* at 283. These conclusions are strongly supported by a second intensive study of the effect on personality of the law school experience. It used an entirely different methodology (linguistic analysis) to reach similar conclusions about negative effects of our basic legal pedagogy, including the loss of student valuing, caring, integrity, and even the ability to make moral and ethical decisions. See generally, ELIZABETH MERTZ, *THE LANGUAGE OF LAW SCHOOL: LEARNING TO "THINK LIKE A LAWYER"* (2007).

14 Krieger & Sheldon, *supra* note 6, at 554 (emphasis added).

The study concludes:

The research suggests particularly important responsibilities for law teachers. They impact students early in the formation of professional attitudes and identities, and that impact is apparently negative for many students, particularly with regard to the kinds of internal psychological factors found here to be the primary correlates of lawyer well-being.¹⁵

I write to describe and encourage three of the most critical steps needed to remedy this unfortunate and undermining start for lawyers in training. I focus here on our entrenched, misguided values coupled with a shared mindset and negative expectations that are sufficiently powerful to undermine enjoyment, health, longevity, and achievement regardless of any health practices or other variables. Consequently, these issues of our shared belief system will rule the day until we act to change them.¹⁶

It is a particularly appropriate time to scrutinize our thinking about lawyer and law student well-being. The publication of *The Guide* marks a time of sharply mixed signals in the quest for health and wellness in law schools and the profession. On some levels the progress appears groundbreaking and encouraging. We see powerful attention being applied to these problems, evidenced by the excellent *Guide*, a massive national task force report¹⁷ supported by continuing relevant research, increasingly commonplace law school programs and courses dedicated to well-being,¹⁸ and the burgeoning of dedicated bar committees and programming at the local, state, and national levels.¹⁹ It is heartening that, after decades of seemingly institutionalized

¹⁵ *Id.* at 624.

¹⁶ “Mind over matter” is increasingly a scientific reality. *See, e.g.*, William R. Dardick & Elizabeth D. Tuckwiller, *Optimism Shapes Mindset: Understanding the Association of Optimism and Pessimism*, 8 J. INTERDISC. STUD. EDUC. 19 (2019), analyzing how beliefs and expectations influence experiences and educational outcomes, 27 *et. seq.* Further, thoughts, beliefs and expectations constantly influence one’s physical and emotional state, even to the point of activating and deactivating genetic activity. *See* BRUCE LIPTON, *THE BIOLOGY OF BELIEF* (2005); JOE DISPENZA, *EVOLVE YOUR BRAIN* 271–73, 292 (2007) (discussing the way that attitude can increase perceived stress, which then generates persistent and increasingly damaging (stressed) biochemistry, which then perpetuates the initial stressful attitude and continues the cycle).

¹⁷ Buchanan et al., *supra* note 3.

¹⁸ *See* Jordana A. Confino, *Where are We on the Path to Law Student Well-Being?: Report on the ABA CoLAP Law Student Assistance Committee Law School Wellness Survey*, 68 J. LEGAL EDUC. 650 (2019). The section of the Association of American Law Schools dedicated to these issues, the Section on Balance and Well-Being in Legal Education, was recognized as the Association’s Section of the Year for 2020. Faculty interest is high; the Section conducted eight online teaching sessions focused on well-being during the summer of 2021; attendance at each session averaged about 100 law teachers and administrators.

¹⁹ I, and I suspect most lawyers, now receive constant notices of symposia, publications, and bar-sponsored programming directed to attorney wellness.

denial about law student and lawyer distress,²⁰ our schools and the organized bar have come to the point of consciously grappling with these issues.

At the same time and as alluded to above, it is unclear that we are making much progress in the actual life experience of law students and lawyers. I am aware of neither empirical evidence nor anecdotal reports of general improvement in either group. To the contrary, recent studies of these populations reinforce previous findings of concern and sound new alarms for the state of the profession.²¹ This may simply represent an extended “lag time” from the inception of positive messaging by some law schools and bar associations to the realization of manifest change. However, it appears much more likely that our messaging itself is not up to the task because our common thinking, and therefore our teaching, about the problems remains inadequate.

The Reach of the Current Flawed Paradigm for Success and Well-being in the Law

To provide a sense of the pervasive reach of the existing paradigm, I list some of the common limiting and inaccurate beliefs that it promotes. The impact of each of these ideas on one who believes them is pessimistic, stress-inducing, or both.

1. Law school is inherently stressful, and so is law practice. I will inevitably face a lot of stress.
2. I can work through all that stress, and I will be happy and healthy.
3. Stress helps me perform better.
4. The people with the best grades or most income, honors, and prestige have the best jobs and are the happiest.
5. If I can be in the top of class and on law review, and get a high-paying job, my life will be ideal. Otherwise, I will be disappointed, but I will be OK.
6. (For those interested in medium to large private firm work): When I make partner it will make me quite happy. It is worth years of sacrifice to reach this goal.
7. Thinking like a lawyer is an advanced skill that requires high intelligence. It is a better way of thinking that I can use often to benefit my life and deal well with others.
8. Lawyers who are smart enough and work hard enough should be able to get the outcomes they and their clients want.

