

# LAWYERS AND THEIR ELUSIVE PURSUIT OF HAPPINESS: DOES IT MATTER?

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Happiness is the meaning and the purpose of life, the whole end of human existence.

–Aristotle, 320 B.C.<sup>1</sup>

I don't give a damn about the happiness of lawyers.

–U.S. District Court Judge, April 2011<sup>2</sup>

## I. INTRODUCTION

Does happiness as a lawyer—however you define happiness—matter as a question of legal professionalism? Does the well-being of law students make any difference in their education? Is there any reason for law firms, corporations, clients, bar associations, or the judiciary to be concerned about whether the lawyers they encounter are languishing, flourishing, or merely getting by? Much has been said about the plight of lawyers today—a depressed,<sup>3</sup> anxious,<sup>4</sup> suicidal,<sup>5</sup> alcoholic group—<sup>6</sup> and those are the ones with jobs.<sup>7</sup> Those without

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1. ARISTOTLE, NICOMACHEAN ETHICS § 7 (Jonathan Barnes ed., 1984).

2. Remarks of a federal judge to the author following a speech on lawyers and happiness at the Eleventh Circuit Judicial conference in Orlando, FL, in April, 2011.

3. Patrick J. Schiltz, *On Being a Happy, Healthy, and Ethical Member of an Unhappy, and Unethical Profession*, 52 VAND. L. REV. 871, 874 (1999) (“Lawyers . . .suffer[] from [major depressive disorder] at a rate 3.6 times higher than non-lawyers who shared their key sociodemographic traits.”).

4. *See id.* at 876. (“Over 25% of North Carolina lawyers reported that they had experienced physical symptoms of extreme anxiety (including trembling hands, racing hearts, clammy hands, and faintness) at least three times per month during the past year.”).

5. *See id.* at 879–80. (“A review of the death certificates of over 26,000 white male suicide victims by the National Institute for Occupational Safety and Health suggested that the suicide rate for white male lawyers may be over twice that of other white males.”).

employment are broken by debt<sup>8</sup> and are without hope, so the literature and common wisdom would have us believe. While evidence shows there is some truth in such common wisdom, the actual picture is far more varied and complex. Lawyers occupy positions of great significance and influence throughout society, from the Oval Office to law school deans, to CEOs to public defenders working in small towns across America, many of whom are thriving psychologically and emotionally. To indict an entire profession, as mainstream commentators seem wont to do, is wrong. However, to ignore the issue is morally suspect.

While much has been written on this topic of late,<sup>9</sup> such writing usually focuses on the psychological or economic aspects of attorney well-being. As to the former, the literature is generally remedial in nature (stress management, work-life balance) or trained upon the portion of the population with clinically diagnosable issues.<sup>10</sup> As to the economic issues, the literature concerns itself with the changes in the business of law over the past several decades, and how the application of business school models to profitability have made the practice far less collegial and enriching than before.<sup>11</sup> Although it is clear that the dreaded billable hour has a large role in the pervasive unhappiness of lawyers, that ground has been well covered by others.

Instead, my focus in this essay is whether well-being is a critical component of legal professionalism—is a happier lawyer a better lawyer?—an issue less considered. If so, should legal institutions work to promote well-being among

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6. *Id.* at 876. (“One researcher conservatively estimated that 15% of lawyers are alcoholics.”).

7. See David Segal, *Is Law School a Losing Game?*, N.Y. TIMES (Jan. 18, 2011), <http://www.nytimes.com/2011/01/09/business/09law.html?pagewanted=all> (“In reality, and based on every other source of information, . . . a generation of J.D.’s face the grimmest job market in decades. Since 2008, some 15,000 attorney and legal-staff jobs at large firms have vanished, according to a Northwestern Law study.”).

8. See *id.* (“I think the student loans that kids leave law school with are more scandalous than payday loans,” says Andrew Morris, a law professor at the University of Alabama. “And because it’s so easy to get a student loan, law school tuition has grossly outpaced the rate of inflation for the last 20 years. It’s now astonishingly high.”).

9. The academic literature on lawyer unhappiness includes, non-exhaustively: Richard Delgado & Jean Stefancic, *Can Lawyers Find Happiness?*, 58 SYRACUSE L. REV. 241 (2008); John P. Heinz, Kathleen E. Hull & Ava A. Harter, *Lawyers and their Discontents: Findings from a Survey of the Chicago Bar*, 74 IND. L.J. 735 (1999); Ronald L. Hirsch, *National Survey of Lawyers’ Career Satisfaction, Wave I, 1984, and Wave II, 1990*, INTER-UNIVERSITY CONSORTIUM FOR POLITICAL AND SOCIAL RESEARCH (1993); Peter H. Huang, *Happiness in Business or Law*, 12 TENN. J. BUS. L. 153 (2011); Kathleen E. Hull, *Cross-Examining the Myth of Lawyers’ Misery*, 52 VAND. L. REV. 971 (1999); Nancy Levit & Douglas O. Linder, *Happy Law Students, Happy Lawyers*, 58 SYRACUSE L. REV. 351 (2008); Patrick J. Schiltz, *supra* note 3; Martin E. P. Seligman, Paul R. Verkuil & Terry H. Kang, *Why Lawyers Are Unhappy*, 23 CARDOZO L. REV. 33, (2001).

10. See generally, e.g., G. Andrew H. Benjamin et al., *The Role of Legal Education in Producing Psychological Distress Among Law Students and Lawyers*, 11 AM. B. FOUND. RESEARCH J. 225 (1986) (describing the development of psychopathological issues in law school students).

11. See, e.g., MICHAEL H. TROTTER, *PROFIT AND THE PRACTICE OF LAW: WHAT’S HAPPENED TO THE LEGAL PROFESSION* (1997). Trotter, a prominent Atlanta lawyer, writes a wistful account of working in the top corporate firms in Atlanta during the decades of greatest change, the 60s through the 90s.

lawyers? The intention is not to answer every question in full, but to raise them in order to encourage more dialogue in the legal academy and profession on these topics.

In this essay, I touch upon recent research establishing a strong relationship between well-being and work in the business world, asking why this relationship seems to be of little concern to the legal profession. I review the reasons that have been offered to explain this, including my own. I address the question many lawyers and law professors might ask—so what? In conclusion, I argue that well-being is in fact an important component of legal professionalism, and it is in the interests of enhancing the profession and its role in society that its leaders institute measures to better understand and promote it.

