

## Monthly Well-Being Theme Resources Guide For October 2022

This Resources Guide focuses on IWIL's October 2022 Well-Being Theme: Law Student Well-Being. Law School Mental Health Day is October 10 and is observed by the American Bar Association on October 10-12, 2022. The focus of this Guide is on the status of law students' mental health, ideas and resources for implementing the new ABA Standards relating to law student well-being, and highlighting some exceptional law school programs promoting professional identity formation, well-being, and mental health.

### GET INVOLVED IN LAW STUDENT MENTAL HEALTH AWARENESS DAY

This year, Law Student Mental Health Awareness Day will be observed October 10-12. It coincides with International Mental Health Day on October 10. The ABA's Law Student Division Group and other organizations in the profession will coordinate activities and information. We developed this Resources Guide to support law student mental health during Law Student Mental Health Awareness Day and all-year-round. The Guide includes the following:

- ✦ Evidence that law students' well-being and mental health are at a critical juncture,
- ✦ A discussion of the ABA's work to provide oversight of the educational standards for legal education that impact well-being,
- ✦ Suggestions and resources for implementing the ABA Standards,
- ✦ Highlights of exceptional law school programs promoting professional identity formation, well-being, and mental health, and
- ✦ A list of books on law student well-being.

### EVIDENCE THAT TOO MANY LAW STUDENTS ARE NOT THRIVING

Research over the past 10 years shows that, while many improvements to law student well-being continue to evolve, much work remains. The focus must continue on law student challenges, such as receiving appropriate mental health and substance use support; elimination of racial bias; and resources to support basic needs, such as safe housing, reliable transportation, and food.

#### STUDY 1

Jaffe, Bender, & Organ (2022). *'It is Okay to Not Be Okay': The 2021 Survey of Law Student Well-Being*. >> [Link to article](#).

This was a follow-up study of the 2014 Law Student Well-Being Survey (referenced below). 24,000 law students from 39 law schools were surveyed in the Spring 2021. More than 5,000 responded, for a response rate of 23%. The findings are:

- Almost twice the number of students responding in 2021 reported a diagnosis of depression (32.7% versus 18% of the respondents from the 2014 study) or anxiety (39.8% versus 21% of the 2014 study respondents).
- Increase from 42% to nearly 70% in students

who reported needing help for an emotional or mental health problem during the past year.

- Significant increase (from 6% to 11%) of students reporting having suicidal thoughts in the past year and an increase from 20% to 33% of such thoughts in their lifetime.
- Over 80% of respondents reported having experienced at least one trauma (out of 15 total categories); over 70% reported having experienced more than one trauma. One in five students screened positive for PTSD.
- Ongoing concerns by students regarding bar admissions: 39.9% reported they believe that they have a better chance of getting admitted to the bar if a mental health problem is hidden. This percentage increased to 49.7% regarding better chances of bar admission if a substance use disorder is hidden.
- Increase in concern about finances not only for mental health and substance use support but also for basic needs such as housing and food.
- An encouraging finding in the study is that binge-drinking and use of prescription drugs without a prescription dropped from 2014.

## STUDY 2

Confino (2019). *Where Are We on the Path to Law Student Well-Being? Report on the ABA CoLAP Law Student Assistance Committee Law School Wellness Survey.* >> [Link to article.](#)

This Article reports the results of the Law School Wellness Survey conducted in the Spring of 2018. It was spearheaded by the ABA Commission on Lawyer Assistance Programs (CoLAP) Law School Assistance Committee and surveyed representatives from 103 law schools. The purpose was to gather information about well-being initiatives in law school curricula, programs, policies, and resources focused on well-being.

The survey also sought to evaluate the extent to which law schools were heeding the 2017

National Task Force on Lawyer Well-Being's nine recommendations (discussed below).

The results of the CoLAP Survey are encouraging and reflect best practices that the legal education community can widely emulate. Great strides have been made in orientation programming, mindfulness and physical fitness offerings, and Lawyer Assistance Program collaboration. A handful of schools offer innovative courses and programs to promote holistic well-being. A robust Appendix of resources compiled from the CoLAP Survey as well as the author's additional research provides a compendium of law school well-being curricula, courses, and programs.

The article also highlights that there is still room for improvement in if legal education is to fully embrace the "The Path to Lawyer Well-Being" recommendations. In addition, as only half of all ABA-accredited law schools replied, the article was unable to access how the other half of law schools are implementing well-being improvements.

