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WELLNESS AS PRACTICE, NOT PRODUCT: A COLLABORATIVE APPROACH TO FOSTERING A HEALTHIER, HAPPIER LAW SCHOOL COMMUNITY

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WELLNESS AS PRACTICE, NOT PRODUCT: A COLLABORATIVE
APPROACH TO FOSTERING A HEALTHIER, HAPPIER LAW SCHOOL
COMMUNITY

*By Katelyn Albrecht, Lauren Cotton, Michelle Oberman, Katherine
Rabago and Tim Zurich**

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INTRODUCTION

In the Fall of 2015, Santa Clara Law School suffered the death of one of our students. Classmates, faculty and staff gathered for a small memorial; the grief in the room was palpable. The conversation turned to the way law school causes us to lose perspective, and to the high stress

and the loneliness that seem a necessary byproduct of the long hours spent in study. Did law school have to be so challenging an experience?

Santa Clara is not alone in asking this question, as law schools across the country are coming to terms with a growing body of evidence documenting the widespread extent of law students' mental health struggles. Research shows that sixty percent of law students experience clinically significant levels of psychological distress, ranging from anxiety and depression to suicidal ideation.¹ The problems carry through into practice, with twenty-eight percent of licensed lawyers suffering from depression—3.6 times the rate of other professions.²

Around the country, there are signs that law schools are taking note of the problem and reaching for responses. Judging from the literature, the dominant approach involves importing pre-packaged wellness programs such as mindfulness meditation,³ to be delivered to law students along with their legal education.⁴ The impulse to offer solutions to the problem of stress is admirable and long-overdue. Yet there is little evidence supporting the utility of such "canned" one-off interventions, aimed at remedying what is, at base, a problem with law school culture.

Santa Clara University Law School's Wellness Task Force takes an entirely different approach to wellness: one that values process over product, and engages the long-term culture shift required if we are to

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1. See James C. Coyle, Report of the National Task Force on Lawyer Well-Being, 87 BAR EXAMINER 8, 9 (2018); see also Jerome M. Organ, et al., *Helping Law Students Get the Help They Need*, 84 BAR EXAMINER 10, 11 (2015).

2. Dina Roth Port, *Lawyers weigh in: Why is there a depression epidemic in the profession?*, ABA J., May 11, 2018, http://www.abajournal.com/voice/article/lawyers_weigh_in_why_is_there_a_depression_epidemic_in_the_profession/ (last visited Mar. 22, 2019).

3. Gregg Henriques, *What is Mindfulness and How does it work?* PSYCHOL. TODAY, Feb. 6, 2015, <https://www.psychologytoday.com/us/blog/theory-knowledge/201502/what-is-mindfulness-and-how-does-it-work> (last visited Mar. 22, 2019).

4. See, e.g., Ashley Ahn, *Penn Will Be The First Top Law School To Require Attorney Mental Health Training For Students*, DAILY PENNSYLVANIAN, Dec. 9, 2018 <https://www.thedp.com/article/2018/12/penn-law-first-mental-health-well-being-attorney-upenn> (last visited Mar. 4, 2019). See also Leonard L. Riskin, *The Contemplative Lawyer: On the Potential Contributions of Mindfulness Meditation to Law Students, Lawyers, and Their Clients*, 7 HARV. NEGOT. L. REV. 1 (2002); Scott Rogers, *Making a Case for Mindfulness and Law Student Wellness*, ABA J., Apr. 13, 2016, <https://abaforlawstudents.com/2016/04/13/making-a-case-for-mindfulness-and-law-student-wellness/> (last visited Jan. 29, 2019).

meaningfully respond to the sources of alienation and despair reported not only by law students but also by members of the legal profession.

This essay opens with a review of the existing literature on law school approaches to wellness. Part I explores the common themes in these interventions, calling attention to the unarticulated and often unsubstantiated assumptions upon which they are built. Part II describes the work of Santa Clara's Wellness Task Force—its mission, approach and programmatic interventions. Part III offers some concluding thoughts on lessons learned thus far, on how other institutions might adapt and scale up our approach, and on the ways in which our participation on the Wellness Task Force has changed us, as participants, as well our community.

I. THE WELLNESS INDUSTRY GOES TO LAW SCHOOL

The news about law students' misery has grown steadily more pressing in recent years. An alarming body of evidence testifies to law students' elevated levels of distress, whether in the form of depression and anxiety, or in the high rates of substance abuse. It is a little odd calling it "news," of course. Almost any lawyer can conjure at will their own uncomfortable law school memories. Still, the statistical evidence of our collective struggle is shocking. Depression among law students is eight to nine percent prior to matriculation, twenty-seven percent after one semester, thirty-four percent after two semesters, and forty percent after three years.⁵ Stress among law students is ninety-six percent, compared to seventy percent in med students and forty-three percent in graduate students.⁶

To judge from a flurry of recent articles, the profession is taking note. Leading professional journals have featured stories drawing attention to the problem and urging change.⁷ The popular legal website *Above the Law* has an ongoing series it calls, "The Struggle," dedicated to exploring mental health and social issues among law students and

5. DAVENEE FOUNDATION, LAWYERS & DEPRESSION, <http://www.daveneefoundation.org/scholarship/lawyers-and-depression/>.

6. *Id.*

7. *See, e.g.*, ROCKET MATTER, LEGAL PRODUCTIVITY, <https://www.rocketmatter.com/tag/depression-series/> (five-part series on depression, substance abuse and wellness in the legal industry) (last visited Mar. 22, 2019); *see also* Stephanie Francis Ward, *Students at Top Law Schools Ask for More Mental Health Support*, ABA J., Jan. 3, 2018, http://www.abajournal.com/news/article/students_at_top_law_schools_ask_for_more_mental_health_supports (last visited Jan. 29, 2019); Scott Rogers, *Making a Case For Mindfulness And Law Student Wellness*, ABA J., Apr. 13, 2016, <https://abaforlawstudents.com/2016/04/13/making-a-case-for-mindfulness-and-law-student-wellness/> (last visited Jan. 29, 2019).

