THE INSEPARABILITY OF PROFESSIONALISM AND PERSONAL SATISFACTION: PERSPECTIVES ON VALUES, INTEGRITY AND HAPPINESS

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This article suggests a more effective approach to professionalism training based on a modern understanding of human nature. It explains (1) the many empirically established connections between life satisfaction and the values and motivations that would promote professional behavior among lawyers, and (2) the role of character integrity in maintaining physical and emotional wellness. It then describes an approach to teaching this material in the classroom or clinical setting, in order to foster both professionalism and career satisfaction among law students.

There is a lot of talk about "professionalism" in law schools and the legal profession today, with little evidence of positive impact. Students continue to turn away from public service careers[1], and there is no suggestion of a diminution of hyper-aggressive litigation tactics. One crucial reason that our rhetoric fails is that it is contradicted by the competitive, outcome-oriented institutional values one typically finds dominating law schools and the highly visible and commercialized segments of the profession. It is reasonable that law students and young lawyers "tune out" the noble but dissonant messages about professionalism, but the regrettable result is that many of them fail to really comprehend the foundations of their future working life.

Professionalism training typically amounts to telling law students and lawyers that they should act in certain ways, for generally noble reasons including the high calling of our profession; and that they'd better do so, for more coercive reasons including the potential for bar discipline. Neither of these motives – guilt or fear - is likely to be effective in producing the desired result.[2] Rarely, if ever, is one's *actual life experience* – including one's happiness and career satisfaction

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1 In 2002 and 2003 respectively, 3.4% and 3.2% of new law graduates took public interest positions. National Association for Law Placement, Salary Summary Reports, *at* http://www.nalp.org/nalpresearch/newgrads.htm (last visited Feb. 15, 2005).

2 The discussion of intrinsic motivation later in this paper will clarify that actions based on such imposed motivations are themselves unsatisfying, and thus are not likely to persist.

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— raised as part of the professionalism discussion. This fact further enables students to distance themselves from a discussion they perceive as theoretical rather than personal.

I will argue (1) that satisfaction and professional behavior are inseparable manifestations of a well-integrated and well-motivated person; and (2) that depression and unprofessional behavior among law students and lawyers typically proceed from a loss of integrity - a disconnection from intrinsic values and motivations, personal and cultural beliefs, conscience, or other defining parts of their personality and humanity. I then suggest ways to create more relevant and effective teaching about professionalism, by showing students that their life experience will be enhanced on many levels if they culture their values and integrity to model the wise, compassionate lawyer-statesperson[3].

As we proceed I will refer to humanistic theory and empirical science to provide an understanding of human nature that supports these conclusions and suggestions. I will offer further support by summarizing the results of empirical studies on law students that I have been able to conduct in the past four years.

VALUES AND PERSONAL SATISFACTION AS A PERSPECTIVE FOR TEACHING PROFESSIONALISM

I begin with a strong dose of the truth for my students. This is something too rarely done at our schools, for reasons I have discussed in detail elsewhere.[4] I tell students the truth about the dismal results of surveys on attorney mental health and career satisfaction, and I tell them the truth about the egregiously low standard of behavior often encountered among attorneys and judges in the real world they are preparing to enter. In case they don't believe me, I recount stories from my own litigation days, and then I pull out the big guns – journals of their student peers now in clinical litigation programs (and who have given permission to share their observations), describing the manipulative, abusive, egotistical, and often plainly dishonest actions of some members of our profession. Sharing these truths, and particularly those regarding the unhappiness and ill health in the profession, feels like a bold step because students are unlikely to encounter this information in their other courses. Not surprisingly, students are

3 ANTHONY T. KRONMAN, THE LosT LAwYER {1993). Professor Pang's discussion of the qualities of professionalism share much with the Kronman analysis, as do other definitions of professionalism raised in this conference. We are all going beyond the bare-bones idea of technical competence to embrace the values of law practice as a calling.

4 *See* Lawrence Krieger, *Institutional Denial About the Dark Side of Law School, and Fresh Empirical Guidance for Constructively Breaking the Silence,* 52 J. LEGAL Eouc. 112 (2002).

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often taken aback when they see data summaries showing lawyers to have the highest incidence of depression of any occupation in the United StatesS, or to suffer other forms of emotional distress up to 15 times more frequently than the general population.[6] Nonetheless, the truth is both necessary and helpful, and I encourage teachers to use it.[7] Experience has shown that students devote their full attention once confronted with evidence that their own wellness and life satisfaction may soon become, if they are not already, genuine personal concerns.

I transition to the positive side of our topics by focusing on the values and motivations common to most people. This is a particularly helpful focus for related reasons. First, certain common motivators promote professional behavior, while others undermine it. It is no coincidence that there is a perception among the public, scholars, and bar leaders alike that values like money, power, and an uncompromising drive to win are displacing values like integrity, decency, and mutuality among many lawyers. The second reason for this focus makes the discussion most relevant to students and lawyers: *Those values and motivations that promote or attend professionalism have been empirically shown to correlate with well being and life satisfaction, while those that undermine or discourage professionalism empirically correlate with distress and dissatisfaction.* These conclusions are supported by both recent empirical studies and classical humanistic theory describing psychological health and maturity.

PROFESSIONALISM AND SATISFACTION AS DUAL EXPRESSIONS OF PSYCHOLOGICAL MATURITY

I present professionalism to law students as a combination of developed legal skills and various personal virtues that we typically seek in lawyers: broad vision/wisdom, integrity and honesty, compassion, respect for others and for differences, unselfishness, the desire to serve others and one's community, self-confidence, individualism, and a real commitment to justice. Classic humanist Abraham Maslow, one of the first psychologists to explore the positive side of human nature, relates many of these professional qualities to his "hierarchy of human needs". Because most law students are familiar with Maslow's theories from a basic psychology course, the parallels he draws between

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5 William Eaton, J. Anthony, W. Mandel, & R. Garrison., *Occupations and the Prevalence of Major Depressive Disorder,* 32 J. OCC. MEDICINE 1079 (1990).