## II. WELL-BEING, WORK, AND THE LEGAL PROFESSION

Research into behavior, cognition, positive emotions, and personality and their role in performance in demanding, stressful professions is well underway on a number of fronts.<sup>12</sup> This research indicates that optimism, resilience, positive emotions, grit, social intelligence and character strengths are strong predictors of performance among individuals and groups—perhaps as much as skills and raw intelligence.<sup>13</sup> This research has also convinced many that deliberate efforts to promote well-being are worthy of application in organizations and as tools of public policy.<sup>14</sup>

The Gallup Corporation is the world's largest survey organization and has a robust business consulting and an analytical wing using its vast amount of survey data. Its studies grounded in this data, reproduced on its website<sup>15</sup> and in books and reports, repeatedly emphasize the importance of well-being in the workplace, claiming that engaged, optimistic, and happy workers are more likely to be top performers, produce higher quality work, are less likely to get sick, and are less likely to change jobs.<sup>16</sup> McKinsey & Co., the giant consulting firm and

12. See, e.g., University of Pennsylvania Positive Psychology Center (Apr. 8, 2012), <http://www.ppc.sas.upenn.edu/>; Center for Organizational Scholarship - University of Michigan Ross School of Business (Apr. 8, 2012), <http://www.bus.umich.edu/positive/center-for-pos/>.

13. See, e.g., Stewart I. Donaldson & Ia Ko, *Positive organizational psychology, behavior, and scholarship: A review of the emerging literature and evidence base*, 5:3 JOURNAL OF POSITIVE PSYCHOLOGY 177-191 (2010) (a meta-analysis reviewing multiple studies supporting the claim that well-being is closely related to various aspects of work performance and satisfaction).

14. For instance, the U.S. Army has incorporated this type of research into its resilience training program. See U.S. Army Medical Dep't, Resilience Training, <https://www.resilience.army.mil/> (last visited May 6, 2012); Daniel Bowling, *You're in the Army Now*, The Careerist (Apr. 18, 2011) ("In response to increased incidents of mental and emotional distress among troops facing repeated deployment, the Army started working with positive psychologists from the University of Pennsylvania in 2009 to teach resilience skills to the 1.1 million men and women in uniform. Using warrior-friendly terms like "mental toughness" and "battle-mind," the program teaches techniques to reduce pessimism and anxiety—the building blocks of stress disorder."); see also Derek Bok, *The Politics of Happiness: What Government Can Learn From the New Research on Well-Being* (2010).

15. Gallup, available at <http://www.gallup.com/home.aspx> (last visited Feb. 10, 2015).

16. See, e.g., TOM RATH & JIM HARTER, WELLBEING: THE FIVE ESSENTIAL ELEMENTS 139 (2010), which is based upon decades of surveys involving tens of thousands of respondents in the

perhaps the most prestigious business consulting firm in the U.S., routinely highlights findings on workplace well-being in its research, and encourages employers to focus upon it as a core human resources metric.<sup>17</sup>

This brief mention of the growing emphasis on well-being in the business world, while not the focus of this essay, is offered in contrast to what is *not* happening in the law. Based upon a review of the literature, it appears any emphasis on workplace happiness as a means to increased performance has bypassed the legal industry in contrast to the sizable amount of information available on lawyer distress.

### A. What's Up With Lawyers?

The “pursuit of happiness”<sup>18</sup> is a phrase written by a lawyer, Thomas Jefferson, but somehow its pursuit has proved futile for many members of the legal profession and those aspiring to its ranks.<sup>19</sup> It has been documented that lawyers as a whole suffer from higher rates of depression than other professions or job classifications, along with accompanying social maladies such as substance abuse and suicide.<sup>20</sup> Law students have also been shown to suffer emotional distress exceeding that of medical students, the two being comparable populations in that both are highly selective and competitive professional disciplines.<sup>21</sup> A recent survey of students at Yale Law School suggests that up to

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workplace. Rath is former head of Gallup's workplace consulting group, and holds a master's degree in positive psychology from the University of Pennsylvania.

17. See, e.g., *McKinsey Quarterly – May 2010*, MCKINSEY & CO., [http://www.mckinseyquarterly.com/newsletters/chartfocus/2010\\_05.htm](http://www.mckinseyquarterly.com/newsletters/chartfocus/2010_05.htm) (last visited May 6, 2012) (“Respondents to a McKinsey survey think that three noncash motivators—praise from immediate managers, attention from leaders, and a chance to direct projects—are at least as effective as the three most highly rated monetary ones. These nonfinancial incentives make employees feel that their companies value them, want to foster their professional development, and take their well-being seriously. Most studies on motivating employees emphasize these three principles.”).

18. THE DECLARATION OF INDEPENDENCE.

19. “Happy” is a word of many different meanings to different people. Some have gone so far as to argue that it is so incapable of definition that it is of little use in public policy debates. See Matthew D. Adler, *Happiness Surveys and Public Policy: What's the Use?*, 62 DUKE L. J. 1509 (2013). Here, in the context of an overview of the state of the legal profession, I am using the term in a broad way that encompasses subjective life appraisal, the presence in one's life of positive emotions, and the general absence of mental illness. Later I will explore the construct most often associated with Aristotle - *eudaimonia* - which I argue is the definition most closely related to happiness in the legal profession.

20. For an excellent summary of this data, see generally Peter H. Huang & Rick Swedloff, *Authentic Happiness & Meaning at Law Firms*, 58 SYRACUSE L. REV. 335 (2008), including notes 3–6 and accompanying text. For a comprehensive review of the data on alleged lawyer unhappiness, see Andrew H. Benjamin et al., *The Prevalence of Depression, Alcohol Abuse, and Cocaine Abuse Among United States Lawyers*, 13 INT'L J.L. & PSYCHIATRY 233 (1990). It should be noted that the North Carolina Bar is planning another survey of the well-being of its membership and hopefully will find contrasting results. See Board of Directors of the North Carolina Bar Association, Final Report and Recommendations of the Strategic Planning & Emerging Trends Committee 14 (2010) (“The NCBA should continue to study the pressures that affect quality of life and provide solutions to our members and the profession.”).

21. Matthew M. Dammeyer & Narina Nunez, *Anxiety and Depression Among Law Students: Current Knowledge and Future Directions*, 23 LAW & HUM. BEHAV. 55 (1999).

seventy percent of students suffer from some form of mental distress while matriculating.<sup>22</sup> The psycho-social ills of lawyers and law students seem unfathomable given the high levels of education, affluence,<sup>23</sup> and respect they enjoy (or will enjoy)—factors which predict happiness in most other domains.

