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Maiming the Cubs

BY JAMES J. WHITE*

In the last twenty years much has been written about the deleterious effect that law school has on the mental well-being of law students.1 Many have called for “humanizing” law school. In support of their case, the advocates of humanizing cite numerous anecdotes, much scholarly writing in the psychology literature, and even a few rigorous studies of law students. A principal voice is that of Professor Krieger who has done the most careful and elaborate study, a study of students at two law schools.2

You should understand that Professor Krieger and his cohorts do not merely claim that we make our students more anxious, more depressed, and generally mentally sicker, but that this sickness may bring about permanent changes that plague our students for years to come. So the claim, at least by inference, is not just that law students are made unhappy by law school, but that they are maimed.

I am skeptical.

I. IN GENERAL

It is easy to believe that students are made anxious and even depressed by law school and that the anxiety and depression stays with many students throughout school. It is harder to believe that these stresses cause permanent

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* Robert A. Sullivan Professor of Law, University of Michigan. I thank Danny Pearlberg, Michigan '06, for his fine research and boundless good humor in working on this Article.


2. See Sheldon & Krieger, supra note 1, at 261.

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and irreversible change and that the ills of lawyers are traced in any meaningful way to the stresses of the three years of law school.

Why am I skeptical? A law professor’s claim that he or that law school attendance has such influence over his students shows an unbecoming egotism. I am happy if I can get my students to learn some rudimentary rules about the holder in due course doctrine for next week, never mind what effect I might have a year or five years from now. Our students’ lives are filled with countless events, dozens of relationships, and a multitude of worries. Only a handful of those events and worries come directly from law school. How could any law school experience overshadow any one of hundreds of things that happen to each student in the first year after school? Where is the evidence that our pushing them to think like lawyers has turned them permanently off course? To my mind, students are more like sea going tankers than fragile skiffs; their courses change only slowly and at response to greater pressure than law school and law teachers can muster.

On the other hand, that law school causes stress and that such stress might foster anxiety, depression, and possibly even larger transitory psychological disturbances is easy to believe. Many of our students come from undergraduate disciplines where they earned certain and predictable rewards for hard study and diligent recollection. Recall the common claim of a student who got a low grade despite the fact that he had studied hard and “knew the material.” In many law school classes, students must distill general principles from the cases for themselves and must show some analytical ability on the examination. When one’s practiced modes of learning no longer work, stress and anxiety are inevitable. These are only some of the causes of stress in law school; I deal with others below.

I wonder, too, whether the anxiety and depression that we observe in some of our law students is the unavoidable consequence of the challenge of hard learning and of confronting the looming need to prepare to behave as a lawyer. Soon after they come to law school, students must sense that however hard Contracts or Torts is, learning to be a successful practicing lawyer is harder, and that the road to success in the profession is even less clearly marked than the road to law school success.

One study suggests that the anxiety caused by medical school is smaller than that created by law school, but there are few other studies that compare law students’ psychological state with the state of students who are learning other demanding professions. What do we know about military pilots or candidates for elite military units like the seals? Or, what about PhD candidates in Philosophy who, at least at my school, suffer a powerful judgmental ranking by the faculty (viz. we will not recommend you for any philosophy department in the top 100.)?

My anecdotal experience as an instructor pilot in the Air Force shows that student pilot anxiety (and presumably the accompanying deleterious
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psychological effects) greatly exceeds that in law students. Student pilots came to me for jet training with between one hundred and one hundred fifty hours of flight time (including many hours of solo flight time) in propeller aircraft. We referred to their first flight in a jet aircraft as a “dollar ride” because the instructor did all of the flying from the back seat in the same way that a barnstormer (who charged a dollar) might have done at a county fair in 1925. About half of my students would vomit on their dollar ride. Remember, these youngsters were already trained in flying prop airplanes, and most went on to become successful Air Force pilots. Yet, they showed a more extreme response to stress and anxiety than I have ever seen from a law student. Between one-third and one-half of each pilot training class (but none of mine) “washed out,” so their anxiety about success was justified.

Of course, a comparison to other places where students must learn a difficult skill does not explain away findings about law students, but it does raise the possibility that anxiety of the kind that we observe in law students is endemic to hard learning. It may not be caused by the way law school teaching is done and it suggests that no change in law school pedagogy will alleviate student anxiety.

II. THE EMPirical Studies

There are two large scale empirical studies of law students’ mental health. The studies are entitled: The Role of Legal Education in Producing Psychological Distress Among Law Students and Lawyers, published in 1986, and Does Legal Education have Undermining Effects on Law Students? Evaluating Changes in Motivation, Values, and Well-Being, published in 2004.

In their 2004 study, Professors Sheldon and Krieger (hereinafter referred to as “S&K”) examined one class of students at Florida State and a class at an unnamed Midwestern urban school. They examined two hundred thirty-five members of the entering class at Florida State in August 2000; one hundred ninety-three of those were examined again in March of 2001, one hundred thirty-six in November 2001 (second year), and one hundred thirty-four in November 2002 (third year). At the Midwestern school, the class entering in 2002 was tested only in the first year, in September of 2002 (two hundred fifty-five subjects) and in April 2003 (one hundred fifty-eight subjects).

