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DREXEL UNIVERSITY  
THOMAS R. KLINE  
SCHOOL OF LAW

MARY ANN FRANKS  
AND THE CULT OF  
THE CONSTITUTION

THE NEW PRISONER'S  
DILEMMA: CONFRONTING  
COVID-19 BEHIND BARS

LISTENING TO  
THE LAW:  
THE RISE OF THE  
LEGAL PODCAST

# VERSIONS & SUBVERSIONS

BECOMING  
A LAWYER  
DOESN'T HAVE  
TO KILL YOU:  
LAW SCHOOLS  
AND WELLNESS

SUBVERSIVE  
INHERITANCE AND  
LIBERATED LEGACIES



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THE LAW:  
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# VERSIONS & SUBVERSIONS

MARY ANN FRANKS  
AND THE CULT OF THE  
CONSTITUTION

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# BECOMING A LAWYER DOESN'T HAVE TO KILL YOU



# HOW LAW SCHOOLS ARE HELPING STUDENTS BE WELL

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by **Caren Chesler**

Peter Huang, a professor at the University of Colorado School of Law, was a bit of a child prodigy. At 14, he studied mathematics at Princeton University, and, by 17, he was enrolled in a graduate program in applied math at Harvard University. He attended law school at the University of Chicago, ultimately earning his J.D. from Stanford Law School. But all these accomplishments came, he said, at the cost of great anxiety and stress. He was ultimately able to cope and thrive because of a mindfulness meditation practice that he picked up from his grandmother as a child.

**1 — Crown Chakra (Sahasrara)**

Corresponds with the emotion anger and is responsible for energies like desire, vitality, inner strength and self-control.

**2 — Third-Eye Chakra (Ajna)**

Third eye lies between the eyebrows and is the only chakra in the mental body. As such, it's the center of command and corresponds with intuition, insight and psychic awareness.

**3 — Throat Chakra (Vishuddha)**

This chakra is thought of as the energy center for creativity, speech, individual needs and will.

**4 — Heart Chakra (Anahata)**

The heart chakra lies in the middle of the chest and is said to guide emotions and feelings like love, forgiveness, compassion and self-esteem.

In an article on the benefits of mindfulness in education, Huang wrote, "It is not even a slight exaggeration to say that mindfulness has saved my life and helped me to achieve and sustain calmness, confidence, happiness, meaning and peace."

Jon Kabat-Zinn, a retired professor of medicine at the University of Massachusetts Medical School and a pioneer in the use of mindfulness to reduce stress and manage pain, has described the practice as "awareness that arises through paying attention, on purpose, in the present moment, non-judgmentally... in the service of self-understanding and wisdom."

Meditation, which is perhaps the best-known mindfulness activity, focuses particularly on breathing. When the meditator's mind wanders, she should let go of the thought or emotion that distracted her and bring her attention back to breathing. Huang believes law students, in particular, can benefit from such a practice. Mindfulness, he explained, can reduce their cognitive biases, rumination and unhappiness, helping them make better, more ethical decisions and develop stronger leadership skills.

Chapin Cimino, a professor at Drexel University's Thomas R. Kline School of Law, agrees. She has studied mindfulness and the law and incorporates mindfulness concepts into her own teaching. "It's a practice of acceptance," she said. From her own experience, Cimino believes mindfulness not only reduces stress but can help practitioners better manage life's inevitable disappointments and frustrations.

**5 — Solar Plexus Chakra (Manipura)**

This chakra, also known as the City of Gems, closely corresponds with the emotion anger and is responsible for energies like desire, vitality, inner strength and self-control.

**6 — Sacral Chakra (Swadhisthana)**

Sacral chakra relates to the water element and is believed to control emotions that center around relationships, sexuality and intimacy.

**7 — Root Chakra (Muladhara)**

The root chakra is connected to the earth element and relates to your natural survival instincts and emotions — especially fear.

**“They [students] are in an environment that threatens their psychological needs—their feelings of being good at something, at being the chooser of their actions, of being meaningfully connected to others.”**

## Stressed-Out Students

When it comes to their well-being, law students certainly need the help. A steady drumbeat of studies published over the past few decades have shown that law school can be bad for students' health. Students frequently become stressed out, riddled with anxiety and downright unhappy by the end of their first semesters—and their distress can extend beyond law school and into their legal careers.

