

## WHAT MAKES LAWYERS HAPPY?

### TRANSCENDING THE ANECDOTES WITH DATA FROM 6200 LAWYERS

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“It’s pretty hard to tell what does bring happiness. Poverty an’ wealth have both failed.”<sup>3</sup>

*Attorney well-being and depression are topics of great concern, but there has been no theory-driven empirical research to guide lawyers and law students seeking well-being. This article reports a unique study establishing a hierarchy of five tiers of factors for lawyer well-being, including choices in law school, legal career, and personal life, and psychological needs and motivations established by Self-Determination Theory. Data from several thousand lawyers in four states show striking patterns, repeatedly indicating that common priorities on law school campuses and among lawyers are confused or misplaced. Factors typically afforded most attention and concern, those relating to prestige and money (income, law school debt, class rank, law review, and USNWR law school ranking) showed zero to small correlations with lawyer well-being. Conversely, factors marginalized in law school and seen in previous research to erode in law students (psychological needs and motivation) were the very strongest predictors of lawyer happiness and satisfaction. Lawyers were grouped by practice type and setting to further test these findings. The group with the lowest incomes and grades in law school, public service lawyers, had stronger autonomy and purpose and were happier than those in the most prestigious positions and with the highest grades and incomes. Additional measures raised concerns: subjects did not broadly agree that judge and lawyer behavior is professional, nor that the legal process reaches fair outcomes. Specific explanations and recommendations for lawyers, law teachers, and legal employers are drawn from the data, and direct implications for attorney productivity and professionalism are explained.*

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<sup>3</sup> KIN HUBBARD, ABE MARTIN’S BROADCAST 191 (1930)

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## Introduction

Legal educators, attorneys, and Bar leaders have expressed concern for emotional distress,<sup>4</sup> dissatisfaction,<sup>5</sup> and unethical or unprofessional behavior among practicing lawyers.<sup>6</sup> There is ample

<sup>4</sup>See, e.g., Connie J.A. Beck ET AL., *Lawyer Distress: Alcohol-Related Problems and Other Psychological Concerns Among a Sample of Practicing Lawyers*, 10 J. L. & HEALTH 1 (1995); Patrick J. Schiltz, *On Being a Happy, Healthy, and Ethical Member of an Unhappy, Unhealthy, and Unethical Profession*, 52 VAND. L. REV. 871, 874 (1999); G. Andrew H. Benjamin ET AL., *The Prevalence of Depression, Alcohol Abuse, and Cocaine Abuse Among United States Lawyers*, 13 INT’L J. L. & PSYCHIATRY 233 (1990); A.B.A., THE REPORT OF AT THE BREAKING POINT: A NATIONAL CONFERENCE ON EMERGING CRISIS IN THE QUALITY OF LAWYERS’ HEALTH AND LIVES—ITS IMPACT ON LAW FIRMS AND CLIENT SERVICES (1991); Peter H. Huang & Rick Swedloff, *Authentic Happiness & Meaning at Law Firms*, 58 SYRACUSE L. REV. 335 (2007-2008); SUSAN DAICOFF, LAWYER, KNOW THYSELF: A PSYCHOLOGICAL ANALYSIS OF PERSONALITY STRENGTHS AND WEAKNESSES (2004); Rebecca M. Nerison, *Is Law Hazardous to Your Health? The Depressing Nature of the Law*, NEV. 22 B. LEADER 14 (1998). The evidence, although not encouraging, is somewhat mixed; for a thoughtful overview see NANCY LEVIT & DOUGLAS O. LINDER, THE HAPPY LAWYER, MAKING A GOOD LIFE IN THE LAW 3-7 (2010).

<sup>5</sup>For an overview of the many surveys on lawyers’ satisfaction with their legal career, see Jerome M. Organ, *What Do We Know About the Satisfaction/Dissatisfaction of Lawyers? A Meta-Analysis of Research on Lawyer Satisfaction and Well-Being*, 8 U. ST. THOMAS L.J. 225 (2011). Results of lawyer job satisfaction surveys are not consistent, perhaps because they employ different sampling techniques and different measures to gauge satisfaction.

literature to raise questions about lawyer and law student<sup>7</sup> mental health; the legal profession, as compared to other occupations, may well harbor a disproportionate number of unhappy people.<sup>8</sup> While articles often include anecdotes, observations, and discussion regarding negative (and positive) aspects of law practice, the literature broadly lacks empirical data bearing on the causes or correlates of the problems noted or their possible solutions. More specifically, there has been no theory-driven empirical study investigating the experiences, attitudes, and motivations of practicing lawyers, or how those factors relate to attorney emotional health or well-being.<sup>9</sup> The current study was conceived to address this void. Rather than addressing *whether* lawyers are happy, this study presents data pointing to *who* is more, and less, happy in the profession and specifically *why* that appears to be true. This report, then, is intended to provide practical guidance to lawyers, law students and law teachers seeking to improve their own well-being or that of others -- regardless of the level of well-being or ill-being in the profession

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*See, e.g.,* John P. Heinz ET AL., *Lawyers and Their Discontents: Findings from a Survey of the Chicago Bar*, 74 IND. L.J. 735, 735-36 (1999); John Monahan & Jeffrey Swanson, *Lawyers at Mid-Career: a 20-Year Longitudinal Study of Job and Life Satisfaction*, 6 J. EMPIRICAL LEGAL STUD. 451, 452-55, 470 (2009) reporting positive findings of lawyer career satisfaction, and contrasting them with other reports of high lawyer discontent. It is important to note that satisfaction specifically with career is not a focus of the current study. Rather, we sought to determine overall life satisfaction and positive/negative mood – related but more relevant issues for this study that also employ validated measures to provide confident findings. *See infra*, pp. 25-27.

<sup>6</sup> Susan Daicoff discusses a “tripartite crisis,” including low professionalism, low public opinion, and high emotional distress emerging in the legal profession. Daicoff, *supra* note 4; *See also* Schiltz, *supra* note 4.

<sup>7</sup> *See* 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, L. & ETHICS 357, 358 (2009); Matthew Dammeyer and Narina Nunez, *Anxiety and Depression Among Law Students: Current Knowledge and Future Directions*, 23 L. & HUMAN BEHAVIOR 55, 61 (1999); Kennon M. Sheldon & Lawrence S. Krieger, *Does Legal Education Have Undermining Effects on Law Students? Evaluating Changes in Motivation, Values, and Well-Being*, 22 BEHAV. SCI. & L. 261 (2004); G. Andrew Benjamin ET AL., *The Role of Legal Education in Producing Psychological Distress Among Law Students and Lawyers*, 1986 AM. B. FOUND. RES. J. 225 (1986); Gerald F. Hess, *Heads and Hearts: The Teaching and Learning Environment in Law School*, 52 J. LEGAL EDUC. 75 (2002); B.A. Glesner, *Fear and Loathing in the Law Schools*, 23 CONN. L. REV. 627 (1991); Lawrence S. Krieger, *Human Nature As a New Guiding Philosophy for Legal Education and the Profession*, 47 WASHBURN L. J. 247 (2008) [hereinafter *Human Nature*]; Lawrence S. Krieger, *Institutional Denial About the Dark Side of Law School, and Fresh Empirical Guidance for Constructively Breaking the Silence*, 52 J. LEGAL EDUC. 112 (2002) [hereinafter *Institutional Denial*].

<sup>8</sup> One of the most concerning studies includes the stark finding that attorneys had the highest rate of depression of any occupational group in the United States. William Eaton ET AL., *Occupations and the Prevalence of Major Depressive Disorder*, 32 J. OCCUPATIONAL MED. 1079, 1085 tbl. 3 (1990). While this study is somewhat dated, there is nothing in the literature, anecdotally, or otherwise, to suggest general improvement in the legal profession. *Cf.* Rosa Flores & Rose Marie Arce, *Why are lawyers killing themselves?*, CNN (Jan. 20, 2014, 2:42 PM), <http://www.cnn.com/2014/01/19/us/lawyer-suicides/>. If anything, given the negative economic climate and accelerating law school debt in recent years, the well-being of lawyers and law students is likely stagnant or may be eroding further.

<sup>9</sup> A study with partially related goals but fundamental differences from the current study is ongoing. RONIT DINOVIETZ ET AL., *AFTER THE JD: FIRST RESULTS OF A NATIONAL STUDY OF LEGAL CAREERS* (2004) [hereinafter *AJD1*]; RONIT DINOVIETZ ET AL., *AFTER THE JD II: SECOND RESULTS FROM A NATIONAL STUDY OF LEGAL CAREERS* (2009) [hereinafter *AJD2*]. The *AJD* study seeks to follow a large segment of U.S. lawyers admitted to practice in the year 2000. It includes a longitudinal design but a markedly narrower focus than the current study. The *AJD* data includes one year of bar admits and focuses specifically on satisfaction with career and job choices. The current study, by contrast, surveys lawyers spanning several decades of practice, and measures depression and global well-being. The current study also employs validated measures for well-being, motivation, values, and supervisory support, extending the same measures from previous law student studies to provide a confident empirical context for current attorney data. Thus, for the limited number of topics addressed by both studies, the partially shared goals and very different methodologies suggest they be viewed together for increased understanding.

as a whole. We also discuss important implications of this data for improved performance, productivity, and professionalism.

### I. Background and purposes for the current study

We began empirically investigating likely causes<sup>10</sup> for the reported well-being issues of lawyers by studying the mental health of law students as they progressed through law school.<sup>11</sup> We analyzed the emotional adjustment, life satisfaction, motivations, values, needs, and level of faculty support experienced by students at two contrasting law schools. We then began the current study, extending the same inquiries to practicing lawyers and judges in the United States. We intended this study, considered with the law student studies, to provide a comprehensive picture of the psychodynamics of lawyers, particularly the causes or correlates of their well-being, spanning initial law training and varied careers in the law. We report here data on numerous subjective and objective factors related to work and personal life that bear on lawyer well-being. Factors include, for example, the work setting, area of practice, earnings, family/social status, law school achievements, motivations, values, psychological needs, and level of supervisory support of thousands of lawyers. Importantly, the report includes the relative importance (correlation strength) of each such factor for lawyer happiness and satisfaction.

The data did, as hoped, fit well with the earlier law student data to generate a coherent picture of the relevant personality dynamics of law students and lawyers. Although the study purposes did not include determination of the overall well-being of lawyers, the current data are consistent with a number of previous law student findings, and add support to concerns for the future WB of lawyers expressed in those reports<sup>12</sup> and in the literature more generally. Most particularly, in the context of the previous law school studies, the current data show that *the psychological factors seen to erode during law school are the very factors most important for the well-being of lawyers*. Conversely, the data reported here indicate that the *factors most emphasized in law schools – grades, honors, and potential career income, have nil to modest bearing on lawyer well-being*. These conclusions are explained throughout the

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<sup>10</sup> The cross-sectional design of this large study focuses on correlations and thus does not permit firm conclusions about cause and effect. This limitation is common as the design is a virtual necessity for this type of research. *See generally*, Sonja Lyubomirsky ET AL., *The Benefits of Frequent Positive Affect: Does Happiness Lead to Success?*, 131 PSYCH. BULL. 803 (2005); Lyubomirsky, *infra* note 23, at 240; and *see* Bruno Frey & Alois Stutzer, HAPPINESS AND ECONOMICS: HOW THE ECONOMY AND INSTITUTIONS AFFECT HUMAN WELL-BEING 13 (2002). Consequently, findings are reported in terms of correlations, predictive power, or *apparent* effects of one factor on or with another. Findings demonstrate the extent to which one variable or occurrence makes it probable that another (typically happiness or unhappiness in this study) will occur, although the precise mechanism by which the two variables may interact may be unclear. Notwithstanding the limitation of a correlational study such as this, the consistency of the many findings and the patterns they present provide substantial confidence in apparent causal relationships suggested by the data. This is particularly true because of the large sample sizes and the consistency of our findings with similar findings in previous, related studies conducted with longitudinal designs that permitted more firm causal conclusions. We did not deem a longitudinal design practical for the current study, nor was it required to achieve the purposes of the study.

<sup>11</sup> Sheldon & Krieger, *supra* note 7; Kennon M. Sheldon & Lawrence S. Krieger, *Understanding the Negative Effects of Legal Education on Law Students: A Longitudinal Test and Extension of Self-Determination Theory*, 33 PERS. & SOC. PSYCHOL. BULL. 883 (2007) [hereinafter *Understanding Negative Effects*].

<sup>12</sup> Findings are summarized *infra*, pp. 7-10.

findings sections of this report, and are then addressed with brief recommendations for legal educators and employers.

As a second purpose of this study, we sought to investigate a question of interest to us and likely many other people: *Are lawyers fundamentally different from other people regarding the sources of their happiness?*<sup>13</sup> In the common culture of the United States, many people appear to consider lawyers to be different from other people in the most basic ways -- particularly their level of honesty and integrity, the way they think, and their ability to relate to or care about others.<sup>14</sup> The focus of this survey would provide insight into any differences between lawyers and the general population regarding their sources of happiness.<sup>15</sup>

A third primary purpose for this study, as alluded to above, was to investigate the actual importance, for life after law school, of principle sources of stress on law school campuses -- grades, honors (exemplified by law review positions),<sup>16</sup> law school debt, and future earnings.<sup>17</sup> The question of interest here was: *Are these external "grades and money" factors sufficiently related to happiness after graduation to merit the intensity of competition and concern that law students invest in them?*<sup>18</sup> We sought to measure the persisting association of such factors with later attorney satisfaction and well-being, and to then compare those associations with the effect sizes<sup>19</sup> for well-being of other factors over which students could exert more control -- intrinsic psychological factors and choices in work and personal life. We expected that the external stressors dominating the law school experience would prove to be weak predictors of lawyer happiness. If this were true and were communicated to students, it could serve to diminish the level of anxiety and stress on campuses.

The study could have implications for two other highly important considerations that relate to well-being: performance and professionalism. Performance is, of course, a primary concern for educators,

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<sup>13</sup> The definition and components of well-being and "happiness" as measured in this study are explained *infra* pp. 5, 9.

<sup>14</sup> "Lawyer" jokes, for instance, commonly address one or more of these negative stereotypes.

<sup>15</sup> For a broader consideration of differences between lawyers and other people, see Daicoff, *supra* note 4, at 25. Daicoff postulates a typical "lawyer personality" is distinguished by an ethic of justice rather than an ethic of care, introversion, and Myers-Briggs preference for thinking rather than feeling, and many other traits. *Supra* note 4, at ch. 2-4, 5. If such differences exist, they may be engendered at least in part by basic law school training. For a linguistic analysis of the depersonalization of the law student personality, see Elizabeth Mertz, *THE LANGUAGE OF LAW SCHOOL: LEARNING TO "THINK" LIKE A LAWYER* (2007).

<sup>16</sup> See e.g. Peterson & Peterson, *supra* note 7, at 380, 415; Benjamin ET AL., *supra* note 7 at 247, 249; Sheldon & Krieger, *supra* note 7, at 276 fn. 3

<sup>17</sup> See Krieger, *Human Nature*, *supra* note 7, at 306-07; see also KRIEGER, *THE HIDDEN SOURCES OF LAW SCHOOL STRESS* (2006) [hereinafter *Hidden Sources*] (emphasizing that the competition for grades and high income will not determine student or lawyer well-being). These issues garner substantial attention: administrators and teachers at more than half the law schools in the United States, Canada, and Australia purchased approximately 80,000 copies of this booklet for their students from 2006-2013.

<sup>18</sup> While it is commonly believed, but not empirically proven, that such factors are major stressors for students, there is little doubt about the heightened level of distress in many law schools. One study, for example, found the levels of depression on law school campuses to be akin to those in psychiatric populations. Stephen B. Shanfield & G. Andrew H. Benjamin, *Psychiatric Distress in Law Students*, 35 J. LEGAL EDUC. 65 (1985).

<sup>19</sup> "Effect size" connotes the correlation strength of two variables, but does not presume a cause-effect relationship. See e.g. Barbara G. Tabachnik & Linda S. Fidell, *USING MULTIVARIATE STATISTICS* 54 (6th ed. 2013).

employers, and lawyers themselves, and has been empirically linked to well-being.<sup>20</sup> The substantial concerns for unprofessional or unethical behavior among lawyers<sup>21</sup> might also be addressed by clarification of the sources of lawyer well-being, since known sources of well-being in general populations appear to be identical or closely related to important sources of positive professional behavior.<sup>22</sup> All of these considerations are discussed in the context of the data reported below.

## II. Theory underlying the studies

### *Subjective well-being as a measure of happiness*

The term “happiness” is subject to many shades of meaning<sup>23</sup>, and might seem out of place when applied to serious professionals doing serious work. Nonetheless, most people would agree that happiness is the prime human motivator,<sup>24</sup> and certainly lawyers go to work and students go to law school in order to further some goal related to experiencing happiness. We employed the concept of “subjective well-being” (SWB) to measure happiness in this study, as in our law student studies and in much other research based on Self-determination Theory (SDT, described below). We quantified SWB as the sum of life satisfaction and net affect (subtracting negative from positive mood), utilizing

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<sup>20</sup> Sonja Lyubomirsky ET AL., *supra*, note 10, at 846. Huang and Swedlof, *supra* note 4, at 337; Sheldon & Krieger, *Understanding Negative Effects*, *supra* note 11; DAVID G. MYERS, *THE PURSUIT OF HAPPINESS* 23 (1992). The relationship of well-being and performance is discussed *infra* notes ((189-196)) and accompanying text.

<sup>21</sup> A particularly notable article discussing lawyer distress and dissatisfaction is Patrick Schiltz’s stark warning to law students about the “unhappy, unhealthy, and unethical profession” they are seeking to join. *Supra* note 4. Other than Susan Daicoff’s consideration of lawyer personality and professional behavior, *supra* note 4, it is one of the few articles that addresses in a coherent way these two seemingly distinct areas of concern about lawyers’ emotional distress and lack of ethical or professional behavior. It is also likely the most frequently cited law review article on these subjects to date. Fred R. Shapiro & Michelle Pearse, *The Most-Cited Law Review Articles of All Time*, 110 Mich. L. Rev. 1483, 1495 (2012) (finding that this article was the fourth most-cited law review article published in 1999), and has been incorporated into numerous law school courses. Telephone interview with Patrick J. Schiltz, (2000), informing the author that Schiltz had received approximately 300 requests from law teachers for use of this article in law courses. However, as with the literature generally, this article lacks systematic empirical data to support its recommendations, a concern we seek to address with the current study.

<sup>22</sup> I have argued that the sources of both attorney well-being and professional/ethical behavior are found within personality and are essentially the same psychological factors measured in this and our previous law student studies. See Lawrence S. Krieger, *The Inseparability of Professionalism and Personal Satisfaction: Perspectives on Values, Integrity and Happiness*, 11 CLINICAL L. REV. 425 (2005) [hereinafter *Inseparability*]; Lawrence S. Krieger, *The Most Ethical of People, the Least Ethical of People: Proposing Self-Determination Theory to Measure Professional Character Formation*, 8 UNIV. OF ST. THOMAS L. J. 168 (2011) [hereinafter *Most Ethical People*]. For another discussion of the connections in personality between well-being and professionalism, see Daicoff, *supra* note 4, at 99-112. The applicability of all such conclusions would depend on whether the sources of well-being for attorneys and other people proved to be the same, a principal focus for the current study.

