

## Rethinking Fundamentals? Law School and Mental Health

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Kathryne M. Young, [Understanding the Social and Cognitive Processes in Law School That Create Unhealthy Lawyers](#), 89 *Fordham L. Rev.* 2575 (2021).

For many—perhaps most—law students, law school is hard and stressful; legal practice is similarly experienced by many lawyers.<sup>1</sup> The stress of these environments can act as an incubator for mental health problems, which often are buried by lawyers and law students, occasionally surfacing in stories of anxiety, substance abuse, addiction, depression and suicide, among other things.<sup>2</sup> At the same time, however, law students report high levels of satisfaction with law school and their career decision, as do lawyers,<sup>3</sup> which complicates understanding the mental health trend. This paradox calls for new thinking about mental illness in law school and the profession, which Kathryne Young's article, *Understanding the Social and Cognitive Processes in Law School That Create Unhealthy Lawyers* (*Understanding Unhealthy Lawyers*), pursues. It offers a different lens for understanding these issues by directing attention to how the organizational policies and structure of legal education negatively impact law students' well-being and, ultimately, their mental health.

Young is particularly well qualified to address this topic, having written a popular book on law student happiness (*How to be Sort of Happy in Law School* (2018)). But while the book is a how-to for students, *Understanding Unhealthy Lawyers* frames the wellness and mental health problem in relation to the organizational structure of law school, and invites law schools and faculty members to reconsider certain longstanding and widespread policies and practices in legal education.

Young was interested in exploring the “nuts-and-bolts processes” that are reflected in changes in students' motivations, hopefulness, happiness and overall mental health during law school. To learn about these, she conducted interviews with 53 law students (each interviewed twice) at 36 law schools during the first weeks of the 2020-2021 academic year: one interview occurred just before students began their first semester, and the second was about 3 to 6 weeks into the first term. Interviewees attended a wide range of law schools that varied in terms of location, ranking, and affiliation (public, private, religious). They included 37 women, 16 men, 28 identifying as White and 25 as non-White.

The interviews highlighted several common features of law school that shaped students' early perceptions of fit, fairness, support and equality, among other things, and contributed to professional identity and “unhealthy professional development.” These include processes that shape interactions within and outside of classrooms and enable relationships to develop among classmates and with law school faculty and staff. Young found that students assimilate at least three lessons early in their law school experiences, each of which she sees as part of a “seed[ing] of unhappiness, poor mental health, inequality, professional dissatisfaction, and other problems that plague practicing attorneys [and] are sown in law school.”

First, the interviews offered insight into the ways students make sense of their experiences, or as the case may be, *fail* to make sense of them in contexts that merge law school and the outside world. For example, as students began the school year, the country was still reeling from summer protests over the murder of George Floyd, spotlighting unaccountable policing and racial injustice. Meanwhile, almost as soon as classes began, Justice Ruth Bader Ginsberg's death and the ensuing political battle over the resulting vacancy captured public attention. Nevertheless, for most interviewees, these outside-of-law-school events remained outside of their formal learning in classrooms—a disconnection that Young points to as reinforcing a conception of professional identity as distinct from, and even in

contrast to, personal identity.

Second, the interviews revealed how the mandatory curve used by nearly all US law schools creates dissonance for students, clashing with messages from law faculty and administrators about the importance of collaboration and supportiveness. Young's interviewees explained that the curve contributed to their "developing a 'public face' in which they encouraged their peers and a more 'private face' in which they constantly evaluated themselves against their peers . . . ." One student described that she felt "almost excited when people get things wrong," recognizing that this is "not . . . normal" and that it reflected her wanting to be "above the curve" although that was not her typical approach, admitting "I would never . . . want people to get things wrong." Young relates these conflicts to the idea of self-efficacy: that students "have the ability to exert control over outcomes—[which] is significantly diminished when grades are curved." The decline in self-efficacy means that "instead of concentrating on their own understanding [students] found themselves concentrating on how 'smart' other people seemed and evaluating themselves in relation." Young describes self-efficacy as a positive quality for lawyers: it helps with learning, which is important throughout a lawyer's career, and helps keep various mental health issues at bay. At the same time, she suggests, the curve interferes with students' ability to develop and maintain self-efficacy during law school, setting them up for persistent challenges once they graduate.

