



BAR REVIEW

A significant number of law students are struggling with mental health and substance use issues yet are reluctant to seek help.

By **KELSEY ALLEN**

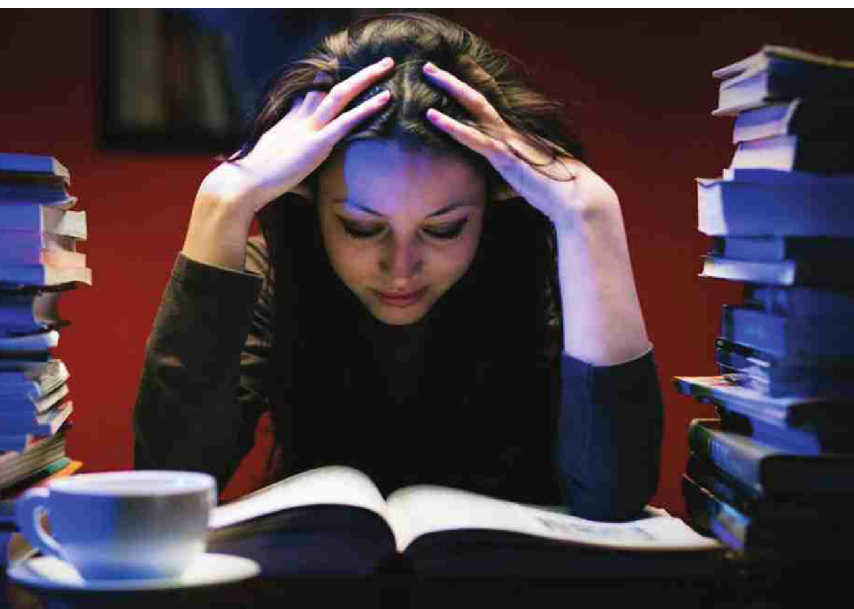
When Kurt Metscher applied to law school, he didn't know that law students appear to be drinking more now than they were 20 years ago, that illegal use of street drugs and prescription drugs is fairly common, and that anxiety and depression are much more prevalent among law students than among graduate students more generally. He just knew that — after getting arrested when he was 19 and becoming homeless by the age of 21 — the only reason he was able to get sober at 22 was the judge who assigned him to the Travis County Drug Diversion Court Program instead of prison.

Then he started reading about life as a law student: Social events often center around alcohol consumption, such as weekly "Bar Reviews" where law students get together at the bar for happy hour or meet with local lawyers to network, and alcohol is both a coping mechanism and a celebratory toast.



"We're inducted into stress in our profession starting in law school by drinking," says Bree Buchanan, director of the Texas Lawyers Assistance Program. "That's what lawyers do. When the going gets tough, we drink. When we have a win, we drink. That is modeled as the acceptable way to deal with extremes of emotion — even just the everyday stressors. Combine that with the horrible debt loads that some of these students are facing and less robust career options, and it really creates the perfect storm."

Metscher read stories about students drinking heavily and having nervous breakdowns. He expected that law school would be stressful and that he should mentally prepare for it.



"But I didn't understand it until I got there," he says.

THE LAW SCHOOL EFFECT

Research shows that before they start law school, law students are actually mentally and physically healthier than the general population. They go into law school with high life satisfaction, strong mental health measures and positive subjective well-being.

"They drink less than other young people, use less substances, have less depression and are less hostile," Andy Benjamin, a psychologist and lawyer who teaches law and psychology at the University of Washington, told *The New York Times*.

It's the priorities and processes of legal education

that impair the maintenance of emotional well-being and have a corrosive effect on the values and motivation of law students. In an article in *Trial*, the magazine of the American Association for Justice, Benjamin outlined negative aspects of law school, including:

- Excessive workloads, stress and competition for academic superiority;
- Institutional emphasis on comparative grading, status-seeking placement practices and other hierarchical markers of worth;
- Lack of clear and timely feedback;
- Excessive faculty emphasis on analysis and linear thinking, causing loss of connection with feelings, personal morals, values and sense of self;
- Teaching practices that are isolating or intimidating and content that is excessively abstract or unrelated to the actual practice of law; and
- Conceptions of law that suppress moral reasoning and creativity.