<sup>23</sup> For summaries of different approaches to understanding happiness, see Sonja Lyubomirsky, *Why Are Some People Happier Than Others?: The Role of Cognitive and Motivational Processes in Well-Being*, 56 AM. PSYCHOL. 239, 244 (2001); Levit & Linder, *supra* note 4, at 18-48; Frey & Stutzer, *supra*, note 10, at 11-12; Myers, *supra* note 20, at 23-30; Cf. Huang & Swedloff, *supra* note 4 at 339.

<sup>24</sup> See, e.g., Lyubomirsky ET AL., *supra* note 10, at 846 (noting happiness as a “prevalent” desire in Western culture); Lyubomirsky, *supra* note 23, at 239 (observing that happiness is the primary goal of human existence).

established instruments for each factor.<sup>25</sup> These affect and satisfaction factors provide data on complementary aspects of personal experience. Although moods are experienced as transient, they have been found to persist over time in stable ways.<sup>26</sup> Positive and negative affect are purely subjective, straightforward experiences of “feeling good” or “feeling bad,” that many people would interpret as happiness or its opposite.<sup>27</sup> Life satisfaction, on the other hand, includes a personal (subjective) evaluation of objective circumstances – one’s work, home, relationships, possessions, income, leisure opportunities, etc. The measure of life satisfaction employed in this study is validated and broader than the concept of *career* or *job* satisfaction often discussed regarding lawyers’ attitudes towards their work.<sup>28</sup>

These complementary components of SWB can diverge for an individual -- a person could often feel sad or “down” but also recognize her many positive life circumstances (job, family, finances, etc.); another whose life circumstances are impoverished could feel quite good much of the time. Thus, life satisfaction and affect measure somewhat different aspects of well-being.<sup>29</sup> Combining the two variables in one “subjective well-being” measure has proven an effective way to measure the global idea of a happy life in SDT research.<sup>30</sup> Because SWB includes a combination of these critical but somewhat different aspects of personal experience, we use these and other terms, depending on context, when referring to the concept of happiness.<sup>31</sup>

### *Self-Determination Theory*

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<sup>25</sup> The wording of the primary measures in the survey instrument may be viewed at: <http://www.law.fsu.edu/faculty/profiles/krieger/attorneysurvey.docx>

<sup>26</sup> Lyubomirsky, *supra* note 23, at 239. Subjective evaluations of happiness also tend to be stable, despite changing experiences. Myers, *supra* note 20, at 23.

<sup>27</sup> Lyubomirsky ET AL., *supra* note 10, for example, consider short-term positive mood to be the hallmark of happiness, at 816, 840, and observe happiness to involve more than the absence of negative mood or depression; Lyubomirsky ET AL., *supra* note 10, at 842.

<sup>28</sup> See, e.g., Organ, *supra* note 5; Ronit Dinovitzer & Bryant G. Garth, *Lawyer Satisfaction in the Process of Structuring Legal Careers*, 41 LAW & SOC’Y REV. 1 (2007). Authors addressing the question of career satisfaction do not appear to use the same, nor an established, measure, which introduces important potential confounds. Monahan & Swanson, *supra* note 5, at 452, 474-75, measure satisfaction with both life and career in a study of University of Virginia law graduates, finding very high satisfaction in both domains. .

<sup>29</sup> Though different in some ways, the two aspects of SWB are highly correlated. For our working sample of 6,226 bar members, the relationship of net affect with life satisfaction is .63. A perfect correlation on this scale is 1.0; a strong one is approximately .40 or greater.

<sup>30</sup> See Edward L. Deci & Richard M. Ryan, *The “What” and “Why” of Goal Pursuits: Human Needs and the Self-Determination of Behavior*, 11 PSYCHOL. INQUIRY 227, 243-44 (2000); see also Ed Diener, *Assessing Subjective Well-Being: Progress and Opportunities*, 31 SOC. INDICATORS RES. 103, 146-48 (1994); Frey & Stutzer, *supra* note 10, at 11-12.

<sup>31</sup> For example, “well-being” (WB) and “subjective well-being” (SWB) are largely interchangeable, but the latter specifically refers to the term of art defined here. “Well-being” and “happiness” are also generally interchangeable. Lyubomirsky, *supra* note 23, at 239. These and other terms, including “satisfaction,” are used in this paper separately or in combination to indicate shades of meaning appropriate to the specific discussion context.



This study and our previous law student research were guided by Self-Determination Theory (SDT),<sup>32</sup> a comprehensive theory of human motivation that has been prominent in the psychological literature for more than 40 years. Tenets of SDT include that all human beings have certain basic psychological needs – to feel competent/effective, autonomous/authentic, and related/connected with others.<sup>33</sup> These experiences are considered needs because they produce WB or thriving<sup>34</sup> in subjects, and because lack of these experiences generates angst, low mood, and/or low vitality.<sup>35</sup> SDT also broadly considers the well-being impacts of different values, goals, and motivations at the basis of behavior. Values or goals such as personal growth, love, helping others, and building community are considered “intrinsic,” while “extrinsic” values include affluence, beauty, status, or power.<sup>36</sup> Similarly, motivation for behavior is distinguished based on the locus of its source, either “internal” (the behavior is inherently interesting/enjoyable, or it is meaningful because it furthers one’s own values), or “external” (behavior is compelled by guilt, fear, or pressure, or chosen to please or impress others).<sup>37</sup> Importantly, research has established that intrinsic values orientations and internal motivations are more predictive of well-being than their extrinsic/external counterparts.<sup>38</sup> A fourth important construct of SDT is the effect of supportive (vs. controlling) supervisors, teachers, or mentors. Research has shown that providing autonomy support to subordinates enhances their ability to perform maximally, fulfill their psychological needs, and experience well-being.<sup>39</sup> The current study employs measures of all of these well-validated constructs.<sup>40</sup>

### III. Foundational studies of law students

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<sup>32</sup>See Sheldon & Krieger, *supra* note 7, at 263-64; See also Richard M. Ryan & Edward L. Deci, *Self-Determination Theory and the Role of Basic Psychological Needs in Personality and the Organization of Behavior*, in HANDBOOK OF PERSONALITY: THEORY & RESEARCH 660-662 (Oliver P. Johns et al. eds., 3d ed. 2008).

<sup>33</sup>Kennon M. Sheldon ET AL., *What is Satisfying About Psychological Events? Testing 10 Candidate Psychological Needs*, 80 J. OF PERS. & SOC. PSYCHOL. 325 (2001). Although self-esteem was also found to be an important predictor of WB, we did not include it in this study. The instrument was exceptionally long, and our previous studies indicated a subordinate role for esteem because it did not also impact performance as did the other three needs. See Sheldon & Krieger, *Understanding Negative Effects*, *supra* note 11, at 884; And see, Ryan & Deci, *supra* note 32, at 654-78; Reis ET AL., *Daily Well-Being: The Role of Autonomy, Competence and Relatedness*, 26 PERS. & SOC. PSYCHOL. BULL. 419-435 (2000).

<sup>34</sup>“Thriving” in this report refers to a combination of WB and improved performance.

<sup>35</sup>Sheldon ET AL., *supra* note 33, at 327.

<sup>36</sup>See e.g., Tim Kasser & Richard M. Ryan, *A Dark Side of the American Dream: Correlates of Financial Success as a Central Life Aspiration*. 65 J. PERS. & SOC. PSYCHOL. 410, 420-21 (1993); And see Ryan & Deci, *supra* note 32, at 716.

<sup>37</sup>See Deci & Ryan, *supra* note 30, at 239-243; Sheldon & Krieger, *supra* note 7, at 264.

<sup>38</sup>Deci & Ryan, *supra* note 30; Sheldon ET AL., *The independent effects of goal contents and motives on well-being: It’s both what you pursue and why you pursue it*, 30 SOC. PSYCHOL. BULL. 475 (2004); Sheldon & Krieger, *Understanding Negative Effects*, *supra* note 11, at 888; Sheldon & Krieger, *supra* note 7, at 265, 267-70

<sup>39</sup>Deci & Ryan, *supra* note 30, at 233-35; Deci ET AL., *Self Determination in A Work Organization*, 74 J. APP. PSYCHOL. 580 (1989); and see, Sheldon & Krieger, *Understanding Negative Effects*, *supra* note 11 at 883-886 (citing e.g. Deci ET AL., *Facilitating Internalization: The Self-Determination Theory Perspective*, 62 J. PERS. 119, 124 (1994).

<sup>40</sup>The wording of the primary measures in the survey may be viewed at:  
<http://www.law.fsu.edu/faculty/profiles/krieger/attorneysurvey.docx>

We initiated our investigation of the developing psychodynamics of lawyers with two published studies of law students.<sup>41</sup> Both studies employed longitudinal designs to reliably investigate the changes we hypothesized were occurring in student motivations, values, need satisfaction, and emotional health from the beginning to the end of the law school experience. If detrimental changes in adjustment were occurring during this foundational phase of professional formation, those changes could predispose graduates to emotional and behavioral problems in later law practice. Further, if data demonstrated likely causes for any negative changes, ongoing problems could be directly addressed and perhaps prevented by law teachers and deans.

We studied two very diverse law schools in two different regions of the United States. The specific findings and the patterns within the data are important and foundational for the current study. They confirmed earlier reports of increasing anxiety and depression among students while in law school.<sup>42</sup> More importantly, they pointed to reasons for the negative well-being shifts, and thus suggested educational strategies to prevent ongoing problems among students both before and after graduation. They also predicted many of the findings of the current attorney study, providing confidence in the results reported here.

The first law school study<sup>43</sup> demonstrated the following changes occurring in students after they began law school: marked increases in depression, negative mood, and physical symptoms, with corresponding decreases in positive affect and life satisfaction;<sup>44</sup> shifts from helping and community-oriented values to extrinsic, rewards-based values in the first year;<sup>45</sup> similar shifts in motivation for becoming lawyers, from salutary internal purposes (for interest, enjoyment, and meaning) to more superficial/external reasons (such as for financial rewards, recognition, or to impress or please others);<sup>46</sup> and decreases in values of all kinds after the first year, suggesting generalized demoralization or loss of personal purpose.<sup>47</sup> As discussed above, each of these shifts would predict decreased well-being, and that result was apparent in the data.<sup>48</sup> As expected, the data also showed that students beginning law

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<sup>41</sup>Sheldon & Krieger, *supra* note 7; Sheldon & Krieger, *Understanding Negative Effects*, *supra* note 11. There were, of course, earlier studies documenting more straightforward negative changes in students, particularly anxiety and depression; *see e.g.* Shanfield & Benjamin, *supra* note 18; Dammeyer & Nunez, *supra* note 7. There is also a recent, prominent study that supports and further elucidates reasons for the precise negative changes in law students found in our studies. Mertz, *supra* note 15. The Mertz study employed an entirely different design and methodology from our studies, and thus adds substantial confidence to our findings and conclusions. *See also* Krieger, *Human Nature*, *supra* note 7 at 267 (discussing the impact of the Mertz findings in the context of the Sheldon/Krieger findings, and offering strategies to mitigate the negative phenomena revealed by these studies).

<sup>42</sup> For a summary of earlier findings of anxiety and depression in law student populations, *see* Dammeyer & Nunez, *supra* note 7.

<sup>43</sup> Sheldon & Krieger, *supra* note 7.

<sup>44</sup> Sheldon & Krieger, *supra* note 7, at 271-72, Table 1.

<sup>45</sup> Sheldon & Krieger, *supra* note 7, at 272, Table 3.

<sup>46</sup> Sheldon & Krieger, *supra* note 7, at 272, Table 3.

<sup>47</sup> Sheldon & Krieger, *supra* note 7, at 273. This specific pattern of changes has been reported among students at Harvard law school; *see* Note, *Making Docile Lawyers: An Essay on the Pacification of Law Students*, 111 HARV. L. REV. 2027 (1998). Neither of our subject schools were Ivy League/elite schools, so this pattern of apparent demoralization may generalize to many law schools.

<sup>48</sup> The study design did not permit firm conclusions about causation, but the consistency of the data certainly suggested this conclusion. As discussed immediately below, our second study employed additional measures and methods, and did establish causation between related psychosocial factors, well-being, and student performance.

school with the most internal motivations and intrinsic values earned higher grades,<sup>49</sup> but we also found that those students then shifted to more external (money-oriented) job preferences.<sup>50</sup> Thus, the concerning findings extended beyond confirming decreasing student wellness; it also appeared that success in law school (measured by grades) could exacerbate the longer-term negative effects of the law school experience. More successful students changed career goals to prefer more extrinsically-oriented jobs than when they began law school, and thus would be predicted to experience diminished satisfaction and well-being.<sup>51</sup>

The second study<sup>52</sup> further investigated the mechanisms by which the law school experience generated these negative effects on students in these contrasting schools -- one with a traditional scholarly focus and the other more focused on quality teaching and practical skills for students. We included additional methods and measures to address more subtle and potentially more telling variables -- the level of autonomy support that students experienced from their faculties, and the level of satisfaction of the needs for autonomy, competence, and relatedness to others.<sup>53</sup>

This study again confirmed broad negative effects occurring during the three law school years, including increasing student distress and decreasing internal motivation for legal work. The negative effects were most pronounced at the more traditional school.<sup>54</sup> In addition, the added measures did reveal important new insights. First, the data demonstrated that *all negative outcomes resulted from decreases in satisfaction of the fundamental needs for autonomy, competence, and relatedness to others* after students entered law school.<sup>55</sup> Of greater practical value for educators, the *single factor of autonomy support that students received from their faculty accounted for all of the differences* between the two schools in student need satisfaction, and hence in all of the other measured outcomes --well-being, career motivation, and grades/bar exam performance.<sup>56</sup> In other words, because of the more autonomy-supportive educational environment at the less traditional law school,<sup>57</sup> students there fared broadly better, experiencing greater well-being, more internal motivation, and higher performance than

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<sup>49</sup> Sheldon & Krieger, *supra* note 7, at 274-75.

<sup>50</sup> Sheldon & Krieger, *supra* note 7, at 274-75.

<sup>51</sup> This specific pattern has also been described in earlier articles, although not supported with empirical data as here. See Robert Granfield & Thomas Koenig, *Learning Collective Eminence: Harvard Law School and the Social Production of Elite Lawyers*, 33 SOCIOLOGICAL QUARTERLY 503, 517 (1992); see also Note, *supra* note 47, at 2040-41. These findings and predictions were also supported in the current study, finding that lawyers with higher law school grades had chosen more affluent, externally motivated career tracks and were less happy than lawyers with lower grades and income. See *infra* pp. (23-26).

<sup>52</sup> Sheldon & Krieger, *Understanding Negative Effects*, *supra* note 11.

<sup>53</sup> See *supra*, notes 33-40 and accompanying text regarding these measures; See also, *infra* note 55 and accompanying text, regarding the significance of employing Sequential Equation Modeling.

<sup>54</sup> Sheldon & Krieger, *Understanding Negative Effects*, *supra* note 11, at 883, 890.

<sup>55</sup> Sheldon & Krieger, *Understanding Negative Effects*, *supra* note 11, at 894. Importantly, this longitudinal study employed Sequential Equation Modeling and the data supported confident conclusions about causation. The consistent symmetry of findings in the current cross-sectional study with those in this previous longitudinal study provides an additional source of confidence in the conclusions we draw from the current attorney data.

<sup>56</sup> Sheldon & Krieger, *Understanding Negative Effects*, *supra* note 11, at 890.

<sup>57</sup> We could not empirically determine the factors responsible for the difference in autonomy support, but reasoned that students might well perceive greater support from emphases on law practice training ("skills" and clinics) and on faculty teaching expertise at this school, compared to the greater legal theory and research orientation of the second law school studied. Sheldon & Krieger, *Understanding Negative Effects*, *supra* note 11, at 887.

the other students. Notably, this institution had a far lower standing than the other in the hierarchy of law schools (as ranked by U.S. News and World Report),<sup>58</sup> suggesting that law school reputation or standing may not relate, or may even relate inversely, to important student outcomes.<sup>59</sup>

The American Bar Foundation sponsored a third recent study of the law school experience which is also important as context for the current attorney research. Professor Elizabeth Mertz<sup>60</sup> conducted a linguistic analysis of the initial classroom training of new law students at eight diverse law schools.<sup>61</sup> Her findings include a number of effects on law students that represent a fundamental undermining of basic personality structures, much as we found using entirely different methodology. Mertz observes, for example, that basic law school training changes student values,<sup>62</sup> “unmoors the “self”,<sup>63</sup> marginalizes fairness, justice, morality, emotional life, and caring for others,<sup>64</sup> and exclusively emphasizes competitive processes to the extent that they become the only goal.<sup>65</sup> The net result is erosion of the very ability to make an ethical decision.<sup>66</sup> Given the similar (and concerning) findings coming from this study and the Sheldon/Krieger research, studies performed with entirely different empirical methodologies at different sets of diverse law schools, the findings provide mutual support and increase confidence that such results generalize to many, if not most, law schools across the country.

#### IV. The current study

##### *Measures*<sup>67</sup>

As previously stated, our primary measure of happiness was subjective well-being, the aggregate result of the mood and life satisfaction components. We supplemented the SWB measures with the depression scale from the Brief Symptom Inventory.<sup>68</sup> The latter scale provided a second, inverse view of well-being, and a direct measure of depression -- a matter of concern in the legal profession as previously discussed.<sup>69</sup> This scale has been previously published in studies of law students and lawyers.<sup>70</sup> In addition, given reports of substance abuse among lawyers, we inquired about the frequency and

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<sup>58</sup> *Schools of Law*, U.S. NEWS AND WORLD REPORT: BEST GRADS SCHOOLS 2006, at 60.

<sup>59</sup> Indeed, data from the current attorney sample indicated only a negligible association of law school rank with well-being and its correlates, other than increased income. *See infra*, pp. (32-33).

<sup>60</sup> Professor of Law, University of Wisconsin Law School.

<sup>61</sup> Mertz, *supra* note 15.

<sup>62</sup> Mertz, *supra* note 15, at 1

<sup>63</sup> Mertz, *supra* note 15, at 137

<sup>64</sup> Mertz, *supra* note 15, at 1, 6, 10, 95, 100-01, 120

<sup>65</sup> Mertz, *supra* note 15, at 77, 82-3, 95, 100-01, 126-27.

<sup>66</sup> Mertz, *supra* note 15, at 132.

<sup>67</sup> The wording of the primary measures in the survey instrument may be viewed at: <http://www.law.fsu.edu/faculty/profiles/krieger/attorneysurvey.docx>

<sup>68</sup> Leonard R. Derogatis & Nick Melisaratos, *The Brief Symptom Inventory: An introductory Report*, 13 PSYCHOL. MED., 595, 603 *tbl. 6* (1983); *See also* Sheldon & Krieger, *Understanding Negative Effects*, *supra* note 11 at 888.

<sup>69</sup> Eaton ET AL., *supra* note 8.

<sup>70</sup> *See* Beck ET AL., *supra* note 4, at 13 (citing Leonard R. Derogatis & Phillip M. Spencer, *The Brief Symptom Inventory (BSI) Administration, Scoring & Procedures Manual* § 1 (1982)); Sheldon & Krieger, *Understanding Negative Effects*, *supra* note 11, at 888.

quantity of alcohol use. We expected this measure to provide another inverse indicator of well-being, and, as reported below, this was true with some limitations.<sup>71</sup>

We assessed likely predictors of well-being, including need satisfaction,<sup>72</sup> values,<sup>73</sup> motivations,<sup>74</sup> and perceived autonomy support at work,<sup>75</sup> using the same validated instruments used in our law student studies and previous SDT research.<sup>76</sup> We also asked subjects about previous law school experiences (name of school attended, class rank, law journal membership, and amount of debt when graduating), current working circumstances (office setting, subject area of law practice, hours worked, billable hours required, and earnings), personal life choices likely to impact well-being (exercise, vacations, religious or spiritual practices) and typical demographic information (gender, race/ethnicity, age, relationship status, and number of years out of law school).