Third, norms of classroom interaction set the ground rules by which students build reputations and relationships with classmates and faculty. However, these norms are not always transparent and perceptions of norms differed along lines of race and gender, as students tried to make sense of their classroom experiences. A description by one student, Xavier, of the way Socratic questioning unfolded in class was jarringly astute:

It's kind of weird. Because it's like—it's a game show. You know, there's the raise hand function [on Zoom], right? So there's a professor, like before she even finishes asking the question—if she says something remotely sounding like a question, people start raising their hand[s]. . . . Somebody, let's say somebody gets cold-called, and they're having a tough, tough time. Like some guy raises their hand during the cold call.

This description, equally relevant to upper-level classes, shows how a basic student goal—to be recognized as contributing positively—comes to be seen as a competition, but not one in which all participants feel equally comfortable. In this regard, Young found that students' perceptions split around race: while none of the White men in her study complained about this classroom dynamic, respondents who were not White men described it as "extremely rude."

These different perceptions reflect both the particular culture of law school and the different ways it is perceived and experienced by different students. The rules of the law school game—from classroom interaction to what is recognized as relevant to the imposition of a mandatory grading curve—do not fall uniformly on students. To the contrary, race and gender, career goals and family background all play a role in how these typical practices and policies are experienced, and this list likely could be expanded to include national status, as well. Overall, Young found that as students struggle to understand law school in their first few weeks, they also struggle to find their place in this complex organizational environment and to connect to professional communities that include people with whom they can identify.<sup>4</sup> Young's interviews reveal "the myriad ways spaces that may seem innocuous to white people, and/or to men, are rife with interactions that . . . illustrate the power of the law school classroom to sow seeds of inequality in the legal profession and to reinforce patterns detrimental to lawyers' well-being."

The message Young takes from this research diverges from currently popular remedial approaches that address law students' stress.<sup>5</sup> Rather than focusing only on treating and supporting students, she directs attention to the need for structural change. Law school policies and practices that have the effect of isolating students from classmates, distancing them from their pre-law school selves, and rewarding conduct perceived as unbecoming or rude are on her list of structural approaches that should be reconsidered. These approaches are presented as normal in law school, which reinforces the message that students should recognize and accept them as benign despite internal struggles,

and in turn isolates and others students who experience them as problematic. These findings align with research on the legal profession, including, for example, work on the relationship of “organizational climates that require or at least glorify extreme work hours and . . . provide very little opportunity for workers to balance responsibilities in their competing life domains” and problems of “depression, stress, substance abuse and burnout that plague private-sector, big-firm lawyers . . .”<sup>6</sup>

In future work, I hope Young will take up the paradox of mental health problems and the high satisfaction reported by law students and lawyers with law school and their legal careers. Combining these trends may reveal that legal education can maintain what students find satisfying and worthwhile about law school while also pursuing the “more transformative approach [that] is a structural one: Entertaining the possibility that if a pedagogical tool consistently produces negative results for certain people, perhaps the problem is with the tool, not the people.”

1. See, e.g., LSSSE, [Law Student Stress](#) (2016); ABA Profile of the Legal Profession, [Lawyer Well-Being](#) (2021).
2. See, e.g., Jarrod F. Reich, [Capitalizing on Healthy Lawyers](#), 65 **Vill. L. Rev.** 361 (2020).; Jerome M. Organ, David B. Jaffe, and 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); Brian S. Clarke, *Coming Out in the Classroom: Law Professors, Law Students and Depression*, 64 **J. Legal Educ.** 403 (2015).
3. See, LSSSE, [Satisfaction](#) (2020); Ronit Dinovitzer, Bryant G. Garth, Richard Sander, Joyce Sterling, Gita Z. Wilder, [After the JD: First Results of a National Study of Legal Careers](#) 47 (2004); Ronit Dinovitzer, Robert L. Nelson, Gabriele Plickert, Rebecca Sandefur, and Joyce S. Sterling, [After the JD II](#) 46-47 (2009); and Ronit Dinovitzer, Bryant G. Garth, Robert Nelson, Gabriele Plickert, Rebecca Sandefur, Joyce Sterling, and David Wilkins, [After the JD III](#) 50 (2012).
4. See generally Anthony Paik, Swethaa Ballakrishnen, Carole Silver, Steven Boutcher, Tanya Whitworth, *Diverse Disconnectedness: Homophily, Social Capital Inequality and Student Experiences in Law School* (under review 2021) (describing homophily characterizing law students in-school networks).
5. See, e.g., Jordana Alter 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).
6. Aidan Macnab, [High-pressure law jobs linked to depression](#), Canadian Lawyer (2017).

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