20 Not long ago it was difficult to generate focus on these problems despite a long record of what should have been alarming empirical findings. 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).

21 See, e.g., Krill *et al.*, *supra* note 3 (documenting continued high levels of emotional distress and addiction among lawyers); Organ *et al.*, *supra* note 2 (reporting similar recent and negative findings among law students).

9. When faced with job choices, naturally I would favor the option with the best pay and benefits. I will settle for lower-paying work if I must, but I will not be as happy.
10. My debt from law school is depressing and a major stress. I will be so happy when I can pay it off, so I should do everything possible to do that quickly.
11. Long hours of work make lawyers stressed and unhappy. If I could cut back my hours and practice work-life balance, it would resolve the stress and make me happy.

The most credible research to date contradicts each of the foregoing statements.²² Nonetheless, they are commonly assumed and embedded in our current professional world view, typically “flying under the radar” and remaining unquestioned. As such, the paradigm persists. These inaccurate beliefs can and, based on the research cited here, often do distract law students and lawyers from the true sources of satisfaction and fulfillment in their work or studies. Thus, each is sufficient to substantially limit well-being and high functioning; working in concert as they do for many, they effectively block experiences of well-being and joy.

Replacing Stress with Joy, Now

As an important aside, I intentionally use terms like *joy* or *love* in my teaching and in this essay. It is time to realize what should be plain truth: life without joy and love is depressed life, and work without joy and love is depressing work. At first such positive terms and experiences can feel uncomfortable or seem out of place for serious students and lawyers doing serious business. I see this discomfort in some students, but they quickly become more comfortable because I am persistent and also openly model happiness (to the extent I can do so genuinely).

There is no reason (other than limiting beliefs) that a person cannot do serious work joyfully and with great love. I started to “teach” this in earnest when I began noticing for myself that simply feeling alive feels joyful. I began training students in my legal skills and professional identity courses to recognize and promote this experience in themselves. It brings the realization that, regardless of the intensity of an activity, joy can be a nearly constant experience rather than dependent on an occasion or event. Our teaching experience has shown this reality to be transformative and that most students welcome and readily assimilate it, so I feature it in my new publication that more fully explains this paradigm shift to students and lawyers.²³

22 See generally Krieger & Sheldon, *supra* note 6; ENJOY SUCCESS, *supra* note 6; FROM STRESSFUL TO MINDFUL TO JOYFUL, *supra* note 8; SEPPALA, *supra* note 7.

23 This idea appears in FROM STRESSFUL TO MINDFUL TO JOYFUL, *supra* note 8, initially as a Foundation Principle and later in Step Five: *Experience Joy, Love, and Inspiration Nearly All the Time*. I include an explanation and simple practices to readily experience this fortunate reality.

For educators and others reading this essay, I encourage you to begin speaking about and modeling the experience of joy, love, and inspiration in your work. Mentioning and modelling joy and delight in work (and other aspects of life as they come up) is an important adjunct to the three tenets of the new paradigm I discuss below. I have seen in all of my teaching that it is highly effective for releasing students and lawyers from the deeper chains of the old paradigm, because *if people can see it, they can be it*. We are role models and students do emulate us. For teachers who themselves do not regularly experience enthusiasm and joy in their work, adopting the three approaches below (and perhaps viewing the new publication) will provide personal benefits that then enable the genuine display of these qualities to others.

Amending Three Foundations of the Old Paradigm

A. End the unhappy marriage of stress and the law

Law students and lawyers expect and identify with stress, which constantly generates stress and drastically curtails health, life satisfaction, and joy.

“According to your faith it be done unto you.” - The Bible²⁴

“A man is but the product of his thoughts. What he thinks, he becomes”. - M. Gandhi²⁵

“That which I feared has come upon me.” - The Bible²⁶

The current paradigm prominently places stress at the heart of law school and law practice. It is true that many law students and lawyers experience unsupportable levels of stress regularly, so it can seem logical to expect legal study or work to be stressful.²⁷ I also hear law teachers regularly confirming this expectation. However, it is also true that some law students and lawyers in the very similar environments and positions neither expect nor experience excessive levels of stress. Logic therefore tells us that the study and practice of law do not *need* to be marked by intense stress – the level of stress differs markedly among people in the same environments, suggesting that differences within and between individuals actually determine the quality of experience. When you look at the faces in your classroom or read your teaching evaluations,

24 *Matthew* 9:29.

25 MAHATMA GANDHI, *ETHICAL RELIGION* 62 (1922).

26 *Job* 3:25.