Data was analyzed to determine which factors predicted well-being, and the extent of their apparent impacts.<sup>77</sup> We particularly wanted to compare the power for predicting WB of the different categories of subjective and objective factors included in the study, as such information could assist law students and lawyers in making personal life and career decisions. Since the instrument included questions with different response metrics (i.e., dollars for income and debt, percentile for class rank, and level of agreement on Likert scales for psychological measures), we calculated results in terms of standardized Pearson correlation coefficients.<sup>78</sup> This standardization permits meaningful comparison of factors expressed in different metrics. Thus each variable measured was analyzed to determine if it related significantly and substantially<sup>79</sup> to WB, and we report standardized correlations (“r” factors) to indicate how strongly each variable predicts increased or decreased attorney well-being.

### *The Bar member sample*

With essential assistance of bar leaders and Lawyer Assistance Program directors, we were able to sample members of four state bar associations in the United States. The states represent four geographically diverse regions of the country, excluding the Pacific and Mountain West regions. One state is predominantly rural but includes a few large cities; one state is very populous with many major

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<sup>71</sup> See *infra* p. (21).

<sup>72</sup> Sheldon & Krieger, *Understanding Negative Effects*, *supra* note 11, at 888.

<sup>73</sup> Sheldon & Krieger, *supra* note 7, at 265, 267-70.

<sup>74</sup> Sheldon & Krieger, *supra* note 7, at 265, 267-70.

<sup>75</sup> Sheldon & Krieger, *Understanding Negative Effects*, *supra* note 11, at 888.

<sup>76</sup> When necessary for clarity and applicability to working bar members, we altered the wording from our law student instruments slightly. For example, a typical item in the autonomy support measure for students read, “The faculty and administration listen to how I would like to do things.” The analogous item in the current survey read, “The supervisors listen to how I would like to do things.”

<sup>77</sup> See *supra*, note 10.

<sup>78</sup> See, e.g., Tabachnik & Fidell, *supra* note 19, at 54.

<sup>79</sup> Statistical significance is further discussed *infra* note 97. With such large sample sizes and statistical power, very small results can attain statistical significance but be essentially meaningless. Tabachnik & Fidell, *supra* note 19, at 54. “Statistical significance is not the same as practical significance.” DAVID S. MOORE & GEORGE P. MCCABE, INTRODUCTION TO THE PRACTICE OF STATISTICS 425 (2006). We therefore focus on strength of correlations, or “effect sizes,” throughout the report, rather than relying primarily on statistical significance.

urban centers; and two states include a mix of urban and rural areas. The states are also very diverse economically, politically, ethnically, racially, and in their predominant religions. We therefore expected these states to provide a relatively representative view of attorneys and judges in this country.

The number of bar members invited to participate in each state ranged from 11,000 to 20,000. Two bar associations from less populous states invited all of their members. The other two states generated random lists, respectively, of 11,000 and 20,000 invitees; sampling differences resulted from preferences within the governing bodies of the four bar associations. We expected valid results despite the different approaches, because partial invitee lists were randomly generated, and all resulting sample sizes were very large. Invitees were sent an email introducing the project, assuring confidentiality, and providing a link to the online survey. They were told that the survey would remain open for about 14 days, and a reminder email was sent toward the end of the open period.

Of necessity, the instrument was lengthy because we sought to investigate and compare many dimensions of attorney experiences. As an incentive to participate, all subjects were offered a continuing legal education (CLE) program at no cost. The content of the programs in the four states was similar; bar personnel in two states created programs while two states used a video program created by Professor Krieger. The CLE programs were intended to assist participating lawyers by educating them about simple choices that could improve their level of adjustment and well-being. Subjects could access their program via a link that was provided only after completion of the survey, so that the CLE content could not bias responses to the survey. Subjects were not made aware of the purpose and focus of the CLE programs, again to avoid biasing the sample.

The number of responding bar members and the response rates for the states, from least populous (where all members were invited) to most populous (where the described samples were invited), were: 1,757 (13.0%); 2,692 (15.8%); 1,606 (14.6%); and 1,750 (8.8%). The aggregate total sample was  $N = 7,805$ , with an overall response rate of 12.7%. One state had a substantially lower response rate (8.8%) than the others (13.0% to 15.8%). The data collection there followed the others by several months, so the timing in light of CLE cycles may have been less ideal. Bar officials in that state also initially expressed concern for survey fatigue in the membership. It is unclear if these or other factors impacted the response; nonetheless, almost 2,000 subjects participated in this state, providing a substantial sample.

Of the 7808 participants who responded to the survey, we established a working sample of  $N = 6226$  subjects. This included all participants who provided complete well-being data and who indicated that they currently worked as lawyers, judges, or in related positions. This working sample was employed for most analyses; for analyses in which a different sample was used, that is noted and explained in the relevant section of the report.

Given the length of the survey and the notorious workloads of this professional group, we felt the overall response to be relatively robust. Considering the typically busy schedule and heavy email traffic of practicing attorneys, it is likely that most who declined did so for lack of time and/or present need for the type of CLE credit offered. Since variations in workload pressure and the cyclical nature of CLE

needs are common among lawyers, we expected participants to be representative of their overall bar membership.

Comparisons of the mean age, gender distribution, and racial/ethnic distribution of the respondents from each state with their state's entire bar membership supported the conclusion of representative samples. Each of the variances between the state samples and bar totals was small<sup>80</sup>; the variances also showed consistent patterns. The percentage of women responding in each state was greater than the corresponding state bar membership by 2-5%; the percentage of non-Caucasian respondents was 3-5% greater than the non-Caucasian membership by state,<sup>81</sup> and the mean age of respondents in each state was 2-4 years greater than the mean state bar membership. We may speculate that, given the length of the survey, slightly older lawyers tended to have the autonomy and time to complete both the survey and the CLE program. It may also be that women, minority, and/or older lawyers were slightly more drawn to the general description of the survey and CLE program (relating to "attitudes and experiences of lawyers") than their counterparts. Regardless, based on analyses of demographic differences presented below, the slight over-representation of older, female, and minority subjects may mean that the sample differs very slightly from the aggregate total membership in the four states, in terms of marginally greater internal motivation and well-being.<sup>82</sup> Such differences would have no significant bearing on the findings and conclusions of the study.

A further check of major variables also revealed few statistically significant differences between states, and those differences were slight, reaching significance only because of the large sample sizes involved.<sup>83</sup> Ultimately, the subsamples and overall sample provided substantial confidence that the data collected would generalize to lawyers in the United States. The samples were large and each tracked the makeup of its state membership; the data showed negligible to nil differences between demographic groups on major variables; and the states participating were very diverse as previously described. As reported throughout the findings, the consistency of patterns in the data ultimately add confidence in the results.

## V. Hypotheses

The breadth and depth of the instrument permitted investigation of a number of primary and secondary hypotheses. The most fundamental inquiry in the study focuses on an expected substantial difference in the correlations with lawyer well-being of selected internal and external factors. Internal factors of

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<sup>80</sup>The form and availability of membership data varied among the four states, introducing some imprecision in the variance calculations presented here. One state did not collect age data. The other states had age data only in 10-20 year increments, requiring approximation by assigning the mean age in each range to those members. One state had race/ethnicity data for only 45% of its bar members, creating doubt as to whether the large number of members declining to respond were disproportionately in one or more of the groups.

<sup>81</sup> We compared only the Caucasian/non-Caucasian ratios because in every state Caucasians constituted the overwhelming majority of bar members and respondents (90-96%), leaving very small subsamples (and hence relatively greater sampling error) if the minority groups were treated individually for this purpose.

<sup>82</sup>Data comparing groups indicated these trends, but little overall impact of demographic differences, *infra* pp. 32-33.

<sup>83</sup> Again, it is not unusual in large samples for results to be statistically significant but realistically meaningless. *Supra* note 79 and accompanying text.

interest were the psychosocial factors that previous SDT research would predict to most strongly impact well-being. External factors of interest were those phenomena that are exceptionally important, and generate great concern, for many law students and lawyers -- law school grade performance, law review participation, law school debt, and attorney income. We describe five related hypotheses and report the relevant findings below. Secondary hypotheses and findings then address other categories of variables that we thought likely to impact WB to a lesser extent -- demographics and choices related to work and personal life.

### *Primary hypotheses*

1. Our first hypothesis was that objective factors that often dominate the attention of law students and lawyers (and legal employers and teachers as well) -- law school grade performance, law review membership, law school debt, and income after graduation, would modestly predict attorney WB, and would therefore provide a contrast when compared to the expected stronger associations with WB of the internal factors included in the study. This hypothesized contrast was provocative because, on one hand, research in general populations has shown external factors such as rewards to be quite secondary predictors of happiness,<sup>84</sup> and at the same time, law students and lawyers appear to place great emphasis on them. If the correlations with WB of these external factors were strong, or if the hypothesized contrast with the internal factors did not manifest in the data, it would provide evidence that lawyers are indeed different from other people regarding the sources of their well-being. If the data did show this contrast, it would suggest that the external factors are simply “overdone” in the legal community and are not as important as typically thought – challenging core assumptions that are important in their own right because they generate so much stress in law schools and law firms.

2. Our second hypothesis was that the frequency of experiences of autonomy (which includes authenticity), competence, and relatedness to other people would very strongly predict lawyer well-being. Any such findings could be particularly important, because lawyers may be specifically inhibited from satisfying these needs by training in legal analysis;<sup>85</sup> habituation to adversarial tactics;<sup>86</sup> demands to adopt imposed client goals and values; personal conflict on many levels;<sup>87</sup> need to prevail in zero-sum proceedings against other aggressive lawyers; billable hour requirements and other controlling supervision methods; and perhaps other concerns particular to the practice of law.<sup>88</sup>

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<sup>84</sup> See Lyubomirsky, *supra* note 23, at 240 (observing that objective circumstances, demographics, and life events are weak predictors of WB, and that wealth typically shows “remarkably small associations” with happiness); David G. Myers, *The Funds, Friends, and Faith of Happy People*, 55 AM. PSYCHOL. 56 (2000).

<sup>85</sup> For a thorough report on the effects of traditional law school training, see Mertz, *supra* note 15; see also Krieger, *Human Nature*, *supra* note 7, at 267, discussing the consistency of the Mertz findings with other law student research.

<sup>86</sup> For further discussion of the competitive and adversarial paradigm in legal education, see Mertz, *supra* note 15, at 4, 6; Krieger, *Human Nature*, *supra* note 7, at 265-66.

<sup>87</sup> See e.g. MARY ANN GLENDON, A NATION UNDER LAWYERS: HOW THE CRISIS IN THE LEGAL PROFESSION IS TRANSFORMING AMERICAN SOCIETY 17-108 (1996).

<sup>88</sup> For a discussion of many of these factors in the context of legal education, see Lawrence S. Krieger, *What We’re Not Telling Law Students—and Lawyers—That They Really Need to Know: Some Thoughts-in-Action Toward Revitalizing the Profession From Its Roots*, 12 J.L. & HEALTH 1, 18-20 (1999).



3) Third, we hypothesized that the extent to which subjects' motivation for their work was internal (for interest, enjoyment, and meaning) rather than external (for money, status, prestige, or imposed by others), would also strongly predict well-being. This finding would also be concerning in this career group, because internal motivation is experienced as autonomous, originating within one's self rather than externally, and law school may tend to marginalize internal instincts and responses.<sup>89</sup> As a corollary, we expected more external motivation would manifest a "payoff" in greater earnings, but would nonetheless predict decreased happiness compared to subjects with more internal motivation. This would clearly be important for lawyers and law students, given the emphasis typically placed on the external factors previously discussed.

4) Fourth, we expected lawyers who more strongly endorsed intrinsic values (for growth, intimacy, community, and altruism) to be happier than those more strongly endorsing extrinsic values (for affluence, status, fame, appearance). This again would be concerning in light of data showing erosion of healthy values after students enter law school.<sup>90</sup>

We refined this hypothesis after administering the survey in two states. The traditional values measure asks subjects to report their *beliefs* about what is important in their lives. We conceived a new measure of *action taken* to give effect to specific values, which we thought would more accurately predict well-being than measuring belief only.<sup>91</sup> We therefore administered to subjects in the two remaining states both measures -- addressing endorsement of different values, and addressing action in daily life directed towards each value.<sup>92</sup> We hypothesized that both measures would indicate greater WB benefits from intrinsic valuing, and also that actions would better predict well-being than would endorsements alone. If the data supported both hypotheses, the findings would confirm the importance of intrinsic versus extrinsic values for lawyers, and would suggest a new and perhaps more useful way to approach the values-WB relationship that could be applied in research more generally.

5) Our fifth primary hypothesis was that attorneys who received autonomy-supportive, as opposed to controlling, supervision would thrive to a substantially greater extent than others.<sup>93</sup> This finding would have overarching importance for various groups. First, it would demonstrate to students and lawyers seeking happiness in their work the importance of supportive mentoring and supervision. Second, since teachers and supervisors can be trained to provide autonomy support to others,<sup>94</sup> it would

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<sup>89</sup> See Mertz, *supra* note 15, at 98-99. See also Krieger, *supra* note 88, at 18-20, 26-27, discussing the need for conscience and instincts for health and well-being.

<sup>90</sup> Sheldon & Krieger, *supra* note 7, at 279.

<sup>91</sup> Values likely produce effects on well-being primarily because actions guided by different values tend to fulfill (or not) basic needs. See Christopher P. Niemiec ET AL., *The Path Taken: Consequences of Attaining Intrinsic and Extrinsic Aspirations in Post-College Life*, 42 J. RES. PERS. 291, 292 (2009). People may also overstate their positive aspirations more easily than their actual behaviors.

<sup>92</sup> For example, with regard to "gaining prestige, influence, or power," in the traditional measure, subjects were asked to "indicate how important it is to you that this goal be achieved in the future"; and in the new measure they were asked to "indicate how much you actually work on that goal in your life." The wording of the primary measures in the survey instrument may be viewed at: <http://www.law.fsu.edu/faculty/profiles/krieger/attorneysurvey.docx>

<sup>93</sup> See Sheldon & Krieger, *Understanding Negative Effects*, *supra* note 11, at 884, 894.

<sup>94</sup> See generally Johnmarshall Reeve ET AL., *Enhancing Students' Engagement by Increasing Teachers' Autonomy Support*, 28 MOTIVATION & EMOTION 147 (2004).

provide constructive guidance to educators and employers seeking to enhance the morale and resulting performance of their charges.

## VI. Primary findings

### A. Grades, law review, and money issues

#### 1) Law school grades

Grade performance is likely the single greatest concern of law students as a group.<sup>95</sup> We asked subjects to provide their law school class rank (which is based on grade performance) rather than measuring grades directly, since law schools use many different grading scales that would unduly complicate the questions and undermine confidence in the data. The correlation of final law school class rank with current SWB of our bar members (N = 4650)<sup>96</sup> was  $r = .12$ , ( $p < .01$ ).<sup>97</sup> This was in the direction of the modest correlation<sup>98</sup> we predicted, but weaker than expected considering the overarching importance attributed to class rank in law schools.<sup>99</sup>

In light of the preference of many selective employers for applicants with high grades, we investigated the relationship of class rank with attorney income. As expected, there was a positive correlation ( $r = .20$ ,  $p < .001$ ) of law school grade performance with earnings after graduation, a somewhat stronger relationship than the small, and more important, effect size<sup>100</sup> of class rank for lawyer well-being.

#### 2) Law journal membership

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<sup>95</sup> It is well accepted that grade competition in law schools is intense and generates substantial stress on many students. See, e.g., Daicoff, *supra* note 4, at 1383; Glesner, *supra* note 7, at 659; Barbara Glesner Fines, *Competition and the Curve*, 65 UMKC L. REV. 879, 901 (1996); Sheldon & Krieger, *supra* note 7, at 276; Krieger, *Human Nature*, *supra* note 7, at 277; Note, *supra* note 47, at 2033-37.

<sup>96</sup> A number of subjects did not respond to this question, perhaps because they did not recall their rank or because their school did not compute or announce rankings. This resulted in a reduced (but still very large) sample size.

<sup>97</sup> "P" values indicate the probability that a reported event or relationship occurred randomly or by chance. Findings are generally considered statistically significant when the likelihood of chance occurrence is less than one in twenty ( $p < .05$ ). Moore & McCabe, *supra* note 79, at 405-07, 424-25. The large sample sizes in this study enhance the ability to rule out random events, so that very small correlations in the range of  $r = .03$  are statistically significant ( $p < .05$ ); correlations of  $r = .05$  are highly significant ( $p < .01$ ), and  $r = .06$  very highly significant ( $p < .001$ ).

<sup>98</sup> In studies with typically smaller sample sizes, correlations in this range might not reach statistical significance. As a rough guide, the relative strength (and practical value) of correlations of different sizes might generally be considered as follows: .05-.10, slight; .11-.20, small; .21-.30, moderate; .31-.40, substantial; .41-.50, strong;  $> .50$ , very strong. These are inexact ranges intended only to provide a sense of meaning to reported correlations.

<sup>99</sup> To avoid biasing this surprisingly weak correlation, we also calculated the class rank-WB relationship employing the largest potential sample ( $n = 5330$ ), including people not working in the law (and therefore whose low grades may have resulted in poor employment prospects). There was a negligible difference in the direction we predicted, with the correlation of class rank to WB increasing to .13, still a small correlation with WB.

<sup>100</sup> Recall that effect size does not presume a causal relationship; *supra* note 19. "Effect size" connotes the correlation strength of two variables, but does not presume a cause-effect relationship. Tabachnik & Fidell, *supra* note 19, at 54.

The survey asked subjects to indicate if they had been a member of a law review or law journal. Law review membership is a second primary focus for many law students, as it is considered to connote excellence as a student and potential lawyer. Students can become discouraged when not achieving this recognition.<sup>101</sup> Since achieving a journal position is an external factor related to high grade performance, we expected journal membership to also modestly predict well-being. The data, however, was surprising, yielding a zero correlation ( $r = .00$ ) based on identical mean well-being (4.862 vs. 4.863) of subjects who had and had not participated on a journal ( $N$ 's respectively, 1,656 and 4,570). Much like class rank, there was a modest relationship ( $r = .15$ ,  $p < .001$ ) between journal membership and later earnings, a result certainly expected given the elite status and hiring preferences afforded journal members by most selective employers. As expected, higher grades were also associated with journal membership ( $r = .32$ ,  $p < .001$ ). When regressed with class rank, the relationship of journal membership to income dropped to .09, showing journal work to be an independent but quite weak positive factor, even for income. Three important, though very small, inverse correlations with journal work appeared in the data. Compared to other subjects, journal participants reported lower internal motivation for their current law job ( $r = -.06$ ,  $p < .01$ ), suggesting that they chose jobs for income, status, or reasons other than interest and passion for the work. They also reported less autonomy need satisfaction ( $r = -.05$ ,  $p < .01$ ). These findings likely explain the absolute lack of a well-being benefit, despite the increased income and prestige associated with the law journal honor.<sup>102</sup> A further note of interest appeared in the data: these particularly successful law students experienced no greater competence in law practice than non-journal members ( $r = -.01$ , inverse but not significant).

