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Two Deans Answer the Wellness Questions They Hear the Most

It's not an exaggeration to say that your career success depends in large part on how you handle the challenges the profession presents over the next decades.



DAVID B. JAFFE
AND JANET E. STEARNS

t's easy in law school to get so focused on torts and the Uniform Commercial Code that you lose sight of the big picture. Law school is about learning how to become a lawyer, and part of thriving in the legal profession is learning how to balance your significant work responsibilities with your personal health and wellness.

In fact, we believe the key to acing law school and the bar admission process is managing your stress and accessing resources—if you're feeling overwhelmed.

That message is loud and clear in *The Path to Lawyer Well-Being: Practical Recommendations for Positive Change* [lawyerwellbeing.net]—a groundbreaking report that's shaking all aspects of the legal profession. The ABA House of Delegates just passed a resolution urging implementation of the report's recommendations at every level, from law firms to the judiciary and bar regulators.

As deans of students with a long history of working on wellness initiatives, we're here to share some advice on the resources and strategies available to you in this current era—and urge you to speak up and reach out. Here are 10 questions we hear often from worried students and the answers we provide.

Q1: I'M REALLY OVERWHELMED BY LAW SCHOOL; WHAT WELLNESS RESOURCES ARE AVAILABLE?

Law school and the profession can be stressful. But law school can be a time to explore ways to manage your stress. Acing law school and the bar exam require that you figure out the keys to your own stress management.

Exercise is one great stress reliever, so finding the nearest gym where you can create a routine is an important first step. Some students take yoga, walk with friends, or train for marathons; the key is to find something you like and that fits into your schedule.

Mindfulness classes, on and off campus, are another powerful way to calm your mind and find your focus in the midst of the whirlwind of law school; if your school doesn't have one, you can start one with your classmates.

Consider your nutrition: Consuming too much caffeine or certain "power" drinks can add to your sense of anxiety when a smoothie might be far more nutritious and give you the boost your body needs. Make sure your schedule allows for a reasonable amount of sleep (OK, eight hours a night might be hard during exams, but studies show that hours sleeping are helping you retain and memorize critical information).

Finally, stay true to activities that are meaningful to you, whether it's spending time with your family or your pets or connecting with clergy or other sources of inner calm and strength.

Q2: IS THE PROBLEM LAW SCHOOL, OR IS THE PROBLEM ME? WHY AM I THE ONLY STUDENT AT MY SCHOOL WITH THESE PROBLEMS?

Many new and different stressors in law school can create or cause a recurrence of mental health and substance-use issues. The new atmosphere and language, the desire for high grades, the perception in some instances that you can benefit only at someone else's expense, and the tuition and associated expenses all can take a toll.

However, as with many other stressful situations in your life before and surely to come after law school, you're in the driver's seat regarding how you want to address them.

And you're far from the only one at your school experiencing these issues. Many of us in law school administration had these concerns when we were in law school, and today we work with students daily to address similar issues. You might be surprised to learn that the day you sit down with your dean of students to unpack the issues you're facing, you won't have been the only student to visit your dean on that day alone.

Q3: DOES FEELING STRESSED OUT BY LAW SCHOOL MEAN THAT I SHOULD QUIT SCHOOL AND CONSIDER ANOTHER PROFESSION?

The short answer is no. Ask yourself the question we ask every student who arrives at this critical juncture: Do you want to be a lawyer? If the immediate answer is yes, then it's a matter of working through the issues before you.

If you find yourself hesitating with the response, you need to take a deeper dive as to why you're in law school. Was it parental pressure? Did you not know what to do and decided law school was a good default? You don't need to be passionately in love with law school, but your heart has to be there for your mind to follow.

Also, if your immediate response was yes, but there are significant challenges you (or someone close to you) feel you need to overcome, consider a leave of absence. Law school isn't going anywhere; you need to move beyond the notion that because it's working at the moment for everyone around you, it should be working for you as well right now.

These additional challenges are going to sap you of the energy you need. Speak to your dean of students about your range of options, and consider your physical and mental health before everything else.

Q4: SHOULD I HOLD OFF ON ASKING FOR HELP BECAUSE I DON'T WANT TO HURT MY BAR ADMISSION PROSPECTS?

Would you run on a broken leg because you wanted to impress the track coach? Bar admissions officials want to know that their candidates for admission are healthy and prepared to represent the clients in their jurisdiction.

The sooner and more comprehensively you can demonstrate that you're in the proper condition or that you're working your way there, the greater the confidence you can instill in those officials (and in yourself). Not only will you reflect the competence expected of you, but the professionals you've seen for treatment or counseling will be able to vouch for you on your application and support you in a hearing if needed.

Q5: IS THERE A DIFFERENCE BETWEEN GOING TO MY DEAN OF STUDENTS, TO A LAW SCHOOL OR UNIVERSITY COUNSELOR, OR TO A PRIVATE COUNSELOR?

Your dean of students is a great resource for advice on many issues. In most cases, we're not therapists or medical professionals. We're able to coordinate with professors, clinic supervisors, academic support, financial aid, and other law school resources if you need temporary accommodations or to explain absences.

