Does Law School Have to Suck?

Linda Sugin

**Part 1**

There is a mental health crisis in the legal profession, and it poses a grave danger for all of us.

According to the Anxiety and Depression Association of America, just under 7% of the adult population suffers from depression, but almost [half of all lawyers](https://americanaddictioncenters.org/rehab-guide/workforce/white-collar/lawyers) do at some point during their legal career. Lawyers are overrepresented in positions of power and influence across society: in [Congress](https://crsreports.congress.gov/product/pdf/R/R46705), [corporate C-suites](https://hbr.org/2017/08/do-lawyers-make-better-ceos-than-mbas), and [other leadership roles](https://law.stanford.edu/projects/lawyers-as-leaders/). We depend on lawyers to protect democracy, defend freedom, and vindicate rights. Anxious and depressed lawyers cannot effectively serve their clients, uphold our public institutions, guarantee access to justice, or serve as effective leaders in our communities.

The mental health crisis starts in law school. In a [recent survey](https://news.bloomberglaw.com/bloomberg-law-analysis/analysis-well-being-in-law-school-law-students-arent-ok) of law students, half reported feeling depressed and three-quarters reported that law school increased their anxiety. The numbers were worse for women, nonbinary students, and students of color. Over a third of lawyers struggle with [alcohol abuse](https://journals.lww.com/journaladdictionmedicine/fulltext/2016/02000/the_prevalence_of_substance_use_and_other_mental.8.aspx), which started in law school for a significant number of them. In its [Mental Health Toolkit](https://docs.google.com/document/d/1Q-2gorCHI4HhwBzihKJI4KR79d0e-AdHicUuX5xXKTo/edit), the American Bar Association warns law students: “Through the duration of your legal education, the rates of substance use and mental health problems increase dramatically. If unrecognized and untreated, these issues can carry into your professional careers.” Anxious and depressed law students graduate and become anxious and depressed lawyers.

Does it need to be this way? I recently spent four years as the academic dean of a law school, where I was responsible for overseeing student learning. Although I had been a law professor for twenty-five years, the first thing I did as academic dean was recruit an advisory board so that students could share their stories with me. They told me how difficult they found law school, how alienating they experienced many of its basic institutions, and how indifferent to their struggles they perceived the faculty and administration.

The roots of law-student unhappiness are part of the institutional structure of legal education, particularly the first year. Both educators and the practicing bar need to question the necessity of law-school practices and traditions they have long taken for granted, including core traditions like the Socratic method and the prestige of a position on the law review. Legal education was designed for elite white men who no longer comprise the student body, the faculty, or the profession. The failures of legal education threaten the integrity of the profession and compromise the public responsibility that lawyers have for democracy and its institutions.

The personal journeys of my advisory board members inspired me. One student told me about his experience as a crime victim, another about her experience of employment discrimination. Two mothers of small children shared how they juggled school, work, and family, struggling to graduate within New York State’s required timeline. A part-time student told me that she never told her employer that she was in law school out of fear she would appear uncommitted to her day job.

Because of these students, my mission as academic dean centered on creating institutional structures for fostering student flourishing: launching an innovative peer mentorship program, establishing an Office of Professionalism, nurturing collaboration among student-centered departments, building student communities, organizing and digitizing information, and improving student access to school resources. The students who were thriving did not need my attention, so I concentrated on the needs of those who felt overwhelmed or invisible. We made great progress, which other schools can emulate, but many of the changes legal education needs will require a larger reckoning across law schools and the legal profession.

When I was academic dean, I welcomed new students at orientation by imploring them to seek human connection with their classmates and teachers, take time for nature, exercise and sleep, and eat healthy food. I am gratified that Fordham’s Office of Professionalism, which I created and where I serve as the faculty director, sponsors full-day mental health first-aid training and offers a robust assortment of self-care programs that help students cope. I start my classes on the tax law with a one-minute meditation and I have seen students benefit from playing with puppies between their final exams. But students are not the source of the problem, so individual stress-reducing activities cannot be the solution. Self-care is not a cure for institutional brutality. Student suffering is built into the structure of legal education because the market for lawyers demands it. The legal profession needs to stop perpetuating the norms that make anxiety, depression, and substance abuse so prevalent among lawyers and law students.