Kennon Sheldon, a professor of psychology at the University of Missouri, and Lawrence Krieger, a professor at the College of Law at Florida State University, have been studying the psychology of law students and lawyers for years, and their findings offer plenty of cause for concern. For a study published in 2004, they evaluated changes in the subjective well-being (SWB), motivation and values of law students and found that they entered law school in better shape than a control group of undergraduates, but by the end of the first year, their well-being had plummeted. The results were consistent with previous studies indicating that the happiness and well-being of law students decline measurably during their first year in law school.

“They are in an environment that threatens their psychological needs—their feelings of being good at something, at being the chooser of their actions, of being meaningfully connected to others,” Sheldon said. “The cultural context is one that disdains student needs and feelings in favor of a sort of elitist detachment.”

Sheldon and Krieger revisited the topic again in 2015 with a focus this time on practicing lawyers rather than students. They surveyed more than 6,000 people (working

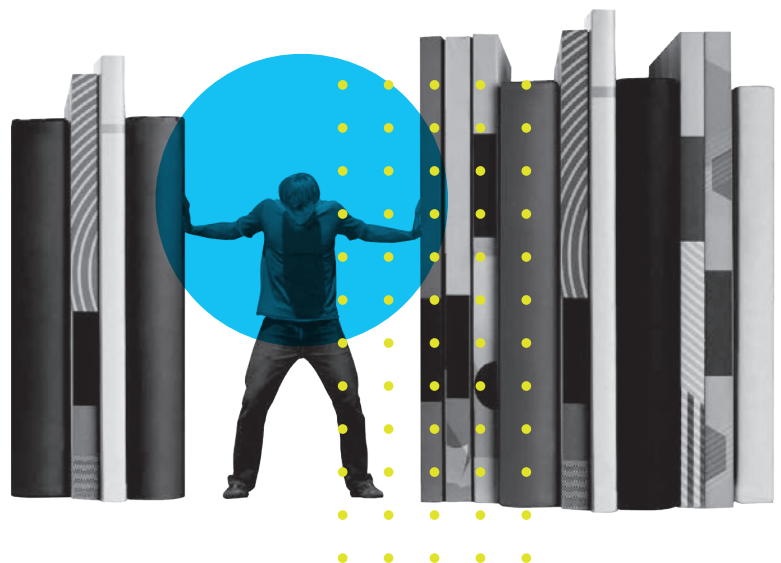
as attorneys, judges and in related fields) in four states with the goal of identifying which specific conditions promote lawyers' well being and satisfaction. Interestingly, they found almost no correlation between the study participants' well being and “external” factors related to wealth and status, including their law school's rankings, their class rank, whether or not they made law review, the extent of their law school debt, their salaries and whether or not they made partner in a firm. In fact, the internal and psychological factors, like the intrinsic motives and values that previous research has shown erode in law school, appear to be the most important predictors of lawyers' satisfaction and happiness.

Why do law students and lawyers focus so much on extrinsic goals, like making law review or partner, when those pursuits often make them unhappy? “Because when you are unhappy and dissatisfied,” Sheldon hypothesized, “you lose perspective and get a little

desperate, trying for anything within reach that others seem to think is valuable.”

In 2017, more bad news for the legal profession arrived with the publication of a report by the American Bar Association's National Task Force on Lawyer Well-Being. Both practicing lawyers and law students, the ABA study concluded, experience chronic stress and high rates of depression and substance use. The task force identified several ways to prioritize well-being within the legal profession and also made recommendations for law schools. Among these: Law schools should better detect which students are in psychological distress, keep better attendance records (which can reveal early warning signs of trouble), hire additional professional counselors, create recovery networks and discourage alcohol-centered social events.

Indeed, the stress that law students experience is hardly surprising—much of it seems to arise from the harshly competitive realities



**Kline is one of many law schools trying to mitigate the damage that a legal education seems to inflict on students' psyches.**



of the professional legal landscape as well as the adversarial nature of our legal system. Some employers won't even interview students who weren't in the top 10 percent of their classes, said Leonard Riskin, a visiting professor at Northwestern University's Pritzker School of Law.

"It's very intense for a lot of people, in part, because grades have strong impact on your surface qualifications for getting a job," Riskin said. "It should not be that way, because the grading system is not that accurate, but generally, employers want to know."