One theory offered by Martin E.P. Seligman, a former American Psychological Association President (Division of Clinical Psychology) and perhaps the most prominent “happiness” researcher in the World,<sup>24</sup> is that law rewards persons with a psychological tendency for depression. According to Seligman and his colleagues, happy people outperform their counterparts on almost every measure of job success in every profession and job category with the exception of one group: lawyers.<sup>25</sup>

In a longitudinal study conducted at the University of Virginia School of Law, students were measured for optimistic and pessimistic explanatory styles. Over the course of their law school careers, the pessimists performed better, at least as measured by law review status. Seligman and colleagues extrapolated that this success would continue in practice, and indeed, law review status certainly is a career asset. Thus, they concluded, law rewards pessimism,<sup>26</sup> and inasmuch as pessimism can be a predictor of depression and/or lower levels of life satisfaction,<sup>27</sup> it should not be a surprise that the “pursuit of happiness” has proved elusive for many members of the legal profession and those aspiring to its ranks.

In addition to the evidence of psychosocial dysfunction among lawyers,<sup>28</sup> there is also considerable evidence of high career dissatisfaction among practitioners, with many leaving the profession or performing well below their capability.<sup>29</sup> An important point is this data pre-dates the recent economic

22. Falling Through The Cracks: A Report on Mental Health at Yale Law School, YALE LAW SCHOOL MENTAL HEALTH ALLIANCE, Dec. 2014, available at <http://www.scribd.com/doc/252727812/Falling-Through-the-Cracks#scribd> While I am somewhat skeptical about the methodology and how low the bar for “mental distress” was set by the survey, the results are startling nonetheless.

23. See e.g., Martin E. P. Seligman, Paul R. Verkuil & Terry H. Kang, *supra* note 9 at 36-37 (“Associates at top firms can earn (with bonuses) up to \$200,000 per year in their first year of practice. In the last decade, lawyers have surpassed doctors as the highest-paid professionals.” (footnote omitted)).

24. *Seligman Bio*, UNIVERSITY OF PENNSYLVANIA POSITIVE PSYCHOLOGY CENTER, <http://www.ppc.sas.upenn.edu/bio.htm> (last visited May 6, 2012).

25. See *supra* note 9 and accompanying text.

26. See, e.g., *id.* at 40 (“[W]hile pessimists tend to be losers on many fronts, there is one striking exception: pessimists may fare better in law.”).

27. See *id.* at 41 (“Pessimism is well-documented as a major risk factor for unhappiness and depression.”); Julie Stoiber, *That Outward Success Often Hides Stress Inside Local Lawyers*, PHILA. INQUIRER, Sep. 18, 1995, at F1 (“Lawyers have a dubious distinction in the United States: They are more likely to suffer depression than any other workers, according to a study of 104 occupations conducted at Johns Hopkins University in Baltimore. A lawyer’s likelihood of depression is 3.6 times the national average.”).

28. See *supra* notes 3-6 and accompanying text.

29. See Schiltz, *supra* note 3, at 882 (“Almost a quarter of North Carolina lawyers said that, if given the choice, they would not become attorneys again; almost half said that they hope to leave the

recession that significantly impacted hiring by law firms. A 1994 survey of California lawyers showed them to be “profoundly pessimistic” about the practice of law.<sup>30</sup> As noted above, half of North Carolina lawyers don’t plan to retire as attorneys.<sup>31</sup> Surveys conducted by the Young Lawyers Division of the American Bar Association over the past two decades consistently show a quarter of recent graduates to be dissatisfied with their choice of profession.<sup>32</sup>

Apparently, this trend of personal and professional dissatisfaction begins in law school. One study shows that although persons entering law school are as emotionally healthy as others prior to entering law school (only 4% report depression) that figure rises to 20% during the first year.<sup>33</sup> By the third year, 40% of the students in the study had shown statistically significant levels of depression.<sup>34</sup> The Yale study referenced above,<sup>35</sup> while not as rigorous in methodology as Benjamin and Shanfield’s, indicated close to 70% of law students surveyed reported some level of mental distress.

## B. Lawyers are unhappy and they have no balance in their lives? So what?

Not surprisingly, given the visible and influential role lawyers play in American society, their unhappiness has been the subject of much commentary, ranging from blog sites with names like BitterLawyer.com<sup>36</sup> and AboveTheLaw.com,<sup>37</sup> to scholarly treatments in academic journals.<sup>38</sup> What is surprising is the lack of voices arguing that the increasing emphasis on well-being in business should be applied to law, even though law practice has

practice of law before the end of their careers.”). *But see generally* Kathleen E. Hull, *supra* note 9 (refuting Schiltz’s documentation of dissatisfaction in the legal profession).

30. Deborah R. Hensler & Marisa E. Reddy, RAND INSTITUTE FOR CIVIL JUSTICE, CALIFORNIA LAWYERS VIEW THE FUTURE: A REPORT TO THE COMMISSION ON THE FUTURE OF THE LEGAL PROFESSION AND THE STATE BAR 9 (1994), available at [http://www.rand.org/pubs/monograph\\_reports/2007/MR528.pdf](http://www.rand.org/pubs/monograph_reports/2007/MR528.pdf).

31. *See supra* note 29, referencing NORTH CAROLINA BAR ASS’N, REPORT OF THE QUALITY OF LIFE TASK FORCE AND RECOMMENDATIONS 4 (1991).

32. Nancy Levit & Douglas O. Linder, *The Happy Lawyer: Making a Good Life In The Law*, (2010). Professors Levit and Linder suggest that the YLD data understate the overall level of dissatisfaction among young lawyers given that the sample only includes lawyers who voluntarily joined that organization and are presumptively are “happier” than a more representative sample. *See* p. 246, note 8.

33. *See* G. Andrew H. Benjamin et al., *The Role of Legal Education in Producing Psychological Distress Among Law Students and Lawyers*, 11 AM. B. FOUND. RESEARCH J. 225, 247 (1986) (“Specifically, on the basis of epidemiological data, only 3-9% of individuals in industrial nations suffer from depression; prelaw subject group means did not differ from normative expectations.” (footnote omitted)).

34. *Id.* at 246 (“Elevations of symptom levels significantly increase for law students during the first to third years of law school. Depending on the symptom, 20-40% of any given class reports significant symptom elevations.”).