According to the standards used by S&K, students’ “subjective well-being” (“SWB”) suffered a statistically significant decline during the first

3. Benjamin, supra note 1, at 225.
5. See id. at 266-67.
6. See id. at 277.
semester of law school and never recovered during law school. The study also shows a decline in “intrinsic” as opposed to “external” values and a decline in “self determined” motivation and a rise in motivation from “external” and “introjected” sources. Reasoning from the self-determination theory of optimal motivation and human thriving (i.e. that people are happier when they control their own fates and derive their motivation and goals from internal needs rather than external ones), the authors suggest that students’ decline in mental well-being is the result of law school’s redirection from internal to external values and from intrinsic to external motivation. Since a change in a student’s motivation and values might be long lasting, this latter possibility (i.e. that students’ newfound unhappiness comes from these changes in values and motivation) is a troubling one. It is one thing to say that law students are anxious and depressed; it is something else to say that law school has worked a long-lasting change that can leave them anxious and depressed indefinitely.

III. EVIDENCE OF DECLINE IN STUDENTS’ MENTAL HEALTH

S&K use a group of Missouri undergraduates from an advanced psychology class as a quasi-control group. They show that the SWB of the entering law students was similar but superior to the undergraduates’ SWB. By March of the freshman year, the law student’s SWB had slipped below the undergraduate base line.

How is SWB measured? It is measured by asking three sets of questions. One questionnaire used by S&K asks students to state how often each of them experienced a list of moods in the prior month associated with a list of adjectives such as “enthusiastic” and, at the opposite end, “hostile” or

7. See id., Table 3, at 272.
8. Id.
10. See generally Sheldon & Krieger, supra note 1, at 263.
11. Id. at 267. The undergraduates participated in three of the four SWB measures. Id.
12. Id. at 271 (comparing the law school sample with the undergraduate sample in Table 1).
13. Id. at 271-72. The law students SWB was down from 4.85 in August to 3.88 in March, compared to 4.28 for the undergraduates. Sheldon & Krieger, supra note 1, Table 3, at 272.
“irritable.” Students marked 5 if they experienced the mood so characterized very much and 1 if not at all. The responses to the ten adjectives that show positive moods are then averaged as are the responses to the ten negative mood adjectives.

A second measure of SWB was the students’ responses to the Satisfaction with Life Scale ("SWLS"). The SWLS has five statements to which the students respond with the familiar five point answers – not at all to very much.

Of the third and fourth measures, one tested the frequency of physical symptoms that might be associated with stress such as insomnia or headaches. The other, the Beck Depression Inventory ("BDI"), asks students to circle one statement in each of twenty-one sets of four statements (e.g. (1) 1) I do not feel sad. 2) I feel sad. 3) I am sad all the time and I can’t snap out of it. 4) I am so sad or unhappy that I can’t stand it.).

In the S&K Florida State study there was a statistically significant change for the worse in every measure of SWB between August and March. The same was true in the 2002 class at the Midwestern school, except that neither the BDI test nor the test of physical symptoms was used there. Because all of the changes are in the same direction, because all are statistically significant, and because all are consistent with anecdotal evidence, I am convinced that these tests accurately disclose a measurable and significant decline in students’ psychological health during the first year of law school. Particularly persuasive is the BDI measure; it is a well tested and widely respected measure of depression.

Despite the conclusion that students’ mental health deteriorated in the first year of law school, a deeper look at S&K’s data diminishes my concern about our students that the simple two point comparison might otherwise cause. First, although the law students’ positive and negative affects go from more healthy than the control group to less healthy (i.e. the law students

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14. See id. at 268 (citing David Watson et al., Development and Validation of Brief Measures of Positive and Negative Affect: The PANAS Scales, 54 J. PERS. & SOC. PSYCHOL. 1063 (1988)). See Appendix A.
15. Sheldon & Krieger, supra note 1, at 268.
16. Id.
17. See id. at 268 (citing Ed Diener et al., The Satisfaction with Life Scale, 49 J. PERS. ASSESSMENT 71 (1985)). See Appendix B.
20. Id. (citing Aaron T. Beck, Cognitive Therapy and Emotional Disorders (1967)). See Appendix C.
22. See id. at 278.
experienced fewer bad moods than the undergraduates at time one and more at time two and vice versa for bad moods), the change from the Fall to Spring was substantially smaller in the older urban students at the Midwestern school than in the FSU sample. This suggests that age and experience may modulate changes in positive and negative effects.

Second, both of the law school samples were more satisfied with their supposed destructive law school lives in the spring testing after a trying year of law school than the Missouri students were with their supposed benign undergraduate lives. The Missouri undergraduates reported a life satisfaction measure of 3.24;\textsuperscript{23} the FSU and Midwestern groups had measures of 3.25\textsuperscript{24} and 3.32\textsuperscript{25} respectively in the spring of their freshman years. If one regards undergraduate students as reasonably happy, then law students are too. There is no difference between the undergraduate students and the law students.

The inconsistency between the direction of the positive and negative affect values and the direction of the life satisfaction values, both used by S&K to show well-being, tells that they are not measuring the same thing. Further, it is hard to know exactly what inference to draw from the fact that a large group of law students gave an average rank of 2.47 to negative moods in August and 2.66 in March.\textsuperscript{26} Even if the change is statistically significant, i.e. not caused by chance, what do we make of it? Does the observed marginally higher choice of negative mood adjectives and the marginally lower choice of positive adjectives mean that the students have, as S&K would have it, undergone a “precipitous decline in well being during the first year?”\textsuperscript{27} I doubt it.