Another problem is inherent in the way law is taught: For their primary texts, students are typically assigned judicial opinions of cases that have been litigated, and the parties involved usually end up as winners or losers. "It's a win-lose situation, and that kind of thinking pervades legal education," Riskin said. "There's a rivalry built in." Finally, there is the stress of being called on by professors, a phenomenon that occurs much more frequently in law school than in the typical undergraduate class.

### Law Schools Respond

Kline is one of many law schools trying to mitigate the damage that a legal education seems to inflict on students' psyches. Law schools currently offering courses that focus on student wellness include the University of California Berkeley, the University of Colorado Boulder, the University of Florida, Florida State University, the University of Missouri, the Penn State Dickinson Law School, the University of San Francisco and Suffolk University.

More traditional wellness offerings include massages, therapy dogs, and yoga—extra-curricular approaches aimed at reducing stress and helping students feel better. But at Kline, wellness has also become an integral element of the curriculum. Faculty teach courses that focus on such themes as healing and justice as well as less adversarial ways to resolve disputes. Some are now required courses for first-year law students, to help them better navigate what is understood to be a particularly stressful period.

"We've now tried to institutionalize a component of wellness and well-being, as part of our orientation and programming for all first-year students," said Susan Brooks, the associate dean for experiential learning at Kline. "It used to be that a large focus of that was cautioning or sensitizing them about the

more severe things that could happen to them with respect to mental health, and that they should pay attention to those red flags. Now, for the last five years, we're trying to approach this in a much more holistic way with a focus on helping them develop positive habits of mind and practices for wellness and community building."

Brooks has incorporated sessions on "Becoming a Self-Aware Professional" into several of her classes and workshops. Her goal is to help students harness their individual strengths and values, cultivate self awareness, build resilience and develop strategies for well-being. She asks students to identify what makes them react negatively and how they manage situations and people that may provoke them to respond in counterproductive ways. Is it the Socratic Method of teaching? The pressure to get good grades or make law review? Job searches?

In a session she has offered to both students and attorneys titled "Cultivating Self-Awareness, Resilience, and other Relational Skills for Effective Lawyering," Brooks has focused students on such relational skills as effective listening, how to take account of context and culture, and how to act with empathy and compassion. Students recount their experiences of overcoming their own challenges. What did they say? What internal resources did they draw upon? The session also examines trauma and its effects on the brain and explores constructive strategies for managing panic-inducing situations.



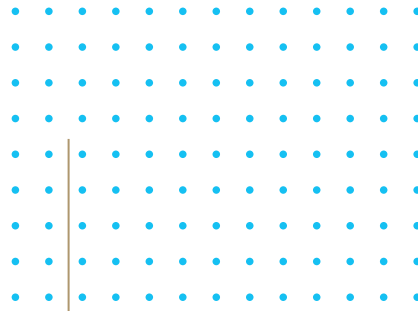
In these courses and programs, Brooks encourages her students to develop holistic strategies for managing the stress and discomfort that can arise from their chosen profession. “It’s not about, ‘Can I get up in the morning and meditate every day?’” Brooks said. “I think this idea of wellness and self-care is how to apply the increased awareness of situations that might be challenging and cultivate appropriate tools so that students have more ability to navigate through those situations successfully.”

Students, Chapin Cimino explained, often have a zero-sum mindset, believing that if classmates perform better than they do, they themselves must therefore be doing worse, a notion that’s perpetuated by the grading curve. “No matter how much you tell them they’re not competing with their classmates, that they’re doing their own personal best, they don’t hear it that way” she said. “I think law schools, through pedagogy, are trying to change that,” she continued. “Most law schools are really paying attention to how they can make this experience better, because they’re finding people learn better when their experience is better.”

Several years ago, Cimino began leading a mindfulness book discussion group that eventually evolved into a drop-in meditation group. This past spring, she offered a class called “Contemplative Lawyering,” which has appealed in particular to third-year law students seeking ways to manage the stress associated with their upcoming bar exam. The class encourages students to consider whether it’s possible to be happy in a profession built on conflict, and, if so, can a practice of mindfulness serve that end? Cimino leads students in guided meditations and asks them to meditate at home for five minutes each day and then record their mindfulness experiences in a journal.



