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## Forming the Human Person: Can the Seminary Model Save the Legal Profession?

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# FORMING THE HUMAN PERSON: CAN THE SEMINARY MODEL SAVE THE LEGAL PROFESSION?

## I. INTRODUCTION

The legal profession is suffering. Professional development begins in law school, which is where the personal lives of lawyers and law students begin to unravel. As legal education encourages a mind that thrives, grows, and evolves, the soul of the law student atrophies, withers, and disappears in a fog of dysfunction.

Law schools are the seedbeds of lawyer socialization, implanting in the law student values, habits, and behaviors that he will carry with him throughout his career. Yet, while professional development begins in law school, so does lawyer dysfunction.

To date, the legal profession has addressed dysfunction by creating assistance programs for lawyers suffering from chemical dependency, alcoholism, and depression.<sup>1</sup> However, because these programs are reactive rather than proactive, they are ineffective at combating the cancer that is eating away at the lives of lawyers. While these programs are important, they are not sufficient, by themselves, to cure the profession. In order to fight dysfunction more effectively, the problem needs to be addressed at the point of inception: law schools.

As the legal profession struggles, legal education must lead the way in addressing the needs of tomorrow's lawyers. The current model, however, is not well equipped to help students learn coping strategies that will enable them to live full and healthy lives. I theorize that a new, more standardized model of legal education that includes a human formation component would produce healthier lawyers and would be the most proactive means by which we can combat lawyer dysfunction.

Such a human formation component exists in the training the Catholic priest receives while in seminary. Although scholars have often sought out examples of professional programs that could be templates for reinventing legal education, the graduate seminary program has yet to be

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1. Today, all fifty states offer some sort of Lawyer Assistance Program, according to the ABA Commission on Lawyer Assistance Programs. See Comm'n on Lawyer Assistance Programs, Am. Bar Ass'n, Directory of CoLAP Programs, <http://www.abanet.org/legalservices/colap/lapdirectory.html> (last visited Mar. 16, 2007).

considered.<sup>2</sup> Due to the program's focus on human formation, however, seminaries may provide the most comprehensive example of a formational program that law schools could replicate in an effort to produce healthy graduates and practitioners. Thus, the model of forming the human person that Catholic seminaries embrace may be valuable in the context of legal education.

Legal education can produce productive lawyers who remain satisfied with a lengthy career in the law, but the current model needs an overhaul. My discussion will begin with a look at dysfunction and dissatisfaction among those in the legal profession and contrast that with the satisfaction and happiness reported by Catholic priests. I argue that lawyers' and priests' dissimilar attitude towards their professions is caused by equally dissimilar formational training. After addressing the lives of both lawyers and priests, I will discuss the current model of legal education and an alternative model of graduate education found in Roman Catholic seminaries. Finally, I will give an example of an experimental human formation program found at one American law school and propose my own program,<sup>3</sup> drawing from the program used in seminary graduate education.

## II. THE LIFE OF THE LAWYER

### A. *Dysfunction and Dissatisfaction*

Today's lawyers are both "dysfunctional" and dissatisfied.<sup>4</sup> The legal profession suffers from alarmingly high rates of psychological impairment,<sup>5</sup> alcoholism,<sup>6</sup> substance abuse,<sup>7</sup> depression,<sup>8</sup> and divorce.<sup>9</sup>

2. While not overtly using other graduate programs as examples of law school reform, many authors compare legal education to other graduate and professional programs that have more positive outcomes, such as the academy and medicine. See Mitu Gulati et al., *The Happy Charade: An Empirical Examination of the Third Year of Law School*, 51 J. LEGAL EDUC. 235, 263–64 (2001) (suggesting that law schools borrow from the medical school model). See generally Carl A. Auerbach, *Legal Education and Some of Its Discontents*, 34 J. LEGAL EDUC. 43 (1984); G. Andrew H. Benjamin et al., *The Role of Legal Education in Producing Psychological Distress Among Law Students and Lawyers*, 11 AM. B. FOUND. RES. J. 225 (1986); Ann L. Iijima, *Lessons Learned: Legal Education and Law Student Dysfunction*, 48 J. LEGAL EDUC. 524 (1998).

3. It would be irresponsible to recommend we theologize law students, and at no point do I propose this model of legal education as a means for proselytism.

4. Iijima, *supra* note 2 (labeling the lives of lawyers as "dysfunctional" due to high rates of chemical dependencies and psychological maladies).