27 That “stress consciousness” is common seems obvious from decades of working and speaking with lawyers and students. I informally asked diverse groups of law students recently to briefly describe the experience of law school they expected just before matriculating and, separately, the experience they expect after graduation as lawyers. Responses were confirming; approximately 70 percent responded with “constant stress,” “high anxiety,” “burnout,” and similar discouraging descriptors; the remainder were divided roughly equally between neutral (“hard work”, etc.) and positive responses (“growing,” “exciting,” “helping others,” etc.).

it is obvious that some students are happy and some are stressed, tense, and critical, even though the course material and delivery was identical for all. The differences also tend to follow the individual to other classes and activities, again indicating that one's personal mindset or perceptions are biasing her experience toward the positive or the negative.

Mindset, expectations, and beliefs have powerful self-fulfilling effects.²⁸ We humans have a preference for coherence within ourselves – we like to be “right.” One consequence is that our beliefs and expectations bias our perception and interpretation of events so that the latter confirm what we thought in the first place.²⁹ Simply stated, if a person expects a stressful day, she is very likely to have a stressful day because her interpretation of events is biased in that direction. The converse is equally true for the same reason.

For an example of the power of this *confirmation bias*, consider two students in the same entering class at a law school. Student A has read with concern various accounts of intense competition and stress in law schools, and she is expecting that experience. As a consequence of this expectation, she feels moderate anxiety when first viewing her new classmates at orientation. She sees a room full of equally intelligent others against whom she will need to compete and who may well outperform her. Then, when classes start and readings are assigned, she finds ample justification for her worry about all the work and the inevitable stress she has chosen by going to law school. She carries those feelings with her each time she sits down to study. Is she learning enough? How will she find enough time? Are the others doing better, working harder, staying up later? Difficult places in classroom lectures or in the reading raise fears that she is “not smart enough” and won't do well enough. The normal work of law school thus provides her constant reasons to be tense. She will be fatigued and worn, prone to physical and emotional discomfort as law school proceeds, and after three years she will struggle to garner energy and positive focus for bar exam preparation. Regardless of her relative academic success, the three-year reality is exactly what she expected – stress, fatigue, competition, and worry.

At the same time, Student B is sitting next to Student A at orientation and in every class but she is having an entirely different experience. The only real difference is that she arrived expecting school to be an exciting, enjoyable challenge and her long-awaited opportunity to grow and become a lawyer. As a result, she experiences excitement and anticipation in the orientation hall, seeing the bright faces of potential friends joining her in the adventure of the next three years. She greets reading assignments and difficult points in class as

28 Dardick & Tutwiller, *supra* note 16, at 27 (recognizing this as a foundation of their study).

29 The tendency to process and analyze information in such a way that it supports one's preexisting ideas and convictions. CONFIRMATION BIAS, DICTIONARY.COM, <https://www.dictionary.com/browse/confirmation-bias> (last visited Jan. 10, 2023). This tendency is abundantly clear when viewing objectively any argument, particularly if the opposing beliefs are deeply held. Positions tend to deepen rather than change when exposed to the opposing point of view.

welcome, expected opportunities to do the challenging mental work and learn what she came to learn. She is comfortable asking for help when she needs it, accepting that she is here to learn just as everyone else is. This student expects hard work and much learning rather than stress, so that is how she interprets law school life and that is exactly what she experiences. She typically feels relaxed, enlivened, and focused on the material and her development, rather than on other students and feared competitive outcomes. As a result, she is learning and growing more fully while conserving and even building energy and emotional resources. Three years of law school will leave her bright and excited to become a lawyer. As I note in my current material for students and lawyers, discussing the value of this kind of positive mindset:

We all have peers who work hard but go through law school or practice with an easy, positive attitude. Some have high grades, status, or pay, some have lower grades, status, or pay, but they all share one critical quality: They have positive expectations for their life that allow them to shrug off setbacks and remain persistently engaged. This quality of optimism is priceless.³⁰

Certainly, law study and practice are replete with challenges. But why need that be stressful, in its common meaning of ongoing, uncomfortable pressure, tension, urgency, or anxiety?³¹ Each person initially has a choice, but once accepting the common assumption that this path is “stressful,” perceptions and experience immediately begin to reinforce that assumption and make a different choice of perspective more difficult. Thus, I urge this shift to new thinking and language beginning with law school orientation, so that we teach students early to focus on and emulate those students and lawyers who regularly remain calm, healthy, and self-regulated in classes or the office, rather than those who regularly experience anxiety, urgency, or distress. It can be valuable to sit with the reality that some people do *flow* rather than *stress* through challenges, handling them with comfort and even enjoyment.³² They have a skill that any willing person can learn: cultivating expectations and a

30 I discuss the special importance of optimism for law school and practice in ENJOY SUCCESS, *supra* note 6, at 15.

31 *See id.* at 1-3, explaining the fundamentally neutral biological meaning of “stress” as any demand on one’s systems, and the more common negative meaning, which is more akin to *distress*—when stress becomes extended or repetitively intense to the point of impairing function and exhausting personal resources. In FROM STRESSFUL TO MINDFUL TO JOYFUL, *supra* note 8, I extend this discussion and add terms to distinguish these experiences - normal *biological stress* and *psychological stress* (which then causes excessive and damaging biological stress).