Finally, consider depression. S&K claim that their study found a large increase in depression among law students from the beginning to the end of their first year of law school\textsuperscript{28} and conclude with the suggestion that “various problems reported in the legal profession, such as depression . . . may have significant roots in the law-school experience.”\textsuperscript{29} This claim is based principally on the BDI measure of depression.\textsuperscript{30} The BDI can be described as follows:

[It] consists of 21 items, and is designed to tap levels of sadness, self-deprecatating thoughts, suicidal ideation, energy levels, and other

\textsuperscript{23} Id., Table 1, at 271.
\textsuperscript{24} Id., Table 3, at 272.
\textsuperscript{25} Id., Table 5, at 278.
\textsuperscript{26} Sheldon & Krieger, supra note 1, Table 3, at 272.
\textsuperscript{27} Id. at 280.
\textsuperscript{28} Id.
\textsuperscript{29} Id. at 283.
\textsuperscript{30} Id. at 268.
factors believed to be consistent with depression. Respondents choose from four statements, which are labeled among zero [happiest] and three [most depressed], and scores are added to obtain an overall depression score.\textsuperscript{31}

For example, the statements for item 1, labeled from zero to three, are: (0) I do not feel sad (1) I feel sad (2) I am sad all the time and I can’t snap out of it (3) I am so sad or unhappy that I can’t stand it.\textsuperscript{32} Also, “based on the relationship between clinical ratings of depression and BDI scores, A. T. Beck (1987) recommends the following cut-off scores with depressed patients: 0-9, normal range or asymptomatic; 10-18, mild to moderate depression; 19-29, moderate to severe depression; and greater than 29, extremely severe depression.”\textsuperscript{33}

S&K obtained BDI scores from the first survey in August when their subjects were about to start the first year, and from a second survey in March of the first year. The mean score in August was 6.12 and the mean score in March was 7.94.\textsuperscript{34} While this change in score from August to March was statistically significant, it did not take the median out of Beck’s “normal” range.\textsuperscript{35}

The other major study that used the BDI to measure law student depression was done by Professor Benjamin et al. with law students at Arizona State, where three cohorts were tested.\textsuperscript{36} In the fall of the first year (October), the mean score of cohort 1 was 6.91 and in the spring of first year it was 6.22. In the spring of the third year, the score of cohort 2 was 8.25 and in the spring two years after graduation it was 6.83.\textsuperscript{37} In the summer before law school, cohort 3 had a score of 5.24 and in the spring of the first year, 8.85.\textsuperscript{38}

Particularly in view of the fact that the BDI test is widely regarded as a reliable measure of depression, the two studies\textsuperscript{39} convince me that law student

\textsuperscript{32} See Appendix C, at Item 1.
\textsuperscript{33} Dammeyer & Nunez, supra note 31, at 66 (referencing AARON T. BECK, MANUAL FOR THE BECK DEPRESSION INVENTORY (1987)).
\textsuperscript{34} Sheldon & Krieger, supra note 1, Table 3, at 272.
\textsuperscript{35} See Dammeyer & Nunez, supra note 31, at 66. Danny Pearlberg, my research assistant on this paper scored a euphoric “3” on the BDI. On the other hand, one of his friends, who was having trouble finding a job while almost everyone else seemed to be finding them, scored a sad 33. (That Danny has been trying to win his girl’s hand by playing the violin for her suggests that he may be so abnormal that his score should be disregarded.).
\textsuperscript{36} See Benjamin, supra note 1, at 225.
\textsuperscript{37} Id., Table 3, at 237.
\textsuperscript{38} Id.
\textsuperscript{39} Id. at 225; Sheldon & Krieger, supra note 1, at 261.
depression increases during the first year of law school. However, the increase is not dramatic and some of the data are inconsistent with the hypothesis that depression increases in the first year. For example, how does one explain the relatively undepressed score in the spring of the first year for the 1986 cohort number 1 (6.22)?\textsuperscript{40} The following chart summarizes the available scores.

To better understand the law student scores, compare them to the scores of other groups. The mean BDI scores of law students in the spring of their first year, after suffering the allegedly traumatic effects of the first year of law school, are similar to the mean BDI scores of undergraduates and dissimilar to the mean BDI scores of abnormal groups.\textsuperscript{41} Studies of undergraduates

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\caption{Law Student Depression}
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\\textsuperscript{40} See Benjamin, \textit{supra} note 1, Table 3, at 237.

\\textsuperscript{41} See Alan Reifman, et al., \textit{Depression and Affect Among Law Students During Law School: A Longitudal Study}, 2 J. EMOTIONAL ABUSE 93 (2000). A study by Alan Reifman, Daniel N. McIntosh and Phoebe Ellsworth, published in 2000, used the CES-D scale to measure depression (the cut off scores on the CES-D are 16 or higher for depression, 31 or higher for severe depression) and produced the following data on law students at the University of Michigan: Prior to 1st year orientation the mean CES-D score was 11.2, with 22.2% scoring 16 or higher, 0.0% scoring 31 or higher. \textit{Id.} at 99. At the end of first year, the mean score was 17.4, with 51.1% scoring 16 or higher, 8.9% scoring 31 or higher. \textit{Id.} These scores are
report mean BDI scores of 7.28, 7.38, 7.47, and 7.58. While this is not an exhaustive list of studies of undergraduates, nothing in the studies suggested that these results were surprising or aberrant. Law student scores straddle the undergraduate scores; some are slightly higher and some are slightly lower. Contrast this with the scores of heroin addicts (19.42), alcoholics (12.80), and psychiatric hospital patients (19.28 and 23.16).