## STUDY 3

Organ, Jaffe, & Bender (2016). *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.* >> [Link to article.](#)

This 2014 Law Student Well-Being Survey was the first multischool study in over 20 years to address law student use of alcohol and street drugs. It was the first-ever multischool study to explore prescription drug use and the mental health concerns and help-seeking attitudes of law students.

Surveys were distributed to 11,000 law students at 15 law schools (30% response rate). The findings were:

- 18% of respondents screened positive for depression and 37% screened positive for anxiety.
- 21% of student participants reported they

had seriously thought about suicide in their lifetime, with 6% seriously considered suicide in the prior 12 months.

- 22% of students reported binge-drinking twice or more in the prior two weeks.
- 32% of students reported illegal use of street and prescription drugs (without a prescription).
- Students most in need of help were reluctant to seek it for several reasons, especially due to potential threats to a future job or academic status or bar admission.

The authors described the survey results as a “wakeup” call to law schools and those involved with legal education that the current law school culture fosters challenges for students that need addressing at a systemic, and not exclusively an individual level.

#### STUDIES 4 & 5

Sheldon & Krieger (2004). *Does Legal Education Have Undermining Effects on Law Students? Evaluating Changes in Motivation, Values, and Well-Being.* >> [Link to article.](#)

Sheldon & Krieger (2007). *Understanding the Negative Effects of Legal Education on Law Students: A Longitudinal Test of Self-Determination Theory.* >> [Link to article.](#)

Sheldon and Krieger (2004) measured the subjective well-being (SWB), motivation, and values of students at two different law schools over the course of their law school careers. At the start of law school, law students began with a SWB higher than undergraduates; however, by the end of the first year, the law students’ SWB had fallen and physical health problems increased. Even through the second and third years of law school, SWB declined.

The 2007 article reported additional data from the law student samples. It stated that these “studies suggest that law school has a corrosive effect on the well-being, values, and motivation of students, ostensibly because of its problematic institutional culture” (p 883). The authors opined that students’ emotional distress is not only a concern for the

human and social suffering experienced by the students while in law school but also for the detrimental effects that the students carry with them into professional practice.

### 2017 NATIONAL TASK FORCE REPORT’S RECOMMENDATIONS FOR LAW SCHOOLS

In 2017, the National Task Force on Lawyer Well-Being (the predecessor organization of the Institute for Well-Being in Law) issued a report titled *The Path to Lawyer Well-Being: Practical Recommendations for Positive Change.* >> [Link to report.](#)

The groundbreaking report proposed a slate of recommendations for key stakeholders in the legal community and issued an urgent call to action. For law schools, the report provided nine recommendations to counter the harmful aspects of legal education and better support law student well-being. The nine recommendations were:

1. “create best practices for detecting and assisting students experiencing psychological distress;”
2. “assess law school practices and offer faculty education on promoting well-being in the classroom;”
3. “empower students to help fellow students in need;”
4. “include well-being topics in courses on professional responsibility;”
5. “commit resources for on-site professional counselor;”
6. “facilitate a confidential recovery network;”
7. “provide education opportunities on topics related to well-being;”
8. “discourage alcohol-centered social events;” and
9. “conduct anonymous surveys relating to student well-being.”

## NEW ABA STANDARDS TO PROMOTE LAW STUDENT WELL-BEING

In February 2022, the ABA's Section of Legal Education and Admissions passed Resolution 300. The Resolution revises accreditation requirements and becomes mandatory in fall 2023 for 1L students. It requires that law schools:

- Provide education about mental health and well-being and why it is foundational to a successful legal practice.
- Provide clear information about how to obtain well-being resources or mental health services. (Ideally, they also will directly provide these resources and services).
- Promote well-being and mental health awareness and reduce barriers to accessing services.
- Provide students opportunities to form "professional identity."
- Integrate education about bias, cross-cultural competency, and racism into the law school curriculum.

You can view the ABA Standards [here](#). Some details of the provisions are provided below.

### **Well-Being Resources**

Standard 508 was revised to require that law students have access to substance abuse and mental health counseling. It requires law schools to provide information about law student well-being resources. Interpretation 508-1 states:

"Law student well-being resources include information or services related to mental health, including substance use disorders. Other law student well-being resources may include information for students in need of critical services such as food pantries or emergency financial assistance. Such resources encompass counseling services provided in-house by the law school, through

the university of which the law school is a part, or by a lawyer assistance program. Law schools should strive to mitigate barriers or stigma to accessing such services...."

### **Professional Identity Formation**

"Professional identity formation" is defined in Interpretation 303-5:

"Professional identity focuses on what it means to be a lawyer and the special obligations lawyers have to their clients and society. The development of a professional identity should involve an intentional exploration of the values, guiding principles, and well-being practices considered foundational to successful legal practice...."