Based on my experience, I believe there are seven sources of personal and professional grief for law students:

1. Competition
2. Loneliness
3. Lack of Preparation
4. Spiritual Alienation
5. Curricular Rigidity
6. Faculty Distraction
7. Cost

If law schools focus on these seven sources of grief, they can transform the law school experience and better prepare students for challenging and satisfying lives in the law. Legal education can be more academically rigorous if it treats students with dignity and kindness. Student learning will be deeper if we focus on developing all the tools that students will need to succeed in the profession.

Parts 2 and 3 of this series investigate the causes and symptoms of each of these sources of grief and offer solutions. Not every law student is miserable, and I am impressed and delighted by the fantastic accomplishments of our recent graduates. Nevertheless, change is urgent so that the next generation of lawyers can be capable, diverse, compassionate, and committed to justice.

**Part 2**

Part 1 of this series introduced seven sources of professional and personal grief for law students arising from the structure of the legal profession and law school. This part focuses on the insidious effects of the culture of competition, and its connection to loneliness and lack of student preparation.

Competition

Why do students feel so much pressure to compete? Because employers put too much importance on law school grades, and the profession has taught students to believe there is a [winner-take-all market in the legal profession](https://www.jstor.org/stable/797035?origin=crossref). Students can read the signals about prestige and money, and they seek the prizes that prove they have triumphed. We all need to better communicate the importance of every student finding a personal career match, and encouraging students to pursue work that that aligns with their individual values, strengths, and interests. It is the profession’s responsibility to counteract the narrative that causes students to compete for jobs that make some of the [lucky ones who land them miserable](https://www.abajournal.com/news/article/why_a_career_website_deems_associate_attorney_the_unhappiest_job_in_america). If students had fewer loans to repay (see Part 3), they might be less desperate to land a prestige job, but the culture of competition is not solely the product of student debt.

Legal educators also foster a culture of competition. Many schools have mandatory grading curves that rank students. Although the only useful function of grading curves is creating consistency across faculty, we have allowed students to think that their grades reflect who they are and how successful they will be as lawyers. A student on my advisory board told me he considered dropping out of school when he received one grade of B- his first semester. He internalized that grade as a definitive assessment of his fitness to practice law, even though nobody knows how to be a lawyer after one semester of law school. Grades foster a fixed mindset in students -- the belief that abilities are fixed by innate talent or intelligence, whereas law schools must foster a culture of [growth mindset](https://www.penguinrandomhouse.com/books/44330/mindset-by-carol-s-dweck-phd/) – the belief that we become smarter and more capable by learning from our mistakes.

Additionally, legal educators create a culture of competition by measuring achievements on an individual basis – through exams, papers, writing competitions, and oral arguments. The structure of legal education creates the mistaken impression that legal work is performed independent of other people and that success depends on individual achievement. Some students groan whenever I assign a group project with a single grade, anticipating that the work will be distributed unfairly and the grade will not reflect their individual contributions.

The culture of competition breeds many of the other griefs, so addressing competition will help ameliorate loneliness and destigmatize the lack of preparation. Legal education should incorporate more group work and emphasize regular, constructive feedback instead of final grades. Smaller class sizes, no grades in the first semester, and deferring job interviews until after the second year would help. A commitment by the profession to growth mindset would allow more time for students to develop the skills and knowledge they need to be effective lawyers, and could temper the culture of competition.

Loneliness

I teach a course to student peer mentors, and we do an exercise where all the students write something they are struggling with on an index card. We put all the cards in a hat and each student pulls one out and presents the struggle to the class as though it is their own. Many of the cards reflect similar themes: fear and uncertainty about their futures, anger about a dearth of institutional support and guidance, shame about their performance, and frustration with the deterioration of their personal lives as a side effect of law school’s unrelenting demands. On top of these challenges, the most common refrain concerns the suffocating pressure students feel to put on a happy face and pretend that everything is fine. This exercise always reveals that the hardest part of dealing with law school’s challenges is facing them alone, unaware that other students share the experience. A student once approached me in tears after this exercise and said, “I wish we could have talked about those feelings when I was a first-year student. I might have avoided two years of misery.” She had stellar grades and a high-paying job lined up for after graduation, but she was aching with loneliness.

Law schools create a culture where struggle is a sign of weakness and defeat, which makes students hide their struggles instead of turning to each other, or to faculty, for support. When I ask students why they do not raise their hands in class to ask for clarification or attend faculty office hours to ask questions, they answer that they are too embarrassed by their ignorance to reveal it to their teachers or classmates. Shame is interfering with learning.