32 *See* MIHALY CSIKZENTMIHALYI, *FLOW: THE PSYCHOLOGY OF OPTIMAL EXPERIENCE* (2008) (extending his earlier books on the many benefits of the *flow* experience).

belief system that generate positive instead of negative perceptions of daily events.³³

A further problem with identifying excessive stress as a necessary companion of legal study or practice is that it *validates the experience as appropriate* for the serious law student or lawyer. This results in people promoting and viewing unhealthy stress as a badge of merit—a rite of passage through law school, a concomitant of normal work, an expectation for gaining a partnership or promotion, etc. In other words, stress has essentially become a component of our shared professional identity – a quality that probably most lawyers and nonlawyers alike associate with law school or being a lawyer. This has caused untold harm to law students, lawyers, judges, and the health and vibrancy of the profession as a whole.³⁴ It is not even biologically possible to feel happy and stressed at the same time; the physiological states that support those experiences are radically different.³⁵ The common thinking of students and lawyers that they will be stressed but happy is simply wrong, and experience shows that stressed people are not happy.

The current focus on *stress management* provides a related point of concern. Stress management is certainly an improvement over an unabated stress experience, but it has major flaws because it first presumes pervasive stress experiences and then seeks to mitigate the damage. While helpful for a person laden with stress, this approach perpetuates the problematic expectation and identification with stress that is generating constant stress in the first place. Those who focus on stress management will find valuable short-term relief, but there will be no lack of stress to manage because their worldview includes stress as a central component. Further, managing a negative is an improvement but neither eliminates the negative nor creates the positive, so the potential benefit of even the best stress management practices is markedly limited. The new paradigm would upgrade *stress management* to *attention management* or *joy management*, using the changes in language and mindset discussed above to eliminate the very source of most unhealthy stress experiences and at the same time affirmatively generating the positive state of joy or inspiration.

One can draw endless examples of the critical role of expectations and mindset from law practice as well as from differing student experiences. I find that it helps students more readily adopt the new thinking when we show them that it will apply to their future work as well as their present reality. Again taking the example of two lawyers of equal status in the same law office: 1)

33 See MARTIN SELIGMAN, *LEARNED OPTIMISM: HOW TO CHANGE YOUR MIND AND YOUR LIFE* (1990).

34 The introduction to the ABA Task Force Report, Buchanan et al., *supra* note 3 (stating that the level of stress in the profession is unsustainable).

35 Remarks of Dr. Bryan King, “It is biologically impossible to feel stressed and happy at the same time.” *Positive States*, Presentation, Tallahassee, Florida, Sept. 20, 2018 (on file with the author). Law students appear shocked when I tell them this and then explain the two different biological states.

Attorney A internalizes and constantly reacts with anger or frustration to the perceived negativity of others (perhaps other lawyers, judges, staff, clients...), while in the same situations Attorney B remains focused on his own integrity and positive intentions, choosing to feel compassion for those who seem negative; 2) Attorney A reluctantly girds himself for a stressful workday each morning while Attorney B is inspired to get to work so she can help clients; 3) Attorney A worries about his "to do" list on awakening while Attorney B starts each day with positive emotions from a favorite 7 minute routine of her choice -- walking outside, moving joyfully with her favorite music, breathing openly, smiling, and expecting the very best before driving into work; Attorney A sees pleadings from an irritating opposing lawyer on her desk and reacts with frustration while Attorney B sees the same pleading, knows the character of the opposing counsel, and just smiles and accepts that "some people are like that" without being upset or angry. The lawyers do similar work at the same law office with the same pay and status, but their chosen mindset and attitude result in entirely different interpretations and experiences. Both lawyers are intensely focused on demanding work, but one is regularly experiencing aggravation and irritation while the other feels lighter, more joyful, and more appreciative. As these divergent experiences continue month after month, the vastly different effects on health, enjoyment, output, and quality of relationships becomes increasingly profound and obvious; one lawyer is enjoying and thriving, the other is struggling and unhappy. Common experience confirms the quotations that begin this section - as we think, so we experience, and then so goes our life.

The new paradigm, then, replaces the negative with a positive mindset toward law school, law practice, and their associated challenges. This paradigm shift need not be difficult, beyond the usual resistance to change that most of us experience. I have seen with my own students that adopting these teaching points and approaches work hand in hand with the practices that I teach, and that students need both - fully positive beliefs about their capacity for joy and health in the law (including their ability to drop stress as a tenet of legal life), and practices to begin actualizing that experience with teacher support.

