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## Foreword and Dedication

Deborah W. Denno

*Arthur A. McGivney Professor of Law, Founding Director, Neuroscience and Law Center, Fordham University School of Law*

Bruce W. Green

*Louis Stein Chair of Law and Director of the Stein Center for Law and Ethics, Fordham University School of Law*

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**SYMPOSIUM**

**MENTAL HEALTH AND THE LEGAL  
PROFESSION**

**FOREWORD AND DEDICATION**

*Deborah W. Denno\* & Bruce A. Green\*\**

The *Fordham Law Review*'s Symposium collection on *Mental Health and the Legal Profession* is dedicated to the memory of Professor Deborah L. Rhode.

Much ink is spilled in legal periodicals over lawyers' professional successes—deals closed, lawsuits won, promotions to partnership, profits per partner. But lawyers' mental and emotional well-being should matter to them far more than their professional achievements. If lawyers are depressed, or abusing alcohol or drugs, then professional success counts for little. No amount of money or recognition, and no number of closed deals and victorious litigations, will compensate for, much less alleviate, these problems.

Lawyers' mental and emotional well-being should also matter to their clients because it impacts the quality of lawyers' work and their professional interactions. To be sure, one cannot say that there is always a correlation between lawyers' inner and professional lives—i.e., that happy lawyers do good work, and vice versa. On the contrary, for those whose work is all-consuming, professional success may breed misery. And, conversely, some of the qualities that make one miserable—self-doubt or anger, for example—

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\* Arthur A. McGivney Professor of Law, Founding Director, Neuroscience and Law Center, Fordham University School of Law.

\*\* Louis Stein Chair of Law and Director of the Stein Center for Law and Ethics, Fordham University School of Law. This Symposium, entitled *Mental Health and the Legal Profession* was hosted by the *Fordham Law Review*; the Neuroscience and Law Center; the Center on Race, Law and Justice; and the Stein Center for Law and Ethics on November 6, 2020, at Fordham University School of Law. We are most grateful to the Symposium participants for their insightful presentations and superb pieces and also deeply appreciate Bennett Capers's invaluable contributions. Members of the *Fordham Law Review*, especially Daniel Meagher, provided meticulous care and thought in organizing the Symposium and in the editorial process. Others in the Fordham Law community who ensured this Symposium's success include: Morgan Bedit, Sara Buchholz, Jordana Confino, Jacob Fishman, Victoria Grantham, Shanelle Holley, Megan Martucci, and Robert Yasharian.

may fuel professional success, at least for a while. But our emotional and psychological states influence our work, and our professional lives affect how we feel.

Consequently, the mental health of the legal profession's members—lawyers, judges, law students and those around them—is a subject of perennial and ever-increasing concern, and although the subject may not sound “scholarly,” there has already been plenty of important research and scholarly writing on this theme. Even so, it is hard to think of a more appropriate time in our history to ask scholars to build on, and add to, the existing literature. The pieces that we introduce in this Foreword were written during the COVID-19 pandemic and presented at a Symposium conducted remotely on November 6, 2020, around eight months into the pandemic. We write this Foreword in April 2021, when a massive international vaccination effort is underway, allowing us to glimpse what appears to be a light at the end of the tunnel—but we are still in that dark tunnel.

To borrow from the title of the late Stanford Law School professor Deborah Rhode's contribution, the theme of this collection is “different.” That is because it is personal and subjective. One cannot speak or write about lawyers' mental health, or hear or read about it, without thinking about one's own experiences and perceptions. In these times, one thinks about how we and others are coping with and affected by the pandemic and, in particular, how we all deal with loss—the loss of lives; the loss of familial, collegial, and social interaction; the loss of freedom to travel; the loss of many ordinary pleasures. These writings feel personal not only for their authors but for us as their readers.