35. Dammeyer & Narina Nunez, *supra* note 21.

36. BITTERLAWYER.COM, <http://www.bitterlawyer.com/> (last visited May 6, 2012).

37. ABOVEHELAW.COM, <http://www.abovethelaw.com/> (last visited May 6, 2012).

38. For a non-exhaustive list of current scholarly literature on lawyer unhappiness, see *supra* note 9 and accompanying text.

mimicked more financially and analytically-based business practices for years. Relatively few scholars have addressed or offered rebuttals to why the federal judge's statement at the beginning of this essay—"I don't give a damn about the happiness of lawyers"—is misguided.<sup>39</sup>

A prevailing point of view, or at least the normative one, seems to be that we should not care about the well-being of lawyers beyond terms of mental illness. Law is a profession, a "proud and jealous mistress," according to the old saw. Its practitioners commit themselves, under this perspective, to lives devoted to the interests of others, not their own emotional needs. While well-compensated,<sup>40</sup> the practicing lawyer leaves to others the life-changing riches dangled by business and entrepreneurial careers, even though most lawyers surely have the intellect necessary to pursue such careers with equal or greater chances of success.

Happiness was never a promise, this line of reasoning continues. Long hours and suffering are badges of honor; it can be a lonely profession. Indeed, Oliver Wendell Holmes speaks of those moments of practice when "the rats gnaw from within," and "you have felt around you a black gulf of solitude more isolating than that which surrounds the dying man."<sup>41</sup>

### C. Is the Evidence Overstated?

The good news is that upon closer examination, the evidence of lawyer distress is not as one-sided as popular imagination would have it. For example, Kathleen Hull, in *Cross-examining the Myth of Lawyer's Misery*,<sup>42</sup> cites evidence from an extensive survey of Chicago-area lawyers showing most enjoyed relatively high levels of job satisfaction.<sup>43</sup> A recent empirical study conducted by author and colleague, Margaret Kern, Ph.D., of the 2010–2011 entering law school classes at Emory University and American University, showed the students were more optimistic than most American adults, a good predictor of happiness.<sup>44</sup> In informal surveys of over a hundred Duke University law students during 2010–2014, using common well-being measures, the students reported levels of life

39. This judge doesn't speak for all judges. A judge of the Georgia Court of Appeals observed recently, "What lawyer isn't interested in being more happy?" Letter from a Ga. Court of Appeals judge to author (Jan. 30, 2012) (on file with author). Former North Carolina Justice Robert N. Hunter, Jr. of the North Carolina Court of Appeals is a leader in efforts of the North Carolina Bar Foundation to shed light on lawyer distress. He leads an organization called BarCARES, which focuses on the psychological and emotional distress the law visits upon some of its practitioners.

40. See *supra* note 9 and accompanying text.

41. Quoted by MARY ANN GLENDON, *A NATION UNDER LAWYERS: HOW THE CRISIS IN THE LEGAL PROFESSION IS TRANSFORMING AMERICAN SOCIETY* 86 (1994).

42. Hull, *supra* note 9.

43. *Id.* at 974; see also John P. Heinz, Kathleen E. Hull & Ava A. Harter, *supra* note 9, at 736 ("When we asked Chicago lawyers how satisfied they were with their jobs, 84% reported that they were either satisfied or very satisfied.").

44. Margaret L. Kern and Daniel S. Bowling, III, *Character Strengths and Academic Performance in Law Students*, 55 J. OF RESEARCH IN PERSONALITY 25 (2015). Although this study did not measure optimism directly, the intensity of the self-reported positive character traits as compared to similar populations serves as a useful proxy for optimism.

satisfaction and positive mood close to the U.S. adult level.<sup>45</sup> In a recent empirical study of over six thousand U.S. lawyers, it was shown that lawyers are not dissimilar from adult non-lawyer populations in reported well-being and the factors that influence their happiness.<sup>46</sup>

Perhaps the well-being of a given lawyer depends upon the type of practice in which the lawyer engages. Well-being, or the lack thereof, is not spread evenly throughout the legal profession. Survey data indicates lower levels of well-being among lawyers in large private law firms, leading some to claim the well-chronicled depressive tendencies of the legal profession are concentrated, if not isolated, in large law firm practice.<sup>47</sup> A recent empirical study supports this contention, showing that a lawyer's type of practice has a significant impact on her career satisfaction, with large firm practitioners reporting lower levels of satisfaction.<sup>48</sup>

Seligman himself is a bit wary of the sweeping general conclusions laymen make,<sup>49</sup> citing his study of law students at the University of Virginia in 1986, which found that pessimism—a predictor of increased rates of depression—was correlated with law school success.<sup>50</sup> “Far more research is needed . . . [N]o one to date has done the controlled longitudinal study of lawyer happiness that is necessary to form more definitive conclusions.”<sup>51</sup> Seligman devotes a chapter on law and lawyers in his book *Authentic Happiness*, arguing that the application of “positive psychology” techniques—briefly discussed in the conclusion of this essay—can improve the well-being of lawyers.<sup>52</sup>

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45. Results on file with author.

46. Lawrence S. Krieger & Kennon M. Sheldon, *What Makes Lawyers Happy? Transcending the Anecdotes with Data from 6200 Lawyers*. 85 GEORGE WASHINGTON UNIV. L. REV. (forthcoming 2015).

47. See, e.g., Schiltz, *supra* note 3, at 888 (“A 1997 survey of partners in the 125 largest American law firms found that one third of those partners—lawyers who, in the eyes of many, have reached the pinnacle of their profession—would choose a different career if they could do it over again.”).

48. Kenneth Dau-Schmidt *et al.*, “*The Pride of Indiana*”: *An Empirical Study of the Law School Experience and Careers of Indiana University Law Alumni*, 81 IND. L.J. 1427 (2006). In this study, it was found that hours, income, and job satisfaction are highly variable across the legal profession. *Id.* The data showed while lawyers in large law firms work longer hours for more money than government and public interest lawyers report they report lower satisfaction. *Id.*

49. A Google search of the terms “Seligman Lawyers and Pessimism” on February 20, 2015, returned thousands of links, many to blogs and internet posts repeated the claim “lawyers are pessimists” with no evidence other than second-hand accounts of Seligman’s study.

50. Seligman, Verkuil & Kang, *supra* note 9, at 40–41 (“The students of the University of Virginia School of Law, Class of 1987, were tested for optimism-pessimism with the Attributional Style Questionnaire (‘ASQ’). The ASQ is a standardized self-report measure of ‘explanatory style’—one’s tendency to select certain causal explanations for good and bad events. To date the ASQ has been administered to more than half a million American adults. In the University of Virginia Law School sample, the students’ performance was then tracked throughout law school as it related to their initial explanatory style. In sharp contrast to results in other realms of life, law students whose attributional style defined them as “pessimistic” actually fared better than their optimistic peers. Specifically, the pessimists outperformed more optimistic students on traditional measures of achievement, such as grade-point average and law journal success.”) (footnotes omitted).

51. *Id.* at 52.