We can conceive of this transition in a conceptual step followed by a practical one. Once people realize that *stress in its negative sense is a choice* that they do not have to make,³⁶ many will resolve to create a more positive mindset, expectation, and identity as a law student or lawyer. It will help educators, for our own belief and for credibility with students, to become conversant with well-researched examples that particularly apply to educational settings and our "legal" thinking, such as optimism and growth mindset.³⁷ Once the

36 This choice is a theme that is further developed as Step 3, FROM STRESSFUL TO MINDFUL TO JOYFUL, *supra* note 8.

37 See, e.g., Dardick & Tuckwiller, *supra* note 16; SUZANNE C. SEGERSTROM, THE GLASS HALF FULL: HOW OPTIMISTS GET WHAT THEY WANT IN LIFE AND PESSIMISTS CAN TOO (2009); CAROL S. DWECK, MINDSET: THE NEW PSYCHOLOGY OF SUCCESS (2007). Findings on these benefits of positive mindset are rapidly expanding. See Jeff Haden, *Want to Live 12 Years Longer?*

choice is made to shift to positive expectations and attitudes, the next step is to proactively create small routines and habits of mind and body that replace the old with the new. Persistence then results in dropping expectations and assumptions regarding stress, increasingly focusing on the many positives available in life and work, and as a result, increasingly enjoying more positive feelings, better health, and greater efficacy and success. This is the overview of our approach to the new course we teach. My modest publications are intended for this purpose and would complement the excellent recommendations in *The Guide*³⁸ by cultivating positive expectations/mindset and establishing mental habits that replace the old negative assumptions.

B. End the unhappy marriage of unfulfilling,
stress-producing values and the law.

Values commonly prioritized in the legal community generate constant stress and are inherently unfulfilling, drastically curtailing health, life satisfaction, and joy.

“Chase after money and security and your heart will never unclench.” - Tao³⁹

“I tell you again, it is easier for a camel to go through the eye of a needle than for one who is rich to enter the kingdom of God. - The Bible⁴⁰

“It’s pretty hard to tell what does bring happiness. Poverty an’ wealth have both failed.”⁴¹

The second foundation of the failed paradigm that continues to undermine the profession is the primary focus on material values and external motivations shared by so many law students and lawyers. It is fine to desire more abundance

A 30 Year Study Says Embracing Optimism Mindset is a Major Contributor to Longevity, INC. (February 3, 2022), <https://www.inc.com/jeff-haden/live-longer-be-more-optimistic-build-relationships-optimism-mindset-predict-longevity-importance-of-relationships-visualization.html> (citing a recent study finding that, when controlled for other variables, an optimistic mindset can extend life span by 12 years while producing numerous other benefits for health and positive behavior). This material is summarized for students and lawyers in Step 6, *Experience Joy, Love, or Inspiration Nearly All the Time*, in FROM STRESSFUL TO MINDFUL TO JOYFUL, *supra* note 8.

38 I regret promoting my own work, but I am not aware of other applicable material that is brief and sufficiently targeted to expect a law student or lawyer to read. I have confidence in the efficacy of the suggestions I make, as they have worked for me (initially a pessimist) and for many students and graduates based on course evaluations and notes I receive while they are in law school and years after graduation. This material would not replace the broader and more detailed teachings of THE GUIDE but would serve to generate a fertile context in which the practices and principles of THE GUIDE would flourish fully. Some of the core principles are covered in either of my tiny books; others are found in only one, as shown by tables of contents, Kindle edition of ENJOY SUCCESS, *supra* note 8 and FROM STRESSFUL TO MINDFUL TO JOYFUL, *supra* note 8.

39 TAO TE CHING 9 (Stephen Mitchell trans., 1988).

40 *Matthew* 19:24.

41 KIN HUBBARD, ABE MARTIN’S BROADCAST 191 (1930).

and approval to a point, but it is remarkable how obsessive the desire for grades and money can become among many law students and lawyers – as if those achievements are the keys to happiness. I first wrote about this 23 years ago, remarking on the excessive work that many students heap on themselves to gain a shaving of a grade point or another line on their resume, and then, after graduation, “...(they) continue to walk, and even push their way into abusive work environments, and stay there long enough to feel trapped by their life style”⁴² Because this appears to be continuing unabated, the first of the six bold steps in my new book is: “*Gladly accept that money and status will not make you happy (but yes, they are nice).*”⁴³ I emphasize *happy* acceptance of this truth for three reasons explained further below. First, assuming people are able to provide for their basic subsistence needs, the statement is true; these external “success” values do not generate substantial happiness despite what most people believe or expect. Second, seeking as primary goals money, high grades, and other external markers of success -- honors, influence, or power over others, requires competition that inherently generates anxiety and stress and thereby further curtails happiness. Third and most telling, these superficial goals are seductive to the point that they can entirely dominate a person’s attention, derailing her search for happiness, leading her away from her deeper calling or inspiration and ultimately leaving her possessing more than she can use but feeling joyless, purposeless, and empty inside.⁴⁴

Unfortunately, this emphasis on externals signs of material success continues to find broad support on law school campuses, where competitive outcomes for grades, journals, teams, and then securing positions providing high salaries and prestige typically dominate the culture. This focus also provides much of the fuel that drives our disastrous expectation and identification with stress. The sources of most law student and lawyer stress are those external rewards and markers of worth, merit, or status. Research has long indicated that such extrinsic values and motivations undermine happiness, generating “dissatisfaction, stress, and irritation,”⁴⁵ and that fact has been made even clearer in recent research on law students⁴⁶ and lawyers.⁴⁷ The recent research specifically quantifies and ranks contributors to well-being. Those analyses demonstrate that, even for the most successful, these external factors do not

42 L. Krieger, *What We're Not Telling Law Students and Lawyers that They Really Need to Know*, 13 J. LAW & HEALTH 1, 9 & nn. 27-29 (1998-99).