### 3) Money issues: Law school debt and income after graduation

Previous studies confirm that financial affluence has a positive effect on well-being in general populations.<sup>103</sup> This effect is generally modest, particularly among subjects with sufficient earnings to provide for basic life needs.<sup>104</sup> Many lawyers and law students, like other people, are concerned about their income level, and competition for grades that will assure well-paying jobs appears to exert great stress on law students. Current law students also often incur \$125,000 or more in educational debt, which increases their finance-related concerns.<sup>105</sup> Many may decide to forego preferred service work

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<sup>101</sup> See Note, *supra* note 47, at 2033-37 (chronicling the emotional distress attending disappointing grades and law review decisions among Harvard law students).

<sup>102</sup> This data is consistent with previous findings that high-performing law students tended to shift towards less internally motivated job preferences, and appears to confirm the conclusion that academic honors could undermine future well-being if lawyers then choose higher pay rather than interest and meaning in their work. See *supra* note 47 and accompanying text. The data suggests an undermining effect on WB and performance, wherein motivation for rewards displaces autonomous motivation. See *infra* notes 195-196 and accompanying text.

<sup>103</sup> See e.g. Ed Diener ET AL., *The Relationship Between Income and Subjective Well-Being: Relative or Absolute?*, 28 SOC. INDICATORS RES. 195, 215-17 (1993); Frey & Stutzer, *supra* note 10, at 73-94; Myers, *supra* note 84, at 58-61.

<sup>104</sup> See Myers, *supra* note 84, at 61.

<sup>105</sup> Everyone would prefer to have little or no debt, but it is not a given that debt must generate great stress. A previous study showed that, despite substantially higher debt, students at a law school with a more supportive faculty were significantly happier than those at a contrasting school where much less debt was incurred. Sheldon & Krieger, *Understanding Negative Effects*, *supra* note 11, at 893.

because of their high debt loads,<sup>106</sup> a particular concern because the most prominent study of human needs to date found an inverse correlation between well-being and the emphasis that subjects placed on high earnings as a source of satisfaction.<sup>107</sup>

Since income can provide comfort and reduce financial stress, we expected increasing income (and decreasing law school debt, as an inverse wealth factor) in the current sample to modestly predict well-being. The data were supportive, showing almost identical, small-to-moderate correlations with WB for both factors (income,  $r = .192$ ; debt,  $-.189$ , both round to  $.19$ ;  $p < .001$ ). Further analysis showed that the negative association of debt with WB was stronger for younger lawyers. This would certainly be expected, since law school costs and incurred debt would be less for older lawyers, and those lawyers would also have higher incomes as a result of more years in practice.

### B. Psychological need satisfaction

Previous research demonstrated the central importance of experiences of autonomy/authenticity, relatedness, and competence for the well-being and performance of law students.<sup>108</sup> Data from our attorney subjects confirmed the central importance of all three needs for their WB. Correlations were exceptionally strong: autonomy,  $r = .66$ ; relatedness,  $r = .65$ ; and competence,  $r = .63$  (all  $p < .001$ ). Confirming their importance for mental health, the needs also bore strong inverse correlations with depression ( $r = -.51$  to  $-.63$ ; all  $p < .001$ ). As hypothesized then, the needs were far more predictive of well-being in our subjects than were the external factors under consideration, with relationships to WB approximately five times stronger than that of class rank and 3.5 times stronger than that of income or school debt.

### C. Motivation

Data from the sample fully supported our hypothesis that internal (self-determined or autonomous) reasons for choosing work --interest, enjoyment, or effectuating core values, would be another critical factor for attorney well-being. The association with WB was very strong ( $r = .55$ ,  $p < .001$ ), with a confirming inverse relationship to attorney depression ( $r = -.31$ ,  $p < .001$ ). This finding is particularly

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<sup>106</sup> See Granfield & Koenig, *supra* note 51, at 512-15; Gita Z. Wilder, *Law School Debt and Urban Law Schools*, 36 SW. U. L. REV. 509, 527; see also ROBERT V. STOVER & HOWARD S. ERLANGER, MAKING IT AND BREAKING IT: THE FATE OF PUBLIC INTEREST COMMITMENT DURING LAW SCHOOL 17 (Howard S. Erlanger ed., 1989). However, empirical analysis suggests that debt is not responsible, to the extent articulated, for students foregoing service work. Christa McGill, *Educational Debt and Law Student Failure to Enter Public Service Careers: Bringing Empirical Data to Bear*, 31 LAW & SOC. INQUIRY 677 (2006). The author finds motivation for prestige and affluence, coupled with a dearth of public service positions, to be more explanatory than need to repay debt.

<sup>107</sup> Sheldon ET AL., *supra* note 33, at 331-333. Note that affluence itself was not found to relate negatively with well-being, but the fact that subjects attributed *importance* to affluence did.

<sup>108</sup> Sheldon & Krieger, *Understanding Negative Effects*, *supra* note 11, at 884-85.

important because law students have been found to turn away from internally-motivated careers, often in favor of more lucrative or prestigious positions, after beginning law school.<sup>109</sup>

Because these data indicate that well-being is substantially impaired when law graduates emphasize external over internal factors in their career choices, we sought to clarify the importance for WB of competing internal and external factors that could often affect the decisions of lawyers seeking jobs. We investigated the occurrence in the sample of interest and meaning in work, higher earnings, and higher grades (which would typically tend to generate more, and more lucrative employment opportunities). When motivation, class rank, and income were entered in a simultaneous regression equation with WB, the independent association of healthy (internal) motivation with WB remained at its full correlation strength ( $\beta = .55$ ). By contrast, after regression the external factors lost some of their already modest value for predicting attorney well-being (for income,  $\beta = .13$ ; for class rank,  $\beta = .05$ ). This analysis further supported the importance of choosing interest and meaning in work rather than higher income, when lawyers are faced with that choice in career decisions.<sup>110</sup>

#### D. Values

As previously explained, we surveyed all subjects with an established measure of intrinsic and extrinsic aspirations, and subjects in two states were also asked the extent to which they acted to achieve each value.<sup>111</sup> All data were consistent with findings in other populations, with both measures showing greater well-being for lawyers with more intrinsic, rather than extrinsic, values. The respective correlations with WB were, for intrinsic aspirations,  $r = .21$ ; for extrinsic aspirations,  $r = .09$  ( $N = 6216$ , both  $p < .001$ ).<sup>112</sup> The new, action-oriented measure provided consistent but stronger associations with well-being: for intrinsic actions,  $r = .30$ , and for extrinsic actions,  $r = .19$  ( $N = 2523$ , both  $p < .001$ ). Thus our hypotheses regarding the primacy for lawyer well-being of intrinsic over extrinsic values, and of actions over aspirations, were both supported by the data.

As with motivation, we had particular concerns about attorney values and WB based on our findings of two distinct types of negative changes in student values during law school.<sup>113</sup> The results here confirmed

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<sup>109</sup> See Sheldon & Krieger, *supra* note 7, at 275, 281-82; Granfield & Koenig, *supra* note 51, at 512-15; Stover & Erlanger, *supra* note 106, at 22. We also found that supportive teaching could mitigate some of this negative effect. Sheldon & Krieger, *Understanding Negative Effects*, *supra* note 11, at 894-95.

<sup>110</sup> Secondary findings, reported *infra* p. 42, show that, with age and time in career, it is increasingly possible to realize the ideal situation of higher pay and more internally motivated work in the same job.

<sup>111</sup> To avoid response bias, we did not ask subjects directly if they “acted on their values.” They first responded to the traditional aspirations index, and then to the new measure directed to actual behaviors.

<sup>112</sup> Note that extrinsic valuing is not negative in itself, and indeed most people value affluence, influence, and recognition by others to some extent. When these values dominate and displace intrinsic values, however, negative effects occur. See Sheldon & Krieger, *supra* note 7, at 282 (finding that law students tended to lose both intrinsic and extrinsic valuing, raising particular concerns for lack of goal-driven behaviors of all kinds).

<sup>113</sup> Our first longitudinal study found both that student values shifted toward less healthy extrinsic pursuits rather quickly after entering law school, and that all values then diminished later in law school (a general “dulling” effect). Sheldon & Krieger, *supra* note 7, at 273, 279. Elizabeth Mertz notes specifically that one goal of law teaching is to change student values. Mertz, *supra* note 15, at 1.

our concerns about the values shifts that occurred in law school, since these data showed that values operate in practicing attorneys as in other populations.

### *Values and professionalism*

Beyond the importance of values for attorney well-being, values have a crucial significance for professionalism and ethical behavior. Intrinsic values include self-understanding and improvement, positive interpersonal relationships, helping others, and building community;<sup>114</sup> such values would logically lead to introspection, honesty, cooperation, respect, and altruistic behavior. These values, then, would tend to promote integrity, candor, dedication to a client or cause, and respectful interactions with clients, opposing parties, and others, thus elevating an attorney's ethical and professional conduct. By contrast, none of the extrinsic values (achieving high earnings, status, appearance, and influence over others) appears to directly relate to professional or ethical behavior, and such values could actually lead to unethical or unprofessional conduct if perceived as helpful to attain the desired end. Previous articles have addressed this matter in some detail.<sup>115</sup> The scope of the current study did not permit direct testing of these propositions, but given the very definition of the intrinsic values, it would be surprising if they did not tend to promote ethical and professional behavior. Thus, if the findings here, that intrinsic values are positive WB factors for lawyers, resulted in broader adoption of such values, it could have positive implications for attorney professionalism as well.

### E. Autonomy support

Previous research has shown autonomy support to have global benefits for need satisfaction,<sup>116</sup> internal motivation,<sup>117</sup> and performance<sup>118</sup> of law students. If the current study demonstrated similar results, autonomy support could prove to be the single most important consideration for lawyers, and for their teachers and employers interested in fostering well-being and maximal performance. Investigation of autonomy support was necessarily limited to those lawyers who reported having one or more supervisors (N = 4101).<sup>119</sup> The findings were robust among our bar members, with autonomy support very strongly correlating with subjective well-being ( $r = .44$ ) and correlating inversely with depression ( $r = -.30$ ; both  $p < .001$ ).

Thus, the data clearly supported all primary hypotheses, showing all of the internal factors to more strongly predict lawyer well-being than any of the external "grades and money" factors. The following

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<sup>114</sup> See Ryan & Deci, *supra* note 30, at 673; Sheldon & Krieger, *supra* note 7, at 263-264; see also Sheldon, *supra* note 33.

<sup>115</sup> See e.g., Krieger, *Inseparability*, *supra* note 22, at 429; Krieger, *Most Ethical of People*, *supra* note 22, at 178.

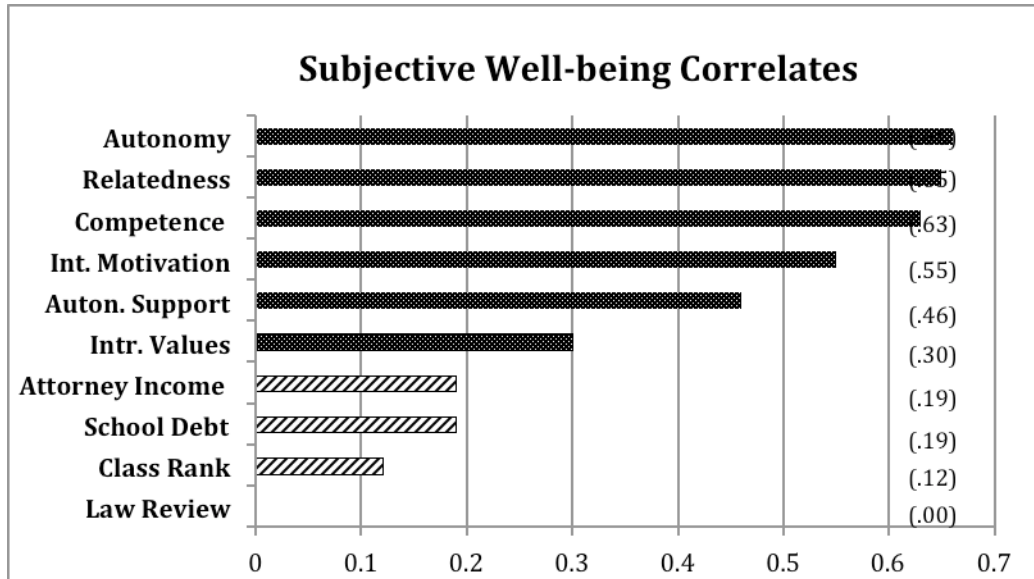
<sup>116</sup> Sheldon & Krieger, *Understanding Negative Effects*, *supra* note 11, at 889.

<sup>117</sup> Sheldon & Krieger, *Understanding Negative Effects*, *supra* note 11, at 891.

<sup>118</sup> Sheldon & Krieger, *Understanding Negative Effects*, *supra* note 11, at 895.

<sup>119</sup> For this smaller, but still very large sample, correlations greater than  $r = .04$  are significant ( $p < .05$ ), and correlations of  $.06$  are highly significant ( $p < .01$ ).

graph shows the associations of the primary factors in this study with subjective well-being; the darker bars represent the internal factors.



*Replicating the Path Model for autonomy support, motivation, and well-being*

Our previous research on law students revealed the critical role of autonomy support in a sequential path affecting their needs, motivation, academic performance, and well-being. We again employed multiple regression analyses of the current data to investigate those relationships in our attorney subjects. These analyses replicated the previous findings,<sup>120</sup> indicating that autonomy support increased satisfaction of the lawyers’ three basic needs and thereby also increased well-being and internal motivation for their work. A path model representing these relationships for the current study is shown below;<sup>121</sup> all paths are substantial and highly significant ( $p < .001$ ). These findings are particularly important for concerns about attorney wellness, satisfaction, retention, or performance,<sup>122</sup> since *supervisors, teachers, and mentors can be taught to provide autonomy support to others.*<sup>123</sup> Seen from

<sup>120</sup> Sheldon & Krieger, *Understanding Negative Effects*, *supra* note 11, at 892. Obviously, with this sample of working attorneys we could not seek to replicate the student finding regarding the third principle outcome, improved grades and testing performance. Also, because the path model was generated to test the student findings, it presents motivation as a co-outcome (with well-being) of need satisfaction as was done in the previous study report. However, motivation is also a cause of well-being, as indicated in the current findings, and after regressions controlling for all the factors in the path model below, the independent correlation between WB and internal motivation remained very strong ( $r = .45$ ).

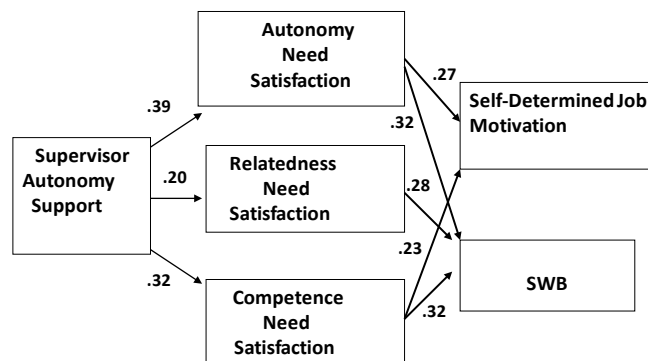
<sup>121</sup> Because the path model relies on regression analyses, the coefficients show only unique effects and hence are somewhat smaller than the standardized coefficients reported above.

<sup>122</sup> While performance was not measured in this study, we fully expect enhanced performance to result from autonomy support based on the law student findings, and also on the finding here that attorney motivation improved with felt autonomy support. *See also, infra* notes 189-198 and accompanying text.

<sup>123</sup> J. Reeve, *Autonomy Support as an Interpersonal Motivating Style: Is it Teachable?* 23 CONTEMP. EDUC. PSYCHOL. 312 (1998); J. Reeve ET AL., *Enhancing Students’ Engagement by Increasing Teachers’ Autonomy*

the contrary perspective, this also suggests that controlling supervisors who are not trained to be supportive will exert a number of avoidable negative effects on their employees and their organizational morale and efficiency.

### **Path model relating autonomy support, need-satisfaction, and motivation/well-being outcomes**



### **Brief Discussion of Primary Findings**

Findings broadly supported the five primary hypotheses, providing an empirically-supported understanding of contrasting factors that predict attorney well-being. We particularly focused on the relative importance for well-being of subjective psychosocial factors compared to more objective, external factors typically of great concern to law students and lawyers (and to their teachers and employers as well). We expected that empirical results would, to some extent, contradict common assumptions about the importance of external factors such as earnings, debt, comparative grade performance, and honors or credentials. The data confirmed our hypotheses, revealing a pattern in which (1) the internal factors seen to erode in students during their initial law training were the precise factors most strongly predictive of lawyer well-being, and (2) the external factors emphasized in law school and by many legal employers were, at best, only modestly associated with lawyer well-being. This unfortunate pattern was somewhat stronger than we expected. One external factor of seemingly great importance to law students and legal employers, law review membership, had no measurable correlation with lawyer happiness and life satisfaction ( $r = .00$ ); and income, the external factor *most*

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*Support*, 28 MOTIVATION & EMOTION 147 (2004). For a fully developed article providing such training for law teachers, see Paula J. Manning, *Understanding the Impact of Inadequate Feedback: A Means to Reduce Law Student Psychological Distress, Increase Motivation, and Improve Learning Outcomes*, 43 CUMB. L. REV. 325 (2012); See also ALFIE KOHN, PUNISHED BY REWARDS (1993), at 186-87, 192-97, instructing supervisors to increase internal (“authentic”) motivation and productivity through provision of understanding, perspective-taking, and choice to employees.



predictive of WB ( $r = .19$ ), was less predictive than the internal factor with the *weakest* association with WB (intrinsic values,  $r = .30$ ). Thus, data established a distinct dichotomy of factors bearing on lawyer well-being, with correlations of external factors ranging from zero to .19 (on a scale for which 1.0 is a perfect correlation), and correlations of internal factors from .30 - .66.

In addition to clear implications for the universal search for life satisfaction and happiness, these findings have important implications for attorney ethics and professionalism and for the “bottom line” productivity and/or profits of legal employers. The most powerful predictors of well-being in these data, autonomy ( $r = .66$ ), relatedness to others (.65), competence (.63), and internal motivation for work (.55) are also sources of professional behavior and positive performance in lawyers; such lawyers are also likely to produce more, remain longer, and raise the morale of others.<sup>124</sup>

## VII. Secondary findings

We analyzed many additional variables to gain further understanding of lawyer well-being and satisfaction. These included alcohol consumption, demographic differences (age, gender, race, ethnicity, relationship status and children), work variables (practice type, office setting, hours worked, billable hours), personal choices that might contribute to life balance or “stress management” (physical exercise or sports, vacations, religious or spiritual practices), and the ranking of a lawyer’s law school. We investigated two supplementary issues that yielded concerning data: subjects’ perceptions of lawyers, judges, and the legal system, and the extent to which subjects’ early expectations for future income in their legal career were realized. Many results are interesting in their own right, and many confirm the primary findings regarding the overarching importance of the internal factors for well-being -- particularly the three needs and internal motivation for work. A number of consistent patterns in the data also provide confidence in the study as a whole. Implications are discussed after presentation of the findings.

### A. Alcohol consumption

Abuse of alcohol by attorneys is a common concern.<sup>125</sup> We viewed increasing alcohol use as a likely indicator of negative well-being, and hypothesized that it would inversely correlate with WB as well as with the psychological variables most strongly associated with well-being.

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<sup>124</sup> The relationships between well-being, professionalism, and performance are discussed more fully *infra* text accompanying notes 189-199.

