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To Be Well or Do Well—That Is the Question, But Should It Be?

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As early as two weeks into the fall semester, I already hear it. With a knowing look, some of my students announce that “1L is the time to grind it out,” while others proudly declare, “My well-being is really important to me, so I am OK with getting all Bs.”

In the months to follow, this trend will continue: Intent on getting a high GPA, some students will refuse invitations to childhood friends’ weddings, some will stay to study in their studio apartment for Thanksgiving, and some will come to class sick. Others will skip class with no excuse and will blow off assignments in the name of self-care. For those in between the extremes, the most preeminent question on their minds, in one form or another, will be “How do I find the right balance between doing well and being well?”

These statements and questions, fears and decisions all reveal a fundamentally flawed belief that being well and doing well are opposing forces in a zero-sum dance. Forces that must be kept in a precarious, ever-elusive equilibrium, or else one inevitably overtakes the other. Even the oft-used term “work-life balance” betrays that same sentiment, suggesting that work is not part of life and life is not part of work, and at any one time we must choose one or the other.

This perception of “either, or” has caused untold harm to attorneys’ health, families, and careers. Countless lawyers have given up their physical, mental, and

emotional well-being on the altar of professional achievement—working long hours, nights, and weekends, and placing client relationships over personal ties and interests.¹ Many others have sacrificed what could have been flourishing careers in the name of self-care—showing up unprepared for meetings, failing to meet deadlines, dropping commitments, being uncommunicative, quitting their job without a safety net, or even quitting the legal profession altogether because of burnout.²

This must end. If we have any hope of stemming the tide of profound unhappiness and disfunction plaguing the legal profession,³ we must start by educating our future lawyers that doing well and being well not only can but *must* coexist. Study after study shows that professional success achieved at the expense of personal wellness results in increased incidence of alcoholism and substance abuse, cognitive dissonance, anxiety, depression, and suicidal ideations.⁴ Aside from the personal tragedy involved, these mental health outcomes ultimately make lawyers less productive and capable, thus ironically hurting their career aspirations in the long run.⁵ The same is true when well-being is pursued at the expense of achievement. Having meaningful work is a basic psychological need for all humans, and even more so for those who self-select to pursue a legal career.⁶ Leisure, therefore, is not the solution to mental anguish; doing well at meaningful and personally satisfying work is.

¹ See, e.g., Ronit Dinovitzer, et al., *After the J.D.: First Results of a National Study of Legal Careers*, NALP FOUNDATION FOR LAW CAREER RESEARCH AND EDUCATION AND THE AMERICAN BAR FOUNDATION (2004), https://americanbarfoundation.org/wp-content/uploads/2022/12/After_JD_Phase-1_2004.pdf; see also *Update on Associate Hours Worked*, NALP BULLETIN (2016), <https://www.nalp.org/0516research>.

² See DEBORAH L. ARRON, *RUNNING FROM THE LAW: WHY GOOD LAWYERS ARE GETTING OUT OF THE LEGAL PROFESSION* 2-3 (3d ed. 2003).

³ See NANCY LEVIT & DOUGLAS O. LINDER, *THE HAPPY LAWYER: MAKING A GOOD LIFE IN THE LAW* 2 (2010) (noting a 2010 study on career satisfaction revealing that repair persons, housekeepers, and butlers reported higher levels of happiness than the members of the legal profession, and only about half of lawyers responded being satisfied with their job). See generally Martin E.P. Seligman, et al., *Why Lawyers Are Unhappy*, 23 *CARDOZO L. REV.* 33 (2001).

⁴ See, e.g., Andrew, H. Benjamin, et al., *The Prevalence of Depression, Alcohol Abuse, and Cocaine Abuse Among United States Lawyers*, 13 *INT'L J. OF LAW AND PSYCHIATRY* 233, 240-241 (1990).

⁵ THE INTERNATIONAL BAR ASSOCIATION, *Mental Wellbeing in the Legal Profession: A Global Study* (2021), <https://www.ibanet.org/Mental-wellbeing-in-the-legal-profession> (last visited Oct. 30, 2023).

⁶ NET IMPACT, *Talent report: What workers want in 2012* (2012), www.netimpact.org/whatworkerswant (last visited Oct. 30, 2023).