5. BENJAMIN SELLS, *THE SOUL OF THE LAW* 99 (1994) (citing that one in four lawyers suffers from "feelings of inadequacy and inferiority . . . social alienation and isolation . . ."); 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).

6. JEAN STEFANCIC & RICHARD DELGADO, *HOW LAWYERS LOSE THEIR WAY* 67 (2005)

For instance, some studies show that lawyers have a rate of depression four times greater than that of the general population.<sup>10</sup> In addition, pessimism among lawyers about their profession is dramatically high, and the number of lawyers who say they would choose to become lawyers again is desperately low.<sup>11</sup> American Bar Association studies show that between 1984 and 1990 the number of lawyers “very satisfied” with their jobs declined by twenty percent.<sup>12</sup> In fact, one poll conducted by the *California Lawyer* found that seven out of ten lawyers would “change careers if the opportunity arose.”<sup>13</sup> Among solo practitioners, fifty-five percent of females and forty-three percent of males reported being dissatisfied.

The most dissatisfied lawyers are female solo practitioners, fifty-five percent of whom reported being dissatisfied.<sup>14</sup> Additionally, forty-two percent of female partners and forty percent of female junior associates reported being dissatisfied with their job. At once this makes sense and does not quite “add up.” The high rate of dissatisfaction among solo-practitioners who are women is surprising since being a solo-practitioner offers the flexibility many mothers desire.<sup>15</sup> Such widespread dissatisfaction makes sense, however, when one considers that cash-flow issues, market fluctuations, professional isolation, and the adversarial nature of legal work combine to produce a stressful endeavor.<sup>16</sup>

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(stating that as many as 70% of lawyers are likely to experience problems relating to alcohol in their careers and that “[l]awyers as a group are very heavy drinkers, even more than undergraduates, law students, or the population at large”).

7. *Id.* (citing a study that revealed that over one in four attorneys had used cocaine at least once).

8. SELLS, *supra* note 5, at 99 (stating that of 105 professions, lawyers ranked first in depression). See also SUSAN DAICOFF, LAWYER, KNOW THYSELF 9 (2004) (proposing that 17–18% of all lawyers suffer from depression); Jon Jefferson, *But What Role For The Soul?*, A.B.A.J., Dec. 1991, at 60, 60 (citing a Johns Hopkins study that found 10% of lawyers suffered from depression, or twice the rate of the general population); Joan E. Mounteer, *Depression Among Lawyers*, COLO. LAW., Jan. 2004, at 33, 35 (stating that “[d]epression strikes the legal profession more often than any other profession”).

9. STEFANIC & DELGADO, *supra* note 6, at 68.

10. SELLS, *supra* note 5, at 99.

11. Maura Dolan, *Miserable with the Legal Life*, L.A. TIMES, June 27, 1995, at A1 (citing a 1994 RAND Corp. study).

12. STEFANIC & DELGADO, *supra* note 6, at 52 (citing *ABA Probes Sources of Lawyer Burnout*, N.J.L.J., Oct. 18, 1990, at 20).

13. Dolan, *supra* note 11 (citing a March 1992 *California Lawyer* poll).

14. Jefferson, *supra* note 8 (citing a 1990 ABA Young Lawyers Division study).

15. *Id.* While levels of dissatisfaction among male associates and partners at firms are alarming, the trend of dissatisfaction among women throughout every class of legal practice is particularly disturbing and raises a number of gender issues that are beyond the scope of this paper.

16. *Id.*

### B. Heavy Workload, Not Enough Time

In private law firms, where approximately seventy-four percent of lawyers work, the lawyer's life is not an easy one.<sup>17</sup> Billable hour requirements of most firms reach upwards of 1,900 to 2,000 hours per year.<sup>18</sup> While that may be the minimum requirement, it is not always the expectation, leading many lawyers to log more than 2,000 billable hours per year.<sup>19</sup> To reach such expectations, many lawyers work an average of fifty hours a week, some more than sixty.<sup>20</sup> Due to such hour requirements, many lawyers seem to have a common complaint: no time to pursue hobbies, enjoy a social life, or spend time with family.<sup>21</sup> In fact, seventy-four percent of lawyers at large law firms stated that billable hour requirements had negatively affected their personal lives.<sup>22</sup> As billable hour requirements and expectations force lawyers to work long hours, the workweek becomes an odyssey that isolates the lawyer from the world around him.