We can help you adjust your course load or discuss a leave of absence if needed.

We also have a vast network of resources for referral both on campus and in the community that can be helpful to you, and we know other students and graduates who can offer a helping hand. Reaching out to your dean of students is a great first step to access the resources you need.

Universities also have on-campus counseling available for mental health as well as substance-use issues. Some law schools have these counselors on location, and others rely upon a central counseling center. Typically, patient-client confidentiality applies, and no information is released to the school or anyone else (including the bar) without your express permission, but you can ask about this when you access services.

In some cases, you may find you need longer term or more intensive counseling than the on-campus services can provide. Most universities help with referrals off campus, keeping in mind your health insurance and other preferences, including the location of your family and the rest of your support system.

Q6: WHAT DOES MY DEAN OF STUDENTS DO WITH THE INFORMATION I PROVIDE?

Your dean of students will give you honest advice and recommendations. With your permission, we'll share your concern with those who might be able to help.

All of this is confidential, with a few important limitations: For one, if you indicate that you wish to harm yourself or others, we have a duty to access resources to help you, even without your consent.

We also have a responsibility in most states to certify to the bar as to your character and fitness to practice law. Accessing a counselor when you're feeling anxious or depressed isn't disqualifying. But chronic attendance problems, cheating on exams, and being convicted of a felony are all examples of issues that need to be disclosed as part of a character and fitness investigation.

We view ourselves as advocates and champions for your wellness, though we can't fail in our duty to the bar. But if you have concerns about issues that would need to be disclosed, reach out and ask us.

Q7: WHAT COMMUNITY RESOURCES EXIST OUTSIDE LAW SCHOOL TO HELP ME WORK THROUGH MENTAL HEALTH OR SUBSTANCE ISSUES?

Every state has a lawyers assistance program. Each LAP's mission is to provide confidential counseling to lawyers,

law students, and judges who have concerns about mental health or substance use. You can find the ABA directory of LAPs here [https://www.americanbar.org/groups/lawyer_assistance/resources/lap_programs_by_state.html].

You'll benefit by reaching out to a LAP early because you can find mentors in the legal profession who are confronting the same challenges as you and who can help guide you through the bar admission process when the time comes.

You may also wish to access some of the national resources that exist to provide advice and counsel on a wide range of issues, often through free 800-phone numbers you can contact on a 24/7 basis. The ABA has compiled a directory of some of these national resources here [https://www.americanbar.org/groups/lawyer_assistance/resources/links_of_interest.html].

Q8: WILL I HAVE TO REPORT THAT I RECEIVED COUNSELING? IF SO, WILL IT AFFECT MY APPLICATION OR ADMISSION?

The questions asked of applicants on this topic vary by jurisdiction. While many states have moved away from questions focusing on applicants' status and toward conduct applicants have exhibited, some states ask if applicants have received counseling. Situational counseling, such as for grief over a recent loss or perhaps for a traumatic event that may result in short-term anxiety or even depression, is generally not the bar's primary concern.

Questions about treatment for ongoing mental health or substance-use issues, in addition to those that remain untreated, remain on many applications. Examiners will indicate, however, that seeking treatment isn't a basis for the denial of admission.

In these instances, bar regulators are seeking to ascertain your current fitness to practice law and represent

clients in their jurisdiction. Failing to access resources when they're needed may indicate a lack of judgment or professionalism. Also, a failure to report receiving treatment would become a significant impediment if examiners somehow discovered that you weren't candid in your application.

Q9: IF THE BAR DOES ASK QUESTIONS ABOUT COUNSELING OR OTHER SERVICES, IS THERE SOMEONE WHO CAN HELP ME WITH THE CHARACTER AND FITNESS REVIEW PROCESS?

Every law school has designated a person to help students with the bar admission process. In some schools, this will be the dean of students or perhaps a professor who teaches professional responsibility or is bar admitted in the state of interest.

Sometimes, if you have special issues relating to a criminal record or substance use or mental health issues, you'll want to reach out to an attorney. There are lawyers whose practice involves assisting law students and lawyers on admission challenges or disciplinary matters before the bar. In some cases, a lawyer who specializes in the Americans with Disabilities Act will also be helpful in navigating the questions bar examiners may be asking.

Q10: HOW MANY BAR APPLICANTS ARE DELAYED OR DENIED ADMISSION DUE TO REPORTING A MENTAL HEALTH OR SUBSTANCE USE DISORDER?

Our information on this is only anecdotal. In speaking with bar examiners, we hear that few applicants are denied admission for a mental health or substance use disorder.

In addition, a number of jurisdictions have a conditional admission process whereby an applicant who has demonstrated rehabilitation after treatment for a mental health or substance use disorder may be admitted while continuing monitored treatment for a specified period of time. The fact that the candidate is conditionally admitted is confidential, which allows you to work as any attorney would while continuing or completing treatment.

We believe that seeking help while you're in law school and subsequently demonstrating your fitness to practice law is the best path forward. ■

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