6 Connie J. A. Beck, Bruce Sales, & Andrew H. Benjamin, *Lawyer Distress: Alcohol Related Problems and Other Psychological Concerns Among a Sample of Practicing Lawyers,* 10 J. L. & HEALTH 1, 2 (1995).

7 *See infra* pp. 441-45 (summarizing the data utilized).

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life satisfaction and behavior that we consider ideal for a professional are well-received.

Maslow delineated "lower" and "higher" human needs, and observed that motivation toward the different levels of need produces markedly different levels of life satisfaction. The lower needs include *survival, security, belonging, competence,* and *respect* from others. People focused mainly on any of these needs experience "deficiency motivation" - a strong drive to fulfill these basic needs that is accompanied by minimal life satisfaction. The experience is one of effort punctuated by "moments of episodic relief".[8] By contrast, people pursuing primarily the higher needs for self-esteem and self-actualization experience "growth motivation", in which they are seeking the highest levels of personal development and self-expression. This quality of motivation provides an entirely different life experience, marked by persistent satisfaction and fulfillment. Maslow found such people to be peaceful, unworried, accepting, and to experience a constant sense of gratitude, satisfaction, "overflowing abundance" and fresh appreciation for life.[9] Their lives are also enriched by exceptional levels of fun, joy, and love.w

Maslow described people experiencing the fulfillment of growth motivation to be psychologically mature, and he observed in them the following character traits that exemplify professionalism: self-governance and individuality; universal, holistic thinking; undistorted perception of reality; superior awareness of truth; service orientation and desire for the good of others; and highly democratic personality.[11] He concludes that this level of maturity produces "the most ethical of people".[12]

By contrast, deficiency motivation will keep people more narrowly focused on "looking good", winning, or gaining money or prestige, because the lower needs for security, belonging and gaining respect generally depend on influencing other people and obtaining limited resources from the environment. At the same time, such people feel pressure to satisfy these needs, in order to experience the episodic relief previously mentioned. People experiencing deficiency motivation are therefore unlikely to manifest the same level of ethics and morality as others who are more psychologically mature, and

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8 ABRAHAM H. MASLOW, MOTIVATION AND PERSONALITY 57 (2d ed. 1970).

9 */d.* at 153-63. Much of this material is also summarized in Lawrence S. 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. LAw and HEALTH 1, 20-25, 35-36 (1998).

10 ABRAHAM H. MAsLow, TowARD A PsYCHOLOGY oF BEING 209 (2d ed. 1968).

11 MASLOW, MOTIVATION, *supra* note 8 at 153-72.

12 */d.* at 168.

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more likely to venture into manipulative, abusive or deceptive behavior in order to meet their needs.

Modern Research On Values, Motivation And Happiness

Recent psychological research supports Maslow's correlations between types of motivation and levels of happiness. Modern psychology classifies both values and motivation as either *intrinsic* or *extrinsic*. A person is intrinsically motivated when he chooses a self-directed action which he *genuinely enjoys* or which *furthers a fundamental life purpose*, while extrinsically motivated choices are directed towards *external rewards* (i.e. money, grades, honors), avoidance of *guilt or fear*, or *pleasing/impressing others*.[13] The intrinsic values share the personal growth and interpersonal focus of the "higher" humanistic needs -they direct one towards self-understanding, close relationships with others, pro-social/helping outcomes, and community improvement. On the other hand, the modern extrinsic values share the environment-dependent focus of the "lower" needs in Maslow's hierarchy.[14] They embody a more contingent worth, external rewards orientation – toward money, luxuries, influence and appearance.

Empirical research for the past two decades has shown that when intrinsic values and motivation dominate a person's choices she tends to experience satisfaction and well-being, whereas when extrinsic values and motivation are most important to her she will experience angst and distress.[15] As with the humanistic analysis, those (intrinsic) values and motivations that promote happiness are by their very nature likely to produce professional behavior, while those (extrinsic) values and motivations that produce frustration and angst are often associated with the loss of lawyer professionalism. For example, an attorney who strongly values community betterment and who seeks to improve her relatedness to others will create a much more positive effect in her practice of law than one who is "in it for the money" or who has a primary need to impress others with her case outcomes, appearance, or acquisitions. Similarly, one who is genuinely seeking personal improvement will be more thoughtful about her effect on

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13 *See generally*, Kennon M. Sheldon & Tim Kasser, *Goals, Congruence, and Positive Well-Being: New Empirical Support for Humanistic Theories*, 41 J. HuM. PsYcHOL. 30 (2001).

14 Maslow noted that values provided from external sources "have proven to be failures". MASLOW, TowARD A PSYCHOLOGY OF BEING, *supra* note 10 at 206.

15 Sheldon & Kasser, *supra* note 13 at 42; Tim Kasser & Richard M. Ryan, *A Dark Side of the American Dream: Correlates of Financial Success as a Central Life Aspiration*, 65 J. PERS. & Soc. PsYCHOL. 410 (1993); Tim Kasser & Richard M. Ryan, *Further Examining the American Dream: Differential Correlates of Intrinsic and Extrinsic Goals*, 22 PERSONALITY & Soc. PsYCHOL. BuLL. 281 (1996).