Over time, law school trains some students to ignore their own values and moral sense, undermines students' sense of identity and self-confidence, and creates cynicism. Research shows that after just one year of law school, many students experience a decline in subjective well-being and an increase in physical health problems and have disproportionate levels of stress, anxiety and mental health concerns compared with other populations.

The 2016 Survey of Law Student Well-Being (SLSWB), which surveyed 3,300 law students from 15 law schools, found more than half of the respondents reported drinking enough to get drunk in the prior 30 days, compared with 39 percent of graduate student respondents in the Healthy Minds Study. Moreover, 43 percent of the respondents indicated that they had engaged in binge-drinking at least once in the prior two weeks, compared with 45 percent of undergraduates and 36 percent of graduate students in the Healthy Minds Study. Among the respondents to the SLSWB, one-quarter fell into the category of being at risk for alcoholism.

Overall, 14 percent of respondents reported having used prescription drugs without a prescription

in the prior 12 months. Notably, 61 percent of law student respondents to the SLSWB who reported using a stimulant medication without a prescription reported an increase in use compared with the 12 months prior to law school. The most common reported reasons for using prescription stimulants without a prescription were to concentrate better while studying and to increase alertness to study longer. Nearly 20 percent of law student respondents who reported using a prescription stimulant without a prescription indicated one reason was to “prevent other students who [also use a prescription stimulant] from having an academic edge over me.”

“You’re in an adversary system where — unlike doctors who work as a team — law students and lawyers are pitted against one another,” says Chris Ritter, staff attorney of the Texas Lawyers Assistance Program. “When you’re an attorney, it’s one of the few jobs where you have another professional assigned against you to make you look stupid. You also have a judge who considers

both sides to be stupid until proven otherwise. Then you have a client who’s frustrated with how much money they’ve had to spend. In law school, you have a professor who is questioning you openly in front of class. You only have one exam per class per semester. Everything is on the line in one test. Frankly, in law school, I think it’s the first time in life that I’ve experienced that really the only thing everybody does for fun is drink. It becomes like medicine to destress.”

The survey also found that 17 percent of respondents experienced some level of depression, 14 percent experienced severe anxiety, 23 percent had mild or moderate anxiety, and 6 percent reported serious suicidal thoughts in the past year.

WHY LAW SCHOOL STUDENTS SUFFER IN SILENCE

Although law students have troublesome rates of alcohol use, anxiety, depression and illegal drug use, they are reluctant to seek help. For

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*Kurt Metscher
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of Nick Teixeira,
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example, although 42 percent thought that they had needed help for mental health problems in the prior year, only about half of that group actually received counseling from a health professional. Only 4 percent said they had ever received counseling for alcohol or drug issues — even though a quarter were at risk for problem drinking.

The top factors that discourage them from seeing a health professional for substance use issues and mental health concerns include fear of jeopardizing their academic standing or admission to the practice of law, social stigma, and privacy concerns. Most significantly, the percentage of third-year students concerned that seeking help would be a potential threat to job or academic status or a potential threat to bar admission was higher than the percentage of first-year law students, which suggests that law students are getting messages indicating that seeking help for mental health concerns or alcohol or drug concerns may be problematic for their academic or professional careers.

“The practice of law is a very conservation profession,” says Metscher, who is now in his third year at Baylor Law School in Waco, Texas. “I have to dress a certain way when I meet anyone who practices law or I will lose credibility. Because it’s that way, judgment is high. It doesn’t make you want to go to someone and say, ‘I think I have a

problem with alcohol. I’ve been drinking a lot.’ Or, ‘I’ve been taking more Adderall than I’ve been prescribed to take.’ That shows weakness, and we’ve been conditioned to conceal weakness.”

Although lawyer assistance programs (LAPs) provide confidential services and support to judges, lawyers and law students who are facing substance use disorders or mental health issues, nearly half of the students surveyed believe that a conversation with a state LAP would delay or prevent admission to the bar.