recent graduates.⁸ Numerous law review articles exhort law schools to attend to student wellbeing.⁹ In 2018, student leaders at thirteen of the leading U.S. law schools pledged to improve the mental health of their campuses.¹⁰ There is, as one author suggests, a moral urgency around the issue.¹¹

It is understandable, then, that law schools are casting about for a solution. And to judge from the remarkably long list of articles on the subject, the dominant response has been to encourage law schools to teach students about mindfulness meditation.¹² There have been a few

8. ABOVE THE LAW, THE STRUGGLE, <https://abovethelaw.com/tag/the-struggle/>.

9. See, e.g., Jerome M. Organ, et al., *Suffering in Silence: The Survey of Law Student Wellbeing and the Reluctance of Law Students to seek help for Substance use and Mental Health Concerns*, 66 J. LEGAL EDUC. 116 (2016); Todd Peterson & Elizabeth Peterson, *Stemming the Tide of Law Student Depression: What Law Schools Need to Learn From the Science of Positive Psychology*, 9 YALE J. HEALTH POL'Y & ETHICS 357 (2009); Todd D. Peterson, *The Moral Obligation of Law Schools to Address Law Student Well-Being: A Review Essay About the Happy Lawyer*, 30 NOTRE DAME J.L., ETHICS & PUB. POL'Y 67 (2016); Kevin R. Johnson, *Some Thoughts on the Future of Legal Education: Why Diversity and Student Wellness Should Matter in a Time of Economic "Crisis,"* 65 BUFF. L. REV. 255 (2016).

10. Ward, *supra* note 7.

11. Todd David Peterson, *The Moral Obligation of Law Schools to Address Law Student Well-Being: A Review Essay About the Happy Lawyer*, 30 NOTRE DAME J. L., ETHICS & PUB. POL'Y 67 (2016).

12. Scott L. Rogers, *The Mindful Law School: An Integrative Approach to Transforming Legal Education*, 28 TOURO L. REV. 1189 (2012); Scott L. Rogers, *The Role of Mindfulness in the Ongoing Evolution of Legal Education*, 36 U. ARK. LITTLE ROCK L. REV. 387 (2014); Katerina P. Lewinbuk, *Law Student Heal Thy Self: Teaching Mindfulness as a Legal Skill*, 41 J. LEGAL PROF. (2016); Richard C. Reuben, *Bringing Mindfulness into the Classroom: A Personal Journey*, 61 J. LEGAL EDUC. 674 (2012); Leonard L. Riskin, *The Contemplative Lawyer: On the Potential Contributions of Mindfulness Meditation to Law Students, Lawyers, and Their Clients*, 7 HARV. NEGOT. L. REV. 1 (2002); Matthew Moore, *Anxiety Relief: How to Combat Stress and Anxiety Through Mindfulness Meditation*, 83 J. KAN. B.A. 14 (2014); Shailini Jandial George, *The Cure for the Distracted Mind: Why Law Schools Should Teach Mindfulness*, 53 DUQ. L. REV. 215 (2015); Peter H. Huang, *Can Practicing Mindfulness Improve Lawyer Decision-Making, Ethics, and Leadership?* 55 HOUS. L. REV. 63 (2017); Angela P. Harris, *Toward Lawyering as Peacemaking: A Seminar on Mindfulness, Morality, and Professional Identity*, 19 RICH. J.L. & PUB. INT. 377 (2016); Thalia Gonzalez, *A Quiet Revolution: Mindfulness, Rebellious Lawyering, and Community Practice*, 53 CAL. W. L. REV. 49 (2016); Katrina June Lee, *A Call for Law Schools to Link the Curricular Trends of Legal Tech and Mindfulness*, 48 U. TOL. L. REV. 55 (2016); Katherine Larkin-Wong, *A Newbie's Impression: One Student's Mindfulness Lessons*, 61 J. LEGAL EDUC. 665 (2012); Peter H. Huang, *Meta-Mindfulness: A New Hope*, 19 RICH. J.L. & PUB. INT. 303 (2016); Teresa Kissane Brostoff, *Meditation for Law Students: Mindfulness Practice as Experiential Learning*, 41 LAW & PSYCHOL. REV. 159; Tim Iglesias, *Offering and Teaching Mindfulness in Law Schools*, 49 U.S.F. L. REV. 24 (2015); Jan L. Jacobowitz & Scott Rogers, *Mindful Ethics—A Pedagogical and Practical Approach to Teaching Legal Ethics, Developing Professional Identity, and Encouraging Civility*, 4 ST. MARY'S J. LEGAL MALPRACTICE & ETHICS 198 (2014); Scott Rogers, *Making a Case for Mindfulness and Law Student Wellness*, BEFORE THE BAR BLOG, Apr. 13, 2016, <https://abaforlawstudents.com/2016/04/13/making-a-case-for-mindfulness-and-law-student-wellness/>.

other suggestions,¹³ but the volume of pieces about mindfulness as an antidote for law student misery is remarkable: *Making a case for mindfulness and law student wellness*.¹⁴ *The Mindful Law School: An Integrative Approach to Transforming Legal Education*.¹⁵ *The Role of Mindfulness in the Ongoing Evolution of Legal Education*.¹⁶ *Law Student Heal Thy Self: Teaching Mindfulness as a Legal Skill*.¹⁷ *Bringing Mindfulness into the Classroom: A Personal Journey*.¹⁸

