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Recommended Citation

Lawrence S. Krieger, *Psychological Insights: Why Our Students and Graduates Suffer, and What We Might Do About It*, 1 J. ASS'N LEGAL WRITING DIRECTORS 258 (2002),
Available at: <http://ir.law.fsu.edu/articles/100>

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Psychological Insights: Why Our Students and Graduates Suffer, And What We Might Do About It

Lawrence S. Krieger¹

As we seek in this conference to erase artificial or counterproductive divisions from our programs and institutions, I propose that the health and happiness of our students and graduates be placed squarely on the agenda. There are serious and well-documented problems of depression and emotional distress among both law students and lawyers, but while more overt “professionalism” problems are commonly discussed today, most teachers never address the questions of well-being or career satisfaction. This is particularly troubling given the intensely elevated levels of a broad range of psychological symptoms among law students and lawyers, and of career dissatisfaction, substance abuse, and suicide among lawyers.² We do not serve our students well, nor do we fulfill our service mission to society, if we continue to ignore these problems.³

My purpose here is to present a number of recent psychological findings which clarify the components of a satisfying, emotionally healthy life. I do so with the hope that these findings will provide individual teachers, and ultimately law faculties as a whole, with a framework to address constructively the problems of law student and lawyer distress. As a practical backdrop to this recent research, I have been using Abraham Maslow’s classic delineation of human needs and motivation as a teaching tool for some years. Students regularly demonstrate that this gives them insight into their own needs, motives, and level of satisfaction and helps them understand the causes and consequences of the varying levels of (un)professional

1. © Lawrence S. Krieger 2002. All rights reserved. Lawrence S. Krieger is a Clinical Professor, Florida State University College of Law. I am grateful to our Dean and administration for their support of this work.

2. Relevant studies are numerous. For summaries of the research on depression, emotional distress, dissatisfaction, and the like among law students and lawyers, see Patrick J. Schiltz, *On Being a Happy, Healthy, and Ethical Member of an Unhappy, Unhealthy, and Unethical Profession*, 52 *Vand. L. Rev.* 871 (1999); Susan Daicoff, *Lawyer Know Thyself: A Review of Empirical Research on Attorney Attributes Bearing on Professionalism*, 46 *Am. U. L. Rev.* 1337 (1997); Lawrence Krieger, *What We’re Not Telling Law Students—and Lawyers—That They Really Need to Know: Some Thoughts-in-Action Toward Revitalizing the Profession from its Roots*, 13 *J.L. & Health* 1 (1998-99).

3. The reasons for our avoidance deserve further attention and are discussed in a paper that was developed from the ideas in this presentation. See Lawrence S. Krieger, *Institutional Denial About the Dark Side of Law School, and Fresh Empirical Guidance for Constructively Breaking the Silence*, ___ *J. Leg. Educ.* ___ (forthcoming 2002) (manuscript available from the author, lkrieger@law.fsu.edu).

behavior they see in lawyers and in other students.⁴

The recent studies confirm in large part the humanistic works of Maslow and others, and thereby provide a welcome empirical foundation for those theories. The recent findings fall principally into two categories—those relating to the fundamental human needs, and those relating to different motivational styles. All of the studies demonstrate patterns of behavior which will consistently lead to enhanced or diminished well-being, and hence provide a grounded perspective for investigating the distress and dissatisfaction problems in law schools and the profession.⁵ As we consider these studies, their applicability to our “legal” populations will become obvious.

I. Research on the Components of a Healthy Life

A. Research on Motivation

Psychological research classifies the motivational process as either *intrinsic* or *extrinsic*. Intrinsic motivation is defined as engagement in an activity for the purpose of gaining inherent satisfaction from the activity itself, or to further a goal which is central to one’s belief system.⁶ Examples of people acting from intrinsic motivation would include a person thoroughly absorbed in and enjoying his work painting a house, or another person painting his house because the activity, although not inherently enjoyable for him, is consistent with his belief in the importance of an attractive environment for himself and his family. In the first case the activity produces a sense of well-being in the nature of the “flow” phenomenon,⁷ while in the latter it gives a sense of meaning and personal purpose; hence both types of intrinsic motivation have been consistently found to produce enhanced well-being.⁸

By contrast, extrinsic motivation refers to behavioral choices made primarily to gain a later reward, please or impress other people, or relieve a sense of guilt or fear. Extending the previous example, a person might paint a house primarily because he wants the money he will obtain, or because he feels ashamed of the shabby appearance of the house in his well-kept neighborhood. Because the activity is now undertaken for the “wrong reasons”—i.e., is neither intrinsically enjoyable nor fundamentally meaningful—the extrinsically motivated behavior will

4. I have previously described my use of this material, and its content, in detail. See Krieger, *supra* n. 2.

5. Professor Kennon M. Sheldon, Department of Psychology, University of Missouri-Columbia, and I have undertaken two related studies on law students. The first is complete and has been submitted for publication. Kennon M. Sheldon & Lawrence S. Krieger, *Does Legal Education Undermine Law Students? Documenting Changes in Motivation Values and Well-Being* (on file with the author) (author can be contacted at lkrieger@law.fsu.edu).