On a particularly personal note, we acknowledge a great loss shared by the legal, academic, and professional communities—namely, Professor Rhode's death in January 2021. Her passing came just a few months after her presentation at this Symposium and only days after she submitted her article for this collection. Professor Rhode was well known and much admired and appreciated at Fordham, where she visited as a distinguished professor more than two decades ago and remained involved in many of our projects ever since.<sup>1</sup> There will be future opportunities for us and others to pay tribute to

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1. Professor Rhode's contributions to the *Fordham Law Review*, in particular, have included: Scott L. Cummings & Deborah L. Rhode, *Managing Pro Bono: Doing Well by Doing Better*, 78 FORDHAM L. REV. 2357 (2010); Deborah L. Rhode, *Access to Justice*, 69 FORDHAM L. REV. 1785 (2001); Deborah L. Rhode, *Access to Justice: Again, Still*, 73 FORDHAM L. REV. 1013 (2004); Deborah L. Rhode, *Balanced Lives for Lawyers*, 70 FORDHAM L. REV. 2207 (2002); Deborah L. Rhode, *Cultures of Commitment: Pro Bono for Lawyers and Law Students*, 67 FORDHAM L. REV. 2415 (1999); Deborah L. Rhode & Lucy Buford Ricca, *Diversity in the Legal Profession: Perspectives from Managing Partners and General Counsel*, 83 FORDHAM L. REV. 2483 (2015); Deborah L. Rhode, *Foreword: Diversity in the Legal Profession: A Comparative Perspective*, 83 FORDHAM L. REV. 2241 (2015); Deborah L. Rhode, *Gender and Professional Roles*, 63 FORDHAM L. REV. 39 (1994); Deborah L. Rhode, *If Integrity Is the Answer, What Is the Question?*, 72 FORDHAM L. REV. 333 (2003); Deborah L. Rhode, *Law, Lawyers, and the Pursuit of Justice*, 70 FORDHAM L. REV. 1543 (2002); Deborah L. Rhode, *Moral Counseling*, 75 FORDHAM L. REV. 1317 (2006); Deborah L. Rhode,

Professor Rhode, but as a modest down payment, we dedicate this collection of pieces to her. Professor Rhode has left an indelible mark on legal academia and the legal profession.

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Professor Rhode's article opens the Symposium with the big-picture themes concerning mental health challenges in the legal profession and the institutional and individual strategies that could help mitigate these crises.<sup>2</sup> "The statistics are shocking, and the stories are worse": lawyers have extraordinarily high rates of depression, substance abuse, anxiety, and suicide, and the COVID-19 pandemic has only aggravated these problems.<sup>3</sup> Because lawyers possess disproportionately competitive and combative personality traits, they are especially prone to the pressures and demands of their legal education and practice.<sup>4</sup> Such stressors are particularly daunting for women, who have additional caretaking responsibilities (especially during the pandemic), and lawyers of color, who continually face the challenges of structural racism.<sup>5</sup> Yet, as Professor Rhode's article emphasizes, proposed institutional strategies could address these kinds of challenges, including the recommendations outlined by the National Task Force on Lawyer Well-Being and the ALM Intelligence Mental Health and Substance Abuse Survey, which highlighted the benefits of smaller workloads and reduced billable hours.<sup>6</sup> Likewise, lawyers can help themselves—by engaging in counseling, delegating to others, setting priorities, pursuing hobbies, and looking beyond their circumstances to inspire hope.<sup>7</sup> As Professor Rhode concluded, seeking the sources and resolving the causes of the legal profession's mental health challenges "are among the greatest contributions we can make to our collective well-being."<sup>8</sup>

Professor Kathryne Young examined law schools' responsibility for law students' mental health challenges that follow them throughout their professional careers.<sup>9</sup> While students begin law school with a psychological makeup similar to their non-law school peers, three years later "they emerge less intrinsically motivated, less hopeful, and less happy" and also "carry new

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*Myths of Meritocracy*, 65 FORDHAM L. REV. 585 (1996); Deborah L. Rhode & Lucy Buford Ricca, *Protecting the Profession or the Public?: Rethinking Unauthorized-Practice Enforcement*, 82 FORDHAM L. REV. 2587 (2014); Deborah L. Rhode, *Rethinking the Public in Lawyers' Public Service: Pro Bono, Strategic Philanthropy, and the Bottom Line*, 77 FORDHAM L. REV. 1435 (2009); see also Bruce A. Green, *Foreword, Deborah L. Rhode's Access to Justice*, 73 FORDHAM L. REV. 841 (2004) (introducing a collection of articles drawing from Professor Rhode's book).