### C. Relationships or the Lack Thereof

The archetype of the modern lawyer is one of individuality, and becoming a lawyer means embracing this individuality as part of the self.<sup>23</sup> Chicago lawyer, psychotherapist and author Benjamin Sells describes the lawyer as "monkish," "the lone wolf," "the solitary champion," "the loner," and "the self-made success."<sup>24</sup> This personality of self-centeredness leads many lawyers to report feeling as if "there is a wall [of separation] between them and other people."<sup>25</sup> Sells explains that lawyers are trained to be uninvolved through objectivity and act out

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17. MARGARET Z. JOHNS & REX R. PERSCHBACHER, *THE UNITED STATES LEGAL SYSTEM* 37, tbl.2.3 (2002); see also BRIAN MELENDEZ, CHAIR, A.B.A. YOUNG LAWYERS DIV., *SURVEY: CAREER SATISFACTION* 3 tbl.1 (2000), [http://www.abanet.org/yld/satisfaction\\_800.doc](http://www.abanet.org/yld/satisfaction_800.doc) (indicating that in 2000, 72% of young attorneys were employed in private practice, up from 69.8% in 1995).

18. Susan Saab Fortney, *Soul for Sale: An Empirical Study of Associate Satisfaction, Law Firm Culture, and the Effects of Billable Hour Requirements*, 69 *UMKC L. Rev.* 239, 249 (2000).

19. *Id.* (citing a survey that revealed that 54% of the respondents in medium sized firms billed more than 2,100 hours per year).

20. Patrick J. Schiltz, *On Being a Happy, Healthy, and Ethical Member of an Unhappy, Unhealthy, and Unethical Profession*, 52 *VAND. L. REV.* 871, 891 (1999) (stating that 70% of those responding to a Michigan Law School survey worked an average of 50 or more hours per week, and more than 25% of respondents worked more than 60 hours per week).

21. STEFANIC & DELGADO, *supra* note 6, at 64.

22. *Id.* at 65.

23. SELLS, *supra* note 5, at 135.

24. *Id.*

25. *Id.*

this objectivity by being an “observer” rather than an actor.<sup>26</sup> Eventually some lawyers become so insular that they begin to distrust the world around them. They no longer trust others with their most intimate thoughts and feelings, and they avoid honest, open communication, wearing an impermeable outer shell to mask weaknesses and insecurities.<sup>27</sup>

Because intimacy requires transparency and a willingness to be close, this fear of vulnerability affects lawyers’ abilities to create and sustain intimate relationships.<sup>28</sup> Thus, as professional absorption sequesters lawyers within themselves, some lawyers shy away from relationships, and divorce is rampant in the legal profession.<sup>29</sup> As Sells states, “The law has managed to entrench itself against the very things that sustain and nurture love and intimacy. Fearing God-knows-what, the Law avoids getting close, ducks and covers, stepping back to get a little distance. . . .”<sup>30</sup> Ironically, while the relationship advantages of human intimacy would greatly benefit lawyers in dealing with the stresses of their profession, the characteristics of the profession itself plague interpersonal relationships that the lawyer needs in order to be a healthy human being.

### III. THE LIFE OF THE PRIEST

#### A. Satisfaction

In sharp contrast to the disappointed lawyer, Catholic priests report high levels of satisfaction with their profession. While only thirty percent of lawyers claim to be very satisfied with their jobs,<sup>31</sup> ninety-nine percent of priests surveyed said they were happy in their ministries.<sup>32</sup> In addition, over ninety-nine percent of priests indicated satisfaction with

26. *Id.*

27. *Id.* (stating that lawyers are taught to avoid honest, open communication, and often “hide their weaknesses from fear of attack”).

28. *Id.* at 65, 133–34.

29. Connie Beck et al., *Lawyer Distress: Alcohol-Related Problems and Other Psychological Concerns among a Sample of Practicing Lawyers*, 10 *J.L. & Health* 1, 6–9 (1996) (stating that women lawyers divorce at a rate twice that of physicians and one-third higher than that of teachers); Schiltz, *supra* note 20, at 880–81 (stating that lawyers have the highest divorce rate of any group of professionals).