Law schools need to interrupt the feelings of shame by normalizing struggle as part of learning. We should celebrate struggle so that students recognize it in themselves and their classmates and treat it as part of their professional growth. There are many things legal education can do to counteract loneliness and celebrate struggle: suspend grades in the first semester, offer small class sizes to first-year students, institutionalize group collaboration throughout the curriculum, and adopt robust peer mentoring programs.

Lack of Preparation

Law schools assume that students arrive with a full complement of technical skills and personal capabilities. But law schools are not explicit about what those skills are and do not require students to show their proficiency prior to matriculation. Instead, legal education pretends that it has no pre-requisites, even though students need to show up with solid analytical skills and the ability to write a well-constructed essay. Students who arrive without substantial experience writing college-level papers or who have not previously engaged in rigorous analytical debate are ill-equipped to begin studying law.

One student on my advisory board told me she felt like she didn’t know the secret handshake of law school until she read a [book about how to take law school exams](https://store.lexisnexis.com/products/getting-to-maybe-how-to-excel-on-law-school-exams-skusku-us-ebook-03906-epub/details). I recently worked with a student who told me that he grew up in a town with terrible schools and a shockingly high murder rate. When I asked him about his summer job with a lawyer, he said he liked the people part and the dealmaking better than the research and writing. Law school was a struggle for him because he was not properly prepared. As a Black man from a low-income community, he is precisely the type of student [that law schools are eager to recruit](https://www.abajournal.com/web/article/in-what-may-be-a-first-study-publishes-empirical-data-about-black-law-students-race-and-ethnicity) and the profession wants to welcome, but we have clearly not provided sufficient support to make him feel that he is succeeding yet.

Once enmeshed, students are reticent to admit their lack of preparation. Many try to fake it. One student could write a decent short paper, but when he tried to write the long research paper that every student needs to complete before graduation, he was unable to craft a thesis, produce a bibliography, or distinguish a reliable source from junk on the internet. When I finally asked whether he had ever written a research paper, he sheepishly admitted that he had not. Law schools need to communicate to students that their lack of preparation is not their fault so that they can stop feeling ashamed and ask for help. Law schools have good resources – librarians, writing centers, and tutors who can help, but they are too often underutilized.

Preparation for law school is largely an issue of money, and students from communities historically underrepresented in the legal profession are more likely to lack adequate preparation. Efforts to diversify the profession will stall until the problem of preparation for law school is addressed. I wish I could offer a simple law-school solution to this problem, but even the best efforts by law schools may never make up for the educational deficiencies and inequalities that came before. It is impossible to deliver a high-school and college education in a few weeks (or even months), which is the most any law school can reasonably offer. However, law schools could do more to support students who arrive unprepared for the language-arts competence required to succeed. Students without solid liberal arts educations could be encouraged (or required) to spend the summer in college-level classes to prepare for the rigor ahead. Law schools know which students are likely to be underprepared, and they could be admitted on the condition that they complete this preparation satisfactorily before starting their regular courses. Opening the profession to underrepresented groups demands that the profession invest in programs like these. When we convince students that their lack of preparation is neither their fault nor an assessment of their abilities by committing to a culture of growth mindset, conditions on admissions would become less stigmatizing. Law schools and the legal profession must take greater responsibility for guaranteeing a higher level of language arts proficiency so that students who grew up without resources, access to lawyers, or speaking a language other than English, have the tools to succeed in law school.

The problem of preparation extends beyond academic skills to cultural comfort. A first-year, first-generation student came to my office when I was academic dean and asked me what he should say and do in office hours with his professors. He had yet to go to any office hours because he felt socially awkward. He was visibly uncomfortable sitting across the table from me, even though I had extended an open invitation to students to come talk with me. He wanted to develop relationships and make the most of his law school experience, but everything felt unfamiliar to him. In addition to increasing his feelings of loneliness, his discomfort threatened his ability to create the connections necessary for professional success; professors write more compelling letters of recommendation for students they know well. There is an unspoken set of rules that govern the customs and vocabularies with which lawyers and academics talk. Students who don’t come from affluent, highly educated families and didn’t attend elite American colleges often fear not knowing those rules. For law schools to become truly inclusive, those rules must be made explicit, and students need to be instructed in how to follow them, or we need to change those rules.