2. Deborah L. Rhode, *Managing Stress, Grief, and Mental Health Challenges in the Legal Profession; Not Your Usual Law Review Article*, 89 FORDHAM L. REV. 2565 (2021).

3. *Id.*

4. *Id.* at 2566.

5. *Id.* at 2569–70.

6. *Id.* at 2570–71.

7. *Id.* at 2571–74.

8. *Id.* at 2574.

9. Kathryne M. Young, *Understanding the Social and Cognitive Processes in Law School That Create Unhealthy Lawyers*, 89 FORDHAM L. REV. 2575 (2021).

mental health problems.”<sup>10</sup> Building on quantitative and survey-based studies, Professor Young contributes a qualitative study of the social and relational factors that drive law students’ patterns of mental wellness. She conducted detailed interviews with fifty-three first-year law students who entered law school in fall 2020—that is, during the COVID-19 pandemic and a period of political upheaval. The students, from thirty-six different U.S. law schools, were interviewed via Zoom both before starting law school and several weeks after starting.<sup>11</sup>

Professor Young observed that students perceived that the doctrine they learned in class was disconnected from the real world. This disjunction hindered law schools’ ability to integrate students professionally<sup>12</sup> and to inspire them to reform and equalize the legal system.<sup>13</sup> While students were pleased that law school was more of a “community” than they expected, their sense of social solidarity was undercut by intense competition over grades. Competitive pressures decreased students’ sense of “self-efficacy” and bolstered mental health challenges, such as depression, anxiety, and substance abuse.<sup>14</sup> Student interviews also revealed gendered and racial stress disparities in the classroom fueled by cold calls (which disproportionately stressed women, especially women of color), treatment in small group settings, and treatment by professors.<sup>15</sup> Professor Young concluded that even the early months of law school begin to reveal cognitive and social disturbances among law students reinforced by a foundational structure that impairs student growth and learning.<sup>16</sup> She recommends that law schools make structural changes to eliminate or reduce the negative dynamics that her survey uncovered.<sup>17</sup>

If lawyers confront mental health challenges from the early days of law school, one cause, which Professor Susan Bandes explores, is that they are taught from the beginning that law practice requires the cultivation of reason to the exclusion of emotion.<sup>18</sup> This is bad pedagogy, Bandes explains, because emotions, such as empathy and anger, are “a familiar part of the [legal] landscape.”<sup>19</sup> Indeed, reasoning itself is enhanced by emotions, such as empathy, sympathy, indignation, and compassion, which help shape perceptions, frame issues, and lead to knowledge that abstract reasoning alone cannot make accessible.<sup>20</sup> But more importantly for purposes of this Symposium, “the attempt to put emotion aside requires work that has tremendous psychic costs” and, Bandes adds, this work is distributed

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10. *Id.* at 2575–76.

11. *Id.* at 2578.

12. *Id.* at 2582.

13. *Id.* at 2583.

14. *Id.* at 2585–88.

15. *Id.* at 2588–93.

16. *Id.* at 2593–94.

17. *Id.* at 2594–95.

18. Susan A. Bandes, *Feeling and Thinking Like a Lawyer: Cognition, Emotion, and the Practice and Progress of Law*, 89 FORDHAM L. REV. 2427 (2021).

19. *Id.* at 2430.

20. *Id.* at 2436.

“unevenly based on race, gender, and other types of marginalized status.”<sup>21</sup> After “argu[ing] for the value of keeping emotion in the classroom and the legal lexicon more generally,” Bandes explores the mental health consequences of doing otherwise—that is, of asking law students and lawyers to put emotions to the side by, for example, cultivating the image of the “hard-as-nails litigator[] who can absorb terrible losses with no need for emotional support” or, “like the military and law enforcement, equat[ing] toughness with competence.”<sup>22</sup> While holding emotion in check might correlate with early professional success, she tells us, surveys show that those who habitually use “intellectualization” and “isolation” as coping mechanisms “find themselves at risk for professional distress and dysfunction.”<sup>23</sup> The eventual consequences of blocking emotional awareness can include “burnout, isolation, unacknowledged psychic pain, [and] impaired ethical judgment.”<sup>24</sup> She urges law schools and lawyers to reject the conception of legal reasoning that attempts to exclude emotion from the reasoning process, both because embracing emotions “as a species of knowledge” leads to better lawyering and because it leads to psychologically healthier lawyers.<sup>25</sup>