To be sure, there is much that is praiseworthy about mindfulness meditation. By training the mind to detach from strong emotions, we can help students push back on the distorted thinking that often accompanies a bad day on call, or a bad grade, for that matter. In addition, mindfulness meditation aligns well with cognitive behavioral therapy's approach to treating anxiety and depression.¹⁹ Cognitive behavior therapy teaches us to place distance between ourselves and our feelings. First notice the negative emotion that arises in you, it suggests, then challenge the thoughts behind that emotion.²⁰ You might have flubbed the answer to your professor's question, but that does not mean you are a complete failure. Cognitive behavior therapy gives us tools to right-size our responses to law school performance anxiety.²¹

But mindfulness is not a panacea. In fact, it is not even clear that it is a viable response to depression and anxiety, at least not in the formats law schools might readily adopt. For starters, consider how little evidence there is to support the claim that mindfulness meditation can bring about a long-term reduction in rates of depression and anxiety.²² Experts surveying the research note a lack of standardization at almost

13. Todd David Peterson & Elizabeth Waters Peterson, *Stemming the Tide of Law Student Depression: What Law Schools Need to Learn from the Science of Positive Psychology*, 9 YALE J. HEALTH POL'Y & ETHICS 357, 361 (2009). See also PENN LAW, PENN LAW TO LAUNCH UNIQUE PILOT PROGRAM INCORPORATING ATTORNEY WELL-BEING INTO PROFESSIONAL RESPONSIBILITY CURRICULUM, <https://www.law.upenn.edu/live/news/8696-penn-law-to-launch-unique-pilot-program> (last visited Mar. 1, 2019).

14. Rogers, *Making a Case for Mindfulness and Law Student Wellness*, *supra* note 12.

15. Rogers, *The Mindful Law School: An Integrative Approach to Transforming Legal Education*, *supra* note 12.

16. Rogers, *The Role of Mindfulness in the Ongoing Evolution of Legal Education*, *supra* note 12.

17. Lewinbuk, *supra* note 12, at 37.

18. Reuben, *supra* note 12.

19. For a description of how cognitive behavioral therapy might be brought into the classroom, see Ian Ayres, Joseph Bankman, Barbara Fried & Kristine Luce, *Anxiety Psychoeducation for Law Students: A Pilot Program*, 67 J. LEGAL EDUC. 118 (2017).

20. *Id.* at 125-28.

21. *Id.*

22. Edo Shonin, William Van Gordon, & Mark D Griffiths, *Does Mindfulness Work?*, 351 BRITISH MED. J. 1 (2015) (meta-analysis of existing studies yields little evidence of long-term efficacy).

every level, from the type of meditation to the length of training.²³ Although we might hope that exposing students to meditation training will yield lasting positive changes, the evidence suggests that change will not result without sustained practice, rather than a single workshop on meditation, or even an eight-week class.²⁴ This lack of empirical support is so significant that, at present, the most experts are able to conclude about the utility of mindfulness meditation in reducing stress and anxiety is that folks who participate in a mindfulness meditation workshop or class report feeling less stressed and anxious at the end of the workshop or class.²⁵

The real problem with the “mindfulness meditation” solution to law school misery is that it fails to examine, let alone to combat, the forces driving law student unhappiness. Perhaps it is obvious that law student distress is a product of the culture’s intense competition for grades and jobs, coupled with the long hours of study, yet even a cursory review of the literature to date reveals little attention to these sources of student malaise.²⁶ And rather than considering how schools might minimize the forces driving stress, depression and substance abuse, the focus is on equipping students with tools for staying healthy and sane in a crazy-making place.²⁷ Surely, we can do better.

II. SANTA CLARA UNIVERSITY LAW SCHOOL’S APPROACH TO WELLNESS: THE WELLNESS TASK FORCE

As we gathered to mourn the death of our student, our classmate, our friend, back in Fall, 2015, we drew comfort from connecting around our vulnerability. Subsequently, as we began to speak of our distorted priorities, of our isolation, and of the challenges in law school—challenges recalled vividly even by those whose had graduated from law school decades earlier—we realized we needed the strength of our entire community to begin to identify ways in which might shift the culture.

Two weeks later, we convened a Town Hall to which all students, faculty and staff were invited. Around a hundred of us met over cookies and milk to identify the ways in which law school is stressful, and to

23. *Id.* at 2 (noting that efforts to evaluate are hampered by the wide range of approaches, the lack of consistent standards as to what constitutes “mindfulness meditation,” and the absence of meaningful long-term follow up of the impact of any of the given approaches to teaching mindfulness meditation).

24. *See, e.g.*, Amishi P. Jha, Alexandra B. Morrison, Suzanne C. Parker & Elizabeth A. Stanley, *Practice is Protective: Mindfulness Training Promotes Cognitive Resilience in High-Stress Cohorts*, 8 MINDFULNESS 46 (2017) (noting the importance on sustained practice).

25. Shonin, *supra* note 22.

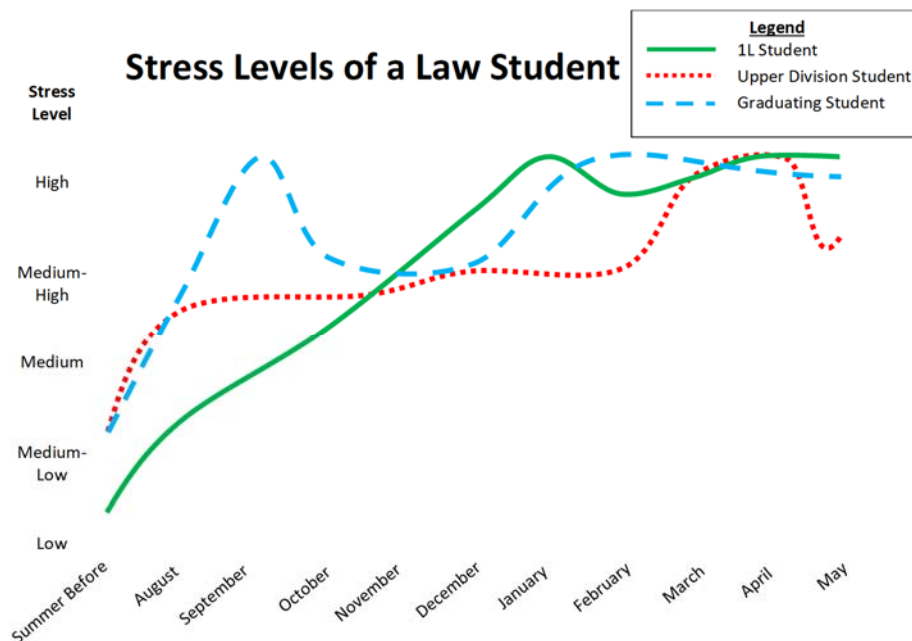
26. *See supra* note 12 for a representative sampling of the literature.