**Part 3**

Part 1 of this series introduced seven sources of professional and personal grief for law students arising from the structure of the legal profession and law school, and Part 2 examined competition, loneliness, and lack of preparation. This part focuses primarily on the first year of law school, and why its traditional structure must change.

Spiritual Alienation

Many law students are inspired to study law out of unhappiness about what they observe in the world, a personal commitment to justice, and a desire to make meaningful change. Not only do they write about these things in their admissions essays, but they also engage in an impressive array of pro bono activities while at law school. The first thing legal education does is teach students to think like lawyers, a process that includes stripping them of much of the inspiration that brought them to law school in the first place. They read old English cases and are quizzed on facts and procedural histories. In the standard first-year class, most students sit passively while the professor lectures or engages in Socratic dialogue with an unlucky victim. Many students wait with dread for their turn to be cold called, often barely able to follow the discussion underway on account of their own anxiety. The Socratic method exacerbates imposter syndrome and students’ feelings of not belonging. Imposter syndrome – [the fear of being discovered to be incompetent](https://www.psychologytoday.com/us/basics/imposter-syndrome) – is rampant at law school, particularly for [women and students of color](https://www.nytimes.com/2018/06/12/smarter-living/dealing-with-impostor-syndrome-when-youre-treated-as-an-impostor.html). A student once told me that being cold-called was the most humiliating experience she had ever endured.

Treating students as individuals, and celebrating the reasons they were drawn to law, can counteract the spiritual disaffection they feel. The current system of large, required courses and anonymity in a crowd is alienating and infantilizing for students, many of whom arrive at law school with records of accomplishment and experience in the world. Allowing them to follow their passions and choose some classes in their first year gives students the minimal dignity they deserve. Starting law school with small, discussion-based classes focusing on how the law affects people would offer students an opportunity to discuss the legal issues they care most about, countering the spiritual alienation they now experience.

Curricular Rigidity

Most law schools still teach the same subjects in the same way they did decades ago. My current students would feel comfortable time travelling into my first year of law school almost 40 years ago. They would study the same topics, read many of the same cases, sit in the same type of lecture hall, and face the same sort of questioning. Much or all the first-year curriculum is fixed by the law schools. Students have less choice than most high-school students. Law students are still wasting time and brain space memorizing rules because the bar exam remains closed book.

Learning to think like a lawyer – the central goal of the first year of law school -- is important because the most crucial skill for lawyers is critical analysis. Lawyers need to be able to make logical arguments in a linear way, supported by facts. But there are many ways that students can learn critical thinking, and it is a skill that people other than lawyers also need. Learning doctrine in the required subjects, federal civil procedure, criminal law, constitutional law, torts, and property law, is not the only way to practice critical thinking. The narrowness and rigidity of the first year of students’ law school experience turns many students away from the law, when the goal of the first year should be to inspire students to love the law and help them start to develop their professional identities as lawyers.

Law schools should adopt a more flexible curriculum and incorporate a wider range of methodologies and learning outcomes in the first year. Students should be required to take at least one common law class in their first year, but not a whole roster of them. The same goes for statutory courses. There are many other learning goals that could be incorporated into the foundations of legal education if the standard first-year curriculum were largely jettisoned. Students should explore their strengths and values in a class designed to develop their professional identities. They should develop practical lawyering skills in seminars, supervised clinics with real clients, and externships in legal practices. Opportunities to work in teams, engage in small-group discussions, write, and reflect would vary the intellectual diet and give students essential lawyering skills from their first days of law school.

Faculty Distraction

A student recently said to me and two colleagues who work in the Office of Professionalism with me: “You are the only three people in this building who care about our mental health.” I know it is not true, but I also know that she was expressing an anguish that many students share. It is difficult for faculty to attend to the individual learning needs of every student: class sizes are too large and the incentives for faculty are virtually all skewed towards scholarship. Students perceive this as callousness.

I recently surveyed my faculty colleagues on what they like best about being law professors, and there was broad consensus: law professors love their students. It is immensely rewarding to be a good teacher. Although there are many devoted and brilliant teachers in legal education, excellent teaching brings limited institutional and professional rewards in a world measured by scholarship. Professors who publish more articles in more prestigious journals are rewarded with tenure at their home institutions and lateral offers from other law schools that promise increased prestige and money. The more highly valued a faculty member is by an institution, the less time they are likely to spend in the classroom. Research leaves and reduced course loads for productive scholars take scholars out of the classroom and reinforce the value hierarchy of scholarship over teaching in legal education.