<sup>125</sup> For articles addressing attorneys and alcohol use, *see* Beck ET AL., *supra* note 4; Susan Daicoff, *Lawyer, Know Thyself: A Review of Empirical Research on Attorney Attributes Bearing on Professionalism*, 46 AM. U. L. REV. 1337, 1342 (1996); Eric Drogin, *Alcoholism in the Legal Profession: Psychological and Legal Perspective and Interventions*, 15 LAW & PSYCHOL. REV. 117 (1991). Lawyer Assistance Programs (LAPs) were established in most states to address this problem; *see* American Bar Association Commission on Lawyer Assistance Programs web page at [http://www.americanbar.org/groups/lawyer\\_assistance.html](http://www.americanbar.org/groups/lawyer_assistance.html) for current information. LAP professionals

The survey instrument included established measures for frequency and quantity of consumption.<sup>126</sup> Mean frequency of drinking reported in the sample was approximately once each week. Mean consumption on each occasion was 1.77 drinks.<sup>127</sup> Frequency of drinking was, on first examination, marginally related to WB ( $r = -.025$ ,  $p = .051$ ), while quantity consumed per occasion showed a small but more robust negative correlation across the sample ( $r = -.12$ ,  $p < .001$ ).<sup>128</sup> However, because frequency correlated very strongly with quantity ( $r = .61$ , showing that those who drank more heavily also drank more often), we regressed both measures with well-being to determine independent effects. The result showed that frequency, independent of the influence of increasing quantity, was unrelated to (or even slightly positive for) well-being.<sup>129</sup> Also as hypothesized, important psychological factors for well-being were inversely associated with quantity of drinking: intrinsic values orientation,  $r = -.13$ ; internal motivation for work,  $r = -.08$ ; autonomy, relatedness, and competence need satisfaction,  $r = -.06$ ,  $-.09$ , and  $-.09$  respectively (all  $p < .001$ ). Thus, our hypothesis regarding the inverse relationship between alcohol use and WB was supported, but only for the quantity of drinking per occasion. Given these results, we report only the quantity measure in the remaining analyses of alcohol use.<sup>130</sup>

We then analyzed the level of alcohol use reported by various demographic groups within the sample. Between the genders, mean consumption for men was slightly greater than for women ( $M = 1.89$ ,  $1.56$ ,  $p < .001$ ),<sup>131</sup> and among the racial and ethnic groups, Caucasian lawyers drank most and African Americans least ( $M = 1.80$ ,  $1.41$  respectively;  $p < .001$ ). Subjects earning more income drank slightly more ( $r = .04$ ,  $p = .003$ ). Lawyers in public service positions also drank less than private attorneys, particularly those in positions that typically provide the most income ( $M = 1.67$  vs.  $1.90$ ,  $p < .01$ ).<sup>132</sup>

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provided critical assistance in the course of approval and administration of this survey by various bar associations, and were instrumental in including measures for alcohol use in the instrument itself.

<sup>126</sup> Task Force on Recommended Alcohol Questions, *Recommended Alcohol Questions*, NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM (last visited Dec. 26, 2013), <http://www.niaaa.nih.gov/research/guidelines-and-resources/recommended-alcohol-questions> [hereinafter *Task Force*].

<sup>127</sup> A detailed definition of an alcoholic “drink” is provided in the measure. Task Force, *supra* note 126. Means from the analyses are restated here to express the actual number of drinks reported.

<sup>128</sup> Quantity per occasion was similarly related to depressive symptoms ( $r = .10$ ,  $p < .001$ ).

<sup>129</sup> The slight positive result after regression is not surprising, since frequent light drinking is often associated with salutary activities in leisure time, including shared meals or socializing with friends.

<sup>130</sup> We also analyzed the product of consumption frequency X quantity. This expression, approximating total consumption of alcohol, was significant but slightly less predictive of WB than the quantity measure alone. This was not surprising, since the product interaction of the two variables could occur in numerous ways, each having a different overall effect on well-being. For example (and using a comparable but more simple scale than that used in the survey): when multiplying the number of drinking occasions per week times the number of drinks per sitting, the product would be identical for two subjects differing greatly in their habits and likely their WB—one drinking a single glass of wine with dinner each night for a week, and another drinking seven glasses of wine in a single sitting, one night per week.

<sup>131</sup> This may represent actual equivalence, considering the greater body mass of men.

<sup>132</sup> Detailed comparisons of this and other well-being factors among attorneys in different practice types are presented *infra* pp. 27-31.

## B. Attorney well-being in contrasting work settings and practice types: testing the internal-external factors dichotomy

The practice of law offers markedly different work settings, earnings, and life-style expectations. Would data indicate that some career paths were more likely than others to provide satisfaction and well-being to lawyers? If so, could we quantify specific factors impacting the WB of lawyers in different settings or types of practice?

The instrument asked subjects to identify both their work setting and the subject matter of their primary practice. We provided 15 setting choices (examples included private firms from solo practice to more than 750 lawyers, in-house work for public agencies, businesses, and other entities, and judicial chambers). We also included 28 specific choices for type and subject matter of work (examples included criminal prosecution, public criminal defense, private criminal defense, family law, corporate or commercial practice, intellectual property, and tax).<sup>133</sup>

In order to manage and analyze this multifaceted data in a comprehensible, meaningful way, we first organized respondents into two groups that might manifest the clearest contrasts (in terms of correlates of well-being) in their career paths. One group included subjects who had chosen jobs that tend to be highly sought-after and most typically expected to produce high earnings (“prestige” positions).<sup>134</sup> The contrasting group included the lawyers in public service positions typically perceived as providing more altruistic service but with modest income (“service” jobs). These groups of lawyers would likely differ in their motivation, values, and need satisfaction, and would certainly differ in external markers of success such as law school grade performance and current income. If well-being differed between these groups, then, it could provide an example of the operation of SDT principles. Thus, the delineation of “service” and “prestige” groups was a theory-based approach both to organize much of the complex occupational data, and to potentially view the applied effects of the dichotomy between internal and external contributors to well-being.

We constituted the groups based on long experience both practicing law and working with law students; choices were somewhat arbitrary but were confirmed by open inquiry to a list serve of approximately 1,000 law teachers who also had substantial experience practicing law. The “service” attorney group included subjects in the following positions: Public Defender, Criminal Prosecutor, Government Agency, Legal Services to the Poor, and In-house Counsel for Non-Profit Organization. The typically lucrative “prestige” positions, all in private practice, included law firm settings of 100 or more lawyers,<sup>135</sup>

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<sup>133</sup> A complete listing of the practice settings and work types in the survey may be viewed at: <http://www.law.fsu.edu/faculty/profiles/krieger/attorneysurvey.docx>

<sup>134</sup>“Successful” law students and lawyers are often considered to be those who earn high grades and high income. Success and higher earnings are strongly identified in the United States generally; *see* Myers, *supra* note 20, at 126-28. We use prestige to describe this lawyer group, as other descriptive terms could have unintended negative connotations for these lawyers or the contrasting public service lawyers. We did not include other prestigious positions, such as judicial clerks, in the group, in order to maintain homogeneity in terms of law practice as commonly understood, client representation, and a tendency towards high earnings.

<sup>135</sup> While we chose firms of more than 100 lawyers because of our sense that students and lawyers generally consider this to constitute a “large firm” and that large firm lawyers are high earners, the data did show that firms of this size and larger do offer more pay than smaller firms. *See infra* pp. 32-33.

plaintiff's tort/malpractice lawyers; corporate, commercial, or transactional law; international business/commercial transactions; securities or partnership law; and tax, estate planning, or patent/copyright. We also included a "judge" group, including judges and hearing officers, that we expected to distinguish itself based on a unique combination of both internal and external positive factors for well-being -- high autonomy, internal work motivation, service values, and time for family/relationships, coupled with power, substantial income, and respect in the community. The fourth group, "other law practice," included all other practicing lawyers, including popular practice areas such as general practice, family law, private criminal defense, and many others not typically associated with either very high earnings or primary public service.<sup>136</sup> The resulting sub-samples by group were: Other, N = 2852; Prestige, N = 1434; Service, N = 1091; and Judges, N = 141.

Our hypotheses regarding these groups were organized around expected differences between internal/psychological factors and external factors such as income or status:

- (1) Prestige lawyers would report far higher income than service lawyers;
- (2) Prestige lawyers would have the highest mean law school class rank and greatest law review participation as students;
- (3) Service lawyers would report greater self-determined motivation for their work and more intrinsic values than prestige lawyers;
- (4) Because motivation and values are stronger factors for WB than prestige or status, service lawyers would enjoy WB equal to or greater than prestige lawyers. Our confidence in this final hypothesis was somewhat compromised, because prestige positions could provide benefits for WB in addition to high pay (work space, better furnishings, equipment, training, supervision, secretarial and paralegal support, etc). A greater confound might be that, if indeed higher grade achievers tended toward prestige positions, their achievement could reflect other positive attributes that would dispose them to well-being regardless of their position -- such as health, energy, alertness, enthusiasm, or resilience. Nonetheless, if the service group did report more than nominally greater internal motivation, intrinsic values, or need satisfaction, Self-determination Theory (and our primary findings reported above) would predict them to be happier and more satisfied lawyers.
- (5) As stated above, we expected the judge/hearing officer group to report the highest WB. These subjects would likely have "the best of both worlds," with substantial internal and external benefits for well-being. They also would not experience the stresses of client representation and vying against other parties in the adversarial process. Thus, the judges could constitute a group fundamentally different from the others, likely distinguishing themselves from the three lawyer groups in many ways.

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<sup>136</sup> We excluded from this group those subjects identifying themselves as primarily law school teachers, bar administrators, mediators/arbitrators, and clerks or support staff for judges or lawyers, to create a group of more typical lawyers engaged in client representation.

(6) Because the “other law practice” group was not created based on salient shared traits, we had no theory-driven hypotheses regarding this group. However, we thought this group would experience less WB than the service or prestige groups, since the “others” would not have the financial benefits of the prestige lawyers, nor the internal motivation and intrinsic values of the service group.

### *Findings*

The data broadly supported our hypotheses, yielding many results that conflict with common expectations about who among lawyers will enjoy greatest well-being.<sup>137</sup> Important findings included:

a) Judges were, indeed, clearly different from the three lawyer groups. The judges reported the greatest well-being on all measures—net affect, life satisfaction, and subjective WB (all  $p < .001$ ).<sup>138</sup> They also reported the greatest internal motivation and satisfaction of all three needs, combined with the second highest mean income, the predicted combination of internal and external WB factors that likely produced their greater happiness. However, judges also reported a mean age almost 10 years greater than any lawyer group, which could explain, at least in part, many of the apparent benefits noted.<sup>139</sup>

b) As hypothesized, prestige lawyers had robustly higher income, law school grades, and law review participation than the service lawyers (all  $p < .001$ ), but also had less internal motivation and intrinsic valuing (both  $p < .001$ ). As we had hoped then, these groups provided a view of how internal vs. external well-being factors play out in working professionals. Of primary importance, service lawyers reported greater well-being than the more “elite,” highly paid prestige lawyers ( $r = .04$ ,  $p < .05$ ),<sup>140</sup> despite substantially lower earnings ( $r = .33$ ,  $p < .001$ ). Prestige lawyers also reported more alcohol use ( $p < .001$ ). A comparison of the components of subjective well-being adds detail to the picture. The service and prestige lawyers reported equal life satisfaction despite the greater affluence (presumably providing more expensive houses, cars, etc.) of the latter group, suggesting that more desirable possessions are only marginally helpful, even for satisfaction with life. On the other hand, the service lawyers reported significantly higher day-to-day mood, likely from their sense of service and greater engagement in their work. The net result was greater aggregate well-being for the lawyers in service positions.

Another point of interest emerged in the data: although the prestige lawyers had substantially higher law school grades than any other group, they reported significantly lower satisfaction of the competence need ( $p < .01$ ) than the group with the lowest grades and pay, the service lawyers. This

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<sup>137</sup> AJD 1, *supra* note 9, included a similar finding about enhanced satisfaction of public service lawyers. See also Dinovitzer & Garth, *supra* note 28, at 22.

<sup>138</sup> There are many significant differences between these groups, but correlation strengths are typically small. Because of the complexity of numerous cross-comparisons of data among the groups, in this and other sections involving comparison of numerous sub-samples (i.e. racial/ethnic and social support groups) correlation strengths are reported only for the more important analyses.

<sup>139</sup> The various benefits of age for WB are discussed, *infra* p. 34.

<sup>140</sup> This well-being difference may also be slightly under-reported by the data, because service jobs are typically less competitive and easier to secure (as evidenced by the lowest mean class rank of the four groups). Thus, some of the service jobs may be occupied by students who could not obtain other positions they preferred (i.e. this group likely includes a number of people not primarily motivated by service).

suggests a core dissonance between “competence” as measured in law school (largely by grade performance), and a lawyer’s ability to feel competent in actual law practice.<sup>141</sup>

c) The “other law practice” group did turn out to be the least happy group. These lawyers, as predicted, reported neither the high earnings of the “prestige” group ( $p < .001$ ) nor the high service aspirations or internal motivations of the “service” group (both  $p < .001$ ). However, despite their lower earnings, the “other” lawyers and the higher-earning prestige lawyers reported no difference in mood/affect, demonstrating that greater affluence has little effect on whether lawyers *feel* happy from day-to-day. As with the prestige lawyers, the “others” had higher class ranks and earnings than the service group ( $p < .01$  and  $.001$  respectively), but again reported less competence need satisfaction ( $p < .001$ ). Ultimately, the “other” lawyers had significantly lower mood and less life satisfaction than the service lawyers ( $p < .001$  and  $.01$  respectively), resulting in lower overall well-being ( $p < .001$ ).

Taken together, these data continue to indicate the quite limited value of grades and prestige for well-being. They also call into question law school grades and honors<sup>142</sup> as a measures of competence, and suggest more attention to the WB of those lawyers in the more typical practices who are neither highly paid nor in the public sector. The data should also provide some stress relief to law students and lawyers, and guidance to those trying to decide on a career focus. The competition and stress related to high earnings and high grades<sup>143</sup> -- both zero-sum, limited resources, appears overdone. These data consistently indicate that a happy life as a lawyer is much less about grades, affluence, and prestige than about finding work that is interesting, engaging, personally meaningful, and is focused on providing needed help to others. The data therefore also indicate that the tendency of law students and young lawyers to place prestige or financial concerns before their desires to “make a difference” or serve the good of others<sup>144</sup> will undermine their ongoing happiness in life. This is a clear direction for increased education of law students and young lawyers. “If one isn’t happy, what is the point?”<sup>145</sup>

The table below presents means for important variables within the four groups; the groups are listed from highest to lowest subjective well-being. For class rank, increasing means indicate lower class ranks.\*

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<sup>141</sup>This difference in reported competence likely results from the fact that attorney competencies accrue from the development of practice skills, rather than from the more typical theoretical learning provided by most law schools, coupled with the fact that lawyers in public service positions are often provided case responsibilities sooner than those in prestige positions. The Carnegie Report on legal education appears to recognize this gap between what law schools teach and what their students need to know in order to be competent. SULLIVAN ET AL., EDUCATING LAWYERS: PREPARATION FOR THE PROFESSION OF LAW 173-176 (2007) [hereinafter CARNEGIE REPORT]. See also Harry T. Edwards, *The Growing Disjunction Between Legal Education and the Legal Profession*, 91 MICH. L. REV. 34 (1992) (critiquing the increasing academic and scholarly nature of legal education).

<sup>142</sup> Recall that subjects with law review experience also reported no greater competence as attorneys. *Supra* note 141 and accompanying text.

<sup>143</sup> Glesner, *supra* note 7, at 637; Seligman ET AL., *Why Lawyers Are Unhappy*, 23 Cardozo L. Rev. 33, 40, 47 (2001); See generally Glesner Fines, *supra* note 95; Krieger, *Hidden Sources*, *supra* note 17.

<sup>144</sup> See generally Robert Granfield, MAKING ELITE LAWYERS (1992); Stover & Erlanger, *supra* note 106. Note, *supra* note 47; Sheldon and Krieger, *supra* note 7.

<sup>145</sup> Robert M. Fenner ET AL., *Three Perspectives of the Law: Advice to the Young Lawyer*, 31 CREIGHTON L. REV. 665, at 673 (1998).

Variables by Practice Group														
	N	Age	SWB	Intrin Values	Pa-Na	LifeSat	Depr.	Motiv	Income	*Class Rank	Autsat	Relsat	CompSat	# Drinks
Judges	141	56	5.76	1.02	1.97	3.70	1.45	5.20	6.49	3.80	1.05	1.80	1.84	2.53
Service	1091	46	4.98	1.11	1.62	3.38	1.59	4.55	5.74	3.67	.73	1.43	1.61	2.67
Prestige	1434	46	4.86	.73	1.50	3.36	1.59	3.47	8.05	3.15	.71	1.49	1.46	2.90
Other	2852	47	4.71	.79	1.48	3.27	1.64	3.62	6.30	3.47	.71	1.40	1.37	2.86

### *Do attorney preferences and work settings affect the factors that promote their well-being?*

We used these practice group distinctions to perform two more analyses, investigating the possibility that key factors for well-being might operate differently in groups of lawyers with different values, goals, or motivations. It might be that the impact of specific well-being correlates would vary based on differing personal priorities of individuals, their immersion at work with other people sharing (and hence reinforcing) the same motivations and values, or both. For example, in “prestige” lawyer offices with many people focused on high income, the effect size with WB of the collectively desired goal (income) might be greater than for service-oriented lawyers in service-oriented settings. Similarly, in offices of predominantly service-oriented people, the apparent effect of service motivation might also be more important than in offices of lawyers who do not equally share this purpose.

Analyses of income and work motivation in the prestige and service groups suggested that the factors retain their importance for well-being regardless of personal values or work setting. The two fundamentally different factors (income and internal motivation) predicted well-being statistically to the same extent in both work groups (income to WB:  $r = .19$  for service group,  $.21$  for prestige group; internal motivation to WB:  $r = .55$  for service group,  $.57$  for prestige group; no significant differences). These data indicate that, regardless of people’s subjective preferences, their choices based on internal or external goals and motivations will predict their well-being to the extent reported in the primary findings. The consistency of these focused analyses is striking, and also adds confidence in the study methods and findings.

### C. Other work variables

#### Hours worked, firm size, and billable hours

The purportedly negative work environment of large law firms is legendary, and typically includes long work hours and high billable hour requirements.<sup>146</sup> We hypothesized that WB would tend to decrease

<sup>146</sup> See Susan S. Fortney, *Billable Hours Derby: Empirical Data on the Problems & pressure Points*, 33 FORDHAM URB. L.J. 171, 177-83 (2005); James J. A. Alfani & Joseph N. Van Vooren, *Is There a Solution to the Problem of Lawyer Stress - The Law School Perspective*, 10 J.L. & HEALTH 61, 62-64 (1995-1996); Schiltz, *supra* note 4.

(1) as firm size increased, (2) as number of hours worked increased, and, (3) if billable hours were required, as those hours increased as well. Based on the demonstrated importance of internal factors for WB, we thought billable hours would be particularly inimical because the required record-keeping and reporting would keep lawyers constantly focused on an extrinsic goal (money), undermine their autonomy, and increase the sense of supervisory control rather than autonomy support. We also hypothesized that, if income increased with firm size, lawyers working in the larger firms would be more externally motivated for those financial benefits and their WB would consequently suffer.