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and treatment of other people, while one who is solely focused on gaining the win or the money is more likely to go to improper lengths for the desired result. Attorneys who are deeply committed to their own values are less likely to pursue the values or desires of their clients with unethical or abusive tactics. And a lawyer who chose her career path for the most fundamental intrinsic reason - because she genuinely enjoys the work - will generate a better work product[16] and be consistently happy at work, thereby creating a positive effect on her clients, adverse counsel, court personnel. The converse is also true - an attorney who does the work primarily for the money or to bolster his image will be more frustrated with the process, less effective, and much less pleasant to work with (or against).

Modern Research On Psychological Needs And Happiness

The correlation between happiness or satisfaction and professional behavior is further supported by recent empirical research on human needs. This research again confirms much of Maslow's earlier work. It demonstrates that well being results from experiences of *self-esteem, relatedness to others, autonomy, authenticity,* and *competence.* Fulfillment of any of these needs provides a sense of well-being and thriving, while lack of such experiences produces distress, depressed mood or loss of vitality. Self-esteem and relatedness show the very strongest correlation to happinessP As we look to our ideals for attorneys, we see again that the preferred professional behaviors will tend to fulfill these basic human needs and hence support a satisfying life experience. The truly professional lawyer will be competent in legal skills, but beyond that she will feel Closely connected to others in her community because she respects and is respected by them. She will experience the authenticity and integrity that comes from loyalty to her deepest values, and she will feel good about herself for all of the above reasons.

The converse is also true. A lawyer who is selfish, greedy, dishonest, or overzealous may retain her livelihood and technical competence, but her well-being will suffer as the rest of her fundamental

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16 It is well established that intrinsic motivation improves performance. *See, e.g.,* Barbara Glesner Fines, *Competition and the Curve,* 65 U.M.K.C. L. REv. 879 (1997); *see also* Kennon M. Sheldon & Lawrence S. Krieger, *Does Legal Education Have Undermining Effects on Law Students? Evaluating Changes in Motivation, Values, and Well-Being* 22 BEHAV. Sc1. & LAw 261, 281 (2004). This study is discussed in some detail *infra.*

17 *See* Krieger, *Institutional Denial, supra* note 4, at 119-122 (discussing this research on basic human needs and their satisfaction in law school and practice, citing Kennon M. Sheldon, J. Arndt & Houser-Marko, *What is Satisfying About Satisfying Events? Testing 10 Candidate Psychological Needs,* 80 J. PERS. & Soc. PsYCHOL. 325 (2001). The fundamental needs are listed on the last page of the appendix in summary form for classroom use.

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needs go unfulfilled. She will not be respected by others in her professional community, nor will she long feel good about herself. She will experience the distress that comes with loss of conscience, intrinsic valuing, and integrity - all aspects of personal authenticity. All of these disconnections from her self and others strip life and work of their meaning, leaving an emptiness that can breed a compulsion for more work, more money, excessive alcohol or food, or other addictive tendencies.

Understanding Integrity As Physical And Psychological Health

One more principle that illuminates the relationship between personal satisfaction and professionalism is integrity. Integrity is clearly a foundation of professionalism, but its effect on personal well-being is perhaps even more direct. In fact, integrity is conceptually synonymous with health. Although we may commonly think of "health" in terms of the body and "integrity" in terms of the personality or character, the essence of each is the same - a condition of wholeness or integrated functioning within one's self.[18] Furthermore, the functioning of the personality and of the physiology are closely interrelated: a person's level of personal integrity affects his physical health and well-being directly.[19] For example, if a person is psychologically depressed her immune system becomes impaired. More directly relevant to our discussion, lying or deceptive behavior, which clearly manifests a loss of character integrity, is often attended by the experience of psychological anxiety and physical stress (increased heart rate, damp palms, etc.).[20] Conversely, if a person overcomes a physical illness or injury (a diminished level of integrated physical functioning) her psychological experience improves.

These important realizations again create for law students concrete, personally relevant connections between professionalism and their own health and well-being. We may certainly discourage lying, deception, manipulation of fact or law, or abuse of people or process

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18 *See* RANDOM HousE NEw WoRLD DICTIONARY 609 (Revised ed. 1988) (stating that "healing" involves restoring function to its whole, integrated state); *see also* Sharon Dolovich, *Ethical Lawyering and the Possibility of Integrity,* 70 FoRDHAM L.REv. 1629, 1650 (2002) (defining integrity as a state of integration or undivided wholeness and providing an in-depth discussion of integrity in the context of professionalism).

19 *See* LAWRENCE S. KRIEGER, THE HIDDEN SouRcEs oF LAw ScHooL STREss: AVOIDING THE MISTAKES THAT CREATE UNHAPPY AND UNPROFESSIONAL LAWYERS 14-15 (2005) (pamphlet on file with author, lkrieger@law.fsu.edu) *available at* http://www.Iaw.fsu.edu/academic_programs/humanizing_lawschool/booklet.php.

20 Polygraphs monitor physical functions such as heart rate, blood pressure, and galvanic skin resistance to detect changes associated with dishonesty. These changes also correlate with the stress response. MARK A. ROTHSTEIN & LANCE LIEBMAN, EMPLOYMENT LAw: CAsEs AND MATERIALS 186-187 (5th ed. 2003); */d.* at *5* (5th ed. Supp. 2004).

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because such behavior is "unprofessional". But the impact will be multiplied if we also explain that such behavior erodes integrity by separating the lawyer from key parts of her self- her conscience, sense of decency and/or intrinsic values. The results are likely to include loss of her professional reputation along with physical and emotional stress that will ultimately undermine her health.[21]

It is also important for students to understand the various ways that both legal education and early lawyering experiences can tend to erode integrity by separating people from their personal values and beliefs, conscience, truthfulness, and intrinsic needs for caring and cooperation.[22] This erosion of integrity is a harsh reality that is supported by psychological research summarized below, and students exposed to this research seem to understand its personal implications immediately. To the extent that we impart awareness[23] of this potential and its negative consequences for health, happiness, and professional reputation, students will be empowered and encouraged to focus on their integrity (including their values, ideals, desires, instincts, and conscience) during law school and into their legal careers.