43 FROM STRESSFUL TO MINDFUL TO JOYFUL, *supra* note 12.

44 I document in Part II of ENJOY SUCCESS, *supra* note 6, at 32-33, an example of this depressing “displacement” effect in a high-performing student that I knew well. I include there a simple mathematical formula to precisely calculate the ‘satisfaction value’ of any prospective job, based on the research showing what actually does make lawyers happy.

45 Kennon M. Sheldon & Tim Kasser, *Goals, Congruence, and Positive Well-Being: New Empirical Support for Humanistic Theories*, 41 J. HUM. PSYCHOL., no. 1, 2001, at 30, 42-43 (2001).

46 Sheldon & Krieger, *supra* note 12.

47 Krieger & Sheldon, *supra* note 6, at 580-83.

substantially contribute to a lawyer's happiness or satisfaction. Instead, the findings among 6200 practicing lawyers and judges show that those with more *intrinsic* primary values and *internal* motivations (oriented toward meaning, service, relating to others and community, self-understanding, and growth) experience greater well-being regardless of their income. Indeed, *the measured well-being contribution of those internal, personal and interpersonal factors is many times greater than that of the external "success" factors.*⁴⁸ The third and potentially most damaging consequence of failing to understand this truth is also documented by this research. The data demonstrate the negative impact on well-being when lawyers displace those more internal, personal, and interpersonal pursuits to prefer the more commonly prized prestige and/or material gains.⁴⁹ This research provides a stark reminder that, while wealth, power, and similar external benefits may be attractive and desirable, when such pursuits are the primary reason for choosing work or other life activities, those pursuits will generate negative emotions and decreased life satisfaction regardless of one's level of achievement.

The strikingly clear numbers in these findings demonstrate the need for a new shared understanding of what is important in law school, law practice, and life more generally. The further benefit is that, to the extent students and lawyers shift their primary focus away from grades, income, prestige, and other external benefits as (incorrectly) presumed sources for their happiness and life satisfaction, they will experience an accompanying decrease in the anxiety and stress inherent in these external, zero-sum competitions⁵⁰ and they are freed to find and experience those meaningful internal and interpersonal sources of happiness that everyone needs. We see, then, that subordinating these external values also can help a student or lawyer change their mindset and expectation from stress to joy or inspiration as discussed above.

As educators we should be particularly troubled by the research showing that student values and motivations tend to go precisely in the wrong directions during law school. Students enter with healthier, more ideal intrinsic values, but then turn toward these more superficial material values while studying

48 *Id.* This attorney study was the first in any population to quantify standardized effect sizes of multiple potential well-being factors of diverse kinds. Results showed the quite small effect sizes on happiness of material success factors, and the massive apparent benefits of more subjective human factors like integrity, efficacy, and intimacy with others. The difference is roughly a factor of four; see Figure 1 summarizing findings, *Id.* at 283. Subsequent unpublished regression analyses (available from the author) showed the resulting correlation of well-being and earnings to be about half of the modest .19 value reported. A further quantitative "factor analysis" that reduces the five most powerful well-being factors to one shared unifying factor is explained in FROM STRESSFUL TO MINDFUL TO JOYFUL, *supra* note 8, at Step #2: *Favor Connection over Comparison and Competition.*

49 See ENJOY SUCCESS, *supra* note 6, at 25; Krieger & Sheldon, *supra* note 6, at 592 (analyzing data from two large groups of working lawyers (n > 2,000) showing the higher earning more, prestigious group to be less happy than the public service lawyers as a result of displacing a higher order need for healthy motivation with lower order needs for income and status).

50 See *Healthy Values, Less Stress, Better Performance*, in ENJOY SUCCESS, *supra* note 6, at 8.

law.⁵¹ Thus, clarity and persistence in this educational effort, including the actual vs. presumed sources of lawyer happiness, are critical to shift the needle toward more satisfied and fulfilled law students and lawyers.⁵² To be effective in this regard, our teaching related to the new professional identity and well-being accreditation standards must include repeated emphasis on personal and professional disidentification with stress, clear awareness of the values that generate stress and dissatisfaction, and awareness of those that generate well-being and fulfillment. Otherwise, regardless of the addition of laudable educational goals, “if we keep on seeking what we’ve always sought and keep on teaching what we’ve always taught, we will keep on getting what we always got.”⁵³ Note that these proposals for a new paradigm relate to the addition of both identity formation and well-being to the new accreditation standards. While they will directly raise the level of student well-being, they are more fundamentally needed and directed towards amending our shared professional identity. Until students and lawyers substantially disidentify themselves from stress and extrinsic values, we cannot expect their well-being to substantially improve.