All participants were asked to type in the number of hours they worked in an average week. Subjects who worked in a private firm were asked the number of attorneys in the firm, whether billable hours were required, and if so, the number of such hours required on an annual basis. We then correlated these variables with the various well-being measures included in the survey.

#### *Total hours and billable hours*

Surprisingly, WB did not vary significantly with absolute number of hours worked. The data did not support our expectations that the additional stress of longer hours, and the decreased time for personal and family interests, would take a toll on lawyer happiness. This null result may reflect other beneficial correlates of increased hours that balance the expected negatives. First, private attorneys realize significant additional income with increasing work hours ( $r = .23, p < .001$ ). Second, for lawyers who are enjoying their work as a result of strong engagement or interest, longer hours could result. Further research would be required to explain this result with confidence.

While total hours worked had no bearing on for well-being, the data concerning billable hours was telling. Compared to private attorneys reporting no billable hour requirement, those that had any billable hour requirement reported only slightly less well-being ( $r = -.06, p < .01$ ). The hypothesized decrease in autonomy need satisfaction was supported ( $r = .16; p < .001$ ), and billable hours were accompanied by increased alcohol use. Within the subsample reporting billable hours ( $N = 975$ ), there were a number of meaningful correlations as billable hours increased. As expected, income increased ( $r = .22, p < .001$ ), but important psychological predictors of WB decreased -- autonomy satisfaction ( $r = -.15$ ), internal motivation ( $r = -.15$ ), and relatedness satisfaction ( $r = -.11$ , all  $p < .001$ ). The net result supported our hypothesis: subjects experienced less life satisfaction and lower net affect as billable hours increased. The decrease in SWB is small ( $r = -.10, p < .001$ ), likely offset in part by the increasing income. Each increase in billable hours brings moderately greater income and slightly less happiness.

#### *Size of law firm*

As predicted, with increasing firm size lawyers reported more external motivation for their work and less autonomy satisfaction (respectively,  $r = .14, -.13$ ; both  $p < .001$ ). On the other hand, income increased robustly with firm size ( $r = .46, p < .001$ ). Both sets of changes were quite linear across the spectrum from sole practice to firms of 750+ lawyers. Internal motivation was greatest for solo attorneys, but income was greatest for the largest firms. Considering all private attorneys, there was a very small decrease in WB approaching significance as firm size increased ( $r = -.031, p = .122, N = 4,060$ ), resulting from slightly less positive affect in larger firms ( $r = -.06, p = .02$ ). Thus, the data indicate that in the



larger firms lawyers earn much more money, but nonetheless experience slightly lower mood than those in smaller private firms.<sup>147</sup>

#### Litigation practice, private and public attorneys

Litigation inevitably generates stress on attorneys. Adversarial, zero-sum contests are stressful by nature,<sup>148</sup> and the uncertain outcomes often have serious consequences for clients. We therefore hypothesized a modest negative WB impact on subjects who litigated controversies (N = 3097). The instrument asked subjects to indicate the percentage of their work that involved litigating cases (including any stage of litigation). As predicted, as litigation increased in subjects' practices, there was a very small, inverse correlation with well-being ( $r = -.06$ ;  $p < .01$ ). We investigated the possibility that intrinsic purpose and internal motivation for the case work might moderate any negative impact of litigation stress, by comparing subjects in the "prestige" and "service" groups. There was evidence of this protective effect: the negative correlation of WB with litigation was greater (though still small) in the "prestige" group ( $r = -.10$ ,  $p < .01$ ) compared to the service group ( $r = -.04$ , not sig.). Thus, the data suggest a small negative effect on well-being from litigation, with substantial moderation of the effect from adaptive motivation and values. Further research would be required to draw confident conclusions.

#### Pro Bono/community service work

Pro bono work is commonly encouraged and undertaken in the legal profession, and would logically promote well-being since it embodies the intrinsic value of altruism and community improvement.<sup>149</sup> This result could be moderated among lawyers, however, because many are *required* to perform pro bono work by their bar associations or employers<sup>150</sup> and thus the service may not be internally motivated.

The instrument asked subjects to report the number of "unpaid public service/pro bono/volunteer hours (whether legal or other community service)" that they "provide in a typical month." Hours of unpaid service did correlate with greater positive affect ( $r = .130$ ,  $p < .001$ ), and subjective well-being ( $r = .083$ ,  $p < .001$ ). Confirming the likely source of the WB benefit, hours also related to internal motivation for work and intrinsic values orientation ( $r = .12$ ,  $.06$  respectively, both  $p < .001$ ).

#### D. Personal demographics

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<sup>147</sup> These results neither support nor contradict reports of malaise among new associates in large firms, since the data reported here combines all private firm lawyers, including partners and senior or junior associates. Clearly, however, some of these lawyers are experiencing significant negative WB effects, sufficient to more than offset the benefit of their robustly higher incomes.

<sup>148</sup> See Krieger, *Human Nature*, *supra* note 7, at 277-84; See generally Seligman ET AL., *supra* note 143.

<sup>149</sup> Many people derive "intense satisfaction" from unpaid service work. Frey & Stutzer, *supra* note 10, at 105.

<sup>150</sup> Motivation for service work was not central to this study and not addressed by the survey.

Subjects were asked to provide basic demographic data. Because there were few significant demographic differences in our law student data,<sup>151</sup> we had few expectations of related findings in our attorney sample. We did hypothesize, based on previous research in general populations,<sup>152</sup> that increasing age would associate positively with well-being, as would a current marriage or similar primary relationship.

### Age

Previous research shows that people generally tend to be happier as they age.<sup>153</sup> We expected this result in our lawyer sample as well, since maturity would logically bring more autonomy, competence, and self-knowledge, resulting in more income and a better fit with personally preferred work. The mean age of the sample was 46.66 years, and data did show increasing age to predict well-being ( $r = .17$ ,  $p < .001$ ). To investigate likely reasons, we determined the correlations with age of income and internal work motivation. Both correlations with age were significant: income,  $r = .16$ ; internal work motivation,  $r = .23$  (both  $p < .001$ ). Regression of age and these factors with well-being revealed that internal motivation and income were indeed the operative factors; age itself was unrelated to WB. Thus, our hypotheses were supported, in that age predicted greater WB in our bar members, but other factors that increase with age accounted for the apparent WB benefits.<sup>154</sup>

### Gender

Gender differences and dynamics are a matter of considerable interest in the legal profession.<sup>155</sup> However, based on our studies of law students, we expected little or no difference in lawyer WB by gender. We did expect men to have greater mean ages and therefore have more time in the profession, resulting in a WB benefit at least from increased income and autonomy. We speculated that this benefit might be offset by WB advantages from stereotypical, but perhaps somewhat accurate, positive internal

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<sup>151</sup> Sheldon & Krieger, *Understanding Negative Effects*, *supra* note 11, at 889-90; *See generally* Sheldon & Krieger, *supra* note 7.

<sup>152</sup> *See* Hyoun K. Kim & Patrick C. McHenry, *The Relationship Between Marriage and Psychological Well-Being: A Longitudinal Analysis*, 23 J. FAM. ISSUES 885 (2002); *See generally* Kennon M. Sheldon & Tim Kasser, *Getting Older, Getting Better? Personal Strivings and Psychological Maturity Across the Life Span*, 37 DEV. PSYCHOL. 491 (2001), employing perceived maturity of personal goals and finding older individuals may be more psychologically mature than younger people and may be happier as a result: Myers, *supra* note 20, at 68-79.

<sup>153</sup> *See, e.g.*, Sheldon & Kasser, *supra* note 152; Myers, *supra* note 20, at 68-79.

<sup>154</sup> As noted earlier, debt incurred in law school was another factor that decreased with age. Regressions of age and law school debt with well-being showed that about 1/3 of the associations of each variable with well-being was shared.

<sup>155</sup> *See, e.g.*, Adam Neufeld, *Costs of an Outdated Pedagogy? Study on Gender at Harvard Law School*, 13 AM. U. J. GENDER SOC. POL'Y & L. 511 (2005); Lani Guinier ET AL., *Becoming Gentlemen: Women's experiences at one Ivy League Law School*, 143 U. PA. L. REV. 1 (1994); Joan M. Krauskopf, *Touching the Elephant: Perceptions of Gender Issues in Nine Law Schools*, 44 J. LEGAL EDUC. 311 (1994). Elizabeth Gorman, *Work Uncertainty and the Promotion of Professional Women: The Case of Law Firm Partnership*, 85 SOC. FORCES 865 (2006).

qualities often attributed to women (i.e. intrinsic valuing of intimacy, community, concern for others, and/or more relatedness to others).<sup>156</sup>

The data supported these hypotheses, showing well-being between male (N = 3740) and female (N = 2340) lawyers to be virtually the same. Men were favored with a very small raw difference in mean SWB (4.89 vs. 4.77;  $p < .05$ ), with no difference in incidence of depression by gender. Supplemental analyses did reveal the kinds of offsetting differences we predicted; all are very highly significant ( $p < .001$ ). Men on average had been working in legal jobs longer, had slightly greater autonomy and competence satisfaction, and had higher income and lower loan balances on graduation (likely resulting from the more recent mean graduation date of women). Men also tended more toward lucrative “prestige” positions. Women, however, were stronger in the kinds of salutary psychological variables predicted, showing more intrinsic values, greater relatedness satisfaction, and more affinity for service-oriented positions.

#### *Race/ethnicity*

Our main working sample included 5810 Caucasians, 257 African Americans, 80 Asian/Pacific Islanders, and 78 Hispanic/Latinos. Interestingly, MANOVA’s<sup>157</sup> for mean differences between the groups showed no significant differences for either WB or depression. Supplemental analyses showed other differences, however (all  $p$ ’s  $< .01$ ). Caucasians had higher earnings, but also had less internal motivation for their work and consumed alcohol more intensely than others. African Americans reporting least alcohol use; Asians and Hispanics generally fell in the middle of the groups on most measures. Overall, then, the data supported our hypothesis of little or no difference between groups, and again demonstrated that higher earnings will not generate increased WB if motivation for work is not also positive.

#### *Marriage/Social Support*

As in our law student studies, we asked subjects to identify themselves as either “married (or in long-term, committed relationship),” “dating and in serious relationship,” “dating but not in serious relationship,” and “single/not dating.” We used these categories to create a scale of social support; MANOVA’s revealed significant differences in well-being for each step of the support continuum. The data confirmed our expectation that subjects in a marriage-type relationship would show the greatest well-being of these groups. Depression findings were consistent, with married subjects showing least (and single subjects most) depressive symptoms. This is consistent with findings in other populations.<sup>158</sup> Conversely, single/not dating lawyers showed the lowest well-being, although they also drank less than all other groups. It might be that lawyers who are single and not dating are more solitary or serious people, but further research would be needed to determine this.

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<sup>156</sup>Even if these gender differences are true, there would, of course, be many exceptions.

<sup>157</sup>Multivariate analysis of variance is used to investigate mean differences of multiple independent variables. Tabachnik & Fidell, *supra* note 19, at 22.

<sup>158</sup>Myers, *supra* note 84, at 62-64.

Married subjects (N = 4690) had the greatest well-being. Comparing this group with all unmarried subjects (N = 1396) resulted in an effect size of marriage for WB of  $r = .17$  ( $p < .001$ ). We then investigated the relationship of marriage to satisfaction of the needs for autonomy, relatedness, and competence, the strongest predictors of well-being in the study. Married subjects reported higher satisfaction of all three needs, more so for relatedness as expected ( $r = .15$ ,  $p < .001$ ). Autonomy and competence showed very small, but also significant correlations ( $r = .06$  and  $r = .09$  respectively, both  $p < .001$ ).<sup>159</sup> Regression of marriage and need satisfaction with WB showed that about half of the apparent WB benefit of marriage was related to increased need satisfaction, while the remainder of the effect was unrelated to these needs. Further analyses (not central to this study) would very likely show other WB benefits, such as greater mean age, income, and internal work motivation, associated with marriage. As seen next, having children would be another important contributor to WB that would strongly associate with marriage.

### *Children*

Having children results in powerful experiences that might exert opposing influences on well-being. Children generate ongoing, often major stress on parents (in the literal sense of “stress” as a demand that requires a response),<sup>160</sup> and at the same time children are regarded as sources of deep joy and love. We thought it particularly interesting to research the well-being impact of children on busy professionals with demanding schedules. Would attorney life leave space for real enjoyment of children, or might children often be experienced as another burden in the lives of this purportedly highly stressed occupational group? We had no hypothesis regarding this question.

The survey instrument asked subjects about the number of children they had, offering choices from 0 to “more than 10.” There were 3,850 subjects responding to this question, a very large sample despite the many who did not respond. (It may be that many who did not respond do not have children and hence ignored the question.) Of those responding, 67% indicated that they had at least one child. We analyzed responses first to view the contrast between having children (any number) and having no children. Subjects with one or more children reported moderately greater well-being ( $r = .20$ ,  $p < .001$ ). Perhaps surprisingly given the other demands on lawyers, well-being also increased as the number of children increased ( $r = .18$ ,  $p < .001$ ). Confirming these findings, depressive symptoms related inversely with number of children ( $r = -.11$ ,  $p < .001$ ), as did alcohol consumption ( $r = -.07$ ,  $p < .001$ ). Of course, the occurrence of children and marriage strongly tend to coincide, so that regressions of the two would show substantially overlapping relationships with well-being. We did not perform this and many other analyses that would be interesting but tangential to the purposes of this study.

### E. Law School ranking

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<sup>159</sup> The competence need is global in SDT theory and this instrument, not focused only on work or school tasks. Hence responses may reflect subjects’ sense of competence in personal as well as work life.

<sup>160</sup> HANS SELYE, *THE STRESS OF LIFE* 64 (1956).

We collected information on the primary law school<sup>161</sup> attended by subjects, to determine the extent to which differences in their schools' rankings predicted lawyer well-being. The instrument listed many regional schools and all schools located in or near the states whose bar associations participated in the study. Subjects were asked to select their primary law school from the list, and if not included, to type in the name of the school. A number of subjects declined to respond, perhaps because their school was not listed. Nonetheless, about 5,000 lawyers provided their school information, resulting in a large subsample for this analysis (N = 4,768 subjects responding to all related variables). The sample included graduates of 186 United States law schools, almost every institution ranked in the widely recognized U.S. News & World Report (USNWR) publication employed for the study.<sup>162</sup> Subjects were distributed from the first through fourth tiers of the rankings as follows: N = 1926, 1101, 1321, and 420.<sup>163</sup> The top 100 schools were coded with their specific USNWR ranking; third and fourth tier schools were assigned ranking numbers at the midpoint of their tier (essentially all were treated as "average" for their tier) since schools in those tiers are ranked by USNWR only with a tier designation.<sup>164</sup>

Knowing the "resume value" that many selective employers place on law school ranking, we expected students from more elite schools to report substantially greater earnings.<sup>165</sup> Since ranking and income are external factors, we further expected better ranking of a school to show a small positive relationship with WB. Other factors might vary this result. Since more elite graduates would tend to have more work choices, ranking might well enhance internal motivation for work and therefore WB. The positive correlation with WB could also be greater if school quality or status resulted in admitting students with positive characteristics that would independently translate later to well-being or satisfaction (intrinsic values, alertness, clarity, perseverance, resilience, interpersonal skills, etc.). On the other hand, any WB benefit of higher ranking would be curtailed if the prestige or financial rewards of positions available to more elite school graduates attracted them away from lower-paying positions for which they felt more passion or interest. Given these mixed potential effects, we hypothesized a modest positive relationship of rank with lawyer well-being, largely based on increased income.

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<sup>161</sup> Generally the school from which subjects graduated, unless they attended that school for only a short time while seeking their basic law degree.

<sup>162</sup> *Schools of Law*, U.S. NEWS AND WORLD REPORT: BEST GRAD SCHOOLS, 2011 at 70. Although the accuracy of these rankings is often questioned, they do generate a shared perception of relative ranking. There were other substantial confounds in this analysis, however. Because our subjects spanned many decades of law practice and rankings vary from year to year, any rank chosen would be inexact for the entire sample. Nonetheless, because the relative standing of most law schools does not vary markedly across time, we proceeded with this analysis. Various rationales could lead to the use of rankings from different years during the decades covered by our subjects' careers; we chose the last rankings published before our data was collected. All subjects would have entered practice after publication of the rankings, and we thought that the methodology used by the publishers for calculating the rankings might have been refined with time and experience.

<sup>163</sup> The number of fourth tier graduates participating may reflect the fact that the participating states included few such schools, and where included, some were new and had few graduates to participate in the survey.

<sup>164</sup> This lack of specificity would introduce another source of potential error for some purposes, particularly for determining quality of a school (if, indeed the rankings themselves are an accurate measure of quality). However, since the rankings up to this year were expressed in this way, this approach to quantification would likely approximate the perception of these lower tier schools by students and employers (who would also have had only the same general tier designation to consider).

<sup>165</sup> Increased earnings could, of course, also occur if attending a more elite school reflected other positive qualities that would independently increase earning ability. This study did not seek to address such questions.

Data was generally supportive, but to a surprisingly slight extent. The data showed an almost meaningless correlation between law school ranking and lawyer well-being ( $r = .05$ ,  $p < .01$ ), despite a modest correlation with greater income ( $r = .15$ ,  $p < .001$ ). Consistent with the very small WB correlation, both depression and positive affect were unrelated to school ranking. Higher ranking was barely positive for internal motivation ( $r = .03$ ,  $p < .1$ ); this marginally significant result may result from the displacement dynamic suggested above, wherein a number of elite graduates are foregoing internally motivated work in favor of additional pay or other benefits. Satisfaction of each of the three basic needs also showed consistent, equally tiny increases with improving school rank (all  $r = .03$  to  $.04$ ; all  $p < .05$ ).

We investigated further, as the insubstantial findings contrasted markedly with the efforts among schools to improve their ranking status, and among students to attend schools with higher rankings. We subdivided the top 100 schools into segments of 25 schools each, and compared means of important variables within the six resulting groups (four groups within the top 100 schools, and the third and fourth tiers as before). The number of subjects in these six ranking groups was: top 25 schools,  $N = 804$ ; 26-50,  $N = 1122$ ; 51-75,  $N = 832$ ; 76-100,  $N = 269$ ; 101-145,  $N = 1321$ ; 145 and above,  $N = 420$ . A few patterns appeared, confirming and providing detail to the main findings:<sup>166</sup> (1) the means for WB, income, and internal motivation for work declined fairly consistently from the top to the bottom of the rankings; (2) although the overall WB variance was very small ( $r = .05$ ), there was even less variance among the subjects in the middle rankings (75% of the sample; schools ranked #26 through the third tier), with means for schools in this range varying little from the means for the entire sample; (3) larger differences in means occurred at the extremes, above rank 26 and below the third tier, accounting for a disproportionate part of the variance across the entire sample; and (4) the third tier was anomalous, showing a positive “bump” for all variables -- means for income and WB exceeded those for the schools ranked 75-100, while internal work motivation nearly equaled that of the highest group (the top 25 schools). Further research would be needed to explain these phenomena with any confidence.