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21 *See* BRAD BLANTON, RADICAL HoNESTY xxv (1996) (appearing in Krieger, *supra* note 19 at 14). Maslow recognized that both mental and physical illness could result from loss of intrinsic values or any of the other "defining characteristics of humans", and that such illness would likely be more severe than the traditional psychopathologies. MAsLow, *supra* note 10 at 193, 206. For our purposes, such defining characteristics would also include conscience and the instinct for truthfulness and justice.

22 Dolovich, *supra* note 18 at 1671-72, acknowledges that the pressures of law school and practice can erode integrity:

> Each (lawyer) will have experienced firsthand the power of an institution to influence one's sense of self . . . . I mention the power of law school to structure moral perspectives . . . as evidence that even as adults our identities are capable of great shifts, and that the engine of these shifts is often to be found in the social structures in which we operate. The danger, of course, is that perspectives may well be shifted in ways that undermine rather than enhance ethical character or behavior.

Specific descriptions of these undermining processes in action may be found in Patrick J. Schiltz, *On Being a Happy, Healthy, and Ethical Member of an Unhappy, Unhealthy, and Unethical Profession*, 52 VAND. L. REv. 871 (1999); Note, *Making Docile Lawyers: An Essay on the Pacification of Law Students*, 111 HARV. L. REv. 2027 (1998); Robert P. Schuwerk, *The Law Professor as Fiduciary: What Duties Do We Owe to Our Students?* 45 S. TEx. L. REv. 753, at 761-780 (2004); Krieger, *supra* note 19. The first article discusses large firm practice; the others focus on processes within law schools.

23 There is little to assist professors in clearly conveying all of these interrelated concepts to students and new lawyers. I have created one such resource written specifically for law students; see *supra* note 19. This booklet addresses law students directly, summarizing the connections between motivation, values, stress, integrity and professionalism and suggesting ways to prevent the loss of integrity and health in their broadest sense. Readers are also invited to consult the appendices here for assistance in developing a presentation for law students or lawyers. These topics hopefully will attract ongoing attention and become the basis of more thorough papers and treatises.

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Recent Research On Law Student Values And Well-Being

I promised at the outset to outline the results of research that I have conducted on law students. The grim results of this research will hopefully bring home the importance of teaching students about the role of intrinsic values in the quest for professionalism and personal satisfaction.

Professor Ken Sheldon[24] and I studied two very diverse law schools from orientation to the end of the first year; we also followed one of the classes through their entire three years of law study.[25] The principal results were:

In both schools, incoming students were happier, more well-adjusted, and more idealistic/intrinsically oriented than a comparison undergraduate sample. This refutes the idea that problems in law schools and the profession may result from self-selection by people with skewed values or who are already unhappy.[26]

Well-being and life satisfaction fell very significantly during the first year. More fundamentally, the generally intrinsic values and motivations of the students shifted significantly towards more extrinsic orientations. These shifts have distinct negative implications for the students' future well-being. In the sample followed for the final two years of law school, these measures did not rebound. Instead, students experienced a further and troubling diminution of all of their valuing processes (both intrinsic and extrinsic) beginning in the second year, suggesting a sense of disinterest, disengagement, and loss of enthusiasm.27 This loss of valuing is a serious occurrence and a likely cause of the continued loss of well-being measured among these students.28 It may well mark the beginning of the destructive "values-neutral" approach of many lawyers.[29]

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24 Department of Psychology, University of Missouri-Columbia.

25 The results are described in detail in Sheldon & Krieger, *supra* note 16. A fourth year of currently unpublished data demonstrate additional significant declines in satisfaction of students' basic human needs for self-esteem, relatedness, autonomy/authenticity, and even competence.

26 For a further defense of the health of incoming law students and the likely negative role of legal education, *see* Krieger, *Institutional Denial*, *supra* note 4.

27 The process of law student anomie and disengagement has been observed and described before. *Docile Lawyers*, *supra* note 22. Barbara A. Glesner, *Fear and Loathing in the Law Schools*, 23 CoNN. L. REv. 627 (1991); R. GRANFIELD, MAKING EuTE LAWYERS (1992); M. Gulati ET AL., *The Happy Charade: An Empirical Examination of the Third Year of Law School*, 51 J. LEGAL Eouc. 383 (2001). However, this phenomenon has not previously been documented through empirical study of personal valuing processes.

28 *See supra* nn. 21, 22 and accompanying text.

29 "It is a delusion of young, inexperienced lawyers to think that they can separate their personal from their professional lives and their personal from their professional morality. The current jargon refers to this dichotomy as 'role-defined' ethics. It is true intellectual rubbish." Daniel R. Coquillette, *Professionalism: The Deep Theory*, 72 N.C. L. REv. 1271,

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The findings that students became depressed and unhappy in the first year and remained so throughout law school are consistent with previous studies.[30] Our further investigation of values and motivation was the first such study of which I am aware. All of the data provides empirical support for the concern that our legal training has precisely the opposite impact on students from that suggested by our rhetoric – it appears to undermine the values and motivation that promote professionalism[31] as it markedly diminishes life satisfaction. All indications are that when students graduate and enter the profession they are significantly different people from those who arrived to begin law school: They are more depressed, less service-oriented, and more inclined toward undesirable, superficial goals and values.