27. *Id.*

brainstorm strategies for responding to the stress. Working in small groups, each of which had at least one faculty and one staff member in it, we culled the collective wisdom of our community. We asked, “What makes law school hard?” and “What might Santa Clara do to make it easier?” At the end of the program, we collected ideas and suggestions on index cards and invited anyone interested to participate in a task force, which met biweekly beginning in January, 2016.

Since then, Santa Clara’s Wellness Task Force has worked to promote a culture of wellness throughout the law school. Comprised of representatives from each of the three law school classes, along with staff and faculty, the Wellness Task Force had no specific agenda beyond responding to and supporting the law school community. We began our work together by assessing the “pain-points” identified at the Town Hall, along with those flagged by task force participants. It turned out that the question, “What makes law school hard?” was disturbingly easy for faculty, staff and students to answer. With the biggest culprits hiding in plain sight, we were left to wonder how we could have waited so long to confront them.

Our Dean of Students, Susan Erwin, was not at all surprised by the issues we identified. She had long been tracking the recurring stress flashpoints that arise across law students’ careers and mapping them onto an annual calendar (see graph below). These include the obvious



ones—December’s final exams and January’s grades—and also some new ones. Mid-October’s spike in “imposter” feelings among first-year

law students, for instance. Recognizing that some law school stress is both inevitable and even salutary, the Wellness Task Force set about finding ways to minimize unnecessary anxiety. Using the stress calendar as our anchor, we designed and piloted a series of interventions, each aiming to forge connection and to limit the extent to which any given member of our community might feel alone in their struggles with the law school experience.

This article describes these interventions, along with the unfolding story of our work together to cultivate a community committed to enhancing wellness. In an era of heightened attention to stress and anxiety among lawyers and law students alike, it offers an organic, dynamic alternative to the more commonplace packaged responses of mindfulness meditation or exercise classes. We share it with you in the hopes that it will inspire you to undertake similar actions in your own communities.

A. Cura Personalis: Building Law School Wellness for the Whole Person

In an effort to clarify our purpose, the Wellness Task Force began its work by drafting a mission statement. We found inspiration in the Jesuit ideal of *Cura Personalis*,²⁸ or care of the whole person. *Cura Personalis* suggests that the path to a well-lived life is one chosen with attention to the broad set of factors that enable us to thrive. In this spirit, our task force began its work by identifying what we called the “Eight Pillars of Wellness,” each of which are vital to thriving in law school:

*Inspired by the Jesuit value of cura personalis or “care of the whole person,” Santa Clara Law is committed to the active process of developing the potential of all members of its community in each of these eight pillars of wellness – physical, social, emotional, occupational, financial, spiritual, intellectual, and environmental.*²⁹

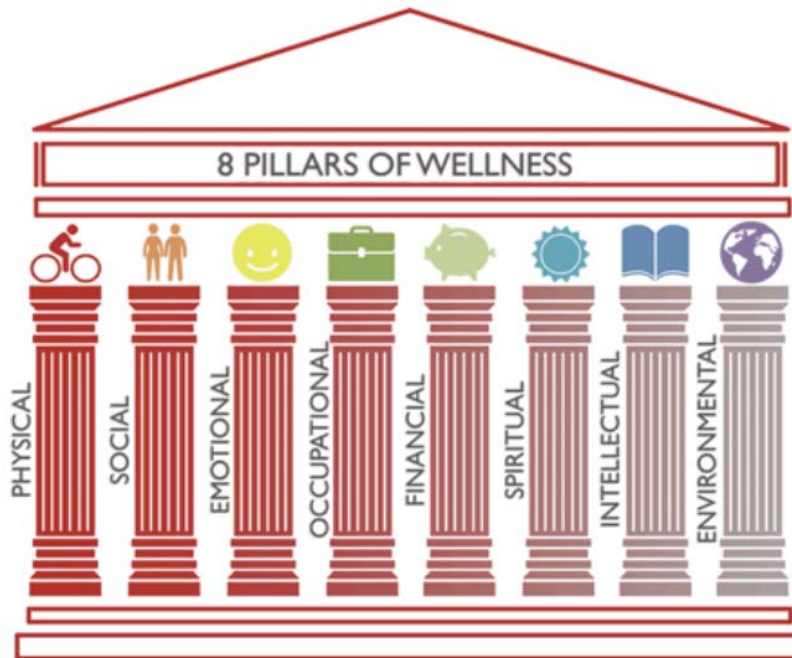
In the mode of community organizers, rather than looking for what the things that were missing or broken in our surroundings, we began by inventorying our resources. We organized our search along each of our eight wellness parameters. We then created an “Eight Pillars” logo, which forms the basis of our webpage, and populated it with live links

28. See Andy Otto, *Cura Personalis*, <https://www.ignatianspirituality.com/16996/cura-personalis> (last visited Feb. 1, 2019).