52. MARTIN E.P. SELIGMAN, *AUTHENTIC HAPPINESS: USING THE NEW POSITIVE PSYCHOLOGY TO*



Regardless, it cannot be disputed that the study and practice of law is placing a significant number of people in distress, and for this reason alone, it is worthy of our attention.

### III. RELATIONSHIP OF WELL-BEING AND LEGAL PROFESSIONALISM

“It is impossible that the well-documented decline in legal professionalism and wellbeing among lawyers is not closely related.” - John Witte<sup>53</sup>

I argue in this essay that a happy lawyer is a better lawyer and a more effective, ethical advocate for her clients, in the hope of influencing professional leaders as well as academics. However, given the skeptical nature of the profession<sup>54</sup> and its normative standards, this is a difficult task. Referencing “soft” business approaches born of social science and human resources management, as opposed to the hard skills of advocacy, runs head into lawyers’ natural skepticism. It is important, therefore, to consider well-being from within the context of legal professionalism; not only because they are closely intertwined, but also to engage in serious dialogue with leaders of most legal institutions.<sup>55</sup>

Other scholars agree. Professor Lawrence Krieger argues that “the values that promote professionalism - integrity, collegiality, honesty, decency - are the same that promote well-being, and their absence is shown to correlate with distress.”<sup>56</sup> Professor John Witte, a noted scholar of law and religion at Emory University, believes well-being and professionalism are inextricably bound.<sup>57</sup> They theorize that it is difficult, if not impossible, to meet the highest standards of professionalism without well-being in one’s life.<sup>58</sup>

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REALIZE YOUR POTENTIAL FOR LASTING FULFILLMENT (2002).

53. Letter from John Witte, Emory University Professor of Law, to author (Aug. 26, 2010) (on file with author).

54. The top character strength of law students measured in one study was critical thinking, which can be defined as a form of skepticism. Margaret L. Kern and Daniel S. Bowling, III, *Character Strengths and Academic Performance in Law Students*, 55 J. OF RESEARCH IN PERSONALITY 25, 29 (2015).

55. It is not as difficult for some philosophers, apparently. Martha Nussbaum delivered the keynote address at the University of Chicago law school’s hooding ceremony in June, 2010. Her title was “A Bold, Happy Lawyer” and she told the Chicago students to build careers and lives filled with “the spirit of love and joy,” warning that warned that (D)elight and humor are the first casualties, often, of overwork and anxiety, two problems that are likely to beset the budding legal career.” She concluded on a strong endorsement of the well-being and professionalism link: “. . . joy makes everything you do - every argument, every new proposal – so much more powerful” and fulfilling of your professional responsibilities. Martha Nussbaum, Keynote Address at the 2010 University of Chicago Law School Hooding Ceremony (June 12, 2010), available at <http://www.law.uchicago.edu/news/graduation06162010>.

56. Lawrence S. Kreiger, *The Inseparability of Professionalism and Personal Satisfaction* (New York Law School Clinical Research Inst., Research Paper No. 04/05-1).

57. *John Witte, Jr.*, EMORY LAW, <http://www.law.emory.edu/faculty/faculty-profiles/john-witte-jr.html> (last visited May 6, 2012).

58. Many of Witte’s scholarly works analyze this issue by examining the interplay between religion, law and society. For instance, see generally JOHN WITTE, JR., CHRISTIANITY AND LAW: AN

First, however, we must address what we mean when we talk about professionalism. Until somewhat recently, it was not difficult to understand what legal professionalism meant in the United States. It was something shared by members of the profession—a sense of civic virtue, collegiality, and objective wisdom in its expression with clients and adversaries. “It represented a consensus about what it meant to be a lawyer, and it functioned as kind of a cultural glue,” wrote Steven Keeva.<sup>59</sup>

As Keeva noted, however, in the past quarter century, professionalism and its supposed loss has become a frequent topic of bar conferences, judicial conferences, and law school symposia.<sup>60</sup> What has happened? While many identify as causes the rise of law as a business,<sup>61</sup> or the institution of the dreaded billable hour many decades ago,<sup>62</sup> there are more profound changes that center around a lessened importance of the elements of character strengths and virtues in the practice. Perhaps the most eloquent examiner of this question is Anthony Kronman, former Dean of Yale Law School,<sup>63</sup> who identifies the disappearance from the scene of the “lawyer statesman,” an earlier ideal whose traits of openness, learning, and prudence caused the citizenry to look to him for guidance in challenging matter.<sup>64</sup> “The lawyer-statesman is a paragon of judgment, and others look to him for leadership on account of his extraordinary deliberative power.”<sup>65</sup> The lawyer-statesman has certain personality traits and character strengths as well, chief among them a “practical wisdom” that sets him apart. Alas, practical wisdom has become, according to Professor Kronman, an “embarrassed virtue.”<sup>66</sup>

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INTRODUCTION (2008); JOHN WITTE, JR., *THE TEACHINGS OF MODERN CHRISTIANITY ON LAW, POLITICS, AND HUMAN NATURE* (2005); JOHN WITTE, JR., *FAMILY TRANSFORMED: RELIGION, VALUES AND SOCIETY IN AMERICAN LIFE* (2005).

59. STEVEN KEEVA, *TRANSFORMING PRACTICES: FINDING JOY AND SATISFACTION IN THE LEGAL LIFE* 12 (10th ed. 2009).

60. *Id.* at 11.

61. TROTTER, *supra* note 11; *id.* at 119 (“Michael Gergely’s first boss out of law school in the mid-1960s was Justice Thomas Kavanagh of the Michigan Court of Appeals, who made a strong impression on his young clerk. ‘He told me that the practice of law is not a business; it’s a profession,’ says Gergely, who now practices law with his two sons and daughter near Kalamazoo. ‘And he said that finances are not the bottom line; service is.’”).

62. YALE LAW SCHOOL CAREER SERVICES, *THE TRUTH ABOUT THE BILLABLE HOUR* (2011).

63. *Anthony T. Kronman*, YALE LAW SCHOOL, <http://www.law.yale.edu/faculty/AKronman.htm> (last visited May 7, 2012).

64. *See* ANTHONY T. KRONMAN, *THE LOST LAWYER: FAILING IDEALS OF THE LEGAL PROFESSION* 1993 at p. 12 (“Thus for the early-nineteenth-century bar, whose leaders still viewed their work and social function in classically republican terms, the idealized figure of the lawyer-statesman was the embodiment of professional excellence. In him, lawyers of the period could see gathered the entire range of qualities they valued most.”) (footnote omitted).