C. Amend those aspects of law school pedagogy that undermine the personality integrity and well-being of law students

Traditional legal pedagogy exerts pressures that can narrow the personality, undermine integrity, and predispose law students and lawyers to superficial values and addictions, drastically curtailing health, life satisfaction, and joy.

“What will it profit a man to gain the whole world but lose his soul?” – The Bible⁵⁴

“Know Thyself.” – The Oracle of Delphi

The third flawed foundation of the current paradigm that I address here generates particularly deep stress in many law students and lawyers, although few people recognize it as such. Perhaps the most fundamental need in

51 See *supra* notes 17 & 18 and accompanying text; Sheldon & Krieger, *supra* note 12, at 281-82.

52 For educators, I discuss methods to shift away from the “competitive-adversarial paradigm” in Lawrence S. Krieger, *Human Nature as a New Guiding Philosophy for Legal Education and the Profession*, 47 WASHBURN L.J. 247, 273-78, 297-303 (2008). For students and lawyers, ENJOY SUCCESS/CREATE SUCCESS, *supra* note 8, provides the information in *The Universal Fallacy: The Road to Happiness Runs through the Top of the Class*, at 3-6 (explaining the finding that the higher-ranking students who go to the medium or larger law firms are less happy and satisfied than the lower-ranking public service lawyers in the study), *The Big Five Experiences You Really Need to be Happy*, at 6-8; and specific applications for choosing fulfilling jobs and career directions, at 24-34. .

53 After the common saying attributed variously to psychologists and others. *If You Always Do What You've Always Done, You Always Get What You've Always Gotten*, QUOTE INVESTIGATOR (April 15, 2016), <https://quoteinvestigator.com/2016/04/25/get/>.

54 Mark 8:36.

human life is for integrity, both physically and psychologically.⁵⁵ Compelling research shows that traditional legal training itself tends to undermine an aspiring lawyer's personality integration, diminishing her healthy motivation, values, authenticity, and relationships to others. The leading study⁵⁶ is highly credible; it was conducted by a law professor and anthropologist, sponsored by the American Bar Foundation, and became a foundation of the Carnegie Report on Legal Education.⁵⁷

The study reports linguistic analyses of the first year, first semester classroom discussions at eight diverse law schools. The findings were consistent regardless of the rank of the school or the style of teaching. They document pressures that, in essence, work to disintegrate the developed personality of law students as they learn legal analysis and argument. The reported impacts on law students' well-being, their capacity for ethical and moral reasoning, and their relationships to others are chilling and, from personal experience, appear to be quite true.⁵⁸ A few of the most troubling conclusions include: "(students') very selves are decentered";⁵⁹ an "amoral worldview" is encouraged by the replacement of "moral reasoning with combat dialogue";⁶⁰ and the training "drains away social and cultural contexts, morality, and emotions, erasing the common bases for forming ethical judgments."⁶¹ These effects on any person would certainly be distressing and disabling, and likely explain the loss of self that some law students experience. Note also that these effects

55 The term "health" itself implies such integrity; its root meaning is "wholeness." Harald Brüssow, *What is Health?*, 6 MICROBIAL BIOTECHNOLOGY 341, 342 (2013). Healing involves restoring a person to whole, integrated function; the loss of that integrated, full function leads to physical and/or mental illness and ultimately to death. See ENJOY SUCCESS, *supra* note 6, at 22-23 for a fuller discussion directed to law students and lawyers.

56 MERTZ, *supra* note 13. This is a dense and technical read. I separately offer a summary for educators in Krieger, *supra* note 58 at 265-66 and separately write to explain the experience to law students and provide ameliorating techniques in ENJOY SUCCESS, *supra* note 6, at 911. The Mertz findings are strongly supported by our psychological surveys of students, showing their loss of authenticity (essentially synonymous with integrity), relatedness to others, internal motivation, and service values as they proceed through law school. See Sheldon & Krieger, *supra* note 18; Kennon M. Sheldon & Lawrence S. Krieger, *Understanding the Negative Effects of Legal Education on Law Students: A Longitudinal Test of Self-Determination Theory*, 33 PERSONALITY & SOC. PSYCH. BULL. 883 (2007).

57 WILLIAM SULLIVAN ET AL., EDUCATING LAWYERS: PREPARATION FOR THE PROFESSION OF LAW (2007).

58 After repeatedly observing new, confident law students appear to crumble psychologically partway through their 1L year, I began speaking to more senior professors and finding that they commonly observed the same thing.

59 MERTZ, *supra* note 13, at 135.

60 *Id.* at 1, 4 & 6.