30. SELLS, *supra* note 8, at 137.

31. STEFANCIC & DELGADO, *supra* note 6, at 53.

32. Paul perl & Bryan T. Froehle, *Priests in the United States: Satisfaction, Workload, and Support Structures* 21 (Ctr. for Applied Research in the Apostolate, Working Paper No. 5, 2002), available at [http://cara.gcorgetown.edu/pdfs/Priest\\_Paper5.pdf](http://cara.gcorgetown.edu/pdfs/Priest_Paper5.pdf).

their lives as priests,<sup>33</sup> and ninety-eight percent said they would become a priest again.<sup>34</sup> Only ten percent of priests indicated they have seriously thought about leaving the priesthood in the past five years.<sup>35</sup> In contrast, sixty percent of respondents to a *Michigan Weekly* poll said they would not choose to become lawyers again.<sup>36</sup>

Unlike lawyers, many of whom seem to dislike their jobs, priests generally remain incredibly satisfied and happy. This contrast exists despite the fact that priests, like lawyers, have incredibly busy, stressful lives. Although they have rewarding lives celebrating marriages, baptizing children, and enjoying the role of the religious elite, they also lead very emotionally taxing lives presiding at funerals, hearing intimate confessions, and counseling broken families, broken marriages, and broken people.

### *B. Heavy Workload, Not Enough Time*

Ministry has been described as a bottomless pit of never-ending sick calls, baptisms, marriages, administrative duties, program creation, and counseling.<sup>37</sup> That “pit” gets even more bottomless as fewer and fewer individuals enter into the priestly vocation.<sup>38</sup> The Catholic priest has a taxing life that requires his full commitment to his professional role of priest and his spiritual role as pastor. Forty-five percent of priests feel overwhelmed with the amount of work they have to do.<sup>39</sup> In the words of one former parish priest:

In a typical week I would celebrate mass, manage a million-dollar budget, draft a Sunday homily, respond to crises in the parish, calm down irate parents who have children at the parish school, make personnel decisions, attend evening meetings, preside at a funeral, counsel an engaged couple, and visit the sick in the hospital. If there was time I read, went to the gym, or took some personal time,<sup>40</sup> but this was often impossible or at least a very small part of my day.

As the number of priests continues to decline, the parish priest has

33. *Id.*

34. *Id.*

35. *Id.* at 23.

36. DAICOFF, *supra* note 8, at 6.

37. Stephen J. Rosetti, *Post-Crisis Morale among Priests*, AM. (Catholic Weekly Magazine), Sept. 13, 2004, at 8, 10, available at <http://americamagazine.org/gettext.cfm?articleTypeID=1&textID=3736&issueID=495>.

38. *Id.*

39. *Id.*

40. Telephone Interview with Rev. Msgr. Wilbur Davis, Dir. of Vocations, Roman Catholic Diocese of Orange, in Anaheim, Cal. (Nov. 10, 2005).

the largest workload in the history of clergy in the United States.<sup>41</sup> The most recent data indicate that fifty-three percent of Catholic priests work fifty-one to eighty hours per week, and eighteen percent work more than eighty hours per week.<sup>42</sup> In addition, most priests in the United States are never truly “off” when they leave the office. In fact, seventy-four percent of all non-retired priests, and ninety-one percent of all parish priests reported being on-call twenty-four hours per day.<sup>43</sup> Most priests only have one day off per week.<sup>44</sup>

A typical priest spends much of his day running a million-dollar organization. His administrative role detracts from his pastoral role, which is most likely what attracted him to the priesthood in the first place. In fact, seventy percent of priests would rather spend less time on administrative or supervisory tasks.<sup>45</sup> Indeed, thirty percent of parish priests indicate that they feel they are too busy to meet most of the pastoral needs of their parish.<sup>46</sup>

### C. Relationships

Of particular importance to the priesthood is the role support networks play in the life of the priest. Because priests recognize that they share in a stressful and taxing endeavor, they are typically active in support groups in which they fraternize and share time with their peers. In a 2002 study, forty-eight percent of priests indicated they had participated in a support group for priests during the past twelve months,<sup>47</sup> and fifty-four percent indicated they had participated in a support group during the last two years.<sup>48</sup>

Another element of support is the annual retreat that priests take. Almost every diocese holds an annual retreat that includes continuing education talks, time for fellowship, and time for theological reflection. According to the 2002 CARA poll, eighty-four percent of priests had attended an annual retreat with other priests from their diocese within the

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41. While the number of Catholics in the United States has reached 60 million and continues to grow, the number of Catholic priests in the United States (46,709) cannot keep up with church growth. Over 2,300 parishes are either without a resident pastor or share a pastor with a neighboring parish. See SECRETARIAT ON PRIESTLY LIFE & MINISTRY, U.S. CONFERENCE OF CATHOLIC BISHOPS, EXECUTIVE SUMMARY: STUDY OF THE IMPACT OF FEWER PRIESTS ON THE PASTORAL MINISTRY (June 2000), <http://www.usccb.org/plm/summary.htm>.