1272 (1994). I cite this article and discuss the profound fallacies involved in practicing law without ideals or values in Krieger, *Not Telling, supra* note 9 at 9-11; *see also* John Mixon & Robert P. Schuwerk, *The Personal Dimension of Professional Responsibility,* 58 LAw AND CoNTEMPORARY PROBLEMS 87 (1995). This article discusses the demoralizing effect of common teaching techniques in law schools:

> These traditional techniques desensitize students to the critical role of interpersonal skills. . . in all aspects of an ethical law practice. They also set students' moral compasses adrift on a sea of relativism, in which all positions are viewed as "defensible" or "arguable" and none as "right" or "just", and they train students who recognize and regret these developments in themselves to put those feelings aside as nothing more than counter-productive relics from their pre-law lives.

/d. at 102; MARY ANN GLENDON, A NATION UNDER LAWYERS 40-50, 78 *et. seq.* (1994) (discussing the general shift among attorneys, in recent years, from independent moral judgment to unmitigated client loyalty and the distress that may result from conflicts between the attorney's personal morality and that of the client).

30 *See* G. Andrew Benjamin., *The Role of Legal Education in Producing Psychological Distress Among Law Students and Lawyers,* AM. B. FouND. REs. J. 225 (1986) (confirming and extending a previous study put forth in Stephen Shanfield & G. Andrew H. Benjamin, *Psychiatric Distress in Law Students,* 35 J. LEGAL EDuc. 65 (1985)).

31 This movement toward extrinsic values and motivation is also contrary to the natural, beneficial direction of maturation and actualization. Kennon M. Sheldon, J. Arndt & L. Houser-Marko, *In Search of the Organismic Valuing Process: The Human Tendency to Move Towards Beneficial Goal Choices,* 71 J. PERSONALITY 835 (2003). Decades ago the Dean of Harvard Law School observed:

> For some years now I have been concerned about the effect of our legal education on the idealism of our students. I have great faith in our students. They are surely as good, as earnest, as sincere, as their predecessors who have come through the years. They bring to this school a large measure of idealism. Do they leave with less? And if they do, is that something we can view with indifference? If they do, what is the cause? What do we do to them that makes them turn another way?

Ervin N. Griswold, *Intellect and Spirit,* 81 HARV. L. REv. 292, 300 (1967). Preliminary analysis of our data did indicate a potential brighter side to the three-year study. Students who had an intensive clinical experience along with the training described in this article had significantly more intrinsic, service-oriented motivation for their first career choice than the remainder of their class. They are therefore predicted to experience significantly greater career and life satisfaction over time. These apparent effects require further analysis and confirmation.

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Teaching this Material

These insights are only useful if they are effectively communicated to law students and lawyers. My approach to teaching this material is explicit.[32] I first have students (or lawyers) reflect and write out their "eulogies" as a practical exercise described in more detail below. I then discuss through a combination of lecture and question/discussion as appropriate to the group and the time available: (a) the qualities of an ideal professional; (b) the scientific research on attorneys and law students that demonstrates the existence of important problems (very high emotional distress levels in the profession; loss of intrinsic values and motivation combined with increasing depression and distress after students begin law school); and (c) research on general populations to provide an aspirational understanding of the goals, motives and needs typical of healthy, happy people.

I then encourage integration of the materials by having students consider their written eulogies, identify the character traits embodied in them, and compare those traits to the qualities of the ideal professional previously discussed. I also have students compare all of these traits and qualities with the listing of intrinsic and extrinsic values and the human needs previously explained. (The handout I provide that lists all of the adaptive values, needs, and motivations is also provided in the appendix.) If time allows I then have students break into pairs or small groups and discuss with each other their conclusions. I then ask everyone to come together and share insights which I list for the class.

The "Eulogies" Exercise To Discern Intrinsic Values

Experience has shown that this exercise makes the discussion of values and professionalism relevant for students and lawyers. It helps participants identify their deepest values and goals, although I do not divulge this purpose before doing the exercise in order to avoid biasing the results. I usually present this exercise early in the meeting for the same reason. I ask participants to imagine a future time when they are retired and away from their current environment, perhaps traveling in a pleasant place. I have them imagine visiting a small, quiet gathering which then turns out to be a preview of their funeral.[33]

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32 As I present this material it comfortably informs from two to three hours of class time; one hour is also possible with focus and time discipline. Another approach to teaching similar material is offered in 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).

33 This exercise is adapted from STEvEN R. CovEY, THE SEVEN HABITS oF HIGHLY EFFECTIVE PEOPLE 96-97 (1989). Some teachers use variations that eliminate the specter of a funeral (i.e. retiring, relaxing, and looking back on life to discern those things that

I then ask them to briefly write down the eulogies about themselves that, if they could attend their own funeral, they would like to hear from important others - their life partner or best friend, a respected lawyer or judge that has known them in practice, a member of another community they valued during their life (church, neighborhood, service club, etc.), and if time allows, their child or another young person they had known. They may also be asked to write down the things that they would most like to be able to say about themselves - the things about which they feel best when looking back on their life.

The results of this exercise are illuminating, because they show students and lawyers the kinds of things that matter most deeply to them. Participants are often surprised by the results. Almost invariably the qualities and values expressed in these eulogies are the most traditional human values and virtues: patience, decency, fairness, humility, courage, caring, integrity, willingness to work hard for worthwhile goals, helpfulness to others (family, friends, clients or community), and so forth. No one thus far in my experience has drafted a eulogy focused on a luxurious home, high grade point average, law review membership, or extraordinary income. In fact, the room usually erupts in laughter when such eulogies are proposed after the writing exercise. And so participants discover, just as theory and research predict, that their deep personal sense of success[34] expresses intrinsic rather than extrinsic goals and values, and that a life with integrity, meaning, caring, and helping indeed fulfills their basic needs.