The primary finding here is the very small association of law school ranking with lawyer well-being. It recalls the data on law review membership, another seemingly important external marker of high career potential among law students. With that prestigious achievement, subjects also enjoyed a modest increase in income, and in that case realized no associated well-being benefit. While such results are consistent with SDT principles and research, they are surprising because they challenge common assumptions regarding elite education, distinguished academic honors, and greater income as prime pathways to a happier working life. These and similar results in this study simply confirm the limited ability of external factors to generate well-being, and should encourage legal job seekers to weigh job

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<sup>166</sup> As with the fine comparisons of the many differences between occupational and demographic groups, these comparisons are reported to provide a sense of patterns in the data only, and thus are not accompanied by significance calculations.

offers carefully -- particularly considering whether the work or work environment may undermine the more powerful psychological correlates of WB.<sup>167</sup>

#### F. Personal Life/Balance choices

“Work-life balance” and “stress management” have been common themes among lawyers,<sup>168</sup> suggesting that personal behavioral choices may provide answers to depression and other problems in the profession. Based on the primary findings here, choices that promote or express autonomy, relatedness, competence, internal motivation or intrinsic values are likely to support lawyer well-being. We have reported positive results for two such choices in personal life -- to marry and/or have children. We surveyed other personal life choices that appeared likely to impact lawyer WB, asking subjects to indicate any of the following in which they typically engaged “at least weekly and for at least the past two months”: “exercise,” “meditation or mindfulness,” “yoga/tai chi,” “active sports or martial arts,” “prayer, affiliated with a religious organization,” “prayer, not affiliated with a religious organization,” and “personal discussion group (book club, support group, etc.).” We hypothesized that such practices would be associated with increased WB. They would likely provide relaxation and respite from work, moderate stress, improve general health, and promote autonomy, self-understanding and growth, relatedness to others, and other subjective benefits.

##### *Physical activities: exercise, sports/martial arts, yoga/tai chi*

Subjects reporting regular exercise had greater WB than others ( $r = .17, p < .001$ ), supported by greater satisfaction of all three needs ( $r = .14$  for autonomy and relatedness,  $r = .11$  for competence; all  $p < .001$ ). Regressions showed that roughly half of the effect size of exercise on well-being was related to increased need satisfaction; the remaining effect was independent of these needs and might be attributed to increased energy, clearer thinking, general health or other factors often associated with physical exercise. Subjects participating in active sports or martial arts showed a very small WB advantage over others ( $r = .08, p < .001$ ). The more relaxing/meditative activities, yoga and tai chi, were not related to WB, a surprising finding since people commonly report a variety of benefits from these practices. Prayer and meditation practices showed similar results; these null findings are discussed together after reporting the data on prayer and meditation below.

##### *Vacations*

We asked subjects to indicate the number of days they took in the past year for vacation (whether paid or unpaid, and whether they remained at home or took a vacation trip). As a matter of both theory and

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<sup>167</sup> See LAWRENCE S. KRIEGER, A DEEPER UNDERSTANDING OF YOUR CAREER CHOICES, 12-14 (3rd ed. 2013) (describing actual examples of two law students applying these principles (with widely varying success) to their job search).

<sup>168</sup> See generally Deborah L. Rhode, *Balanced Lives for Lawyers*, 70 *FORDHAM L. REV.* 2207 (2001); Myers, *supra* note 84; Nerison, *supra* note 4; Barbara S. McCann ET AL., *Hostility, Social Support, and Perceptions of Work*, 2 *J. OCCUP. HEALTH PSYCHOL.* 175, 178-80 (1997); Adele J. Bergin & Nerina L. Jimmieson, *Explaining Psychological Distress in the Legal Profession: The Role of Overcommitment*, 20 *INT’L J. STRESS MGMT.* 134 (2013); AMIRAM ELWORK, *STRESS MANAGEMENT FOR LAWYERS: HOW TO INCREASE PERSONAL & PROFESSIONAL SATISFACTION IN THE LAW* (3rd ed. 2007).

common sense, we hypothesized that vacation days taken would associate positively with attorney well-being. People tend to naturally enjoy “time off,” and to come back to work refreshed as a result. From an SDT perspective, vacations could 1) indicate personal autonomy and well-being/life balance as a personal goal; 2) reflect autonomy at the work place and/or internal motivation (doing things for the inherent enjoyment in them); and 3) associate positively with relatedness, because lawyers with friends or partners might well take more vacations, vacations with important others would increase relatedness satisfaction, or both.

The number of vacation days did correlate moderately with aggregate well-being ( $r = .23, p < .001$ ), and related positively to important WB factors as predicted: autonomy, relatedness, and competence satisfaction respectively,  $r = .24, .19,$  and  $.15,$  and internal motivation for work,  $r = .12$  (all  $p < .001$ ). We considered whether more vacations taken might simply reflect more vacation days *permitted* by employers, another item measured in the survey. This yielded another surprising result, in that the correlation of vacation days used with vacation days permitted was inverse ( $r = -.10, p > .01$ ).<sup>169</sup>

The correlation strength of vacation days and exercise with well-being are noteworthy, because they equal and in some cases greatly exceed the effect size for WB of increasing income, decreasing debt, better grades, law review participation, or law school ranking. Such findings may provide helpful perspectives for law students anxious about debt and/or grades, or lawyers disappointed with their present earnings. Other simple, healthful life choices appear to be equally (or more) important for happiness and satisfaction in life.

## 2) Religious and spiritual practice

The United States is known as a country with relatively high religious participation.<sup>170</sup> There is current interest in the legal profession in spiritual practices as a way to alleviate stress and improve judgment.<sup>171</sup> We thought that many lawyers involved with any such regular practice or observance would report greater WB than others. We were also interested to see how such practices would compare to the physical activities and vacations in this regard, as all might well provide relief from stress and reflect intrinsic growth values, attention to autonomy, and a willingness to create life balance. As previously mentioned, the survey instrument asked respondents to indicate participation in meditation/mindfulness and prayer (distinguishing affiliated, or not, with a religious organization).

Results provided virtually no support for the hypothesized benefits of these practices. The data showed slightly increased well-being ( $r = .07, p < .001$ ), only for subjects practicing prayer and who were

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<sup>169</sup>This negative relationship may result from many employers offering benefits that are not realistic or encouraged given the associated workloads, hourly/billable demands, management style, standards for promotion, or other matters. Such speculations would require further research for clarification.

<sup>170</sup> See Myers, *supra* note 20, at 177; Myers, *supra* note 84, at 63; See generally, BARRY A. KOSMIN, ONE NATION UNDER GOD: RELIGION IN CONTEMPORARY AMERICAN SOCIETY (2011).

<sup>171</sup> See, e.g., STEVEN KEEVA, TRANSFORMING PRACTICES: FINDING JOY AND SATISFACTION IN THE LEGAL LIFE (1999); Leonard L. Riskin, *The Contemplative Lawyer: On the Potential Contributions of Mindfulness Meditation to Law Students, Lawyers, and Clients*, 7 HARV. NEGOT. L. REV. 1 (2002); Rhonda V. Magee, *Educating Lawyers to Meditate?*, 79 UMKC L. REV. 535 (2010).



affiliated with a religious organization (n=2263), but not for the meditating subjects (N = 684) nor for those practicing prayer without organizational affiliation (N = 401). Given that prayer and meditation are fundamentally individual practices, we considered that most subjects in the latter two groups may pursue their practices by themselves, and that the fellowship afforded at worship services and as a congregant might account for much of the apparent benefit in the affiliated prayer group. It might also be that those subjects were generally more social and less solitary than the others, thus enjoying greater relatedness satisfaction and well-being independent of their religious practice. Supplementary analyses offered support for this proposition. The affiliated prayer group reported greater mean relatedness need satisfaction than the other two groups, and, indeed, than the rest of the entire sample as well ( $r = .08, p < .001$ ). In order to distinguish the impact of relatedness in this affiliated group from that of prayer itself, we entered both factors in a regression equation. After accounting for relatedness benefits, a very small but still significant residual correlation remained between well-being and prayer in the affiliated group ( $\beta = .05, p < .01$ ).

Thus the data support only the conclusion that subjects engaging in prayer when affiliated with a religious group are slightly happier than others.<sup>172</sup> As stated above, data showed yoga and tai chi practices to bear no relationship to WB across the sample, much like unaffiliated prayer, meditation, and mindfulness reported here. These data do not mean that such practices are not helpful for increasing well-being, but certainly offer no evidence that they are. Given the cross-sectional study design, we do not know the level of WB of any of these subjects before they began their practices. It might be, for example that lawyers who choose more self-sufficient approaches of meditation, mindfulness, and prayer, tend to be more anxious or worried, less optimistic and trusting of established organizations, or more isolated and less attracted to joining with others in community, and thus need to “work harder” to maintain baseline well-being in the first place. Further study, likely with an experimental or longitudinal design, would be needed to gain insight into these questions.

#### G. Smaller city life and practice

We thought that smaller cities and towns, when compared to large cities, would provide more pleasant, less stressful work environments and similarly, more cordial, less aggressively adversarial relationships

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<sup>172</sup> Discussion/book/support groups also showed a similar, very small positive relationship with WB ( $r = .04, p < .01$ ), perhaps representing another example of a self-enrichment activity with a social component.

<b>Five Tiers of Well-being Factors</b> (standardized correlations)	
	SWB
<b><u>Tier 1</u></b>	
Autonomy need satisfaction	.66
Relatedness need satisfaction	.65
Competence need satisfaction	.63
Internal work motivation	.55
<b><u>Tier 2</u></b>	
Supervisor autonomy support	.44
Intrinsic values	.30
<b><u>Tier 3</u></b>	
Vacation days taken	.23
Children	.20
Married/long term committed	.17
Exercise	.17
Alcohol use (quantity)	-.12
Prayer (affiliated/congregation)	.07
<b><u>Tier 4</u></b>	
Income	.19
Law school debt, on graduation	-.19
Class rank	.12
Law school ranking	.05
Law journal	.00
<b><u>Tier 5</u></b>	
Age	.17
Other demographics	.00-.03

within the community of lawyers. We asked subjects to identify the city population of their primary work location. Results supported our hypothesis, but with exceedingly small (though statistically significant) correlations. As city population decreased, subjects reported very slightly increased well-being ( $r = .03, p < .05$ ). There were other very small effect sizes with decreasing city size: more positive perceptions of lawyers, judges, and the justice system ( $r = .04, p < .01$ ),<sup>173</sup> more internal work motivation

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<sup>173</sup> Findings regarding perceptions of the profession are presented more fully in the next section.

( $r = .08$ ,  $p < .001$ ), and more intrinsic values orientation ( $r = .04$ ,  $p = .001$ ). Smaller population centers also predicted moderately lower income ( $r = -.19$ ,  $p < .001$ ).<sup>174</sup> Thus, our perhaps romanticized notion about “small town” life and practice was very modestly supported, with smaller population centers showing slight positive associations despite lower attorney income.

#### H. Perceptions of professionalism and faith in the justice system

Measurement of professional behavior was beyond the scope of this study. We did, however, ask subjects for perceptions of the legal system and profession, factors that would likely impact the well-being of members of the profession. Questions focused on the fairness of case outcomes and the level of professionalism of judges and other lawyers (limited to those whom they observed regularly, to increase reliability). Fair outcomes and attorney behavior were each addressed by a pair of contrary statements, behavior of judges by one statement.<sup>175</sup>

A factor analysis indicated that all five items related to a single factor in subjects’ thinking, probably reflecting the totality of their experiences within the profession and justice system. The combined mean response of all subjects to all questions was 3.22 (after recoding negative statements to a positive orientation) on the 5-point scale, only slightly above the “neutral” response position.<sup>176</sup> These thousands of lawyers, in other words, on average have only a very slight positive sense of their peers and the legal system that provides their livelihood.

We performed two targeted analyses. We first combined the responses to the items relating to faith in the law and in outcomes of the system. The mean response was 3.24, again slightly above neutral. We also analyzed the responses evaluating the behavior of the judges and other lawyers subjects had encountered. As one should expect, mean responses were somewhat higher for judicial than attorney professionalism ( $M = 3.39$ ,  $3.06$ ;  $p < .01$ ). Nonetheless, while the mean rating of attorney professionalism was essentially neutral, the higher rating of judges does not reach the midpoint between “neutral” and the first response choice that represents any level of approval of judicial professionalism.<sup>177</sup> These results indicate that there is much room for improvement in the professionalism of judges and lawyers.<sup>178</sup> As reported in the preceding section, lawyers in smaller population centers reported a

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<sup>174</sup> Living expenses are likely somewhat less as well, but this was not a subject of the study.

<sup>175</sup> Items appeared as follows: “I don’t have much faith that our legal system produces fair outcomes;” “I am concerned by the low level of professionalism among lawyers;” “The lawyers I have encountered consistently exhibit appropriate, professional behavior;” “The judges I have encountered consistently exhibit professional behavior;” and “I believe the law most often produces just results.”

<sup>176</sup> Responses were provided on a 5-point Likert scale; choices were “strongly disagree,” “disagree,” “neutral,” “agree,” and “strongly agree.”

<sup>177</sup> The judges, analyzed separately, did have modestly higher opinions of their own professionalism and of the fairness of outcomes which, of course, they determine to a great extent. (both  $p < .001$ ). This pattern suggests an example of self-serving bias.

<sup>178</sup> See Daicoff, *supra* note 125; Schiltz, *supra* note 4. See generally Peter A. Joy, *A Professionalism Creed for Judges: Leading by Example*, 52 S. C. L. REV. 667 (2001); Ronald D. Rotunda, *Lawyers and Professionalism: A commentary on the Report of the American Bar Association Commission on Professionalism*, 18 LOY. U. CHI. L.J. 1149 (1987). There is no lack of published concern about lawyer professionalism.

slightly more positive view, combining the five items in one overall measure ( $r = .04, p < .01$ ). But fundamentally, this large sample of professionals has a positive view of neither the justice in the justice system nor the professional behavior of professionals in the system, a very troubling finding and a call to action for legal educators and bar leaders.<sup>179</sup>

### I. Earnings expectations compared with actual earnings

Long experience with law students indicates that their expected future earnings are a major factor in attracting many applicants to law school. Students also consistently appear to have an inflated sense of lawyer earnings.<sup>180</sup> We hypothesized that, in the overall sample, earnings expectations when deciding to attend law school had not been realized in practice. If this hypothesis were supported, the finding could have important implications for law student and lawyer well-being, and for the overall tenor of the profession. Given that the critical factors for lawyer well-being are not related to earnings, encouraging new people to enter the profession for high earnings (even if expectations were accurate) could result in a pool of future attorneys predisposed to disappointment and lower well-being in their careers as well as in law school, when they learn of their realistic earning potential. Other law school applicants who are motivated more for public service would also encounter more competition for entry to law school, perhaps resulting in overall diminution of a public service orientation among law graduates.

We thought the most relevant data regarding the earnings expectations of prospective law students would be for their first years after graduation, when their economic circumstances would be least stable and their educational debt highest. The survey instruction read, *“Think back to when you were applying to law school, what your expectations were at that time for your future earnings in your first few years as a lawyer after law school.”* Subjects were then asked, *“Tell us how your actual earnings in your first few years working in law jobs compared to those expectations”* (emphasis in original survey). Response choices included “much more than expected,” “more than expected,” “about as expected,” “less than expected,” and “much less than expected.”

Far more subjects, by a factor of almost nine to one, indicated that their earnings were much less than expected ( $N = 941$ ) compared to much more than expected ( $N = 108$ ). The combined number of subjects reporting earning either less or much less than expected ( $N = 2190$ , 55.3% of sample) was more

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<sup>179</sup> The finding here that lawyers’ perception of judges is little better than their perception of other lawyers may surprise bar leaders. These findings indicate important directions for inquiry by bar associations: how do bar members think just and fair outcomes might better be attained, and what can be done to improve the professionalism of judges as well as lawyers?

<sup>180</sup> In my experience for over two decades, law students typically indicate expectations of earnings after graduation in the range of \$100,000, far above the mean income for new graduates. See AME3bg, *Realistic Expectations: Starting Salaries for New Attorneys*, LexisNexis (July 29, 2008), [http://www.lexisnexis.com/legalnewsroom/lexis-hub/b/careerguidance/archive/2008/07/29/realistic-expectations\\_3a00\\_-starting-salaries-for-new-attorneys.aspx](http://www.lexisnexis.com/legalnewsroom/lexis-hub/b/careerguidance/archive/2008/07/29/realistic-expectations_3a00_-starting-salaries-for-new-attorneys.aspx); Starting Salaries- Class of 2012, Nat’l Assoc. Legal Career Prof’ls (last visited Jan. 16, 2014), <http://www.nalp.org/classof2012>; Salary Trends- A 15 year Overview, Nat’l Assoc. Legal Career Prof’ls (last visited Jan. 16, 2014), <http://www.nalp.org/2005julsalarytrends>.

than four times greater than the combined number earning more or much more than expected (N = 501, 12.7% of sample),<sup>181</sup> about one-third of the sample (32%) reported earning about as expected.

The data therefore strongly supported our hypothesis about the unrealistic expectations of prospective law students for earnings following graduation. This finding points to an information gap with many potential negative consequences, and one that could readily be eliminated by clear disclosures from college career counselors, and on law school and bar association websites. We recognize that this might also impose additional pressures on law schools, in terms of fewer applicants, less ability to select for high LSAT scores and undergraduate grades, and potentially lower earnings for private law schools. Nonetheless, it would seem that open disclosure of likely earnings would benefit the entire profession, and be only fair<sup>182</sup> to the large percentage of apparently naive prospects indicated by these data.

### Brief Discussion of Secondary Findings

Secondary inquiries focused on three groups of factors that were likely to impact well-being: personal life choices, work-related variables, and demographic differences. The data generally supported and supplemented the hierarchy of WB factors revealed by the primary findings, while the repeating patterns in the data and the consistency of findings added confidence in the design and validity of the study as a whole. From a more practical perspective, analyses yielded specific findings that may guide lawyers toward more satisfying lives and careers. Specific findings are summarized below; we note the apparent contributing factors (generally internal) that appear to contribute to each result.

Comparisons of subjects in “service,” “prestige,” “other law practice,” and “judicial” positions offered an applied example of the relative importance of internal and external WB factors. The judges comprised the only career group with high scores for positive factors of both types, and reported the greatest SWB of the four groups. Public service lawyers had the lowest grades and earnings of the lawyer groups, but nonetheless reported greater well-being than the group with the highest grades and earnings. This appeared to result from the more intrinsic values and internal work motivations of the service lawyers, combined with the greater importance for well-being of those internal factors (compared to grades and income).

Among more specific work-related factors, increasing vacation days most strongly correlated with increasing well-being; it is discussed further below. Pro bono service hours, which embody the intrinsic value of altruistic service, also predicted increased well-being. By contrast, the specific practice factor that had the strongest negative relationship with well-being was required billable hours. This practice was associated with increasing income but decreasing autonomy, relatedness, and internal motivation,

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<sup>181</sup> Although there is a current employment problem within the legal profession, the sample spans several decades of graduation dates and the measure is stated in terms of expectations and actual earnings for the “few years following law school graduation.” Thus the data reflects long-term tendencies rather than short-term variations in the job market or lawyer pay.

<sup>182</sup> Robert P. Schuwerk, *The Law professor as Fiduciary: What Duties Do We Owe to Our Students*, 45 S. TEX. L. REV. 753 (2004).

an apparent example of managers undermining workers' self-determined motivation and well-being by promoting a focus on external rewards. Thus, as billable hours go up, income goes up and happiness goes down. Increasing law firm size presented another apparent example of the internal-external displacement phenomenon, as firm size also correlated with increasing income, but decreasing autonomy, internal motivation for work, and well-being. Litigation activities bore a modest negative relationship to WB; this correlation was substantially smaller for "service" than for "prestige" lawyers. Results for one work factor were surprising: the number of hours that lawyers worked each week showed no significant relationship with WB. Possible explanations were suggested.