6. For a thorough review of this research, see Kennon M. Sheldon & Tim Kasser, *Goals, Congruence, and Positive Well-Being: New Empirical Support for Humanistic Theories*, 41 J. Humanistic Psychol. 30 (2001).

7. See Mihaly Csikszentmihalyi, *Finding Flow: The Psychology of Engagement with Everyday Life* (Basic Books 2000).

8. Sheldon & Kasser, *supra* n. 6, at 35-42.

likely produce a sense of frustration, irritation, or stress.⁹

A second dimension of motivation is defined by the content of one's goals and values—the types of goals one tends to pursue. This motivational dimension is also divided into intrinsic and extrinsic categories, and a similar variance in well-being and life satisfaction has been found to attend the two types of goals. People who primarily seek extrinsic goals, which include financial affluence, luxury, power or image, consistently experience decreased satisfaction and well-being compared to other groups, while those whose primary goals or values include intrinsic factors, such as self-improvement, close relationships, or social betterment, experience greater satisfaction and well-being than others.¹⁰

When I consider the implications of these studies for law students and lawyers, I am struck by the predominantly extrinsic nature of our law schools and law firms.

So much of the attention of law students and lawyers is focused on deferred, external rewards (such as high grades or high salaries), on impressing others, and on gaining image or status through the hiring process and then moving toward partnership positions. Much commentary has been devoted to the commercial nature of current law practice and the resultant dissatisfaction of law firm associates, and the deflation of many law students after first-semester grades are posted is a common phenomenon in our institutions.

In addition, the heavy workload which law students and lawyers typically undertake translates into diminished opportunities for one's self, one's important relationships, or for other inherently enjoyable or meaningful pursuits. All of this is truly unfortunate, since none of the external markers of achievement—class standing, financial success, image, or status—has been shown to correlate with a good life. The second area of relevant research, the fundamental human needs, provides further insight as to why this is not the case.

B. Research on Human Needs

Beyond the basic biological needs, a number of psychological needs have been postulated by various theories. Maslow's hierarchy of human needs is perhaps the most widely known of these theories, while a more recent theory, self-determination, has gained substantial support. In the past year a major bicultural study tested the validity of ten proposed needs, including those postulated by these and other psychological theories. The study also included for testing the assumptions of popular culture that money, fame, image, and power produce happiness. This study confirmed much of the two leading needs theories, finding the universal psychological needs to be: self-esteem, relatedness to others, autonomy (which includes the quality of genuineness or authenticity), and competence.

The basic finding was that when one experiences a sense of self-esteem, relatedness, authenticity, or competence, she experiences increased satisfaction,

9. *Id.* at 42.

10. *Id.* at 42-46; Tim Kasser & Richard M. Ryan, *A Dark Side of the American Dream: Correlates of Financial Success as a Central Life Aspiration*, 65 *J. Personality & Soc. Psychol.* 410 (1993); Tim Kasser & Richard M. Ryan, *Further Examining the American Dream: Well-Being Correlates of Intrinsic and Extrinsic Goals*, 22 *Personality & Soc. Psychol. Bulletin* 281 (1996).

well-being, and vitality, while a lack of such experiences will produce loss of vitality, depressed mood, and decreased well-being.¹¹ The findings also indicate that a sense of security is a prerequisite for fulfillment of the other needs. Of particular note, the study further demonstrated that the achievement of financial affluence, influence, and the like are not human needs, do not produce a meaningful level of satisfaction in people, and in fact were often negatively correlated with well-being.

These findings have obvious implications for legal education and the practice of law. Assuming that we accept the body of research finding that law students and lawyers are excessively distressed, depressed, and dissatisfied people,¹² it is not difficult to believe that much of this negativity derives from collective deficits in these fundamental human needs. For example, law school is notorious for deflating the self-image and sense of competence of its students, as they are required to overhaul their previously successful methods for processing information in order to begin thinking “like lawyers.” A negative effect on one’s sense of security is also predictable during this reforming process.