Ritter says students don’t understand the nature of confidentiality within lawyer assistance programs or what exactly would preclude them from passing the character and fitness test, a part of the bar admission process that asks about past criminal convictions or civil violations, academic or employment misconduct, compliance with court orders, financial irregularities, mental health or substance abuse issues, and disciplinary actions in other professional contexts.

First, lawyer assistance programs will not disclose any information about lawyers, law students or judges who seek their assistance to the bar, discipline or anyone else. Second, if students are candid during the character and fitness process, demonstrate that they have accepted responsibility for their actions, and have no immediate issues pending, then past missteps should not be a barrier to admission. According

to an article published in *Syllabus*, a publication of the American Bar Association, one of the top areas of concern for most bar examiners is untreated mental illness and substance abuse, and the bar is more concerned with if students are receiving treatment than what they're diagnosed with.

In response to the SLSWB, as well as a study conducted by the Hazelden Betty Ford Foundation and the American Bar Association Commission on Lawyer Assistance Programs, the National Task Force on Lawyer Well-being published a report with practical recommendations for positive change. Recommendations for law schools include:

- Creating best practices for detecting and assisting students experiencing psychological distress;
- Assessing law school practices and offering faculty education on promoting well-being in the classroom;
- Discouraging alcohol-centered social events;
- Facilitating a confidential recovery network; and
- Empowering students to help fellow students in need.

"Law students are extraordinarily reluctant to ask for help, even if they get through the denial, because of the fear that it will hurt their career or hurt their job prospects, and that's directly related to the shame and the stigma attached to these disorders," Buchanan says. "When you can talk about them, it becomes more OK to ask for help. We're asking people who are in recovery to step up and put a face on recovery and tell their stories."

LAWYERS CONCERNED FOR LAWYERS

During Metscher's law school orientation, 2015–16 State Bar of Texas President Allan K. DuBois came to talk to the first-year law students about the Texas Lawyer Assistance Program (TLAP), whom the program helps and what the staff help with.

"At the end of his presentation, he said, 'If it weren't for TLAP, I don't know if I'd be here today. When I needed help, I called them, and they set me up with a treatment center. I've been sober since,'" Metscher recalls. "I was like, I need to talk to this guy."

DuBois told Metscher about Lawyers Concerned for Lawyers (LCL), a volunteer group of attorneys in recovery of which he was an active member and past president. The support group meetings operate in the major cities in Texas, but there were no LCL meetings in McLennan County.

"From that point on, LCL was my new service commitment," Metscher says. "If I was going to be a lawyer, I was going to do what I can to serve that demographic of alcoholics and addicts."

He approached Stephen Rispoli, assistant dean of Student Affairs and Pro Bono Programs at Baylor Law School, about starting a weekly LCL meeting on campus. A graduate of the law school, Rispoli not only understood the stress of law school but also how it amplifies once practicing law.

"As we have seen in the practice and as countless studies have shown, the legal profession struggles with chronic stress and high rates of depression and substance use," Rispoli says. "Anything we can do to make all of our law students aware of the problem and then try to give them the tools to address the stress of the practice of law in a healthy way is something that we see as our goal."

Metscher started hosting LCL meetings every Wednesday night on the third floor of the Law Center. At first, it was just him and another law student he knew from the recovery community in central Texas. Two years later, the group has almost quadrupled in size and includes a few practicing attorneys and three law students who have gotten sober since starting school. Now, Metscher is the one who comes to the first-year students' orientation to talk about the resources available at Baylor.

"My experience with recovery has been that when I can't pick myself up, the fellowship picks me up for me," Metscher says. "But in law school, that is not the way things work. You pick yourself up, or you're out. So when I talk about this with new law students, I let them know that there are students in recovery already at their law school who serve as advocates to those who are seeking recovery while in school.

"Just like how we tend to talk about how the best resource for an alcoholic is another alcoholic, the best resource for a law student who wants to get sober is another law student who has already gotten sober," Metscher says. "We've already been through all those fears. We are exposing our vulnerabilities in a culture that demands we hide our vulnerabilities." 