For cohort 1, the increase in depression occurred sometime between the end of first year and the end of third year, not during the first year itself, because the mean score at the end of first year was 6.22 while the mean score at the end of third year was 8.82. The data from cohort 2 indicate that depression goes down after law school ends because the mean score from spring of third year was 8.25 while the mean score from spring two years after graduation was 6.83. Of course, these data are contradicted by the S&K study that shows that depression climbs between the commencement of law school and the spring of the first year.

shocking, especially when compared with other test groups: 30-45% of unemployed people score 16 or higher on the CES-D. Id. at 101. For HIV positive blood donors 2 weeks after notification, the number is 50%. Id. People experiencing death of spouse or marital separation in past year: 50%. Patients being treated for substance abuse: 50-60%. Reifman, supra note 41, at 99. Homeless people: 50-70%. Id. Various psychiatric samples: 60% and higher. Id. This study is difficult to reconcile with the studies that I am discussing (Benjamin et.al 1986, Sheldon & Krieger 2004), both because the 2000 study uses a different depression scale and is thus difficult to translate to a BDI vocabulary, and because it seems to have found a much higher incidence of depression than the BDI studies found. It is worth noting that even the Reifman study showed no long term effect in the Michigan law students. See id. at 99.


43. Susan E. Bryson & David J. Pilon, Sex Differences in Depression and the Method of Administering the Beck Depression Inventory, 40 J. CLINICAL PSYCHOL. 529, Table 1, at 531 (1984). Study of 384 undergraduates at Dalhousie University. Id. at 530.

44. Ian H. Gotlib, Depression and General Psychopathology in University Students, 93 J. ABNORMAL PSYCHOL. 19, Table 1, at 23 (1984). Study of 443 undergraduates at the University of Western Ontario. Id. at 19.


49. See Benjamin, supra note 1, Table 3, at 237.

50. Id.
When I compare the law school data to findings from other groups, I conclude that the first year of school probably makes students more anxious and depressed, but the data are not overwhelming. Some findings contradict others, and I could find no studies of students in similarly threatening environments, including studies of military pilot candidates or of officer training candidates. Perhaps a look beyond the medians would show student migration across the line of real depression that is not shown by the median numbers. At least in my opinion, the data do not live up to the claims about serious injury and do not support the exhortations for radical revision of law school teaching.

IV. GOALS AND VALUES

As I suggest above, it is one thing to find that law students are more depressed than other students or that they suffer more bad moods and fewer good moods, but it is something else to conclude that these changes accompany or are caused by a change in the students' values and goals from values and goals that will leave them relatively happy to goals and values that will leave them relatively unhappy not just in law school, but thereafter. S&K are coy about the causal connection between motivation and values on the one hand and SWB on the other.

At one point S&K state that the correlation between changes in values and motivation and changes in SWB are merely "consistent with the proposition that motivational changes may help explain the SWB changes. Of course causality cannot be definitively established with these correlational data."51 Elsewhere they inch toward stronger and larger claims:

[I]f students begin law school with intrinsic motivations and internalized extrinsic motivations (striving for reasons of interest and/or personal conviction) but then move towards non-internalized or "controlled" motivations (striving for reasons of external coercion, fear or guilt), this could produce a loss of satisfaction and engagement, and ultimately contribute to the many observed problems in the legal profession. Also, if students begin with intrinsic value contents (such as helping others or personal growth) but move towards extrinsic values (such as impressing others, or gaining status and affluence), this would also help explain the negative trends in SWB, as well as perhaps explaining the negative stereotypes (i.e. shallow-

51. Sheldon & Krieger, supra note 1, at 281.
ness, greed, hyper competitiveness) commonly associated with lawyers.\textsuperscript{52}

They conclude with a sweeping but still qualified claim: "If these experiences are common in American law schools . . . it would suggest that various problems reported in the legal profession, such as depression, excessive commercialism and image-consciousness, and lack of ethical and moral behavior, may have significant roots in the law-school experience."\textsuperscript{53}

So what are they claiming? That the law school experience probably causes these ills? That it may cause these ills? Or that they have no opinion about causation? While their words are carefully qualified, the message that comes to me is that they believe that law school is a cause, if not the principal cause, of the psychological ills of lawyers.

V. VALUES

To test students' "values," S&K used the Aspiration Index, a series of thirty-three questions to measure "intrinsic aspirations" (i.e. meaningful relationships, personal growth, and community contributions) versus "extrinsic aspirations" (i.e. wealth, fame, and image). For example, questions thirteen through fifteen respond to the statement "To successfully hide the signs of aging" is to you (thirteen) how important? (fourteen) how likely to be achieved? and (fifteen) how much already achieved? Questions twenty-two through twenty-four ask similar responses to the statement "To have many possessions."

Crudely stated, the working hypothesis of self determination theorists is that persons motivated by intrinsic values will be happier than persons motivated by extrinsic goals. Thus, if law school turns students from doing what they think is important for them or enjoyable (i.e. to be intrinsically motivated) to things that others demand of them (i.e. to be extrinsically motivated), the students will be less happy, i.e. will show lower SWB.