29. SANTA CLARA LAW, 8 PILLARS OF WELLNESS, <https://law.scu.edu/student-services/8-pillars-of-wellness/> (last visited Jan. 21, 2019). In identifying core wellness components, we borrowed liberally from the examples we found online, in particular, that of Yale Law School’s health and wellness webpage. YALE LAW SCHOOL, HEALTH & WELLNESS, <https://law.yale.edu/student-life/health-wellness> (last visited Jan. 21, 2019).

connecting users to existing resources for services and support across the full range of our community and beyond.³⁰

Much of the information on our webpage is available elsewhere. The point of the resource is not so much to innovate as to name and reframe. The financial pillar, for example, includes information from



our financial aid office, as well as links to national organizations that help students navigate ways to pay for law school. But because we offer the information as part of a wellness agenda, the presentation differs. We acknowledge that financial issues are a source of stress and anxiety, and we suggest meaningful ways to respond to the pressures inherent in paying for law school. We offer students tools for planning budgets while in school, and going forward; we let them know about free sessions with a financial literacy educator, who will help them manage loan repayment options; we suggest an app that tracks spending, helping students stay within their budgets.³¹

This approach to wellness permits the task force to claim as part of its territory the full range of activities happening at any given time in our community. Because we started by identifying and harnessing existing resources, rather than by focusing on what we lacked, we readily

30. See SANTA CLARA LAW, 8 PILLARS OF WELLNESS, <https://law.scu.edu/student-services/8-pillars-of-wellness/> (last visited Jan. 21, 2019).

31. See Mint (Version 6.7.1), <https://www.mint.com>; Intuit, Inc. [Mobile application software] (last visited Jan. 29, 2019).

identified ways to enhance wellness simply by reframing and tweaking things already in place. And by building on the strengths of our community, we built alliances and encouraged other community leaders to understand themselves as playing a vital role in promoting wellness. From student-faculty kickball tournaments to networking sessions at orientation, our colleagues have become our teammates.

B. Wellness Programming

Once we had a mission statement, the Wellness Task Force went to work considering how best to respond to the known flashpoints for anxiety in the lifecycle of a typical law student. Our instinct was that part of the pain of the worst of these flashpoints was that students experience them alone. To respond to this isolation, the Wellness Task Force Together designs activities that directly name the challenges we face, thereby normalizing stressors that too many students (and faculty and staff) suffer in isolation. In contrast to the typical top-down information dump that characterizes much of the world of professional wellness interventions, our interventions are not cerebral: they are fun. Rather than recommending changes that might make one feel better at some future date, they offer a chance to feel better now.

The Wellness Task Force's creative programming is informed by our concrete goals for building wellness in our community. We knew we wanted wellness to feel like an integral part of our school's identity, rather than a product offered by our small task force, so from the start, we enlisted faculty and staff as allies in promoting wellness. We wanted to ensure that our programs were sustainable, because we knew that meaningful progress toward wellness is a long-term goal, not a quick fix. We wanted to be realistic about the fact that some amount of law school stress and anxiety is inevitable, and to explore whether we might nonetheless lessen the struggle. Finally, we needed to find ways to inject some fun into the drudgery of law school.

Below, we describe four of our programs, each motivated by at least one of the above concrete goals for building wellness in our community.

1. Enlisting Faculty as Allies: The "Imposter Syndrome" Survey & Mask-Making Fair

In this day and age, law school faculty surely are aware that law students experience stress and anxiety. But in order to create institutional change around wellness, it is vital that faculty understand these struggles as existing in *their* students, rather than just in the abstract. We called attention to widespread insecurity that plagues first-semester law students by targeting the mid-October spike in anxiety

reported by Dean Erwin. In particular, students report feeling that all their classmates are “getting it,” and that they, alone, are feeling lost. The negative spin cycle sets in from there, with students believing that the admissions’ committee made a mistake in accepting them to law school, that they’re going to fail, that they’re going to let down their family, etc.

We designed an intervention designed to address the October “Imposter Syndrome” phenomenon in three specific ways: heightening faculty awareness of their students’ internal struggles, showing students they were not alone in feeling overwhelmed, and reminding students of the many resources available to them on campus.

The first phase of our Imposter Syndrome project involves an in-class game-based survey using “Kahoot,” an anonymous survey tool administered via a smartphone app.³² In it, we ask students whether they strongly agree, agree, disagree or strongly disagree with statements such as, “I feel like everyone gets it but me.” Or, “I have trouble falling asleep at night.” Or, “I’m hesitant to go to office hours because I don’t know how to explain what I don’t understand.”³³ In order to reach all first-year students, each of the criminal law professors allows us ten minutes of class time. On the day of the survey, two student representatives of the Wellness Task Force introduce themselves to each class and lead the survey. The results speak for themselves—you are not the only one feeling lost if half of your classmates feel the same way—yet by displaying them out in the open, faculty and students alike are called to action. In closing the exercise, the students answer that call with a list of resources, ranging from free counseling to advice from second- and third-year classmates.³⁴

Faculty have responded favorably to this exercise in the three years we have been surveying our students. The survey provides them an opportunity to remind students of the purpose of office hours, and to encourage them to come see them, even if they don’t know where to begin articulating their questions. The survey also introduces students to the student representatives to the Wellness Task Force, encouraging them to reach out to these classmates with struggles or complaints, and to see them as trusted allies and willing mentors.

32. KAHOOT!, <https://kahoot.com/> (last visited Feb. 1, 2019).

33. Survey questions on file with Jill Klees, Director of Student Life, Santa Clara University School of Law (jkless@scu.edu).

34. Survey results and list of resources on file with Jill Klees, Director of Student Life, Santa Clara University School of Law (jkless@scu.edu).