65. *Id.* at 15. Professor Kronman states that professionalism, at least as defined in the lawyer-statesman model, is a “trait of character.” I cannot agree more, but character education whiffs of the Victorian era, and I know of no law school curriculum that contains it. If anything, legal pedagogy discourages thinking in terms of character, with its connotations of non-legalistic values. *See also*, Kern & Bowling, *supra* note 44, where character strengths were shown to negatively correlate with 1L grades in two law schools.

66. *Id.* at 11–53. There is as interesting debate to be had over whether moral ethics and legal

Not all are quite so nostalgic. Richard Posner, the academically prolific federal judge,<sup>67</sup> compares the decline in professionalism, at least the type romanticized in the gentleman-lawyer ideal of Kronman, to the decline of the protective guilds of an earlier age.<sup>68</sup> He is nonplussed about surveys of lawyers who enjoy their jobs less, and not surprised that the profession is “less fun”<sup>69</sup> than those less competitive days.<sup>70</sup>

I would challenge Judge Posner to join Kronman and to think about professionalism in broader terms than changes in law firm economics. I argue we should consider the Aristotelian notion of the “good life” with its focus on Kronman’s practical wisdom and virtues in the context of professional responsibility.

Aristotle believed that the purpose of life is to seek well-being, which for the purposes of an essay on legal professionalism can be best be understood as relating to character strengths and virtues and their employment in the civic good.<sup>71</sup> The Greek word *eudaimonia*, as used by pre-Socratic Greeks, is often translated by modern audiences as happiness, but is actually something closer to what we think of as good luck.<sup>72</sup> Literally, it is translated as “good demons,”<sup>73</sup> a vivid imagistic expression of what happiness is: life governed by an infestation of good spirits.

This thinking changed, or became more complex, with Socrates. Socrates

ethics are compatible, or at least complementary. *See generally, e.g.,* Lorie M. Graham, *Aristotle’s Ethics and the Virtuous Lawyer: Part One of a Study on Legal Ethics and Clinical Legal Education*, 20 J. LEGAL PROF. 5 (1996) (describing the role of moral ethics in the legal profession). I think they are, as do many of my students. Professionalism is not limited to following the ABA Model Rules of Professional Conduct; it implies something greater than that.

67. Richard A. Posner, THE UNIVERSITY OF CHICAGO LAW SCHOOL, <http://www.law.uchicago.edu/faculty/posner-r> (last visited May 6, 2012).

68. *See generally* RICHARD A. POSNER, *OVERCOMING LAW* 39–46 (1995) (comparing the legal profession with medieval guilds).

69. *See id.* at 92 (“The practice of law has become more competitive since Edward’s days in practice. Naturally it is less fun. Competitive markets are no fun at all for most sellers; the effect of competition is to transform most producer surplus into consumer surplus and in more or less time to drive the less efficient producers out of business.”).

70. *See* Richard A. Posner, *The Material Basis of Jurisprudence*, 69 IND. L.J. 1, 23 (1993) (“I conjecture that the cause of this blind spot in the radicals’ critique of the legal profession is not only self-interest; it is also nostalgia for the communitarian ideology of a craft guild or a professional cartel, because it is an ideology that elevates solidarity and cooperation over individualism and competition.”).

71. This is a brief and highly simplified review of Aristotelian philosophy intended for a broad audience. I am indebted in this section to the lectures of Professor James Pawelski of the University of Pennsylvania during 2009-10, as well as my research assistant Peter Isakoff for his writing and editing of my thoughts on this topic.

72. *See* Darrin M. McMahon, *From the happiness of virtue to the virtue of happiness: 400 B.C. - A.D. 1780*, . *Daedalus*. Boston: Spring 2004. Vol. 133, Iss. 2. (2004).

73. *See* Luigino Bruni, *Back to Aristotle? Happiness, Eudaimonia, and Relational Goods*, in *CAPABILITIES & HAPPINESS* 114, 125 (Luigino Bruni, Flavio Comim, & Maurizio Pugno eds. 2008) (“The expression *eudaimonia*, in fact, originally derived from the word ‘good demon’ (*eu daimon*), which meant that only a person who has a good demon or good fortune on his side can reach *eudaimonia*.”).

introduced the concept of agency—or personal choice—into the definition of happiness.<sup>74</sup> It was he, as recounted by his most famous pupil Plato, who argued that character and virtue were the drivers of happiness.<sup>75</sup> An individual could choose happiness, so to speak, by seeking to cultivate his own character through behavior.<sup>76</sup>

Individual effort and agency reached its apotheosis in Greek philosophy with Aristotle, most famously through his ethics. There are two key elements, at least for the purposes of this essay, to Aristotelianism: a) well-being is the end to which all actions aim; and b) well-being resides in fulfilling our own proper function.<sup>77</sup>

A key tenet of Aristotelianism is that of intrinsic motivation - wanting to do something because you want it for itself, not what it represents.<sup>78</sup> Aristotle contends that true well-being, or *eudaimonia*, arises from the pursuit of a goal that has intrinsic value. Thus, “[w]hat we want to find is some end that we want, but not for the sake of anything else: something we prize ‘for its own sake.’”<sup>79</sup>

Let us think about this in terms of the goals lawyers seek in their careers. Some lawyers simply pursue extrinsic goals such as financial success, which is certainly an attainable goal in the legal profession.<sup>80</sup> Nonetheless, this goal comports more with Aristotle’s conception of “amusement,”<sup>81</sup> rather than true happiness. Money itself is merely a means to a further end, such as financial security. Other lawyers may pursue fame and success independent of financial gain. Still, this eludes the pursuit of true happiness since it conditions one’s professional satisfaction on the approval of others, rather than internal fulfillment.<sup>82</sup> Indeed, “intrinsic values and motivation, when primary in a person’s value system, produce satisfaction and well-being, whereas when extrinsic values and motivation are primary they produce angst and distress.”<sup>83</sup>

An Aristotelian approach to well-being would hold that true well-being

74. For a discussion on Socrates’ theory of happiness, see PLATO, *REPUBLIC* bk. IV (G.M.A. Grube trans. C.D.C. Reeve rev., Hackett Publ’g 1992) (c. 380 B.C.E.).

75. *Id.*

76. *Id.*

77. NORMAN MELCHERT, *THE GREAT CONVERSATION: A HISTORICAL INTRODUCTION TO PHILOSOPHY*, (1981), at 188; ARISTOTLE, *supra* note 1, at bk. I, § 1: “Every art and every inquiry, and similarly every action and choice, is thought to aim at some good; and for this reason the good has rightly been declared as to be that at which all things aim.”; *id.* at bk. I, at 4: “What is the highest good in all matters of action? As to the name, there is almost complete agreement; for uneducated and educated alike call it happiness, and make happiness identical with the good life and successful living.”