To test students' motivation to achieve their law school and life goals, respondents were asked to write down five law school goals and then to mark 1 to 5 on their motives to achieve these goals: "because of the enjoyment and stimulation" vs. "because you really believe it is an important goal to have" vs. "because you would feel ashamed, guilty, or anxious if you didn't" vs. "because others want you to or think you should."\textsuperscript{55} The first two answers show intrinsic goals and the latter two show extrinsic goals. To repeat, self-

\begin{itemize}
\item \textsuperscript{52} Id. at 264.
\item \textsuperscript{53} Id. at 283.
\item \textsuperscript{54} See Appendix D.
\item \textsuperscript{55} Sheldon & Krieger, supra note 1, at 268.
\end{itemize}
determination theory (which S&K appear to endorse) posits that persons motivated by intrinsic values will be happier and more productive than those primarily motivated by extrinsic values.

In their conclusion, S&K claim that their data show "troubling increases in extrinsic values and declines in self-determined motivation." According to them, these changes suggest that lawyer problems such as "excessive commercialism and image-consciousness... may have significant roots in [i.e. is caused by?] the law school experience." These are serious charges; now we are not talking about a bit of depression and a little anxiety during law school, but about long term deleterious changes.

Do S&K's data support their conclusion? I do not think so. Consider first the data from FSU and compare it to the Missouri undergraduates. While the March law students, perhaps thinking of interviews for summer jobs, were more concerned with their appearance than they had been in August, they were slightly less concerned about social popularity than they had been at the beginning of school, and their need for financial success was essentially unchanged. Only the decline in community contribution and the rise in appealing appearance were significant at the .01 level. Yet, even with a statistically significant change from intrinsic to extrinsic values during their first year, the FSU law students still showed a relative intrinsic value motivation in March (4.75) that exceeded the relative intrinsic value motivation of the Missouri control group (4.68). There is no evidence here that the FSU students had been diverted toward greed and avarice, and the evidence about their diversion toward "image consciousness" is equivocal (the decline in the need for social popularity is offset by a rise in need for appealing appearance). To the extent that these students' intrinsic values have been modified at all, they still exceed the Missouri undergraduates' intrinsic values, so they presumably still rank in the normal range on these measures (assuming as I do that the Missouri undergraduates were picked to represent the normal range of college students).

The Midwestern students show a smaller change in values between September and April than the FSU students do. Only the change in need for appealing appearance is significant at the .01 level. The Midwestern

56. Id. at 283.
57. Id.
58. See id., Table 3, at 272.
59. Id.
60. Sheldon & Krieger, supra note 1, Table 3, at 272.
61. Id., Table 1, at 271.
62. Id.
63. See id., Table 5, at 278.
students' interest in financial success and social popularity declines during the period, but, except for the rise in the need for appealing appearance and the decline in the need for social popularity, all of the changes observed could have been caused by chance. Their aggregate intrinsic value orientation declines only from 5.17 to 5.06, law school does not appear to be warping the values of these cubs.

For one value change there is a plausible explanation that is unrelated to law school as such. In both groups the students’ need for an appealing appearance rose during the year by a statistically significant margin (from 2.31 to 2.47 at FSU and from 2.18 to 2.30 at the Midwestern school). If those numbers were removed from the FSU study, it would rob the aggregate change in values of statistical significance and would cause the students at the Midwestern school to appear to have stronger intrinsic motivation in March than in August.

Why should we be suspicious of the appealing appearance values? We should be suspicious because the students are doubtless searching for summer employment in March and April or are at least thinking about it. Every interviewee understands that appealing appearance is helpful in a job interview; it would be surprising if these students were not also thinking of that as summer approached. Finding that this concern comes from the prospect of job interviews and not from law school might also explain why students’ concerns about their appearances increase even while their concerns about social popularity decline.

VI. MOTIVATION FOR LAW SCHOOL

In the words of the authors, extrinsic motivation (i.e. to impress others, to avoid shame, to get money) “may produce positive performance to some extent, these factors tend to work against persistence, enjoyment, creativity

64. See id.
65. Sheldon & Krieger, supra note 1, Table 5, at 278.
66. Id., Table 3, at 272.
67. Id., Table 5, at 278.
and integration in the long run." In lay terms, intrinsically motivated persons, persons who are motivated by their own enjoyment and stimulation or because they believe that what they are doing is important, are happier than people who do things that others want them to do or who do things to avoid shame, guilt, or anxiety. For the purposes of this discussion I accept these claims about happiness and motivation as true.

S&K measured students’ motivation in different ways in the two samples. In the FSU sample they asked students to identify five goals that they had for law school or for life and then asked them to rank each form of motivation (external/others want me to, introjected/feel guilty otherwise, identified/believe important, intrinsic/my stimulation) from 1 (not at all) to 5 (very much) as that motivation applied to the goal. In the Midwestern sample, students were asked to apply the same motivations not to their law school goals or life goals but to their “reasons for attending the law program” and, in April, “why they would be returning for the second year.”