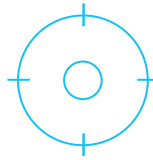
## 10 steps to mindfulness meditation



1 —  
Create time  
and space



6 —  
Direct  
attention to  
your breath



2 —  
Set a timer



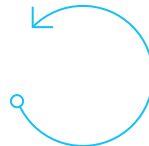
7 —  
Maintain  
attention to  
your breath



3 —  
Find a  
comfortable  
sitting  
position



8 —  
Respect  
steps 6  
and 7



4 —  
Check your  
posture



9 —  
Be kind to  
yourself



5 —  
Take deep  
breaths



10 —  
Prepare  
for a soft  
landing



## The Magic of Mindfulness

Empirical research on mindfulness supports Cimino's confidence in its effectiveness. Mindfulness, studies confirm, improves practitioners' perspective-taking abilities and makes them more compassionate—toward others and themselves.

Because mindfulness can help students manage stress, it can also make them better test takers, according to new research. In one recent study, 47 first-year law students at the University of Missouri volunteered to take mindfulness training in the eight weeks leading up to final exams, which is considered to be the most anxiety-filled time for a new law student. Baseline measures showed that students in the test group were significantly more stressed, less focused and more unhappy than those in a control group. Study author Richard Reuben, a law and journalism professor at the University of Missouri, hypothesized that their higher stress levels may have prompted the volunteers to participate in the study in the first place.

"The first half of that semester is like spring training. Everyone thinks, 'Oh, I really got this. I'm going to be at the top of the class.' It's the second half of that semester that is the official freak-out period of law school. That's why we chose that period," Reuben said. "We wanted to see what students did in extreme pressure."

When the two groups of students were surveyed again at the end of the semester, both groups reported similar levels of stress. Given the pressures they faced over those eight weeks, Reuben said it would have been reasonable to expect that the well-being scores of both groups would have declined, but that the scores of the mindfulness study participants might have declined by less. So, he was surprised to discover that the scores of the students in the test group actually improved.

"They were in better shape at the end of the semester, in terms of stress. They were less stressed, more focused and happier," Reuben said. "That's striking." In fact, one student, who had a history of being anxious before taking tests, approached him after the training and told him she was looking forward to her exams.

"I don't hear that from first-year students," Reuben said. "I asked her what she was going to do when the exam hits the desk and your life flashes before your eyes, and she said, 'I'm going to know that it is just a fearful thought that I can let go of, and I'll bring my attention back to the exam.'"

Mindfulness, studies confirm, improves practitioners' perspective-taking abilities and makes them more compassionate—toward others and themselves.



Reuben thinks the mindfulness training taught the students how to both concentrate and let go of distractions. “That is the essence of the mindfulness practice. It’s about being in the present and not being distracted by worries about the past or fears of the future—simply being present,” he said.

Cimino’s colleague Gwen Roseman Stern, who directs Kline’s trial advocacy program, also incorporates mindfulness exercises into her courses. Like Reuben, she has seen firsthand how mindfulness exercises can help students gain insight into themselves and their fears. For example, following a guided meditation, she has asked students to write down what they hope to get from her course in trial advocacy and also what scares them about it. “I get answers,” she said, “that blow me away.” The stillness and clearness they gain from the meditation, she explained, enable them to honestly identify and state “fears they never would have shared without the chance to be still.” Stern believes strongly that Kline students would

benefit from having a room on campus dedicated solely to meditation and yoga.

Leonard Riskin, who has practiced and taught mindfulness for decades, became interested in the topic because, he said, he was “very anxious and miserable” in law school. But it wasn’t until he became a law professor that he realized he had not been alone in his law school misery.

In addition to mindfulness classes, Northwestern’s Pritzker School also offers yoga, a running group and a program called “Circles,” which is borrowed from Native American traditions. Law students and faculty sit in a circle and pass around an object and talk about whatever they want to talk about, with the stipulation that you may only speak when holding the object. “A lot of our students love that,” Riskin said.

Law schools are waking up to the realization that the process of becoming a lawyer doesn’t need to be so painful and psychologically destructive. But that doesn’t mean it

should be—or ever will be—easy. The challenge, explained Susan Brooks, is finding the balance between well-being and manageable, healthy levels of discomfort. Having a comfort zone is great, and everyone likes to be in that zone, but it’s not a place of learning, she said. Becoming a lawyer, she said, will inevitably “require a lot of stretching and discomfort, and yet there’s a productive discomfort that represents important growth and will serve students well throughout their future professional careers.”

*Caren Chesler is a journalist whose work has appeared in The New York Times, The Washington Post, Smithsonian and Wired UK, among others.*