Most of the pieces in this Symposium focused on a subset of the legal profession, recognizing that different groups of lawyers face different challenges. Judge Bernice Donald and Mr. Alex Bransford examine the mental health challenges of solo and small-firm attorneys, who constitute the majority of lawyers.<sup>26</sup> As self-employed entrepreneurs, these attorneys are subject to the same stressors as other lawyers but also experience particular ones, including restricted resources and the challenge of managing their own law practices.<sup>27</sup> Consequently, these attorneys “wear[] many hats,” placing them “not only at risk of role insufficiency . . . but also role ambiguity, conflict, and overload.”<sup>28</sup> Not surprisingly, attorneys in solo and small-firm practices rank particularly high on tests indicating stress, depression, and anxiety—factors compounded by loneliness, burnout, and unpredictable circumstances, such as the pandemic.<sup>29</sup> At the same time, evidence shows that a majority of solo attorneys, especially solo minority attorneys,<sup>30</sup> “expressed satisfaction in their decisions to become lawyers”<sup>31</sup> and their greater sense of autonomy helped to combat their stress.<sup>32</sup> Regarding sources of assistance, the authors recommend that law schools should better prepare

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21. *Id.* at 2431.

22. *Id.* at 2442.

23. *Id.* at 2444.

24. *Id.* at 2445.

25. *Id.*

26. The Honorable Bernice Donald & Alex Bransford, *Widening the Lens, Sharpening the Focus: Mental Health and the Legal Profession*, 89 *FORDHAM L. REV.* 2497 (2021).

27. *Id.* at 2505–09.

28. *Id.* at 2500, 2505.

29. *Id.* at 2505.

30. *Id.* at 2508–09.

31. *Id.* 2508.

32. *Id.* at 2502–03.

students for solo and small-firm practice<sup>33</sup> and that bar associations could support “law-practice-management training.”<sup>34</sup> The authors also call on courts to help, noting the findings reported by New York’s Commission to Examine Solo and Small Firm Practice: “the burden of tight deadlines or the difficulty of seeking extensions of time may fall disproportionately on solo or small-firm attorneys who do not have an army of associates to churn out work product on a tight deadline or take over the conference in the event of a rescheduling.”<sup>35</sup> Lastly, solo and small-firm attorneys could do more to protect themselves by safeguarding their autonomy,<sup>36</sup> creating personal boundaries from their clients, developing hobbies,<sup>37</sup> and promoting social and support systems to combat loneliness and stress.<sup>38</sup>

Professor Gregory Parks and Ms. Julia Doyle focus on the mental health challenges experienced by Black law students and attorneys.<sup>39</sup> Building on Ellis Cose’s 1993 book, *The Rage of a Privileged Class*,<sup>40</sup> the authors examine how “bias, discrimination, racism, and stereotyping adversely impact the mental health of Black law students and attorneys,” which, in turn, impairs their academic and work performance.<sup>41</sup> This racial-based adversity plays out in different ways. Legal institutions’ efforts to recruit Black lawyers are accompanied by goals to find Black lawyers who will “fit” into the workplace, as compared to their white counterparts.<sup>42</sup> Yet, even when Black lawyers try to assimilate with respect to educational level, dress, and accent, they are still excluded from the “club” (“in both a real and symbolic sense”), due to racial discrimination and their “lack of social capital.”<sup>43</sup> Faced with this “glass cliff,” Black lawyers find that their membership in the club is potentially fleeting and unstable if organizations are merely using them momentarily to “look good” and racially progressive<sup>44</sup> and if whites expect them to fail in challenging positions.<sup>45</sup> Likewise, “stereotype threats” and ambiguously motivated praise from white professionals can create substantial psychological and behavioral challenges for Black lawyers that lead to their self-censorship and silence in response to discrimination.<sup>46</sup> Ultimately, “racism is related to a whole host of negative psychological outcomes,” most particularly depression.<sup>47</sup> Experiences of discrimination—even “the mere threat of exposure” to discrimination—fuel physical and

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33. *Id.* at 2509–12.