The authors derived a “relative self determination” number that is a combination of the aggregate responses on the four motives. In both samples the authors conclude that there was a statistically significant decline in relative self-determination of goals between Fall and Spring of the first year. Here, the numbers are less consistent and persuasive than the numbers on change in well-being. Introjected motivation for the FSU students goes the wrong way (i.e. less shame and guilt in the Spring than the Fall). Identified motivation (i.e. because you believe it is important) shrinks but not by a statistically significant amount during the first year. By adding together the responses for the four motivations, the authors produce a statistically significant change in relative self-determination despite the unhelpful results in introjected and identified motivation. The motivation results for the Midwestern students do not, in my opinion, support the authors’ claims.

Remember, here the students were asked their motives for attending law school and, in the April questionnaire, for coming back for a second year of law school. At FSU the students were asked motives for accomplishing five self-selected goals in life or for attending law school. In the Midwestern sample, the numbers on external motivation (i.e. others want me to) were

68. Id. at 263.
69. See id. at 268-69.
70. Sheldon & Krieger, supra note 1, at 277.
71. Id. at 269.
72. Id., Table 3, at 272.
73. Id.
74. Id.
75. Sheldon & Krieger, supra note 1, at 277.
76. Id. at 268.
nearly the same at the two tests (1.64 and 1.63), yet the change at FSU from 1.57 to 1.76 was statistically significant. But, the FSU student was applying this motive to his self-selected goal (e.g. to help poor people) while the Midwestern student was applying it to a known question (August: Why did you come to law school? March: Why are you returning for your second year?). Therefore, the Midwestern students tell us that mom and dad wanted them to come to law school and they want them to go on to the second year and their feelings on those two questions have, not too surprisingly, motivated the students about the same.

The largest change in any of the measures taken occurs in the Midwestern answers to introjected (i.e. I would be ashamed otherwise) between August and March. Now consider what the two questions were at Midwestern: “Why did you come?” (August) and “Why are you staying?” (March). That these are different questions is brought out by the application of the introjected motive to them. Few of us would be “ashamed” or “guilty” for deciding not to attend law school but most of us would be “ashamed” or “guilty” if we dropped out of law school after the first year. In my view, the difference in the question invalidates the comparison and explains the large change in the responses from 1.35 to 2.56.

Because the identified motivation (i.e. an important goal to me) changes in the opposite direction of the authors' hypothesis and the external motivation is unchanged, there is no evidence of relative self-determination decline in the Midwestern students if one disregards the introjected measure. Of course, part of the unexpected rise in the identified motivation (i.e. important to me) could also stem from the fact that different questions were asked at time one (i.e. coming to law school) and time two (i.e. staying in law school).

So, what does one learn from these data about changes in the relative self-determination of law students' goals in the first year? Not much, in my opinion. The Midwestern data are equivocal and probably corrupted by the fact that different questions were asked in an attempt to measure the same thing at two different times. The change in motivations of the FSU students between Fall and Spring was statistically significant on two of the four measures, and we are not told what goals the students chose or what goals were suggested in the questionnaire. These data do not convince me that the first year of law school moves the student from comparatively self-determined goals to comparatively controlled motivations.

In summary, I believe that law students' SWB declines during the first year of law school. They become more anxious and more depressed in the

77. Id., Table 5, at 278.
78. Id., Table 3, at 272.
79. See id., Table 5, at 278.
Spring than they were in the Fall. But even in the Spring, law students appear to be happier on some measures than the Missouri control group. I am doubtful of the causal connection that S&K would like to find between change in autonomous and controlled motivation and goals on the one hand and decline in SWB on the other.

VII. RIVAL HYPOTHESES

If law students become more depressed and more anxious during the freshman year but the cause of that depression and anxiety is not that we are exalting Mammon, fame, and beauty, or that we are threatening shame, fear, and guilt, then what causes this depression and anxiety? I see at least two plausible hypotheses. First, there is the possibility that law school attracts a divergent set of students whose personalities dispose them to depression and anxiety. Second is the possibility that all hard learning causes depression and anxiety.

Susan Daicoff favors the first hypothesis, that our students are different: "[L]awyers' competiveness, aggressiveness, need for academic achievement, and low interest in emotions are likely to have been present prior to law school, even though they may have been amplified and increased by the legal education process." While it appears to be the case that pre-law students are no more psychologically distressed than their peers, this finding is entirely compatible with the assertion that many pre-law students possess a unique set of personality traits that, in effect, sets them up for the inevitable decline in mental health that law school brings.

Not all law students will be as academically successful in law school as they were when they were undergraduates. The psychological benefits of undergraduate academic success may at the same time both explain pre-law students' lack of psychological distress and mask the particular underlying psychological needs of pre-law students that will not be met in law school. Susan Daicoff offered the following:

In law school, if law students equate self-worth with achievement, to the extent that self-esteem depends entirely on continual successes, a less-than-average academic performance equates with personal worthlessness. The law school experience itself frustrates individuals' need for achievement, since formerly top students in college may now be average students in law school. Due to law students' demonstrated high needs for achievement, success, and

80. Daicoff, supra note 1, at 1406.
81. See id. at 1354.
dominance, this phenomenon may have devastating effects on their self-esteem and self-worth.\textsuperscript{82}

Thus, law school may be a necessary but not sufficient reason for the anxiety that we observe.