At the same time, the emphasis on analysis and objectivity, and in most classes the accompanying moratorium on expression of personal ideals, values, feelings, or instincts, leaves students lacking in the experience of authenticity. They may begin to wonder if they are supposed to be the same people who arrived just weeks or months earlier, or if their values and ideals actually matter. And the legendary competitiveness of most law schools undermines for many students the natural desire for cooperation. Relatedness is then undercut by isolation on campus,¹³ while relationships with friends or family are challenged by the heavy workloads.

Based on these two strands of research, many factors typical to law schools would tend to inhibit the experience of thriving or well-being in students. If students experience the frustration of basic human needs, elimination of much of their personal and family time, and inability to choose consistently activities which are inherently enjoyable or meaningful for them, the kind of collective malaise reflected by research is predictable. Further, students may be habituated to this cycle of unrewarding activity and carry this tendency into their legal careers.

II. How Can We Help?

Awareness of the recent research on motivation, needs, and well-being enables concerned law teachers to mitigate much student distress. Any teacher can have this positive impact, and I have always felt that legal writing faculty have a special opportunity to do so, given the consistent contact they have with most law students throughout the first year. I observed previously that

[t]he legal writing program . . . often serves as the student’s unwelcome

11. Kennon M. Sheldon et al., *What is Satisfying About Satisfying Events? Testing 10 Candidate Psychological Needs*, 80 J. Personality & Soc. Psychol. 325 (2001).

12. These studies are summarized in the articles cited *supra* n. 2.

13. For a discussion of isolation among law students, see Cathaleen A. Roach, *A River Runs Through It: Tapping into the Informational Stream to Move Students from Isolation to Autonomy*, 36 Ariz. L. Rev. 667 (1994).

awakening to the potential stress of law school: her first requirement for production of a professional product, the common deflation after the first pointed critique of her writing, and the almost legendary anxiety around her first oral arguments. If students were provided healthy, balancing perspectives as part of these programs, or otherwise during the first year of law school, I believe significant benefits would accrue to many individual students, and to the general learning and social environment of the college as well.¹⁴

Those of us who have worked with this dimension of teaching for some time know that it can produce concrete results in students, and we experience our own increasing level of job satisfaction as our students grasp and reflect the humanizing value of these topics. My own teaching approach has been to present students directly with the empirically validated realities of lawyer distress, in order to demonstrate the need for their attention. I then provide the humanistic theories on the fundamental needs and the consequences of their frustration as explanations for the phenomena of lawyer distress and dissatisfaction. I have found that repeated reference to this material is required if one seeks a lasting effect on her students; a previous article describes this approach in some detail.¹⁵

Because the research discussed in this article strongly validates the connections among well-being, human needs, and intrinsic motivation proposed in the earlier theories, such information can be provided to students more confidently. One straightforward teaching approach that I use is to assign some relevant reading,¹⁶ and then have students discuss in small groups, or write about, intrinsic/extrinsic values and motivation, and each of the established needs in the context of their own lives. This exercise could effectively be extended to a consideration of the life they see for themselves as practicing attorneys. To assist with this presentation and related exercises, I display a chart that summarizes those needs, values, goals, and motivators, which have been shown to support well-being and life satisfaction.¹⁷

In addition, legal writing faculty can directly benefit from the efforts of Professor Laurie Morin, who has developed a set of relevant exercises for strengthening her writing students' sense of self and authenticity. Her work demonstrates how this additional dimension of teaching can be successfully integrated into normal class work generally, and into legal writing programs specifically.¹⁸

At this conference, I asked each of us to consider ways in which we might promote intrinsic motivation and the experience of the fundamental needs in our

14. Krieger, *supra* n. 2, at 41-42.

15. *Id.* at 37-42.

16. I assign portions of Schiltz, *supra* n. 2, Krieger, *supra* n. 2, and the portions of this article that explain the human needs, values, and motivational styles that produce happiness, as well as a student description of the damaging effects of law school. See Student Author, *Making Docile Lawyers: An Essay on the Pacification of Law Students*, 111 Harv. L. Rev. 2027 (1998). A brief bibliography of other relevant readings appears in Appendix A, following this article.