I also note that *intrinsic goals and values are noncompetitive* by nature. The virtuous qualities that typically surface in the eulogies are all unlimited. In law school parlance, everyone can be in the Top Five

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mattered the most), but I find the eulogies make the point very strongly without causing particular distress.

34 As we look at the qualities shared by the intrinsic values and motivations and the basic needs, some themes emerge that invalidate the modern picture of "success". First, there is a distinct focus on *people rather than things*. The two strongest needs are self esteem and relatedness to others, and two of the remaining three needs, autonomy, authenticity, are subjective and personal as well. Both intrinsic motivations (enjoyable process and values-directedness) are person-oriented, as are the intrinsic values (personal acceptance/growth, intimate relationships, and building community). The second theme that is apparent in those healthy needs and values is an emphasis on *growth, integration, or movement toward higher levels of organization* either within the person, between persons or within communities. The third common factor is an orientation toward *satisfying processes rather than specific outcomes*. This is essentially the definition of the most fundamental intrinsic motivation - choosing action because the "doing" itself is enjoyable and satisfying. This process· orientation is also inherent in the intrinsic values - personal growth, close relationships, helping others/building community. By contrast, the extrinsic values and motivations - for money, power, influence, fame, status, or comparative/competitive advantage - share a much more external and outcome-dependent orientation. This orientation unfortunately typifies our social view of success.

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Percent in kindness, patience, etc., and this tempers the felt need to be "successful" in the competitive sense[35] that is so common among law students and lawyers. Participants can see that their core desires are attainable regardless of how well they compete in law school and later practice, so long as they maintain focus on the deeper purposes they have just identified. As a final point, the fact that these kinds of values are consistently identified in the eulogies exercise confirms that they are truly intrinsic - they do appear to constitute a part of the mature human nature to which people broadly aspire.[36] Thus, when we favor them we are most authentic and we tend to experience well-being and meaning in life; when we ignore them we act outside our nature and begin to suffer.

I recommend that students regularly refer to these eulogies in order to maintain a healthy perspective on the natural drive for competitive excellence and the rewards that may accompany it. It is also important to be realistic here, so that people do not feel that they need to discount or ignore their natural desire for recognition, comforts or material affluence. On the practical level, every life in the active world does express a blending of intrinsic and extrinsic goals, values, and motivations. Extrinsic goals and desires for good pay, high grades, or prestige are fully compatible with a healthy, happy life, so long as they do not *predominate* over intrinsic values as one's primary purpose for undertaking action.

The principal lessons involve learning the relative benefits of intrinsic over extrinsic pursuits and learning the power of choice. Each decision about attitude and behavior tilts the balance toward or away from predicted happiness and ideal professional actions. Based on the content of human nature, the message for any professional in training is the same as for any other person: If you focus your life on gaining wealth, popularity, prestige, or influence you are making a fundamental mistake, assuming that you want to feel satisfied with your self and your work. If you focus your life on growth of self, relationships, and community, your life will feel meaningful and satisfying. You will avoid the frustration, confusion, isolation, depression and addictions

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35 I employ a second practical exercise to cultivate a realistic sense of humility in students. This exercise helps them discover the few meaningful things impacting the outcome of their cases that they can control and the many factors that are beyond their control. This exercise has the beneficial effect of shifting students' focus from the outcomes of their work to the process of their preparation, and thereby also substantially mitigates the stress of competitive activity such as the adversarial process. *See* Appendix I *infra.*

36 Recent research is beginning to confirm the humanistic observation that the natural growth process includes progression from "lower" external, contingent needs to internal, self-directed "higher" needs. *See supra* note 11; *see also* K. M. Sheldon, ET AL. *supra* note 31.

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common to many in our society and our profession.[37]

When students understand these realities - that professionalism and life/career satisfaction are essentially inseparable within the nature of human beings, and that quality of life and professional reputation both manifest from the choice of optimal goals, values, and motives - the discussion of professionalism·acquires immediate personal relevance. However, these lessons require repetition and reflection to effect the core changes in attitudes and priorities that may be needed. This is particularly true given the largely extrinsic orientation of law schools and practice settings in which many students are immersed. Ongoing reference to and reinforcement of these concepts in class will help, as will reflective writing. In-house or externship clinics are perhaps the ideal educational setting for students to confirm these lessons in their own experience, by observing themselves and others (including lawyers, judges, teachers and other students) to discern the connections between values, motivation, professional reputation, and life/career satisfaction. Reflective writing or discussion assignments then assist students in dedicating appropriate attention in order tore-alize these lessons to the point of personal conviction.

CoNCLUSION

There is a bottom-line message for law students and lawyers in all of this: If you have the wrong values and motives, your life will not feel good regardless of how good it looks. And there is a bottom-line message for law teachers: Do everything possible so that the law school experience preserves and strengthens, rather than dampens, the enthusiasm, idealism, and integrity (in its broadest sense) of your students. Because intrinsic pursuits and basic need satisfaction are foundational to both professionalism and personal satisfaction, we need to model and encourage them persistently if we genuinely intend to produce happy, thriving, professional lawyers. When we clearly explain to students that, within their own nature the capacity for great fulfillment coexists with the choice to embody the traits and values traditionally associated with professionalism, they are more likely to follow that fortunate path. It is my hope that the work presented here will encourage and assist you in developing your own teaching approach towards these ends.[38]

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37 As a side benefit, such people are likely to be well-satisfied with comforts because their positive and constructive choices will create positive, constructive outcomes, good will, and the practical benefits that follow.