34. *Id.* at 2512–13.

35. *Id.* at 2514.

36. *Id.* at 2515.

37. *Id.* at 2515–16.

38. *Id.* at 2516–17.

39. Gregory S. Parks & Julia Doyle, *The Rage of a Privileged Class*, 89 FORDHAM L. REV. 2541 (2021).

40. *Id.* at 2541–42.

41. *Id.* at 2542, 2562.

42. *Id.* at 2542–43.

43. *Id.* at 2543–44.

44. *Id.* at 2545–56.

45. *Id.* at 2551–53.

46. *Id.* at 2547–51.

47. *Id.* at 2562.

emotional stress. In due time, these factors result in “internalized racism,” which the authors define as “the acceptance by minority individuals of negative associations with their own groups.”<sup>48</sup> Internalized racism propels enhanced levels of stress, low self-esteem, depression, and poor mental health.<sup>49</sup> Poor mental health in turn leaves individuals “vulnerable to adverse academic and work performance–related outcomes,” thereby creating “self-fulfilling prophecies vis-à-vis Black law students and attorneys.”<sup>50</sup>

Professor Tsedale Melaku examines racial discrimination and adversity for Black women lawyers in particular, with a special focus on the impact of the COVID-19 pandemic and massive political disruption.<sup>51</sup> Building on her book, *You Don’t Look Like a Lawyer: Black Women and Systemic Gender Racism*, Professor Melaku’s article introduces the results of an online survey of Black women lawyers about their experiences<sup>52</sup> and assesses “how Black women lawyers’ identities have impacted their career trajectories during the COVID-19 pandemic, a time of racial upheaval, and a polarizing and contentious election season.”<sup>53</sup> As Professor Melaku explains, the dual drawbacks of race and gender foster a continual hostility that appears in law firms and other institutions by way of “racist and discriminatory practices” that the pandemic intensified.<sup>54</sup> Most strikingly, Black women and other marginalized employees must contribute extra “invisible work”—“the invisible labor clause,” with the manifestation of that labor amounting to “the inclusion tax.”<sup>55</sup> This “inclusion tax” represents “the added resources ‘spent’ by Black women comprised of the emotional, cognitive, financial, and relational labor expended navigating and negotiating their daily existence in white spaces.”<sup>56</sup>

According to Professor Melaku, law firms also create barriers that perpetuate the white status quo and the sexist and racist stereotyping that block entry, growth, mentorship, and advancement for women of color.<sup>57</sup> COVID-19 has only aggravated these kinds of challenges, with the increasing stress and exhaustion of childcare, remote work, and additional responsibilities that particularly affect the mental and emotional health of Black women.<sup>58</sup> Professor Melaku’s preliminary findings from her online survey “suggest that Black women feel unmotivated, have a sense of diminished concentration, feel the pressure to manage everything, have anxiety about keeping up appearances, and engage in invisible labor.”<sup>59</sup>

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48. *Id.* at 2561.

49. *Id.*

50. *Id.* at 2562.

51. Tsedale M. Melaku, *The Awakening: The Impact of COVID-19, Racial Upheaval, and Political Polarization on Black Women Lawyers*, 89 *FORDHAM L. REV.* 2519 (2021).

52. *Id.* at 2526.

53. *Id.*

54. *Id.* at 2524.

55. *Id.* at 2524–26.

56. *Id.* at 2525.

57. *Id.* at 2521–22.

58. *Id.* at 2526.

59. *Id.* at 2530.