### **Cross-Cultural Competence**

"Cross-cultural competence" is defined in Interpretation 303-6:

"the importance of cross-cultural competence to professionally responsible representation and the obligation of lawyers to promote a justice system that provides equal access and eliminates bias, discrimination, and racism in the law should be among the values and responsibilities of the legal profession to which students are introduced."

## IDEAS & RESOURCES FOR COMPLYING WITH THE NEW ABA STANDARDS

### **Options for providing students mental health information and services:**

- Resource Guides
- School Websites
- Class Syllabi
- Resource Fairs
- Orientation and In-Class Presentations
- Newsletters
- Social Media Campaigns

- ✦ Fliers, posters & brochures
- ✦ Student Groups
- ✦ Faculty Announcements

**Options for on-site mental health services:**

- ✦ On-site mental health counselors at the law school
- ✦ Access to the university counseling center
- ✦ Access to Lawyer Assistance Programs (LAPs), which can provide students education on: mental health and substance use disorders, well-being practices, resources/referrals to counseling, and [character & fitness questions](#) for bar admissions.
- ✦ Access to teletherapy

**Suggested co-curricular well-being offerings:**

- ✦ One-off programs, such as a presentation by the law school's state LAP
- ✦ Participate in Wellness Week or Mental Health Day on October 10, 2022
- ✦ Integrated Series, such as alumni or faculty sharing about their own well-being or mental health journey

**Options for education on the interface between well-being and professional identity formation:**

- ✦ Required 1L Sessions
- ✦ Orientation or January "Re-Orientation"
- ✦ Year-long series
- ✦ Standalone Courses in topics such as: Sustaining Practices in the Legal Profession; Mindful Lawyering; Positive Lawyering; Well-Being in the Practice of Law; Emotional Intelligence; Leadership & Character Strengths; Peer Mentoring & Leadership; The Quest for a Satisfying Career.

**Options for education on bias, cross-cultural competency, and racism:**

- ✦ Orientation for 1L students
- ✦ Lectures on these topics
- ✦ Courses including these topics
- ✦ Other educational experiences including these topics.

**Additional resources for complying with the new ABA standards and contributing to law student mental health awareness:**

- ✦ Access information and resources from the [Halloran Center for Ethical Leadership in the Professions](#), which provides information and resources relating to the formation of law students' professional identity. See [a recent blog post](#) on this website by Daisy Hurst Floyd titled "Professional Identity: What is it?"
- ✦ *Law Student Professional Development and Formation: Bridging Law School, Student, and Employer Goals*, by Neil W. Hamilton and Louis D. Bilonis. 2022. >> [Link to book.](#)
- ✦ *The Formation of Professional Identity : The Path from Student to Lawyer*, by Patrick Emery Longan, Daisy Hurst Floyd, and Timothy W. Floyd. 2019. >> [Link to book.](#)
- ✦ The Association of American Law Schools (AALS) Section on Balance and Well-Being in Legal Education hosted a 2022 Speed-Idea Sharing Series on incorporating the New ABA Standards on Professional Identity, Cross-Cultural Competency, and Well-Being/Mental Health Resources for Students. Replays can [be accessed here.](#)
- ✦ The ABA's Law Student Division Group offers a wide range of Law Student Resources, including Substance Use and Mental Health Toolkit for Law Students, Lawyer Assistance



Programs resources, and media resources (podcasts, websites) on law student stress and wellness. >> [Link to website.](#)

- ✦ The Commission on Lawyer Assistance Programs (CoLAP) sponsors “The Path to Law Student Well-Being Podcast Series.” This is a seven-part podcast series to teach law students about well-being for their own benefit, as well as to shape the path for future generations of lawyers. >> [Link to website.](#)
- ✦ State Lawyer Assistance Programs provide critical education to law students, as well as lawyers and judges, on mental health and substance use disorders, well-being practices, as well as resources or referrals to counseling or substance use treatment. >> [Link to LAP directory.](#)
- ✦ The IWIL website provides a collection of well-being resources for the legal profession. >> [Link to website.](#)

## HIGHLIGHTED LAW SCHOOLS

Below are brief profiles of exceptional law school programs promoting professional identity formation, well-being, and mental health.

### University of Richmond School of Law

>> [Link to website.](#)

The University of Richmond School of Law prioritizes students well-being--which it defines according to IWIL's six dimensions of lawyer well-being: Emotional, Intellectual, Occupational, Physical, Social, and Spiritual. Highlights include:

- ✦ A combination of education, events, materials, and direct services.
- ✦ Two unique classes “The Happy Lawyer: Finding Your Path” and “The Mindful Lawyer.”
- ✦ A law school therapist who was hired to make mental health more accessible to law students.