38 There are both a web site and a list serve discussion devoted to this purpose. Florida State University College of Law, Humanizing Dimension for Law School Page, *at* http://www.law.fsu.edu/academic_programslhumanizing_lawschool.php.

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APPENDIX

Control Exercise

Most students using this exercise experience significant, ongoing stress relief and enhanced well-being, based on the powerful reality check it provides. I constantly receive references to this exercise; it can help greatly in learning to enjoy law practice, if consistently considered during a clinic (and after graduation as well). If your program involves student journals, be advised that I receive more journal entries on this one balancing principle than any other. I also often inject this principle into my journal assignments, since students and lawyers so typically 'stress' over things they can't control- a poor practice that needs to be perceived as a choice!

1. Have students consider all of the primary activities involved in litigating, or otherwise processing, a case or issue relevant to your program/course. Then ask them to decide which aspects of each activity they can or cannot control. The initial assignment can be given as homework or in class. Follow up in class by having students discuss their thoughts in pairs or small groups for a few minutes, and then synthesize by having them give thoughts for the entire class which you record on the chalkboard. People often overlook very basic elements impacting their work; you may have to prompt them with such crucial considerations as the underlying events themselves (the facts); the controlling statute, cases, rules of procedure, etc. (the law) which will determine the outcome; and the personalities/biases/preferences of each person they work for, with, and against.

2. Once students have written and discussed in pairs or small groups, I establish this simple outline on the board for us to fill in with full class discussion:

Stage of Proceeding	Matters I Can Control	Matters I Can't Control

Through class discussion we ultimately develop something like the following (a criminal case example):

Stage of Case	Can Control	Can't Control
Crime/Events (facts of case)	nothing	Everything
Bond Hearing	-my preparation & reasonable presentation; -my motives; -my behavior toward client, judge, adversary, etc.	-facts, law, procedural rules; -personality and behavior of everyone else (client, adversary, and judge);
Client Interview	my preparation, motives, respectful behavior toward client	facts; truthfulness of client; client appreciative or abusive, cooperative or not
Negotiations	my prep, motives, respectful, professional behavior	opposing counsel's attitudes, motives, behavior toward me
Motion Hearings	my motives, preparation, presentation, professional behavior	motives/behavior of opposing counsel, witnesses, judge; outcome of hearing
Trial		same as above all of the above, plus biases/motives of jury (if app.); outcome of trial

Many more stages of consideration are possible of course, and this can be amended to conform to your type of course work. Also, I emphasize that obviously this does not mean the lawyer cannot *influence* the litigation or have an impact on the outcome through her professional work. But it is a sobering experience, and one rarely discussed in law school, to realize that (short of unethical behavior) one has little, if any, control over many crucial things, including both the facts and the law that apply to one's case. It becomes very clear that there are great limits on one's influence, and that control is usually beyond one's ability except with regard to one's own actions, motives, etc. Given the typical emphasis on producing wanted outcomes, this realization greatly moderates anxiety and stress, and encourages a positive shift toward intrinsic motivation, self-acceptance, and increased work satisfaction.

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APPENDIX II

This appendix contains key graphics which summarize my teaching approach to law students and lawyers. Below I briefly describe the content and relevance of each item. Teachers are welcome to reproduce and use (or adapt) this material as you find helpful. Please advise me if you do so, for my information only.

The first graphic is a definition of professionalism which has served well for many years with such groups. It may be used at the beginning of a class or presentation, for background, and then later to have students/participants integrate these qualities with the information on needs and values presented in the subsequent graphics. (For example, to what extent are those human needs, or the intrinsic values/motivations, embodied by these professional qualities? To what extent are the values identified in your eulogy expressed by professional behavior?)

The second graphic shows the very high levels of emotional distress among practicing lawyers. This was a very large study by a team of clinical psychologists. Note that the expected level of clinical distress for each measure is 2.3% of the population, whereas up to 36% of the lawyers are indicating that level of dysfunction. We cannot expect the professional qualities in the previous graphic when people feel this way; attention is necessary. Side notes: (1) the Brief Symptom Inventory used here is a preliminary screening inventory; these results do not represent final diagnoses by practicing psychologists. (2) Interpersonal Sensitivity is the need to compare favorably with other people, and is an indication of insecurity or low self-esteem. The very high level of distress on this scale may relate directly to the emphasis on appearances and comparative worth (relative salaries, class standing, grade point average, etc.) in law schools and the profession.

The third graphic shows the very high levels of clinical depression (Beck Depression Inventory) reported by law students throughout their three years of law school and beyond. They entered law school with statistically normal levels of depression but never recover, as a group, to that level. It is important to remind listeners that these are group data, and do not mean that each of them is experiencing these phenomena. The data show trends only (i.e. don't get depressed over this information, but pay attention! The following information will provide a guide to avoid these problems.)

The fourth graphic shows the results in our (Sheldon-Krieger) study at the end of the first year of law school. These students entered law school with stronger well-being, intrinsic values and motivation than a comparison undergraduate group, but showed very marked, negative changes in well-being, life satisfaction, values and motivation.

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These changes are consistent with, and may be seen to predict, the problems of distress, dissatisfaction, and lack of professional values observed in lawyers.

The fifth graphic summarizes the human needs, values, and motivation styles, and can be given to students or lawyers as a checklist for guidance in building and maintaining a balanced, satisfying life experience. The extrinsic (maladaptive) values which are common to law school and law firm cultures, and which produce distress and dissatisfaction, are listed at the bottom of the page for contrast. If the 'eulogies' exercise is used in your presentation (see text), it complements this information on healthy values, needs and motivation well: the eulogies almost invariably reflect these needs and values. (Graphics follow.)