61 *Id.* at 132. Our research on law students used different methodology but the findings were consistent and confirming. Core needs for authenticity, relatedness to others, value-based motivation, and service values all suffered substantially during the three years of law school. See Krieger & Sheldon, *supra* note 6, at 565-69 (summarizing each law student study).

would predispose students and lawyers to lose touch with their intrinsic values, motivations, and purposes when choosing work—thus impairing their potential for satisfaction in work, promoting the adoption of primarily extrinsic (i.e. stress- and dissatisfaction-producing) values, and generating the unfortunate displacement phenomenon discovered in our research - all important concerns discussed above.

Our initial study of law student well-being adds disturbing confirmation of these negative outcomes at two additional law schools. Employing entirely different methodology from the Mertz study, our data disclosed, among other concerns, the chilling finding that during their three years of law school, students suffered losses in *all* of their values, but especially their healthy intrinsic values and career motivations; they tended to become unmotivated overall and particularly less interested in contributing to community or society.⁶² The weakening of all of these core aspects of a well-adjusted personality undermines the natural experience of inner peace, wholeness, security, and joy that would otherwise proceed from feeling grounded and well connected to ourselves, further creating a fertile field for increasing prominence of the more superficial values discussed in the preceding section. At the same time, and perhaps in part because of this decentering phenomenon, early in law school student attention is intensely externalized, often becoming exclusively focused on those unfulfilling and anxiety producing pursuits for grades, honors, influence, status, or money. Because any resulting achievement brings limited and transitory feelings of satisfaction, this can readily begin to operate as an addictive process - wherein a person realizes an external achievement (grades, earnings, etc.), feels an accompanying but brief boost in well-being, and becomes dependent on more of the same to fulfill the need for ongoing well-being. Ultimately these experiences can lead to an addictive cycle of increasingly intense effort with diminishing emotional returns because of the intrinsically unfulfilling nature of the reward sought. When law students and lawyers lose their internal sources of well-being, we would predict the greater prevalence of addiction that is typically apparent in the research.⁶³

Clearly, the stressful, decentering pressures common to traditional legal pedagogy must be amended if we hope to generate greater well-being, integrity, or professionalism among our students and graduates. Elsewhere I provide materials separately directed to law students and law teachers, explaining the implications of these studies and outlining simple methods and a metacognitive approach to entirely avoid these harms.⁶⁴ It would be ideal for

62 Sheldon & Krieger, *supra* note 12, at 281-82.

63 See e.g., Organ et al., *supra* note 2; Krill et al., *supra* note 3.

64 For educators, see Krieger, *Human Nature*, *supra* note 52. Also see ENJOY SUCCESS, *supra* note 6 (providing students and lawyers with practical understanding and techniques for noticing rather than identifying with these self-attenuating pressures). These books are retitled updates of LARRY KRIEGER, THE HIDDEN STRESSES OF LAW SCHOOL AND LAW PRACTICE (2017). FROM STRESSFUL TO MINDFUL TO JOYFUL, *supra* note 8, includes some coverage of this material along with a more developed presentation of the new paradigm and additional

both professors and students to understand these potential classroom issues, but understanding from either side would work a major improvement in law student well-being and integrity. Further, many of the practices advocated in *The Guide* would serve these purposes admirably if students are sufficiently aware of the depersonalizing pressures of legal training and use those applications with this holistic mindset at the forefront. Based on feedback over many years, those students with this deeper understanding of themselves and their educational experience fare better in law school, remain happier moving into their career, and progress more quickly when applying salutary practices such as those in *The Guide* or similar resources.

Conclusion

The Law Student's Guide to Doing Well and Being Well is a thoughtful, well-informed, and highly practical work that will lead engaged users to improved function and a more positive life experience. At the same time, salutary practices and routines can take people only part way home if they share the failed beliefs and attitudes that historically pervade our campuses and law offices. Our current paradigm of thought celebrates stress consciousness and superficial goals and values that, together with aspects of traditional legal pedagogy, broadly undermine law student and lawyer well-being, values, and motivation. These negative effects appear unabated in recent data from law students and working lawyers.

I outline three scientifically supported foundations of a new paradigm to unshackle law students and lawyers from these profound impediments to joy and fulfillment. Without such changes we can expect only modest progress for our charges and the profession as a whole. I identify relevant, accessible publications that would readily complement the teachings in *The Guide* and help achieve this goal.

It will take a fundamental change in thinking to work a fundamental and palpable change in these persistent problems. The recommendations I advocate are immediately feasible. They relate only to issues of attitude and approach; as such, their adoption entails no significant expense. As we increasingly direct our teaching towards inherently fulfilling values and an informed, positive mindset for law practice, and teach in ways that enhance a student's natural tendency towards integrity, community, and compassion, we create a new day for the potential quality of life of law students and lawyers. In this context, *The Law Student's Guide to Doing Well and Being Well* can provide its full range of intended benefits.

supportive practices. These tiny books follow a self-published, low-cost model to assist law schools, bar associations, and lawyer assistance programs in their educational efforts.