The second hypothesis, that hard learning causes psychological misery, is supported not only by my pilot anecdote but also by a small number of studies of students in other curricula. A study of graduate and professional students published in 2004 found high rates of depression, stress, and substance use among graduate and professional students.\textsuperscript{83} Although this study used different measuring scales than S&K and is therefore difficult to translate, the fact that 25\% of all respondents reported a score on that depression scale\textsuperscript{84} that "may be indicative of depression"\textsuperscript{85} lends support to the hypothesis that law students are not alone. The stress that we observe in law school may be endemic to learning a demanding skill.

VIII. CONCLUSION

Assuming for the sake of the argument that law school causes anxiety and depression in students, I am not persuaded either that that anxiety and its associated psychological ills persist after law school or that they can be prevented by even Herculean efforts at making law school more humane. Until better data come forward, I will continue the traditional law teacher's reign of pillage and abuse. I do that happy in the belief that my hectoring will leave my students better, if momentarily sicker, lawyers.

\textsuperscript{82} Id. at 1418.

\textsuperscript{83} Tracy Stecker, \textit{Well-Being in an Academic Environment}, 38 MED. EDU. 465 (2004). Respondents included students of pharmacy, physical therapy, dentistry, medicine, nursing, and general graduate students. \textit{Id.}, Table 1, at 467.

\textsuperscript{84} See \textit{id.} at 477 (using the following depression scale: How often have you experienced any of the following during the past 4 weeks?).

\textsuperscript{85} \textit{Id.} at 467.
APPENDIX A

This is the Positive Affect Negative Affect Schedule ("PANAS")

How well does each mood adjective below describe your life experience during the past month or so?

<table>
<thead>
<tr>
<th></th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>not at all</td>
<td>somewhat</td>
<td>very much</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>interested</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>distressed</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>excited</td>
<td></td>
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</tr>
<tr>
<td>4</td>
<td>guilty</td>
<td></td>
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</tr>
<tr>
<td>5</td>
<td>scared</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>6</td>
<td>irritable</td>
<td></td>
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<tr>
<td>7</td>
<td>alert</td>
<td></td>
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<tr>
<td>8</td>
<td>ashamed</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>9</td>
<td>inspired</td>
<td></td>
<td></td>
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<tr>
<td>10</td>
<td>nervous</td>
<td></td>
<td></td>
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<tr>
<td>11</td>
<td>determined</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>12</td>
<td>attentive</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>13</td>
<td>hostile</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>14</td>
<td>enthusiastic</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>15</td>
<td>proud</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>16</td>
<td>jittery</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>17</td>
<td>active</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>18</td>
<td>afraid</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>19</td>
<td>active</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>20</td>
<td>afraid</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>21</td>
<td>fulfilled</td>
<td></td>
<td></td>
<td></td>
<td></td>
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</tbody>
</table>

APPENDIX B

Satisfaction with Life Scale: How well does each statement describe your life experience during the past month or so?

<table>
<thead>
<tr>
<th></th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>not at all</td>
<td>somewhat</td>
<td>very much</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

1. In most ways, my life is close to my ideal.
2. The conditions of my life are excellent.
3. I am satisfied with my life.
4. If I could live my life over, I would change almost nothing.
5. So far I have gotten the important things I want in life.

APPENDIX C

The Beck Depression Inventory: Below are 21 groups of statements. For each group, please pick the one statement which best describes the way you have been feeling the PAST WEEK, INCLUDING TODAY! Bubble the number of the statement you have picked into the appropriate spot on your computer answer sheet. BE SURE TO READ ALL STATEMENTS IN EACH GROUP BEFORE MAKING YOUR CHOICE.

<p>| | | | | |</p>
<table>
<thead>
<tr>
<th></th>
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</thead>
<tbody>
<tr>
<td>1</td>
<td>1</td>
<td>I do not feel sad.</td>
<td>2</td>
<td>I feel sad.</td>
</tr>
<tr>
<td></td>
<td>3</td>
<td>I am sad all the time and I can't snap out of it.</td>
<td>4</td>
<td>I am so sad or unhappy that I can't stand it.</td>
</tr>
<tr>
<td>2</td>
<td>1</td>
<td>I am not particularly discouraged about the future.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>2</td>
<td>I feel discouraged about the future.</td>
<td>3</td>
<td>I feel I have nothing to look forward to.</td>
</tr>
<tr>
<td></td>
<td>4</td>
<td>I feel that the future is hopeless and that things cannot improve.</td>
<td></td>
<td></td>
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<tr>
<td>3</td>
<td>1</td>
<td>I do not feel like a failure.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>2</td>
<td>I feel I have failed more than the average person.</td>
<td>3</td>
<td>As I look back on my life, all I can see is a lot of failures.</td>
</tr>
<tr>
<td></td>
<td>4</td>
<td>I feel I am a complete failure as a person.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>1</td>
<td>I get as much satisfaction out of things as I used to.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>2</td>
<td>I don't enjoy things the way I used to.</td>
<td>3</td>
<td>I don't get real satisfaction out of anything anymore.</td>
</tr>
<tr>
<td></td>
<td>4</td>
<td>I am dissatisfied or bored with everything.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>1</td>
<td>I don't feel particularly guilty.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>2</td>
<td>I feel guilty a good part of the time.</td>
<td>3</td>
<td>I feel quite guilty most of the time.</td>
</tr>
<tr>
<td></td>
<td>4</td>
<td>I feel guilty all of the time.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>1</td>
<td>I don't feel I am being punished.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>2</td>
<td>I feel I may be punished.</td>
<td>3</td>
<td>I expect to be punished.</td>
</tr>
<tr>
<td></td>
<td>4</td>
<td>I feel I am being punished.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>1</td>
<td>I don't feel disappointed in myself.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>2</td>
<td>I am disappointed in myself.</td>
<td>3</td>
<td>I am disgusted with myself.</td>
</tr>
<tr>
<td></td>
<td>4</td>
<td>I hate myself.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
8 1 I don't feel I am any worse than anybody else.
2 I am critical of myself for my weaknesses or mistakes.
3 I blame myself all the time for my faults.
4 I blame myself for everything bad that happens.