Alcohol use proved to be an indicator of negative well-being, and was associated with decreased internal motivation and decreased experiences of autonomy, relatedness, and competence. Married (or similarly committed) subjects had the greatest WB and fewest depressive symptoms of the social support groups, while single/not dating lawyers were the least happy. Regressions showed increased need satisfaction, particularly relatedness, to largely account for the increased WB in married lawyers. Subjects with children were also happier than those without children, and more children also predicted greater well-being. The predictive value for WB of marriage or children was equal to, and often greater than any of the external, financial/credential factors.

Analyses of other personal choice factors focused on those that might provide life balance or stress relief. Physical exercise was related to increased satisfaction of all needs, and predicted well-being to the same extent as higher income, lower debt, marriage, or children; active sports was a lesser but also positive factor. The number of vacation days taken was the strongest predictor of well-being among all specific activities measured in this study. It was associated with increased internal motivation for work and greater satisfaction of autonomy, competence, and relatedness. This provided a healthy overall picture of happier lawyers who tend to choose work for meaning and enjoyment, enjoy the company of others, and who also tend to take personal breaks for rest and recreation.

Analysis of the relationship of law school rankings with the well-being of their graduates was striking. Ranking modestly associated with higher income, but only slightly with well-being. These results were similar to those regarding another presumed marker of potential for success, selection to a law journal.

Data regarding engagement in religious/spiritual practices and relaxing movement were also somewhat surprising. Subjects practicing meditation/mindfulness, prayer (unaffiliated with a religious congregation), and yoga or tai chi reported the same WB as other subjects. Prayer for those associated with a congregation showed a small positive correlation with WB, with increased relatedness need satisfaction accounting for part of this positive result. Possible explanations were suggested; the usefulness of these practices for lawyers would benefit from continued research.

Demographics other than age showed little predictive value for lawyer well-being. There were reportable, modest differences between the genders and racial/ethnic groups, but ultimately well-being showed no or negligible differences between the groups. As expected, older lawyers were moderately happier than younger lawyers, with regressions showing the WB benefit to relate to increasing internal motivation and, secondarily, increasing income.

Two additional inquiries yielded concerning results. Lawyers broadly reported that their expectations when entering law school for their early career earnings were not realized in their actual careers. This information gap could be addressed by law schools and state and national bar associations with important positive consequence. Secondly, on questions related to professionalism and the judicial system, subjects did not agree to a meaningful extent that the legal system provides fair or just results, or that judges or lawyers whom they had observed behaved professionally. Further study would be important to replicate and clarify the current findings, and to determine steps that might improve the profession.<sup>183</sup>

## Summary

### A. What Makes Lawyers Happy?

Data from several thousand lawyers in four states allowed us to test hypotheses of primary importance for lawyer well-being, and subsidiary factors and practices providing further relevant insights. Well-being was quantified by combining life satisfaction with positive affect and then subtracting negative affect. We included a depression scale and measures of alcohol consumption, as checks on our well-being measures and also because of common concerns about depression and substance use among attorneys. Results were typically expressed as standardized (Pearson) correlations, to permit comparison of the association strength of factors with subjective well-being and other important variables.

Primary hypotheses addressed contrasting sets of variables – subjective/psychological factors established by Self-determination Theory to promote well-being in general populations, and objective/external factors typically emphasized in legal populations – grade performance, law journal membership, law school debt, and income after graduation. The data supported all primary hypotheses, showing that psychological factors were far more important for the well-being of attorneys than the various external factors. Factors fell into three tiers of importance, based on their strength of association with well-being:

Tier 1) Experiences of autonomy (including authenticity), relatedness to others, and competence most strongly predicted attorney WB; correlations ranged from .63 for competence to .66 for autonomy. These large correlations indicate that well-being co-occurs with these experiences so commonly that that it may not be possible to attain thriving without relative satisfaction of all of these needs.<sup>184</sup>

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<sup>183</sup> We suggest below that improving the well-being of lawyers will directly improve their professionalism and productivity, *infra* pp. 50-51.

<sup>184</sup> For example, the correlation in this sample between aspiring to values and acting on the same values was .70, very similar to the needs/well-being correlations. Perhaps more on point, the correlation between depression and its virtual mirror image, well-being was -.69, hardly more strongly associated with well-being (though inverse) than the three needs. One prominent psychologist has included these needs in her expanded definition of well-being. See Carol D. Ryff & Corey Lee M. Keyes, *The Structure of Psychological Well-being Revisited*, 69 J. PERS. SOC. PSYCHOL. 719 (1995).

Choosing work for internally-motivated reasons, i.e. for enjoyment, interest, or meaning within subjects' belief systems, was also very highly predictive of well-being, with a correlation of .55.

Tier 2) Autonomy-supportive supervision of attorneys at the work place (provision of understanding, respect, and choices, as opposed to control) strongly predicted well-being ( $r = .44$ ). Replicating law student research, autonomy support also appeared to increase the critical experiences of autonomy, competence, and relatedness, suggesting itself as an effective intervention for promoting well-being. Intrinsic values (for self-improvement, intimacy, and altruism/community), as compared to extrinsic values (for affluence, power, or recognition) had the next highest correlation with WB ( $r = .30$ ), falling squarely between the preceding measures and the external factors.

Tier 3) The external factors constituted a distinctly subordinate tier of apparent benefits for well-being, with correlations ranging from .00 for law review membership to .19 for law school debt at graduation and for attorney income. Class rank, perhaps the most emphasized and stress-inducing factor in law school, correlated rather weakly with well-being ( $r = .12$ ). These results suggest a core reorientation of priorities, to deemphasize grades, credentials, and money as foundations of happiness in the legal profession.

Important secondary analyses further supported this conclusion, in many cases suggesting the undermining of need satisfaction or internal motivation by external factors: (1) "prestige" job lawyers, with the highest grades and income of all groups analyzed, were not as happy as the "service" lawyers, the group with the lowest pay and law school grades; (2) although income increased very strongly with law firm size ( $r = .46$ ), well-being decreased at the same time; (3) billable hours, which focus on maximizing the external revenue stream, were the strongest negative predictor of WB studied despite a positive .22 association with increased income; and (4) higher law school ranking was associated with increased income but only negligibly with well-being.

Other secondary findings refine and supplement the hierarchy of well-being factors suggested by the primary analyses. Each of the secondary factors meaningfully predicting WB also correlated with important SDT factors, most particularly internal motivation for work or satisfaction of one or more of the psychological needs. The secondary findings included two new sets of well-being factors, personal life choices and demographics. The personal life choices showed generally stronger predictive power for well-being than the external grades/money/credentials factors, and replace them in third position in the hierarchy of WB factors. Demographics had the least associations with WB. Thus, the study results may be represented by five tiers of factors that predict and appear to promote lawyer happiness, listed in descending order:

- 1) Needs for autonomy, relatedness, and competence, and internal motivation for one's work ( $r = \underline{.66-.55}$ )
- 2) Autonomy supportive supervision and intrinsic values ( $r = \underline{.44-.30}$ )



- 3) Personal life choices ( $r = .23-.17$ ):<sup>185</sup> (vacations, children, marriage relationship, exercise)
- 4) Financial/prestige/credentials ( $r = .19-.00$ ): (income, law school debt; class rank, law school rank, law review,)
- 5) Demographics: zero to negligible well-being differences, other than age ( $r = .17$ )

#### B. Are lawyers different from other people with regard to their happiness and satisfaction?

This question would essentially be answered as we investigated the determinants of attorney well-being. However, we wanted to address it explicitly because of the special importance of happiness in the range of human experiences,<sup>186</sup> because lawyers are often considered to think and act differently than others, and because they may indeed be trained to do so in law school (i.e. to “think like lawyers”). Further, our previous studies revealed core changes in student values and motivations during law school,<sup>187</sup> and a linguistic analysis of basic law training found consistent undermining effects on student values, interpersonal caring, and moral/ethical decision-making.<sup>188</sup> All of this suggested the possibility that lawyers, whether by nature or through training, may respond differently than other people to psychological and external factors that typically generate happiness. In addition, such training might convince lawyers that the usual sources of human well-being did not relate to them. If this belief were false, it could lead to life choices inimical to well-being.

The data was consistent and clear when viewed from this perspective, comparing the correlates of happiness in lawyers and in other people. The tenets of SDT established by decades of research in the general population appeared to apply without qualification to this large sample of legal professionals. The relative strength of different factors was also essentially as expected, with fundamental needs and self-determined (internal) motivations more strongly predicting WB than values, and with subjective psychological factors appearing substantially more important than external factors. Simply stated, there is nothing in these data to suggest that attorneys differ from non-attorneys with regard to their prerequisites for feeling good and feeling satisfied with life. Thus it would appear that lawyers, and their teachers and employers, should banish any notions that law-trained people are somehow special in this important regard – in order to thrive we need the same authenticity, autonomy, close relationships, supportive teaching and supervision, altruistic values, and focus on self-understanding and growth that promotes thriving in others.

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<sup>185</sup> As with the external factors, some of the personal variables bore zero correlations to WB. They are not noted here since they were included for interest only, whereas law review had zero correlation with WB but has central importance for law students and lawyers.

<sup>186</sup> See Lyubomirsky, *supra* note 23, at 239.

<sup>187</sup> Sheldon & Krieger, *supra* note 7; Sheldon & Krieger, *Understanding Negative Effects*, *supra* note 11, at 893-94.

<sup>188</sup> Mertz, *supra* note 15.

### C. Improved well-being implies improved productivity, ethics, and professionalism

Performance was not measured in this study, but previous research indicates that benefits of well-being include improved accomplishment of complex mental tasks,<sup>189</sup> generally improved work performance, and greater culturally valued success.<sup>190</sup> Among law students, increased well-being and internal motivation (resulting from enhanced autonomy support and need satisfaction) were accompanied by better grade and bar exam performance.<sup>191</sup> Numerous studies show well-being to correlate with performance and productivity in general populations, with substantial evidence that WB promotes health, energy, optimism, creativity, altruism, and work performance.<sup>192</sup> Happier employees also tend to remain with employers longer and raise the morale (and hence performance and retention) of others in the organization;<sup>193</sup> less happy employees impose high costs on employers in terms of increased absence and turnover, and poor work performance.<sup>194</sup> The current data demonstrate that lawyers who are more engaged by interest and meaning in their work are much more likely to be happy than others; such engagement also makes high productivity more likely.<sup>195</sup> Conversely, previous research indicates that motivation based on external factors such as increased financial incentives can actually result in decreased performance and productivity, likely by displacing (“crowding out”) more salutary internal motivation for work.<sup>196</sup> These facts, coupled with the current data showing a very large (.55) correlation of internal motivation with well-being, support the conclusion that increased well-being and productivity will tend to associate with each other, mediated in large part by the extent of workers’ sense of autonomy and internal (vs. external) motivation.

The survey also does not seek to measure professionalism or ethics, but it does measure psychological factors that are virtually certain to be important sources of ethical and professional behavior for lawyers -- authenticity (which is essentially identical to integrity),<sup>197</sup> competence, relating well to others, helping/community values, and valuing self-understanding and growth.<sup>198</sup> These factors also include the strongest predictors of well-being in our subjects, suggesting that one powerful approach to raise the

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<sup>189</sup> Lyubomirsky ET AL., *supra* note 10, at 840 (noting, in a meta-analysis of hundreds of related studies, some conflicting results among studies but an overall positive effect size between positive affect and mental performance of  $r = .25$ ).

<sup>190</sup> Lyubomirsky ET AL., *supra* note 10, at 840, 846; Myers, *supra* note 20, at 127.

<sup>191</sup> Sheldon & Krieger, *Understanding Negative Effects*, *supra* note 11.

<sup>192</sup> Huang & Swedloff, *supra* note 4, at 337; Frey & Stutzer, *supra* note 10, at 105.

<sup>193</sup> Huang & Swedloff, *supra* note 4, at 337 n. 9-17.

<sup>194</sup> Frey & Stutzer, *supra* note 10, at 105.

<sup>195</sup> See DANIEL H. PINK, *DRIVE: THE SURPRISING TRUTH ABOUT WHAT MOTIVATES US* (2009), for a discussion of internal motivation and productivity. *And see* Frey and Stutzer, *supra* note 10, regarding the connectedness of well-being, internal motivation, and productivity in the work place; Kohn, *supra* note 123, at 119-41, 186-87.

<sup>196</sup> Frey & Stutzer, *supra* note 10, at 105, refer to “hundreds” of laboratory experiments and actual work settings documenting the phenomenon of external incentives undermining work productivity. A meta-analysis of 128 related experiments concluded that, “...tangible rewards tend to have a substantially negative effect on intrinsic motivation...” Edward L. Deci ET AL., *A Meta-Analytic Review of Experiments Examining the Effects of Extrinsic Rewards on Intrinsic Motivation*, 125 *PSYCHOL. BULL.* 627, 658 (1999). *And see* Kohn, *supra* note 123, at 119-141.

<sup>197</sup> *See generally*, Krieger, *Most Ethical of People*, *supra* note 22, at 431 (pointing to SDT well-being factors as sources of professionalism, and discussing the essential identity of integrity and the autonomy/authenticity need).

<sup>198</sup> These connections recall the Mertz findings, *supra* notes 61-66 and accompanying text, that replacing values, connection to self, and caring for others with competitive success results in eroding the personal foundations of ethical decision-making.

level of professional behavior among lawyers is to teach law students and lawyers to maximize their own happiness.

### What it means for lawyers, and their teachers and employers

While many lawyers, and their teachers and employers, attribute great importance to grades, rankings, honors, and financial rewards, earlier research on general populations revealed basic flaws in the “American Dream” paradigm that regards money, status, and other external factors as foundations of a happy life.<sup>199</sup> The current study provided data repeatedly supporting the same conclusion in a large sample of lawyers -- there were no strong predictors of attorney well-being found in this study other than the psychological factors. This research quantifies and highlights the subordinate importance of external considerations that often dominate law schools and law practice, and further highlights the dominant importance of personal and interpersonal considerations that are commonly subordinated in law schools and practice. The data contradicts beliefs that prestige, income, and other external benefits can adequately compensate a lawyer who has not secured autonomy, integrity, meaningful/close relationships, and interest and meaning in her work. The data therefore suggest fundamental changes in the belief system shared by many law students, lawyers, and their teachers and employers. In particular, the shared understanding of “success” needs to be amended so that talented students and lawyers more regularly avoid self-defeating behaviors in the pursuit of success.

We offer only brief comments on ways these findings might be applied by various groups. For pre-law students, the data suggest choosing a law school for its sense of fit with their personal values and personal learning goals and styles, rather than from focusing on school prestige and USNWR rankings. Law students and lawyers would realize greater well-being from culturing their sense of self, personal purpose, and positive relationships with other people in personal and professional life, than from focusing intensely on rewards and recognition.

For teachers and employers, the findings repeatedly suggest a shift in institutional emphasis from competition, status, and tangible benefits to support, collaboration, interest, and personal purpose. The result will likely be happier, more highly functioning students and employees, and therefore more highly functioning schools and work places. The research suggest perhaps a more immediate and important responsibility for law teachers. They impact students early in the formation of professional attitudes and identities, and that impact is apparently negative for many students, particularly with regard to the kinds of internal psychological factors found here to be the primary correlates of lawyer well-being.<sup>200</sup> One important strategy would be to approach the task of teaching legal analysis with humility, clearly conveying to students that, while this skill will enable them to dispassionately analyze and argue legal issues while ignoring their own instincts, values, morals, and sense of caring for others, such a skill must

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<sup>199</sup> See, e.g., Kasser & Ryan, *supra* note 36; Tim Kasser & Richard M. Ryan, *Further Examining the American Dream: Differential Correlates of Intrinsic and Extrinsic Goals*, 22 PERS. PSYCHOL. BULL. 280 (1996); Sheldon ET AL., *supra* note 33.

<sup>200</sup> Mertz, *supra* note 15; Sheldon & Krieger, *supra* note 7; Sheldon & Krieger, *Understanding Negative Effects*, *supra* note 11.

be narrowly confined to those analytical situation. This is not a superior way of thinking<sup>201</sup> that can be employed in personal life or even to most work situations, without suffering psychological consequences.

For private sector employers, shifting the external rewards paradigm toward psychological well-being would likely need to be addressed in steps, but should result in improved productivity as well as morale and retention. Decreasing the emphasis on earnings, billable hours, and other external factors should also be more readily contemplated in light of the negative to modestly positive well-being correlations in these data. Public sector employers may increase the satisfaction and retention of their lawyers by educating them about the relative well-being of service lawyers compared to those in the private sector.

One specific, cost-effective strategy supported by the data for application in every setting is the provision of autonomy-supportive, rather than controlling, teaching, mentoring, and work supervision. This practice can be learned<sup>202</sup> and, as stated, has been shown to promote broad improvements in well-being, motivation, and performance.<sup>203</sup> Teachers and employers may consult detailed guides for providing autonomy-supportive mentoring and teaching, and for implementing additional approaches to achieve improved WB and performance outcomes.<sup>204</sup> Generation of more such guides, including with a specific focus on the private law firm, would be beneficial.

Two additional concerns for law teachers and employers were raised by the data. First, subjects had only neutral opinions of the professionalism of lawyers they encountered, only slightly above neutral opinions about appropriate outcomes in the legal system, and did not approach agreement that judge behavior was appropriate. Second, subjects disproportionately reported entering law school with inflated expectations for their earnings as lawyers. While these concerns would benefit from more focused research, they would seem to merit immediate attention from law teachers, employers, and bar leaders.

## CONCLUSION

This data from a large and diverse sample of practicing attorneys establishes that the processes governing the well-being and life satisfaction of people generally, as elaborated by self-determination theory research, fully apply to lawyers. Psychological factors related to self, others, and meaningful, personally engaging work were far more predictive of well-being than external factors relating to

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<sup>201</sup> Mertz, *supra* note 15, observes that the “subtle use of language conveys a sense of superiority about ‘thinking like a lawyer,’” at 98, in part because of the “forced irrelevance of morality, conscience, and caring,” Mertz, *supra* note 15, at 100.

<sup>202</sup> See Manning, *supra* note 123 for a thorough and clear example of teaching others how to provide autonomy support. This example focuses on law teachers providing written critique of law student work, but both the general concepts and many of the specific recommendations and examples would equally apply to attorney supervisors.

<sup>203</sup> See, *supra* notes 54-66, and 109-110 and accompanying text.

<sup>204</sup> The strategies mentioned here are described in some detail, with recommendations for step-by-step implementation by law schools. Krieger, *Human Nature*, *supra* note 7, at 284-310. Such recommendations would broadly apply to employers as well. Provision of autonomy-supportive management in work places is described in Pink, *supra* note 195, at 83-106; Frey & Stutzer, *supra* note 10, at 103-5.

competitive standing, honors, or financial rewards. Secondary analyses showed that public service lawyers were happier and more satisfied than other lawyers, including those in the most prestigious, highly paid positions. Further, across the sample, a number of personal routine and life style choices matched or exceeded the power of income, honors, and credentials as predictors of lawyer well-being.

Disclosure of these findings to law students, lawyers, and their teachers and employers may serve a number of important goals in these populations, including increased well-being, decreased stress, and improved performance and professionalism. The factors found in this study to bear most strongly on personal well-being are all matters of individual choice. Those choices ultimately determine the morale and functional quality of institutions and organizations, and the tenor of the legal profession.