78. ARISTOTLE, *supra* note 1, at bk. I, § 1.

79. MELCHERT, *supra* note 77, at 188.

80. *See supra* note 9 and accompanying text.

81. *See* ARISTOTLE, *supra* note 1, at bk. X, § 6.

82. *See Id.* at bk. I, § 5 (“[I]t seems to be more superficial than what we are looking for, since it rests in the man who gives the honor rather than in him who receives it, whereas our thought is that the good is something proper to the person, and cannot be taken away from him.”).

83. Kreiger, *supra* note 56, at 1.

arises from the pursuit of virtue, or *arête*, in one's legal career.<sup>84</sup> This entails two components: a) the use of one's legal skills to the best of one's ability, or in other words, the seeking of "excellence,"<sup>85</sup> and b) the pursuit of an intrinsically moral goal, a purpose or a cause that is of personal importance.<sup>86</sup>

For the practicing lawyer, the pursuit of moral virtue in one's legal career is consistent with the idea that law is a public calling.<sup>87</sup> Additionally, lawyers' efforts to promote the public good<sup>88</sup> contribute to satisfaction in their careers.<sup>89</sup> Such efforts can occur in a variety of contexts, including legal work outside the realm of a conventional public-interest career or pro bono activities. For instance, a criminal defense lawyer can pursue an intrinsically moral goal—contributing to a balanced system of justice—while defending a client who appears guilty. An employment lawyer can strive for the intrinsically virtuous goal of helping a manager defend a wrongful termination case, as can a corporate litigator defending a corporation and its shareholders against nuisance lawsuits. An issue that a lawyer pours herself into need not fit anyone's model for a "good" cause as long as it reflects her belief that the excellence of her actions can help advance the cause of her client and promote the administration of justice.

The reason many lawyers today are unhappy is because they have forgotten what motivated them to become lawyers—reasons closely related to traditional concepts and codes of legal professionalism: wanting to solve problems, help people, embrace intellectual challenges, advance and protect society, or advance the interests of those who entrust him, all while demonstrating excellence. For many, law is no longer a calling. It is just a job with ridiculous hours,<sup>90</sup> stress,<sup>91</sup> and unpaid law school debt,<sup>92</sup> so it should come as no surprise that legal professionalism is said to be in decline along with the well-being of lawyers. If more lawyers re-discover *why* they became lawyers in the first place and rededicate themselves to those intrinsic goals, we will have a happier, healthier,

84. MELCHERT, *supra* note 77 at 190 ("Happiness is not possible without excellence or virtue (arete).").

85. ARISTOTLE, *supra* note 1, at bk. I, § 7 ("[T]he good for man proves to be activity of soul in conformity with excellence.").

86. *See id.* ("There are excellences (virtues) that pertain to the physical and social aspects of our lives as well. The latter [Aristotle] calls moral virtues."). Please note that it is not my purpose to litigate in this essay the difference in moral ethics and legal ethics - that is left to other scholars and theorists. For most people and in most instances, they co-exist quite well; indeed, they might be indistinguishable for many practicing lawyers.

87. Anthony T. Kronman, Keynote Address at Florida State University College of Law Symposium: Legal Professionalism 4 (Feb. 12, 1999) ("[I]lawyers are obligated . . . to take an interest in the public good.").

88. *Id.*

89. Krieger, *supra* note 56, at 1.

90. *See* Jonathan D. Glater, *Billable Hours Giving Ground at Law Firms*, N.Y. TIMES, (Jan. 29, 2009), <http://www.nytimes.com/2009/01/30/business/30hours.html> ("With a sigh that is simultaneously proud and pained, lawyers will talk about charging clients for 3,000 or more hours in a year — a figure that means a lawyer spent about 12 hours a day of every weekday drafting motions or contracts and reviewing other lawyers' motions and contracts.").

91. *See supra* note 3 and accompanying text.

92. *See supra* note 8 and accompanying text.

and more ethical profession.

#### IV. CONCLUSION

In this essay, I have not attempted to address in detail the institutional and structural reasons offered for lawyer distress. These are well covered by others, if at times controversially.<sup>93</sup> Among the usual suspects identified are the pedagogical model of law school,<sup>94</sup> the changing nature of American law practice,<sup>95</sup> and the economics of practice today.<sup>96</sup> I have also chosen not to focus on mental health in terms of traditional disease diagnosis and treatment, arguing instead for a broader definition of the term mental health. Typically, when legal institutions talk about mental health, they are not talking about its development and growth, they are instead talking about its dark side – mental illness – and the need for better treatment options.<sup>97</sup> While I certainly support this work of great importance,<sup>98</sup> this essay argues that encouraging and promoting well-being beyond merely the treatment of illness will increase professional competence,

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93. See, e.g., BRIAN Z. TAMANAHA, *FAILING LAW SCHOOLS* (2012).

94. See generally, Benjamin, et. al, *supra* note 10 (describing how law school education contributes to law student distress). This line of reasoning claims Socratic intimidation, rejection of the role of emotions in thinking processes, a ruthless grading and ranking system, a sorting of winners and losers by journal membership and participation in on-campus interviewing, and a stripping of idealism, are among the problems of legal pedagogy.

Using the terminology of cognitive psychology, it is possible that the first year model of law school instruction is instrumental in inducing “learned helplessness” in many students. “Learned helplessness” is an acquired belief that develops into an explanatory style where the subject considers himself helpless in the face of adversity. This explanatory style increases risk of depression. See CHRISTOPHER PETERSON, STEVEN F. MAIER & MARTIN E.P. SELIGMAN, *LEARNED HELPLESSNESS: A THEORY FOR THE AGE OF PERSONAL CONTROL* (1993) (providing an overview of “learned helplessness”). This is a question ripe for empirical exploration.

95. It is claimed that the aspects of our system that are problematic are that it is based upon win/lose outcomes, questionable ethical practices by some attorneys, the relentlessness of the billable hour, the lack of any semblance of work-life balance, and the inexorability of the shift from a profession to a business. See, e.g. Schiltz, *supra* note 3, at 906 Some, however, are not overly concerned. Richard Posner, the highly influential and academically prolific federal judge, compares the decline in professionalism, at least the type romanticized in the gentleman-lawyer ideal, to the decline of the protective guilds of an earlier age. See generally, POSNER, *supra* note 70. He is nonplussed about surveys of lawyers who enjoy their jobs less, and not surprised that the profession is “less fun.” *Id.* It is analogous to how union jobs with lifetime security used to pepper much of our industrial heartland, prior to increased worldwide competition through open markets. *Id.* Those days are gone, and nostalgic remembrances are not going to bring them back. *Id.*

96. The U.S. is producing far more lawyers than the market can absorb according to some. Also, there is increased scrutiny of legal billing practices by inside counsel, placing downward pressure on lawyer incomes and rates. STEPHEN J. HARPER, *THE LAWYER BUBBLE: A PROFESSION IN CRISIS*, (2013)..

