

The Inseparability of Professionalism and Personal Satisfaction,

I was excited to hear from Minna Kotkin that the planning committee had designated a plenary session to discuss professionalism and career satisfaction. Up to this point, I think that law teachers and leaders in the profession have taken an excessively superficial approach toward improving professionalism, and the choice of this plenary topic suggests that our segment of the academy is seeking a more fundamental understanding which relates the "professionalism problem" to the issue of life and career satisfaction. Indeed, Calvin Pang's introductory remarks have already set the bar for us, by suggesting that both professionalism and consistently satisfying work proceed from the coherence between one's deeper self and the sense of the high call to better do so, for more coercive reasons including the ethical imperative for bar discipline and the like. Most often, life/career satisfaction is not part of this discussion. As I will discuss later, neither of these motives – the guilt born of aught nor the fear born of a must – is likely to be effective in producing the desired result, because actions based on such motivations are themselves unsatisfying. Such motivation certainly will not fulfill the yearning for authenticity and meaning which Calvin quite rightly posits as a relevant basis for teaching professionalism to students.

To create relevant and effective teaching about professionalism, we need to add the recognition, and clear communication to our students, that their life experience will be enhanced on many levels if they model the wise, compassionate lawyer-statesperson

² generally discussed throughout this conference. This is true for fundamental reasons that relate to human nature itself as we proceed I will refer to humanistic theory and empirical research for a concrete understanding of that nature will also summarize the results of empirical studies on law students that have been able to conduct in the past three years and I will outline for you my teaching approach to these topics – that is proving successful beyond my expectations.

Values and Personal Satisfaction as a Precondition for Teaching Professionalism

I want to emphasize that I begin with a strong dose of the truth as always with my students. This is something too rarely done at our schools, for reasons I have discussed in detail elsewhere.² I tell students the truth about the dismal results of surveys on attorney mental health and career satisfaction, and I tell them

¹ Clinical Professor of Law, Florida State University College of Law

² Anthony T. Kronman, THE LOST LAWYER (1993) Professor Pa

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 pull out the big guns – journals of their student peers now in clinical litigation programs (and who have given permission to share 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 of the profession, often feels like a bold step, primarily because students are unlikely to encounter this information in their other courses. As you may imagine, students are initially taken aback when they see data summaries showing lawyers to have the highest incidence of depression of any occupation in the United States, or to suffer other forms of emotional distress up to 15 times more frequently than the general population.⁵ Nonetheless, the truth is both necessary and helpful, and I encourage you to use it with your students. Experience has shown that you will have their full attention once they are confronted with evidence that their own life satisfaction may soon become (if it is not already) a genuine personal issue.

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 several reasons. First, certain common motivators promote professional behavior, while others undermine it. For example, it is no coincidence that there is so much negative attention, from the public as well as from scholars and bar leaders, relating to the perception 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 this focus makes this discussion most relevant to students and lawyers is that those values and motivations that promote professionalism have been empirically shown to correlate with well-being and life satisfaction, while those that undermine or discourage professionalism empirically relate with distress and dissatisfaction.

The distinction between the two sets of values, and their positive or negative correlation with happiness, becomes central to this discussion. Modern psychology classifies human values and motivation as either intrinsic or extrinsic. The former values direct one toward self-understanding, close relationships with others, prosocial/helping outcomes, and community improvement, while the latter embody a more contingent worth, external

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who strongly values community betterment and who seeks to improve her relatedness with others will create a much more positive effect in the practice of law than one who is “in it for the money” or who has a primary need to impress others with base outcomes, appearance, or acquisitions.

Once these realities and relationships are understood, we recognize professionalism and life/career satisfaction to be essentially inseparable, as inevitable companions within the structure of human nature itself.¹⁰ This conclusion is further supported by pointing out that professional behavior produces satisfaction because it fulfills important human needs. Real professionalism engenders a sense of competence, self-respect, and respect for and from others, as well as imbuing one's work with meaning and providing that sense of authenticity (integrity) that we have raised earlier.¹¹ In humanistic terms, professional behavior expresses psychological maturity (actualization) and fulfillment of higher personal needs, and thus predicts greatly enhanced enjoyment of life and work.¹² The converse is also true. Lawyers who are greedy, abusive, dishonest, overzealous, or who otherwise fail to integrate conscience, good

-Well-being and life satisfaction fell very significantly during the first year. Perhaps more troubling, the generally intrinsic values and motivations of the students shifted significantly toward more extrinsic orientations. In the sample followed for the final two years of law school, these measures did not rebound. Instead, students experienced a far broader dulling of their values beginning in the second year.

The findings that students became depressed and unhappy the first year and remained so throughout law school are consistent with previous studies.¹⁷ Our investigation of values and motivation was the first such study of which I am aware. The data provide empirical support for the concern that I and others¹⁸ have expressed, that the competitive, contingent-orientation of law schools has precisely the opposite impact on students from that which we would hope to see. What appears to push students towards values and motives likely to produce both unhappiness and unprofessional behavior in the future.²⁰ Our data indicate that, despite any efforts at these schools to teach professionalism in the classroom, orientations, workshops, or other typical formats,²¹ the overall law school experience is likely to have an undermining effect on professionalism and career/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 towards undesirable, superficial goals and values.

¹⁷See G. Andrew Benjamin et al., The Role of Legal Education in Producing Psychological Distress Among Law Students and Lawyers

There is a bottom-line message for students and lawyers in all of this: If you have the wrong values, your life will not feel good regardless of how good it looks. And there is a bottom-line message for law teachers as well: We need to do everything possible so that the law school experience preserves and strengthens, rather than dampens, the enthusiasm and idealism of our newly-admitted students. Because intrinsic pursuits are crucial to professionalism and career/life satisfaction, we need to model and encourage them persistently if we 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 works presented here will encourage and assist you in developing your own teaching approach towards these ends.

APPENDIX

This appendix contains key graphics which summarize my teaching approach to 13.58 0 .5814 Tcproa(esent3a)6.i2(e)idea0.4idef w

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, is an indication of insecurity or low self-esteem. The very high level of distress on this scale may relate directly to emphasis on appearances and comparative worth (relative to social 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 are in law school with statistically normal levels of depression compared to a control group, to that level. It is important to note that the mean score for the control group is 3.8 (SD = 4.4) and the mean score for law students is 11.1 (SD = 8.2). The difference is statistically significant, $t(118) = 2.8, p < .001$.

THE PROFESSIONAL

§ BROAD VISION, GOOD JUDGEMENT (WISE)

§ COMMITTED TO VALUES

§ GREAT INTEGRITY (INDIVIDUAL)

§ SELF SECURE, UNSELFISH

§ DEEP REGARD FOR HUMANITY

§ RESPECTFUL (SELF AND OTHERS)

§ COMPASSIONATE

§ SERVICE-ORIENTED

§ TECHNICAL COMPETENCY

Lawyer Distress

Source: Beck, Sales, and Benjamin, *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%

***TIME 2: CHANGES IN LAW STUDENT WELL-BEING, VALUES,
AND MOTIVATION FROM AUGUST 2000 TO MARCH 2001***

(SHELDON AND KRIEGER)

Variables

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 ~~poor~~ qualities, satisfaction with ones self

--**Relatedness** (feel well-connected to others generally, closeness, intimacy with important others

--**Authenticity**