Because of its mid-October date, we couple our “imposter syndrome” survey with a community wide mask-making event, featuring blank paper eye-masks and a host of decoration options: feathers, sequins, markers, stickers and colored markers. Wellness Task Force members gather at tables in the law school atrium, set up in front of a large whiteboard with a sign briefly describing “Imposter Syndrome.” We display some sample masks, created ahead of time, which feature festive decorations on the outside, and hand-written descriptions of how we actually feel on the inside. The invitation is to let participants—which include faculty and staff, along with students—acknowledge the difference between the face they show to the world, and their internal experiences. Even for those not inclined to make a mask, there is an incentive to stop, chat and linger over hot cider and pumpkin “dump cake.” Although students are free to keep their masks (and many do), we also place the finished products on display in the atrium for several weeks after the event, so that passersby might both delight in the creativity, and also experience the deeper message of the event.



2. Sustainable, Community-Based Problem Solving: “Stone Soup”

One of the wellness issues we targeted for action in our early 2016 meetings was the problem of food insecurity among our student body. When surveyed, as many as fifteen percent of our students reported

skipping meals in order to manage the costs of paying for law school.³⁵ We determined to address the issue without requiring students to self-identify, which would risk intensifying the feelings of shame and embarrassment often associated with food insecurity.

In the spirit of a folktale memorialized in a children's book called *Stone Soup*,³⁶ the Wellness Task Force organized a weekly "crock pot" meal, made by soliciting contributions of canned foods and basic ingredients from faculty and staff. The first meals were simple: vegetarian chili or Italian wedding soup. Wellness Task Force members met early on Thursday mornings to assemble the recipes and put them into five donated crock pots. Within the first month, the program took root, as faculty members began donating bread and utensils, including disposable containers so that students could feel free to bring a bowl home with them. The savory smell proved to be an enticement for many to gather and visit over lunch.

We worried at first about whether we were reaching the "right" students, yet it was clear from the start that the positive benefits to the community were so great that we wanted the project to continue. After the first semester, the success of *Stone Soup* in calling attention to food insecurity gave rise to a new student organization, *SCU Eats*. Today, *SCU Eats* is an exceptional organization, with leaders who have greatly expanded the reach of the Thursday *Stone Soup* project.³⁷ They have an active corps of volunteers, and through fundraising and forging relationships with local farmers' markets and campus food services, they now supply meals Monday through Thursday, including daily fresh fruit, bagels, muffins, chili, soup, pastries, pizza and much more. Students often express gratitude for the full selection of complimentary food, which not only helps offset hunger issues, but also forges a vibrant sense of community in the lounge.

3. Sharing the Unavoidable Hard Times: The Rubber Ducks

The arrival of January grades triggers a difficult time in the law school year. No matter how much they are warned about the vagaries of the rigid law school curve and advised not to attribute too much significance to their letter grades, students accustomed to previous academic success understandably experience disappointment when receiving the first B's and C's of their academic careers. The

35. Survey questions and results on file with Jill Klees, Director of Student Life, Santa Clara University School of Law (jklees@scu.edu).

36. DLTK'S EDUCATIONAL ACTIVITIES: FABLES STONE SOUP, <https://www.dltk-teach.com/fables/stonesoup/mtale.htm> (last visited Jan. 27, 2019).

37. SCU Law Eats (@SCULawEats), FACEBOOK (Jan. 29, 2019), <https://www.facebook.com/SCULawEats/>.

consequences of low grades are not limited to class rank and eligibility for interviews with major law firms. Some students will fail out of school, or find themselves required to repeat required classes. Low grades also have immediate financial implications and trigger possible loss of scholarship funds. Compounding all of these worries is the shame associated with perceived failure. January finds students exhausting themselves with the effort to pretend everything is “fine,” when actually, many are not feeling fine at all.

At nearby Stanford University, psychologists have coined the term “duck syndrome” to describe the way students might seem to be floating along peacefully, while under the water, they are paddling feverishly to keep afloat.³⁸ As Wellness Task Force members, there was little we could do to fix the problem of low grades. We could, though, reduce the sadness that comes from feeling like everyone else is doing fine and that we are alone in our struggles. We borrowed the Stanford duck concept and created a project designed to let everyone see what was happening beneath the surface. We bought a large quantity of two-inch rubber ducks—some standard yellow, and a variety of alternative ducks in silly costumes—and a box of black sharpies. Next to the yellow ducks, along with a brief description of the duck syndrome, is a sign saying, “*Down on your luck? Tell a duck!*”³⁹ Students are invited to write a message on the bottom of a duck, and to leave it anywhere in the law school. To balance the negative, an alternative sign is posted next to the silly ducks, which reads, “*Things don’t suck? Tell a duck!*”⁴⁰

38. Tiger Sun, *Duck Syndrome and a Culture of Misery*, STANFORD DAILY, Jan. 31, 2018, <https://www.stanforddaily.com/2018/01/31/duck-syndrome-and-a-culture-of-misery/> (last visited Feb. 1, 2019).

39. The full text reads: **Down on your luck? Tell a duck!** On the surface, we’re calm and composed, even on top of things. But the truth is that just below, we are working our butts off and kicking as hard as we can to stay afloat. Take a pen, grab a duck, and tell the world about what’s going on under your surface. Then set your duck “free” somewhere around the law school. Who knows, you might help others here at SCU who are padding up the same stream.

40. The full text reads: **Things don’t suck? Tell a duck!** What happened today that made you laugh? What are you grateful for? Take a pen, grab a duck, and share a joke or a wish or a kind word. Then set your duck “free” somewhere around the law school. Help make SCU’s pond a bit cheerier.