97. The recent Yale Law study referenced in footnote 22, where 70% of students reported suffering mental distress at some point in law school, focused almost exclusively on access to treatment options and issues with bar admission questionnaires. These certainly are important issues, but what about the *causes* of these seemingly unacceptable levels of distress? The study was virtually silent on this point.

98. The author is an active member of the Board of Advisors for the Dave Need Foundation, an organization dedicated to suicide prevention among law student populations. See DAVE NEE FOUNDATION, <http://www.daveneefoundation.org/> (last visited March 4, 2015).

professionalism, and work satisfaction.

Some scholars and commentators argue that this is a futile effort; that lawyers as a group have more than their fair share of maladaptive psychological and personality traits that make their unhappiness inevitable.<sup>99</sup> They believe Cardozo speaks for far too many lawyers: “I fear that happiness isn’t in my line. Perhaps the happy days that Roosevelt promises will come to me along with others, but I fear that *all trouble is in the disposition that was given to me at birth.*”<sup>100</sup> However, the most recent research on the influence of personality traits on lawyer life satisfaction and professional performance in practice and in law school shows these claims are overstated in the literature.<sup>101</sup> Lawyers are like other educated groups, so perhaps it is the institutional factors that others cite that, in fact, are the main causal factors that explain why lawyers are unhappy in disproportionate numbers.

Fortunately, there seems to be a slow, “eudaimonic turn” in the profession.<sup>102</sup> Growing numbers of scholars and groups are focused on lawyer well-being beyond traditional mental health approaches. The State Bar of Colorado has created a committee focused on creating “new models” for law practice that emphasizes demographic changes in the workplace (for example, more working parents) and the demand for more work-life balance in the law.<sup>103</sup> The American Association of Law Schools has created a “Balance in Legal Education” section, with the stated goal of “humanizing” law school. On the committee, leaders such as Associate Dean of Vanderbilt Law School Julie Sandine, Scott Rogers from the University of Miami School of Law, and Cori Rosen Felder from the University of Colorado Law School hold well-attended seminars, present special programming for students, and seek to advance the goals of the committee: to reduce unnecessary student stress while maintaining the highest standards of legal education.<sup>104</sup> Duke University School of Law features a course on “Well-being in the Practice of Law” that examines the issues raised in this essay and has drawn large numbers of students over the past five years.<sup>105</sup>

99. See, e.g. Susan Daicoff, *Articles Lawyer, Know Thyself: A Review of Empirical Research on Attorney Attributes Bearing on Professionalism*, 46 AM. U. L. REV. 1337 (1997).

100. Benjamin N Cardozo, *Letter to Elvira Sotis*, Feb 15, 1933 (on file at the Benjamin N. Cardozo School of Law, Chutick Law Library), quoted in Martin E. P. Seligman, Paul R. Verkuil & Terry H. Kang, *Why Lawyers Are Unhappy*, 23 CARDOZO L. REV. 33, 34 (2001) (emphasis added).

101. See Kern & Bowling, *supra* note 44; Lawrence S. Krieger & Kennon M. Sheldon, *What Makes Lawyers Happy? Transcending the Anecdotes with Data from 6200 Lawyers*. 85 GEORGE WASHINGTON UNIV. L. REV. (2015 - forthcoming).

102. The “eudaimonic turn” is a term coined by philosopher James Pawelski and others to describe a nascent movement in the humanities to refocus the humanities on well-being, making the Aristotelian argument that well-being is the proper object of all activities.

103. *Committee for Balanced Legal Careers*, COLORADO STATE BAR ASSOCIATION, <http://www.cobar.org/index.cfm/ID/21185/CLFI/Committee-for-Balanced-Legal-Careers/> Colorado (last visited March 4, 2015).

104. *Humanizing Law School*, FLORIDA STATE UNIVERSITY, [http://www.law.fsu.edu/academic\\_programs/humanizing\\_lawschool/listserv\\_new.html](http://www.law.fsu.edu/academic_programs/humanizing_lawschool/listserv_new.html) (last visited March 4, 2015).

105. The course is taught by the author, and addresses many of the issues raised in this essay. A sample syllabus can be found here <http://www.ppc.sas.upenn.edu/wellbeinglawsyllabusbowling2012.pdf>.

Others believe instructing lawyers and students in meditation and mindfulness techniques are central to improving lawyers' lives. The University of California, Berkeley, School of Law has created an initiative for mindfulness in the law,<sup>106</sup> which explores the benefits of mindfulness in a variety of legal settings. The University of Miami School of Law has an inter-disciplinary collaboration with other schools within that University that brings together research and mindfulness/contemplative practice training for professionals.<sup>107</sup>

The field of positive psychology is also worthy of consideration for lawyers. A major study on law student depression cited this relatively new discipline, with an empirically-based focus on cognitive and emotional health flourishing, as offering opportunities to improve the lives of lawyers without major institutional disruption. Its empirically-based focus on the development application of character traits in work and the building of resilience skills provide workable solutions both to lawyers wishing to lead happier lives and to organizations seeking to promote well-being.<sup>108</sup>

The good news is that many lawyers are happy and satisfied with their work.<sup>109</sup> It is the goal of this essay to encourage more lawyers to join their happy ranks by rediscovering why they became lawyers in the first place and for institutions to support these efforts. Our profession will be better for it.

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106. *Berkeley Initiative for Mindfulness in the Law*, BERKELEY LAW, <http://www.law.berkeley.edu/mindfulness.htm> (last visited March 4, 2015).

107. *Mindfulness*, UNIVERSITY OF MIAMI, <http://mindfulness.miami.edu> (last visited March 4, 2015).

108. See generally, Todd D. Peterson, Elizabeth W. Peterson, *Stemming the Tide of Law Student Depression: What Law Schools Need to Learn from the Science of Positive Psychology*, 9 YALE J. HEALTH POL'Y L. & ETHICS 357 (2009).

109. See Richard Delgado & Jean Stefancic, *supra* note 9 at 243; Hull, *supra* note 9 ("[T]here is virtually no solid evidence produced by methodologically sound research to support the claim that lawyers are deeply unhappy in their work or that they are growing more unhappy over time.").