The concepts of professionalism—showing a deep commitment to one’s work and chosen profession⁷—and well-being—the experience of health, happiness, and prosperity⁸—are two foundational goals that the revised ABA Standard 303 directs law schools to pursue in their curricula.⁹ In light of these ABA requirements, legal practice faculty have a unique opportunity to redefine for our students what each of these concepts means and how the two relate to each other.

In my classroom, where 20% of a student’s grade is awarded for professionalism, I try to address these issues head-on early in the fall semester. I start out with an explicit class discussion on professionalism, well-being, and the fallacy of work-life balance. I tell my students that professionalism and well-being are not sworn enemies that must be “balanced.” Showing professionalism does not require the absence of personal life, circumstances, and needs, only the ability to handle these personal circumstances in a manner that is respectful to our professional commitments and consistent with professional norms. Likewise, well-being does not require the absence of work, only the ability to handle our work obligations in a manner that brings us satisfaction and is respectful to our physical and emotional needs. Thus, I tell my students that lawyers—and law students—can be both deeply committed to their work and healthy and happy members of the profession. Indeed, studies tell us that, in the long run, being both is the only way to be either.

Importantly, at their core, neither professionalism nor well-being indicate *how much* one works. Rather, I propose to my students that both professionalism and well-being (or the lack thereof) demonstrate how one *views* their work and what meaning they derive from it. When a person views their work as purposeful and important, they inevitably give that work their best efforts, feel motivated and self-directed to improve their skills, and show respect for their commitments.¹⁰ Thus,

⁷ Neil Hamilton & Louis D. Billionis, *Revised ABA Standards 303(b) and (c) and the Formation of a Lawyer’s Professional Identity, Part 1: Understanding the New Requirements*, NALP (May 2022), <https://www.nalp.org/revised-aba-standards-part-1#:~:text=Interpretation%20303%2D5%20emphasizes%20that,foundational%20to%20successful%20legal%20practice>.

⁸ Gary Drevitch, *What Is Well-Being? Definition, Types, and Well-Being Skills*, PSYCHOLOGY TODAY (January 2, 2019), <https://www.psychologytoday.com/us/blog/click-here-happiness/201901/what-is-well-being-definition-types-and-well-being-skills#:~:text=Well%2Dbeing%20is%20the%20experience,level%20of%20well%2Dbeing>.

⁹ AMERICAN BAR ASSOCIATION STANDARDS 2022-2023 STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS, Ch. 3, Program of legal Education (2023), https://www.americanbar.org/content/dam/aba/publications/misc/legal_education/Standards/2015_2016_chapter_3.authcheckdam.pdf.

¹⁰ J. E. Pizzolato, *et al.*, *Purpose plus: Supporting youth purpose, control, and academic achievement*, NATIONAL LIBRARY OF MEDICINE: NEW DIRECTIONS FOR YOUTH DEVELOPMENT:

they demonstrate a higher level of professionalism and obtain better work outcomes without the added hours and personal sacrifices that “grinding it out” often entails.¹¹ Conversely, knowing that one’s work and efforts make a difference (in one’s own life or the lives of others) converts the hours spent working from a dreaded chore to an enjoyable pastime. This rounds out one’s life, instead of diminishing it, and boosts emotional, mental, and even physical well-being.¹² Finding meaningful work is, therefore, the key to both doing well and being well.

The inevitable follow-up question I get from these explicit discussions is “How?” To my students’ disappointment—and my own—I do not have a bite-size answer to this question. Finding a meaningful career path is not a didactically “teachable” concept. A robust body of scholarship from the field of positive psychology, however, tells us that short, easily deployable interventions can go a long way in providing students with the skills and tools they need to chart their own authentically meaningful career paths. I incorporate many such interventions in my first-year legal practice curriculum with the goals of training my students to (1) reflect on their individual values, interests, and motivations, (2) proactively seek out educational and career opportunities that align with their own values, and (3) evaluate career paths from an impact, rather than a prestige, point of view.¹³

One exercise that links all three of these goals—while incorporating familiar legal writing concepts—is what I call *A Memo to Self*. Capitalizing on the fact that my students have written several client memos in the fall semester and (hopefully) have a good handle on synthesizing and explaining rules and applying those to the pertinent facts, I ask my students early in the spring to write one last memo for the year—this one to themselves. The beginning of 1L spring semester is a time of many choices: summer jobs, journals, moot court, mock trial, 2L classes, and other curricular and extracurricular commitments. To nurture my students’ well-being in the midst and aftermath of these choices, I ask them to take themselves on as a client and to engage in an explicit cost-benefit analysis of one such decision through the prism of their personal values and sense of meaning.