42. PERL & FROEHLE, *supra* note 32, at 26.

43. *Id.* at 25.

44. Telephone Interview with Rev. Msgr. Wilbur Davis, *supra* note 40.

45. PERL & FROEHLE, *supra* note 32, at 32.

46. *Id.* at 35.

47. *Id.* at 40.

48. *Id.*



past twelve months.<sup>49</sup> When asked if they had taken a personal retreat in the past twelve months, eighty-five percent of priests surveyed said yes.<sup>50</sup>

While the priest's life is incredibly busy, stressful, and rarely restful, priests remain incredibly happy and satisfied with their careers. Priests remain active in the lives of their brother-priests, and they cultivate relationships among their peers at high rates. While there is no statistical data to suggest causality, it must be more than a coincidence that cultivating support networks seems to neutralize the stresses of daily life, resulting in priests responding that they live satisfying lives and feeling that if given the chance they would become priests again.

#### IV. LAW SCHOOL V. SEMINARY

So why the large discrepancy between the rates of satisfaction reported by priests and lawyers? While some may offer other explanations for the happiness priests experience (e.g., a subjectively meaningful job, self-selection of people who attend seminary in the first place, or the social capital that comes with being one of the religious elite), I hypothesize that, for many, this satisfaction is due largely to the emphasis on human formation that begins in seminary and continues throughout one's priestly ministry. Our discussion of the professional and personal lives of lawyers, however, must eventually trace back to the genesis of these dysfunctional phenomena. Before law classes begin, prospective law students have a range of psychological profiles similar to those of non-law students.<sup>51</sup> Thus, some emotional, psychological, and social change occurs during the three years of law school that results in a disproportionate number of law students suffering from some sort of psychosocial dysfunction.<sup>52</sup>

##### *A. Law School, A Seedbed of Dysfunction*

###### *1. Identity*

As law students become immersed in law school, their interconnections, (the relationship between the student and the external world), and intraconnections, (the relationship between the student and

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49. *Id.* at 43.

50. *Id.* at 40.

51. Benjamin, *supra* note 2, at 246; *See also* Iijima, *supra* note 2, at 525.

52. Iijima, *supra* note 2, at 525-26.

himself), begin to dissolve.<sup>53</sup> While these connections used to be the basis of a prior sense of self, they are now replaced by new identifiers of self such as high grades, prestigious employment, and other markers of academic success.<sup>54</sup> Throughout law school, the student is molded into an individual who focuses on these new indices of self.

Law students' primary focus on these empirical and competitive markers of self worth allow for the dissolution of family, friend, and spiritual ties to be replaced by new social networks within the law school.<sup>55</sup> These networks maximize focus on individual ability and performance in a legal setting and minimize an idea of self that includes external dimensions.<sup>56</sup> Life begins to revolve around aspects of education that were, prior to law school, only some of many factors that contributed to the old, arguably more balanced identity.

## 2. *Depression and stress*

As law students develop a new measure of identity, they also report increased levels of stress. According to the American Psychological Association, chronic stress emerges when pressure is constant, unrelenting, and expected to continue.<sup>57</sup> This type of stress is first experienced by most would-be lawyers during the first year of law school. In a student survey conducted by Mitu Gulati, Richard Sander, and Robert Sockloskie, 13.5% of first-year students reported episodes of crying, 38.1% reported difficulty sleeping, and 12.1% reported episodes of feeling aggressive or violent.<sup>58</sup> Additionally, twenty-two percent of first-year students reported that law school had been "extremely stressful," and fifty-nine percent reported it had been "fairly stressful."<sup>59</sup> The study also revealed that when asked how often during the past week they felt depressed, 11.7% of first-year students felt depressed most of the time, and 45.8% felt depressed during a few passing periods.<sup>60</sup> Of third-year law students who found law school to be extremely or fairly stressful, the most frequently cited reasons for this stress included balancing school with outside life (sixty-one percent), worries about jobs

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53. *Id.* at 527.