Students scatter the ducks throughout the law school, where others can pick them up and read messages than run the range from despair (“I just failed Criminal Law”) to joyful (“I met my best friend ever in law school”). The duck table stays out for a week or so, but the ducks themselves turn up around the school for days and even weeks following the event. Students even report finding them at classmates’ homes. Eventually we collect most of them, soak the messages off, and set them aside for the following year. It is a simple project, but the effect is uplifting and even powerful. Students feel less isolated in their struggles. There is some cause for gratitude. January turns to February, the days grow longer, and things gradually get better. But in the hard times, the ducks remind us that we are not alone.



4. Lightening the Mood by Enlisting Student Organizations in Community-Wide Celebration: The “Unbirthday” Party

In late March, when the law school year seems to have dragged on forever, and finals are not yet in sight, the Wellness Task Force hosts an “unbirthday party.” Taking our cue from *Alice in Wonderland*’s Mad Hatter’s unbirthday tea party,⁴¹ we set out to have fun for no particular reason. Last year’s party featured live music and a singalong, hosted by a law student band, “The Dad Bods.” Faculty, students and staff joined in for a chorus of *Puff the Magic Dragon*⁴² and other familiar tunes. Like any good children’s party, there were a variety of activities, each led by a different law student organization: face painting, balloon animals, a

41. LEWIS CARROLL, *ALICE IN WONDERLAND* 95 (1865).

42. Peter, Paul, and Mary, *Puff, the Magic Dragon*, <https://genius.com/Peter-paul-and-mary-puff-the-magic-dragon-lyrics> (last visited Apr. 8, 2019).

photo booth with props and costumes, board games, and best of all: a bake-off! After votes were cast, the winner received a decorated golden spatula trophy, designed by one of the task force members. It was just an hour, but given the way students and faculty came together to sing, dance, laugh and eat cake, it may well have been our finest.

III. CONCLUDING THOUGHTS: LESSONS LEARNED

Santa Clara's Wellness Task Force has been operating since January 2016. Under its auspices, at least thirty members of the faculty and staff, along with eight deeply engaged students, have worked together to shift the law school's culture toward wellness. We have benefitted from the extent to which participating faculty, staff and students are drawn from across our community, which enables us to bear in mind the broadest range of perspectives and experiences. At the same time, our small size affords us agility, often enabling us to move from problem to creative solution in a single meeting.



Unlike more packaged “wellness programs,” which typically attempt to deliver a product of some sort, our approach is an iterative process. We prefer the idea of being a task force, rather than a standing committee. Our charge, as we have framed it, invites us to utilize our communities’ resources, including the energy and intelligence of our student leaders, to voice wellness concerns and to effectuate change.

It is too soon to take the measure of our success in changing the overall climate on our campus. Much of our work is behind the scenes: gathering information, then identifying meaningful ways we might

respond. Many, if not most, students do not even know of the task force's existence. It is not too soon, however, to reflect upon the lessons we have learned. We offer them here, in the hopes that they will prove useful to you, our readers.

A. Wellness is a Practice, not a Status

Our approach to wellness begins by acknowledging the reality that most of us struggle, from time to time. We start by naming the things that drive our struggles, and then endeavoring to find concrete, creative ways to push back on them.⁴³ By normalizing the conversation around wellness in a variety of settings, we send a community-wide message that we care, while at the same time, sharing coping strategies. The hallmark of our programming is that it features the opportunity for connection, which, in itself helps offset the isolation of law school's struggles.

So far, as 2L Lauren Cotton describes below, this approach has at the very least helped those of us on the task force better tend to our own wellness:

I was introduced to the Wellness Task Force during my first semester of law school. The Wellness Taskforce hosted a seminar just before finals. The atmosphere at that point was very tense, so I jumped at the opportunity to attend a "wellness" event that Professor Oberman mentioned to our criminal law class. I was not expecting to get so much out of that seminar. During the seminar, staff and faculty did a number of exercises geared toward maintaining overall wellness. Professor David Yosifon led a guided meditation. We spent one-on-one time with the faculty and staff discussing some of the challenges of law school. My group focused on coping with constant stress and anxiety. After the event, I began using a meditation app that was recommended by Professor Alan Hammond and employing other suggestions, like going for a walk outside to help with anxiety. I realized how much I had neglected my emotional and mental wellness, and I was so grateful to have the knowledge and tools to be able to combat those struggles. After the event, I started to think about how many of my fellow law students were also neglecting their overall wellness, and I reached out to Professor Oberman to see how I could be a part of the organization that had already changed the trajectory of my law school career.

—Lauren Cotton (*SCU Law, Class of 2020*)

43. In time, we may find ourselves advocating for larger, more structural shifts in our institution. And if that time comes, we will be all the more credible for the short-term work we have done.

As Lauren's comments suggest, our programs deal candidly with the realities of stress and distress. By having faculty acknowledge their own experiences with these challenges, and discuss the various practices that help them thrive, students understand that they are not alone. As importantly, they come to see that wellness cannot be acquired in a one-time quick-fix, but instead needs to be part of the set of habits they hone for lifelong success.

B. Student leaders are vital to the goal of building law school wellness

There is an undeniable stigma around mental health issues, both in law schools and in society at large.⁴⁴ Shame keeps us from sharing our challenges, and likely further isolates those who are struggling the most. As a result, although we may know of individuals in crisis, it is hard for the faculty and staff to get an informed sense of the mental health struggles of its student body as a whole. For this reason, among others, the Wellness Task Force's student representatives are vital to the success of our mission. We rely on them to reflect on their own experiences, as well as to surface the concerns they hear from their peers, and in particular from those who might not feel comfortable voicing their concerns on their own.

Katelyn Albrecht, a 3L who has been with the task force for two and a half years, offers this perspective:

I was recommended to the task force by Jill Klees (Santa Clara Law's Director of Student Life) after she sought leaders from law school organizations to participate in various campus positions. None of the offered opportunities were the right fit, but when she later asked about the Wellness Task Force I was thankful the prior opportunities did not work out. I have been a mental health advocate for years, and after experiencing what I would define as a particularly terrible 1L year, I knew I needed to become involved. Some choose to emphasize their bad experiences to justify their negative feelings, but I choose to be the kind of person that tries to change what prompted the bad feelings. I by no means thought or think a task force can make law school an enjoyable experience, but I knew I had found an outlet to suggest simple changes to reduce unnecessary, taxing mental burdens.