Using the tools of predictive memo writing, I instruct my students to first synthesize the “rules” about what matters to them—a self-reflective exercise about

SUPPORT AND INSTRUCTION FOR YOUTH PURPOSE, 75-88 (Winter 2011), <https://pubmed.ncbi.nlm.nih.gov/22275280/>.

¹¹ THE PSYCHOLOGY OF PURPOSE, 11 (2018), <https://www.templeton.org/wp-content/uploads/2020/02/Psychology-of-Purpose.pdf>.

¹² See, e.g., Y. Chen, et al., *Sense of mission and subsequent health and well-being among young adults: an outcome-wide analysis*, 188 AM. J. EPIDEMIOL 664, 669 (2019).

¹³ See Katya S. Cronin, *The Intentional Pursuit of Purpose: Nurturing Students’ Authentic Motivation for Practicing Law*, 28 LEGAL WRITING (forthcoming spring 2024).

their individual values, career aspirations, and personal goals and priorities.¹⁴ Just as in any rigorous legal analysis, my students also need to explain the “rules” by looking at precedent and analyzing past examples of commitments that they have taken on, which have either aligned with or contradicted their personal values. Delving into such prior examples from their own lives helps students really *see*—maybe for the first time—the important connection between their intrinsic values and the level of motivation, satisfaction, and well-being they have (or have not) extracted from past activities.

Having ascertained and explained the applicable “rules,” I then ask my students to apply these rules to the “facts,” which involves evaluating what a possible opportunity would offer and demand. I let my students choose which decision or opportunity they would like to evaluate—summer employment, 2L classes, extracurricular choices, or anything else—so long as it directly connects to a professional decision that they are in the process of making at that time. To conduct a thorough analysis, students may need to engage in additional fact gathering at this stage, including talking to upper-level students and other mentors about the realities of taking on a particular commitment. In the end, though, the most relevant facts in this analysis are intrinsic and specific to each individual student: what they personally would find interesting, exciting, stimulating, meaningful, and rewarding. Finally, I ask my students to make a prediction—will this commitment be worth the investment? Is their client (i.e., themselves) likely to stay motivated and find meaning in this activity or will it quickly devolve into a chore that robs them of their time and wellness? While I do not collect or evaluate the memos, I conduct a large group debrief in class after the assignment where I ask about the students’ conclusions, analytical process, and reactions to the exercise or their findings.

This class discussion also allows me to place this short exercise in the larger context of my students’ professional identity journey. In its core, the cost-benefit analysis involved in this memo to self is one that most of us conducts instinctively throughout our lives. Often, however, we use the wrong metrics—the professional prestige of a commitment instead of its intrinsic value; the absolute time spent on something instead of the opportunity cost of not doing something else; its profitability instead of its impact on the world. Over time, the busyness of life pushes this implicit analysis even deeper into the subconscious and often results in our accepting or denying commitments on instinct or, worse, by the yardstick of others around us. My hope is that by asking my students to explicitly and

¹⁴ This exercise builds on earlier self-reflections that they have completed in the fall, which asked them to imagine who they want to be and what they want to be doing ten years after graduating from law school. The second semester self-reflection, however, allows for changing priorities and evolving interests in the course of the year and connects students’ theoretical aspirations with more practical decisions.

deliberately engage in this process, and by guiding them to use the language of meaning and metrics that are more relevant to their ultimate success and well-being,¹⁵ I can inculcate a healthy habit that will serve them well throughout their legal careers. Commitment by commitment, student by student, lawyer by lawyer, we can thus begin to build a profession grounded in meaningful work, that views doing well and being well as two inextricably linked attributes of what it means to be a great lawyer.

¹⁵ See, e.g., Lawrence S. Krieger & Kennon M. Sheldon, *What Makes Lawyers Happy?: A Data-Driven Prescription to Redefine Professional Success*, 83 GEO. WASH. L. REV. 554, 560 (2015).