9 1 I don't have any thoughts of killing myself.
2 I have thoughts of killing myself, but I would not carry them out.
3 I would like to kill myself.
4 I would kill myself if I had the chance.

10 1 I don't cry any more than usual.
2 I cry more now than I used to.
3 I cry all the time now.
4 I used to be able to cry, but now I can't cry even though I want to.

11 1 I am no more irritated now than I ever am.
2 I get annoyed or irritated more easily than I used to.
3 I feel irritated all the time now.
4 I don't get irritated at all by the things that used to irritate me.

12 1 I have not lost interest in other people.
2 I am less interested in other people than I used to be.
3 I have lost most of my interest in other people.
4 I have lost all of my interest in other people.

13 1 I make decisions about as well as I ever could.
2 I put off making decisions more than I used to.
3 I have greater difficulty in making decisions than before.
4 I can't make decisions at all anymore.

14 1 I don't feel I look any worse than I used to.
2 I am worried that I am looking old or unattractive.
3 I feel that there are permanent changes in my appearance that make me look unattractive.
4 I believe that I look ugly.

15 1 I can work about as well as before.
2 It takes an extra effort to get started at doing something.
3 I have to push myself very hard to do anything.
4 I can't do any work at all.

16 1 I can sleep as well as usual.
2 I don't sleep as well as I used to.
3 I wake up 1-2 hours earlier than usual and find it hard to get back to sleep.
4 I wake up several hours earlier than I used to and cannot get back to sleep.

17 1 I don't get more tired than usual.
2 I get tired more easily than I used to.
3 I get tired from doing almost anything.
4 I am too tired to do anything.
<p>| | | | | |</p>
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</thead>
<tbody>
<tr>
<td>18</td>
<td>1</td>
<td>My appetite is not worse than usual.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>2</td>
<td>My appetite is not as good as it used to be.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>3</td>
<td>My appetite is much worse now.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>4</td>
<td>I have no appetite at all anymore.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>19</td>
<td>1</td>
<td>I haven't lost much weight, if any, lately.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>2</td>
<td>I have lost more than 5 pounds.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>3</td>
<td>I have lost more than 10 pounds.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>4</td>
<td>I have lost more than 15 pounds.</td>
<td></td>
<td></td>
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<tr>
<td>20</td>
<td>1</td>
<td>I am no more worried about my health than usual.</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>2</td>
<td>I am worried about physical problems such as aches and pains; or upset stomach; or constipation.</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>3</td>
<td>I am very worried about physical problems and it's hard to think of much else.</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>4</td>
<td>I am so worried about my physical problems that I cannot think about anything else.</td>
<td></td>
<td></td>
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<tr>
<td>21</td>
<td>1</td>
<td>I have not noticed any recent change in my interest in sex.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>2</td>
<td>I am less interested in sex than I used to be.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>3</td>
<td>I am much less interested in sex now.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>4</td>
<td>I have lost interest in sex completely.</td>
<td></td>
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</tbody>
</table>

APPENDIX D

Aspiration Index: The questions below ask you about aspirations you may have for the future. For each question, bubble in a number on the answer sheet which indicates how important it is to you that the goal be attained in the future. Please make both low and high ratings, i.e., be sure to tell us which aspirations aren’t so important, as well as which ones are. Use this scale:

<table>
<thead>
<tr>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
</tr>
</thead>
<tbody>
<tr>
<td>not at all</td>
<td>somewhat</td>
<td>very much</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

1. I will choose what I do, instead of being pushed along by life.
2. I will feel that there are people who really love me, and whom I love.
3. I will assist people who need it, asking nothing in return.
4. I will be recognized by lots of different people.
5. I will successfully hide the signs of aging.
6. I will be financially successful.
7. At the end of my life, I will look back on my life as meaningful and complete.
8. I will have good friends that I can count on.
9. I will work for the betterment of society.
10. My name will be known by many people.
11. I will have people comment often about how attractive I look.
12. I will have a job that pays very well.
13. I will gain increasing insight into why I do the things I do.
14. I will share my life with someone I love.
15. I will work to make the world a better place.
16. I will be admired by many people.
17. I will keep up with fashions in hair and clothing.
18. I will have many expensive possessions.
19. I will know and accept who I really am.
20. I will have committed, intimate relationships.
21. I will be a dominant, forceful and powerful person.
22. I will help others improve their lives.
23. I will be famous.
24. I will achieve the "look" I've been after.
25. I will be rich.
26. I will continue to grow and learn new things.
27. I will have deep, enduring relationships.
28. I will be an important leader or organizer.
29. I will help people in need.
30. My name will appear frequently in the media.
31. My image will be one others find appealing.
32. I will have enough money to buy everything I want.
33. I will have a strong influence over others.