Participants in the study shared sentiments that “COVID-19 has intensified what they have experienced previously in the workplace.”<sup>60</sup> Likewise, Black women lawyers face additional obstacles along with the impact of COVID-19, ranging from “managing emotions” to the extra burdens of the firms’ diversity, equity, and inclusion work, to navigating the hidden racist and gendered hierarchies and disadvantages of legal institutions.<sup>61</sup> The article’s empirical work fosters a foundation for further “examining the intensified pressures and changing dynamics in the workplace that inevitably impact the career trajectories of Black women lawyers.”<sup>62</sup>

Professor Meera Deo took a comparable approach in examining the psychological and professional impact of COVID-19 on law faculty, especially women law faculty of color, and providing an outline for the Pandemic Effects on Legal Academia (PELA) study.<sup>63</sup> As she explains, not only were women of color engaging in more service work and other types of labor before the COVID-19 crisis, their load has become heavier still since March 2020.<sup>64</sup> Professor Deo derives much of her pre-COVID-19 information from the Diversity in Legal Academia (DLA) study and her resulting book, *Unequal Profession: Race and Gender in Legal Academia*, which examines interview data from nearly one hundred U.S. law professors, with a particular focus on intersectionality.<sup>65</sup> The study also “specifically introduced and developed the concept of raceXgender bias—how the combination of these two particular identity characteristics creates not just additive but compound effects in the personal and professional lives of women of color.”<sup>66</sup> *Unequal Profession* details the kinds of challenges women faculty generally faced before COVID-19, ranging from “silencing, mansplaining, and hepeating,” to the continual presumption throughout their careers that they were incompetent.<sup>67</sup> Moreover, at work, women faculty, especially women of color, are more frequently contacted by students for personal and professional support, placed on committees because of their demographics, and expected to contribute more to the general academic community.<sup>68</sup> These types of burdens were mirrored in their home lives, both before and during COVID-19, especially for women faculty with the responsibilities of caring for children.<sup>69</sup> Foremost is the negative impact of “ongoing raceXgender biases” on mental health<sup>70</sup> as well as on academic productivity with the changing circumstances of COVID-19.<sup>71</sup> For example,

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60. *Id.* at 2528.

61. *Id.* at 2531–35.

62. *Id.* at 2539.

63. Meera E. Deo, *Investigating Pandemic Effects on Legal Academia*, 89 FORDHAM L. REV. 2467 (2021).

64. *Id.* at 2471.

65. *Id.* at 2473.

66. *Id.*

67. *Id.* at 2475.

68. *Id.* at 2475–77.

69. *Id.* at 2477.

70. *Id.* at 2481.

71. *Id.* at 2485.

due to COVID-19, there was an increase in “academic caretaking” responsibilities, more engagement with students, weaker student evaluations, and greater complications and responsibilities at home.<sup>72</sup> Professor Deo especially underscores the impact of a “climate of fear” and the time needed to resolve it in communities of color, starting with the mass protests in the summer of 2020 to the continual incidences of hate crimes against Asian Americans.<sup>73</sup> The ongoing impact of these vast cultural changes, she suggests, are important to measure. For this reason, the PELA project will study the scholarly output, mental health status, and faculty retention of female faculty members, and particularly faculty members of color, in order to ascertain the extent to which gender disparities existed both before and after the pandemic.<sup>74</sup> As Professor Deo states, PELA’s goal is to comprehend the “challenges facing women—especially women of color . . . to ensure they survive and thrive in legal academia.”<sup>75</sup>

Finally, drawing on her own past experience, Professor Jenny Carroll addresses the psychological challenges faced by public defenders.<sup>76</sup> Looking back, she acknowledges that at times criminal defense representation offered a level of “wonder, opportunity, and fellowship” that were sources of optimism and hope.<sup>77</sup> But particular challenges were presented by working in a criminal court system that is, at its heart, adversarial<sup>78</sup> and that “by necessity places burdens on the representative”<sup>79</sup> and, therefore, “impossible expectations.”<sup>80</sup> Not only are attorneys expected to ensure the acquittal of the innocent, they must also safeguard the rights of the guilty.<sup>81</sup> Yet, in reality, “[g]uilty and innocent clients are alike in that they are rarely *only* guilty or innocent.”<sup>82</sup> Attorneys are similarly challenged by the obligation to tell stories about their clients to humanize them in the context of a legal system engineered to punish.<sup>83</sup> Accounts of clients’ traumatic home lives and mental health statuses are some ways to give clients dignity, although these efforts have been greatly limited in the COVID-19 era of closed jails and courthouses, when attorneys have lacked access to their clients even more than usual.<sup>84</sup>

Criminal defense attorneys also experience high rates of “secondary” or vicarious trauma, says Carroll, for a range of reasons: they are continuously

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72. *Id.* at 2486.