17. See Appendix B, following this article.

18. Laurie A. Morin, *Reflections on Teaching Law as Right Livelihood: Cultivating Ethics, Professionalism, and Commitment to Public Service From the Inside Out*, 35 Tulsa L.J. 227 (2000).

students. Many practical ideas surfaced within a few minutes. Readers should ask themselves the same questions, and we should each continue to reflect on methods to encourage these healthy attitudes and experiences for our students. If we use our creativity to apply the empirical information which modern psychologists are now providing us, I suspect there will be no limit to the variety of teaching methods which emerge to promote emotional health, satisfaction, and a prosocial orientation in our students. We are just beginning to investigate and experiment in this area, and I hope you will share your thoughts and teaching experiences as they evolve. An electronic forum for discussions of this very nature has been established, and more than 200 law teachers have subscribed to it.¹⁹ As our efforts bear fruit, our graduates will begin more closely to approximate the balanced, ethical lawyers our schools actively seek to produce, and we will feel the satisfaction of participating in a process which ultimately may reform the negativity currently associated with law study and practice.

19. For subscription instructions, contact the author at Florida State University College of Law, lkrieger@law.fsu.edu.

Appendix A—Bibliography

- Connie J.A. Beck et al., *Lawyer Distress: Alcohol-Related Problems and Other Psychological Concerns Among a Sample of Practicing Lawyers*, 10 J.L. & Health 1 (1995-96).
- Becoming a Lawyer: A Humanistic Perspective on Legal Education and Professionalism* (Elizabeth Dvorkin et al. eds., West 1981) (this is a textbook that was created for related purposes).
- Roger C. Cramton, *Beyond the Ordinary Religion*, 37 J. Leg. Educ. 509 (1987).
- Susan Daicoff, *Lawyer Know Thyself: A Review of Empirical Research on Attorney Attributes Bearing on Professionalism*, 46 Am. U. L. Rev. 1337 (1997). (See other related works by this author.)
- Ann L. Iijima, *Lessons Learned: Legal Education and Law Student Dysfunction*, 48 J. Leg. Educ. 524 (1998).
- Lawrence Krieger, *What We're Not Telling Law Students – and Lawyers – That They Really Need to Know: Some Thoughts-in-Action Toward Revitalizing the Profession from its Roots*, 13 J.L. & Health 1 (1998-99).
- Student Author, *Making Docile Lawyers: An Essay on the Pacification of Law Students*, 111 Harv. L. Rev. 2027 (1998).
- John Mixon & Robert P. Schuwerk, *The Personal Dimension of Professional Responsibility*, 58 L. & Contemp. Probs., 87 (Summer/Autumn 1995).
- Laurie A. Morin, *Reflections on Teaching Law as Right Livelihood: Cultivating Ethics, Professionalism, and Commitment to Public Service From the Inside Out*, 35 Tulsa L. J. 227 (2000).
- Calvin G.C. Pang, *Eyeing the Circle: Finding a Place for Spirituality in a Law School Clinic*, 35 Willamette L. Rev. 241 (1999).
- Patrick J. Schiltz, *On Being a Happy, Healthy, and Ethical Member of an Unhappy, Unhealthy, and Unethical Profession*, 52 Vand. L. Rev. 871 (1999).
- Stephen B. Shanfield & G. Andrew H. Benjamin, *Psychiatric Distress in Law Students*, 35 J. Leg. Educ. 65 (1985).
- G. Andrew H. Benjamin et al., *The Role of Legal Education in Producing Psychological Distress Among Law Students and Lawyers*, 1986 Am. B. Found. Research J. 225.

**Appendix B—Supporting Well-Being:
Adaptive Needs, Values, and Motivation**

1) HUMAN NEEDS (produce sense of well-being and vitality; deprivation produces anxiety, depressed mood, loss of vitality):

- **Self-Esteem** (sense of self-respect; having positive qualities; satisfaction with one's self)
- **Relatedness** (feel well-connected to others generally; closeness, intimacy with important others)
- **Authenticity** (choices based on true values/interests; express one's true self)
- **Autonomy** (ability to make choices one prefers; to do things as one wants)
- **Competence** (feel very capable, mastering hard challenges; successful at difficult tasks)
- **Security** (feel safe from threat/uncertainty; have comfortable routines/habits; life predictable)
Note: This need is a prerequisite to others and to well-being while moderately producing well-being itself.

2) ADAPTIVE MOTIVATION (correlated with well-being):

- **Internal Motivation** (taking action which is satisfying or enjoyable in itself, or which supports an important personal value/goal)

3) ADAPTIVE VALUES AND GOALS:

- **Intrinsic Values/Goals** (toward self-acceptance and development; helping others; intimacy; community)

COMPARE:

Extrinsic goals, values and motivation (primarily toward money/luxury, popularity/influence, grades or other competitive/external outcomes) produce tension, irritation, and dissatisfaction