—Katelyn Albrecht (SCU Law, Class of 2019)

44. Angela M. Parcesepe & Leopoldo J. Cabassa, *Public Stigma of Mental Illness in the United States: A Systematic Literature Review*, 40 ADMIN. POL'Y IN MENTAL HEALTH AND MENTAL HEALTH SERVS. RES. 10 (2013); Brian Cuban, *The Dangers of Remaining Silent on Mental Health*, ABOVE THE LAW, Feb. 7, 2019, <https://abovethelaw.com/2019/02/the-danger-of-remaining-silent-on-mental-health/> (last visited Mar. 22, 2019).

Katelyn's comments highlight one of the most important functions of having students on the task force. The trusting connections among task force members permits faculty and staff to gain vital insight into the factors driving student unhappiness. Because the students' perspectives shift over the course of their time in law school, we are better able to identify systemic problems and to use their wisdom to guide us in devising short and long-term responses.

C. Be Willing to Fail—Brainstorming, Creativity and Adaptability

Our reliance on brainstorming and developing our own programs means that, on occasion, we are disappointed with our outcomes. That said, as 3L Tim Zurich succinctly stated, our willingness to fail is part of the strength of our program:

Not all of our programs have been successful. The activities are based on our perceptions of the school's current needs and as a group, we are not afraid to admit when something flopped. Last year a town hall was held and although it was supported by amazing faculty participation and led to finding two great new members for the group, the event was not a success. Previously, the town hall style had generated a large audience and worked to help students cope with a major tragedy, but it clearly was not the best forum for addressing the difficulties of daily life in law school.

—Tim Zurich (SCU Law, Class of 2019)

It bears noting, though, that even a program that fails to reach a large group of students might bring a meaningful experience and message to those who do attend. Katherine Rabago, a 2L task force member recalled her experience at the Town Hall in question as follows:

With the approach of finals around the corner, I attended the town hall meeting last year to support Professor Oberman, and maybe to find some useful advice about keeping my sanity. We ended up meditating, discussing the pressures of law school and how to deal with them and were given a little bottle of bubbles with a message written on it. I don't remember what the written message was, but what I took away from that day was that there was a small group of students, faculty, and staff that cared about the culture on this campus. I wanted to contribute to shaping that culture one that specifically emphasized wellness over grades, networking, social status, and competition.

—Katherine Rabago (SCU Law, Class of 2020)

D. Embracing a Growth-Mindset Approach to Wellness

It is good that law schools are beginning to acknowledge the mental health struggles that mark the legal profession. Whether in the form of

meditation workshops, or in the inclusion of sections in Legal Profession casebooks devoted to the problems of substance abuse and depression among lawyers,⁴⁵ it is helpful for students to hear us naming what they already know to be true: law school triggers mental distress.

In our view, however, it is vital for a law school to do more than simply name the problems. Our hope is to help law students begin to establish wellness habits, and in so doing to provide them with a foundation that will support them during the challenges they will face in their careers. Our approach is grounded in the growing body of evidence surrounding growth-mindset.⁴⁶ By normalizing the ups and downs of law school and identifying the commonplace challenges, our work invites students to notice how their mindset affects their quality of life. And by putting wellness on the agenda in a wide variety of settings, we encourage students to understand that developing healthy habits will serve them over the long course of their careers.

Amanda Lee, one of our recent graduates and a founding member of the Wellness Task Force, offers these final thoughts on how the work she did while in school equipped her for the world of practice.

After graduating from law school, my next big challenge was to pass the California Bar. Studying for the Bar requires 110% commitment of both physical and mental energy. It's a difficult 4-month experience, but it does not mean wellness goes out of the window. Even during Bar prep, it is important to listen to one's mind and body, and to realistically assess one's condition. Just like an athlete, a person studying for the Bar needs to know when her or she is close to injury, needs to rest the body, or can push harder in their work. Wellness is the act of listening to one's self, consciously stepping away from challenging legal work to re-energize the body, and doing so with the understanding that it will benefit one's practice in the long-term.

In my post-Bar clerkship with the public defender's office, I've learned that wellness is extremely important to public defenders. The public defenders I worked with have reported stomach ulcers, burn out, and sleepless nights because of failing to focus on wellness. My public defender mentors often tell me that one needs to care for oneself in order to give care to clients, who are often indigent, afraid, and have mental illness or substance abuse disorder. Wellness is

45. See, e.g., Lisa Lerman & Philip Schrag, ETHICAL PROBLEMS IN THE PRACTICE OF LAW (concise 4th ed., 2018) 74-75 (Featuring a section on "Lawyer Liability" which includes several pages on "To what extent can disciplinary violations be traced to substance abuse and other addictive behavior by lawyers?").

46. Sheryl Melanson, *Managing Mindset: A Wellness Recipe*, OMADA, Sept. 2, 2016, <https://blog.preventnow.com/2016/09/02/managing-mindset-a-wellness-recipe/> (last visited Feb. 2, 2019).

especially important in a law practice with such high stakes and responsibility.”

—Amanda Lee (*SCU Law, Class of 2018*)

For the sake of our institutional integrity, as well as our obligation to the legal profession, it is increasingly clear that law schools must respond in meaningful ways to the pervasive mental health problems experienced by law students. In rising to this challenge, law schools should aim to do more than merely provide students with access to the newest “wellness” curricula and products. We must strive to change the culture that fosters distress. The good news is that this work can be a lot of fun, and that doing it well will benefit not only the students but the entire law school community.