73. *Id.* at 2489.

74. *Id.* at 2491–92.

75. *Id.* at 2495–96.

76. Jenny E. Carroll, *If Only I Had Known: The Challenges of Representation*, 89 *FORDHAM L. REV.* 2447 (2021).

77. *Id.* at 2450.

78. *Id.* at 2451–52.

79. *Id.* at 2453.

80. *Id.* at 2454.

81. *Id.*

82. *Id.*

83. *Id.*

84. *Id.* at 2456–57.

confronting highly stressful and disturbing experiences;<sup>85</sup> they carry heavy caseloads, receive limited funding, and often encounter “unsympathetic police, prosecutors, and courts”;<sup>86</sup> and they recognize their own contributions to the criminal processes’ injustices and disparities.<sup>87</sup> The pandemic only aggravated these conditions and the failures of the different criminal processes, especially the lack of access to clients.<sup>88</sup> Abolitionists have long stressed the futility and devastation of overreliance on the criminal process to quell social ills.<sup>89</sup> For Professor Carroll, her main lesson from criminal defense practice was that she was not what her clients needed, even though she “did [her] best for them.”<sup>90</sup> In her own view, “[t]rue representation for [her] clients lay in their own communities, where their acts and harms and aching absences were not measured in criminal histories or offense characteristics but in lived remembrances.”<sup>91</sup> Professor Carroll’s lesson has implications outside criminal defense practice: all lawyers must recognize that the weight of the world cannot rest on their shoulders alone—that both problems and solutions may at times exist beyond their control.

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In his April 2021 finale as a science reporter for the *New York Times*, Benedict Carey looked back on nearly two decades of writing on the brain and behavior.<sup>92</sup> At the start of his career, colleagues advised him that readers would be drawn to the newspaper’s science section if they could learn about “progress.” Scientific advancement, therefore, became the lens through which Mr. Carey watched much of the groundbreaking research in a broad range of disciplines and subject areas. Yet, the science of mental health was a stunning exception: despite the vast amounts of money and scientific expertise poured into the field, it offered only a bumpy ride with just a few notable discoveries. As Mr. Carey lamented, over the years “[a]lmost every measure of our collective mental health—rates of suicide, anxiety, depression, addiction deaths, psychiatric prescription use—went the wrong direction, even as access to services expanded greatly.”<sup>93</sup> People need mental health help now, but it is woefully unavailable.

This Symposium on mental health in the legal profession mirrors in part this frustration, offering a rich array of contributions and topics at a time in our country when mental health occupies a spotlight. Some authors took a more generalized approach and addressed mental health within particular spheres in the legal field—focusing on small-firm attorneys or the specific challenges of marginalized attorneys. Others seized on the events of 2020 to

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85. *Id.* at 2458–89.

86. *Id.* at 2458.

87. *Id.* at 2460–61.

88. *Id.* at 2457.

89. *Id.* at 2464.

90. *Id.*

91. *Id.*

92. Benedict Carey, *Science Plays the Long Game. But People Have Mental Health Issues Now*, N.Y. TIMES (Apr. 1, 2021), <https://www.nytimes.com/2021/04/01/health/mental-health-treatments.html> [https://perma.cc/6A8M-GJUV].

93. *See id.*

show how the pandemic, racial tensions, and political uncertainty have exacerbated mental health issues, noting these stressors in particular on the work and advancement of Black women lawyers or minority women faculty. Collectively, the writings show that the legal profession's members face extraordinary pressures (some more than others) that account for the prevalence of poor mental health within legal institutions. The writings propose both how to improve lawyers' and law students' mental health and how to study this problem further. Mental health science may "play the long game,"<sup>94</sup> but the legal profession needs to address these challenges now. While there is much that legal institutions can accomplish, the COVID-19 pandemic helped reveal how much more science and society must contribute.

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94. *Id.*