Law faculty have increasingly adopted the free-agent model, with top schools competing for a small number of star scholars, ratcheting up faculty compensation for influential scholars. An antitrust [decree](https://www.justice.gov/archive/atr/public/press_releases/1995/0257.htm) between the American Bar Association, as accreditors of law schools, and the federal government makes it illegal for law schools to cooperate in setting compensation. The free-agent faculty model weakens institutional commitment. Faculty are rationally more interested in individual scholarly influence than institutional improvement.

Since my focus here is on the experience of students, I am describing the scholarship-first phenomenon as faculty distraction. From other perspectives, the elevation of scholarship is ideal. Legal scholarship is crucial to the development of law. It forms an important backbone of public discourse, supporting democracy, protecting freedom, and guaranteeing equality. Because law professors are experts without clients, we can uniquely advocate for justice. Our scholarship is a public good, so it primarily benefits society. Faculty are engaged in an important project that has nothing to do with students, but we have yet to sort out how the teaching project and the scholarship project can better coexist. Both scholarship and teaching contribute to the public good, but [student tuition largely finances](https://www.lawschooltransparency.com/trends/costs/federal-investment) legal education. Greater public support of legal research and scholarship is warranted. Then, student tuition could better support student learning.

Cost

Law school is a three-year, $200,000 investment. For many, it is an investment that pays off with solid returns. But the financing of law schools is broken. Student tuition pays for everything, even though students do not receive everything that law schools produce. The practicing bar should have an ongoing obligation to help underwrite the costs of perpetuating the profession. Spreading the costs of law school over time and across beneficiaries would be more equitable than the current system and would help relieve the heavy burden that current students bear.

There were some occasions, particularly during the early days of the pandemic, when students approached me in financial crisis. [Student poverty is a crisis](https://www.apa.org/pi/ses/resources/indicator/2019/12/college-students-needs) in this country, with a third of all college students facing food or housing insecurity. Law students are permitted to [borrow the full cost of attendance](https://www.lsac.org/sites/default/files/media/paying-for-law-school-preliminary-guide_2021.pdf), including living expenses, so the financial distress of law students is often connected to future debt burdens, rather than current deprivation. Some students are graduating with six-figure debt, which affects both decisions that young lawyers make about employment and the availability of legal services throughout society. Debt burdens help explain why there are too few lawyers meeting the needs of regular people, and too many competing for jobs at large law firms. There is some [debt forgiveness](https://www.americanbar.org/groups/legal_education/resources/student_loan_repayment_and_forgiveness/), but it is not robust enough to solve this problem.

As the sticker price of legal education skyrocketed, [price discounting](https://bluetoad.com/publication/frame.php?i=725687&p=&pn=&ver=html5&view=articleBrowser&article_id=4140353) also rose. The availability of school-financed financial aid means that students pay vastly different amounts, with some students cross-subsidizing others. A few elite schools primarily award aid to those who demonstrate need. But the vast bulk of financial aid is awarded based on merit. The crowding out of needs-based aid by merit aid is perhaps the most damaging consequence of U.S. News and World Reports’ ranking of law schools. While many law schools recently announced that they would [no longer cooperate with U.S. News](https://taxprof.typepad.com/taxprof_blog/2023/01/with-vanderbilt-wisconsin-tulane-creighton-40-law-schools-are-boycotting-the-us-news-rankings.html), as long as the rankings exist, they will incentivize schools to waste their aid on buying strong students.

Conclusion

Law school is an opportunity for personal and professional development, and it can inspire students to stretch their limits and aspire to save the world. Legal educators and practicing lawyers need to take a hard look at the traditions, institutions, and assumptions that turn idealistic and ambitious students into stressed-out and cynical lawyers with disproportionate rates of depression and substance abuse. We all must reckon with the ways that our profession is structured to create hurdles to success for traditionally underrepresented groups in the profession. It is time for the legal profession to accept responsibility for maintaining a healthy legal culture and for law schools to make the student experience both more educational and kinder.

***Linda Sugin****is a professor at Fordham Law School who previously served as the Associate Dean for Academic Affairs and now is the director of the law school’s Office of Professionalism.* *The views expressed in this article do not necessarily represent the views of Fordham Law School.*