THE PROFESSIONAL

• BROAD VISION, GOOD JUDGEMENT (WISE)

• COMMITTED TO VALUES

• GREAT INTEGRITY (INDIVIDUAL)

•SELFSECURE,UNSELNSH

• DEEP REGARD FOR HUMANITY

• RESPECTFUL (SELF AND OTHERS)

• COMPASSIONATE

• SERVICE-ORIENTED

• TECHNICAL COMPETENCY

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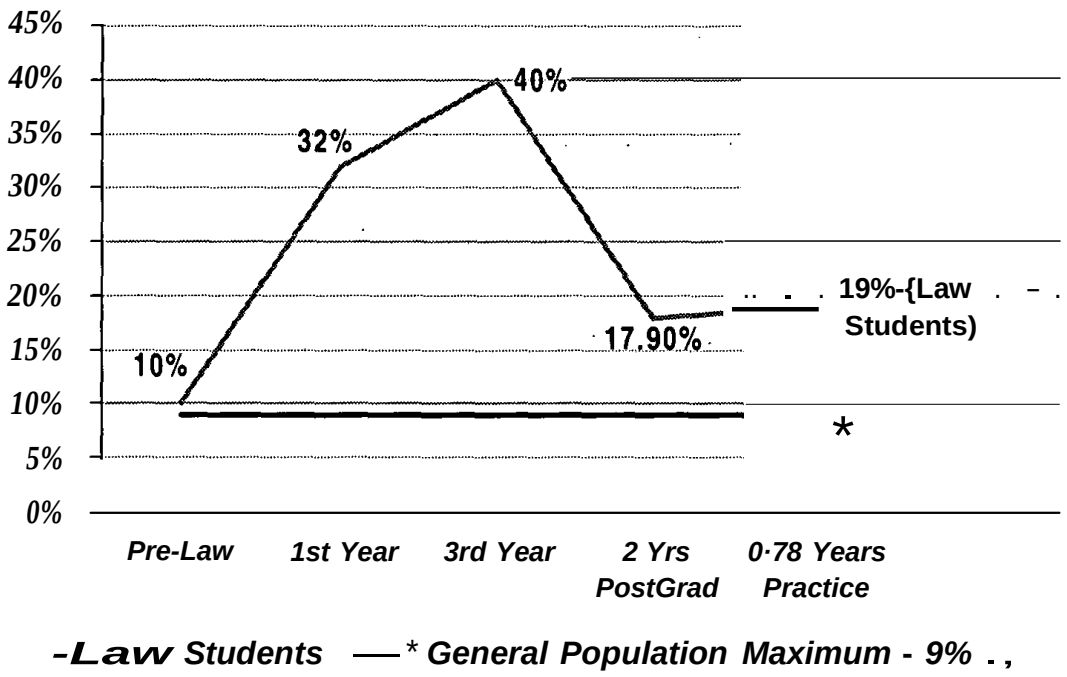
LAWYER DISTRESS

Source: JouRNAL OF LAw AND HEALTH, Volume 10:1 (1996)

Subscale	Lawyers Above 98th Percentile
Obsessive-Compulsive	19.0%
Interpersonal Sensitive	35.3%
Depression	23.4%
Anxiety	30.4%
Phobic Anxiety	10.3%
Paranoid Ideation	12.5%
Social Alienation and Isolation	26.6%
Current Alcohol Abuse	20.0%
Projected Alcohol Abuse	68.0%

Beck, Sales, and Benjamin

DEPRESSION AMONG LAW STUDENTS
(Benjamin *et al.*, 1986 Am. Bar Found. Research, 225)



TIME2: CHANGES IN Aw STUDENT WELL-BEING, VALUEs, AND Mon-*VATION FROM AUGUST 2000 TO MARCH 2001 (SHELDON AND KRIEGER)*

Variables	August	March	p value (change)
Well-Being			
Aggregate Well-being<<>>	4.85	3.88	<.001*
Positive Affect	3.79	3.29	.001*
Negative Affect	2.47	2.66	.003*
Life-Satisfaction	3.53	3.25	.001*
Symptoms	1.95	2.21	.001*
Beck Depression	6.12	7.94	.001*
Values			
Relative Intrinsic Value<<>> Orientation	5.14	4.75	.004*
Financial Success (E)	3.29	3.30	.820
Appealing Appearance (E)	2.31	2.47	.001*
Social Popularity (E)	2.31	2.30	.870
Community Contribution (I)	3.87	3.74	.007*
Personal Growth (I)	4.49	4.44	.180
Emotional Intimacy (I)	4.69	4.64	.110(*)
Motivation for Goals			
Relative Self-Determination <>	4.27	3.65	.001*
External Motivation (E)	1.57	1.76	.001*
Introjected Motivation (E)	2.38	2.34	.640
Identified Motivation (I)	4.29	4.17	.120(*)
Intrinsic Motivation (I)	3.93	3.57	.001*

* denotes statistically significant, or (*) marginally significant results. Significance tests compare the differences between the undergraduate sample and the law sample, and the nursing sample and the law sample.

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Supporting Well Being and Professionalism: Adaptive Needs, Values, and Motivation

1) HUMAN NEEDS (experiences produce sense of well-being, thriving):

— *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)

2) ADAPTIVE MOTIVATION, VALUES, AND GOALS (produce sense of well being, meaning, and satisfaction)

-*Internal Motivation* - (taking action which is satisfying or enjoyable in itself, or which supports an important personal value/goal)
— *Intrinsic Values/Goals* - (toward self-acceptance and development, helping others, intimacy, community)

CONTRAST:

— *Extrinsic goals, values and motivation*
(Produce tension, irritation, dissatisfaction)
— Money/luxury
— Popularity/influence
— Grades and other competitive/external outcomes.

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