Mimi Perka, a 3L at University of Richmond School of Law, is an Institute for Well-Being in Law Student

Ambassador. She shared with IWIL about her own mindfulness practice and how seeking support helped both her mental health and grades. Mimi volunteers with The School of Law administration planning mental-health week events. She shares that the law library has an entire mindfulness section that she finds helpful to reinforce her practice. Mimi encourages law students to prioritize their health, maintain outside interests and hobbies, know that they are not alone and to reach out for help, and to take breaks for rest and rejuvenation.

### University of San Diego School of Law

>> [Link to website.](#)

University of San Diego School of Law promotes eight dimensions of wellness, including emotional, spiritual, intellectual, physical, environmental, financial, occupational, and social components. The “Live Well @ USD Law” is a comprehensive program combining resources, education, and programming “to cultivate a culture of care and wellness during students’ time at USD School of Law and as they enter the legal profession.”

### Quinnipiac University School of Law

>> [Link to website.](#)

Quinnipiac integrates multiple modalities to support student well-being. Highlights include:

- ✦ Dean J. Brown leads a 24-hour law student retreat “Beginners Wisdom: Integrating Personal and Professional Values.”
- ✦ The “Day One Mentoring Program” pairs a student with a faculty member, who supports the student throughout the law school experience as a mentor and advisor.
- ✦ Fall 2022 ushered in the new “Foundations of Practice” course, introducing 1L students to essential skills, ethics, and values of being a lawyer as well as how to sustain their well-being in law school and as a lawyer.
- ✦ “Integrative Law Approach to Negotiation” course teaches non-adversarial negotiation skills,

problem-solving orientation, relational lawyering, and collaborative teamwork. An added feature of the class includes forming mentorship pods that meet weekly with lawyer wellness experts to explore topics such as autonomy, subjective well-being, values, emotional intelligence, boundaries, and play.

## AWARD-WINNING PROGRAMS

The American Bar Association Standing Committee on Professionalism recognizes exemplary and innovative professionalism programs at law schools. The 2022 awardees are:

**Texas A&M University School of Law Professional Identity Course**, a full year, required IL course since 2017. Students learn core lawyering values, including integrity and service to the community. Students also identify their strengths and passions and how those qualities fit into the practice of law. >> [Link to article.](#)

**Baylor Law School Leadership Development Program.** This program touts the motto “Lawyers are leaders.” It emphasizes lawyers’ roles as leaders in society and the need to navigate change with creativity and innovation, in addition to having legal knowledge, methods, and skills. The program, created in 2013, has several major program requirements undertaken throughout the law school experience, which students complete to earn the Leadership Fellow distinction at graduation. >> [Link to article.](#)

**The University of Mississippi School of Law Student Wellness Program.** This program is built around the recommendations of the 2017 National Task Force on Lawyer Well-Being (IWIL’s predecessor organization) and the principles of the ABA Well-Being Campaign and Pledge launched in 2018. The program seeks to help students learn about and implement the six dimensions of personal well-being: intellectual, mental/emotional, physical, social, spiritual, and occupational/financial. The school also holds mental health recognition days and hosts a Wellness Challenge every semester to earn points for prizes. In addition, a counselor is available on-site at the law school to offer confidential counseling to law students

free of charge. >> [Link to article.](#)

## BOOKS ON LAW STUDENT WELL-BEING

- ✦ The Law Student’s Guide to Doing Well and Being Well by Shailini Jandial George
- ✦ How to Be Sort of Happy in Law School by Kathryn M. Young
- ✦ The Guide to Belonging in Law School (Career Guides) by Russell McClain
- ✦ Mindfulness for Law Students: Using the Power of Mindfulness to Achieve Balance and Success in Law School by Scott L. Rogers
- ✦ 1L of a Ride: A Well-Traveled Professor’s Roadmap to Success in the First Year of Law School (Career Guides) by Andrew McClurg
- ✦ The Hidden Stresses of Law School and Law Practice: Applying the New Science for a Fulfilling Life and Career by Lawrence S. Krieger

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## USE OF THIS RESOURCE GUIDE

**This Resource Guide should not be considered legal or mental health advice or as an endorsement of any of the listed resources by the Institute for Well-Being in Law. It is provided for information purposes only, and you should personally evaluate all resources for fit and effectiveness for the purpose for which you plan to use them.**