54. *See Id.* at 527–28.

55. *Id.* at 528.

56. *Id.*

57. AM. PSYCHOLOGICAL ASS'N, APA HELP CENTER: THE DIFFERENT KINDS OF STRESS 2 (2004), <http://www.apahelpcenter.org/articles/pdf.php?id=21>.

58. Gulati et al., *supra* note 2, at 252, tbl.8.

59. *Id.* at 253, tbl.9.

60. *Id.* at 252, tbl.7. Depression is also one of the three stress emotions. *See* AM. PSYCHOLOGICAL ASS'N, *supra* note 57, at 1.

(sixty-one percent), and competition for grades (fifty-two percent).<sup>61</sup>

### 3. Competition

Law schools encourage intense academic competition by pitting intelligent students against each other for a small number of good grades.<sup>62</sup> Thus, with only a limited number of good grades available, many gifted students will earn disappointing academic marks—possibly for the first time in their lives.<sup>63</sup> As explained above, competition for grades is the source of much of the anxiety law students face. By pitting intelligent law students against each other in a free-market frenzy for the coveted “A”, law schools encourage an academic rat race. When hard work does not pay off, many students endeavor to work harder, often spending more time studying and less time attending to their friendships, intimate relationships, non-academic interests, and physical health and well-being.<sup>64</sup> Self-care is pitted against academic success, and since many law students believe academic marks to be indices of self worth, self-care often loses.

This conflict is constant throughout a student’s life in law school. There is always more to do, more to read, more to prepare for, and more to study in an effort to be at the top of the class. However, because of strict academic curves, no matter how hard *everyone* studies, only a select *few* will receive high marks. As a result, a “do more” mantra, which develops due to law schools’ intense competitive environments, is frozen in the law student’s new persona and accepted as part of the law student’s new sense of self.<sup>65</sup> It begins when the old identity is being shed. This mantra is accepted as part of the new identity being frozen into the law student’s sense of self. As a result, what is also frozen is an interior culture of detachment from relationships, inattentiveness to mental and physical health, and a predisposition to be unable to cope with stress and anxiety in healthy ways. Physical exercise is one of the first things to decline as academic focus increases.<sup>66</sup> This is at least part of the source of law students’ exhibitions of mood disturbances, depression, and loss of energy.<sup>67</sup>

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61. Gulati et al., *supra* note 2, tbl.10.

62. Iijima, *supra* note 2, at 527.

63. *Id.*

64. *Id.* at 528–30.

65. Clifford S. Zimmerman, “Thinking Beyond My Own Interpretation:” *Reflections on Collaborative and Cooperative Learning Theory in the Law School Curriculum*, 31 ARIZ. ST. L. J. 957, 974–975 (1999).

66. *Id.* at 529–530.

67. *Id.* at 530.

In addition, as law schools isolate law students from elements of their prior lives, they sequester the law students from the activities that once provided emotional balance.<sup>68</sup> Thus, what is also frozen is an interior culture of detachment from relationships, inattentiveness to mental and physical health, and a predisposition to be unable to cope with stress in healthy ways. As a result of this process, many law students develop unhealthy coping mechanisms, such as alcohol abuse.<sup>69</sup> They also may repress emotions, resulting in psychological impairment or dysfunction.<sup>70</sup>

### *B. The Graduate Theological Template: Forming the Human Person*

While law schools seem to create dysfunctional lawyers, seminaries seem to produce satisfied, happy priests.<sup>71</sup>

#### *1. The Seminary Model*

Unlike the law student, whose law school experience seems to damage relationships, in seminary, the future priest is encouraged to become aware of his interconnections and intraconnections and to cultivate those connections throughout his career. In addition, seminaries that teach today's seminarians of United States dioceses embrace a philosophy of forming and educating the whole person. Each seminary has a philosophy of intertwining pastoral formation, spiritual formation, academic formation, and human formation.<sup>72</sup>

Pastoral formation is the process through which seminarians learn counseling skills, begin to preach, attend talks on parish management, and learn how to fulfill their future roles as pastors.<sup>73</sup> Spiritual formation allows the seminarian to develop a life of prayer and to spend time seeking spiritual advice and guidance from one of the seminary's resident priests.<sup>74</sup> Academic formation refers to the academic courses a

68. Iijima, *supra* note 2, at 527.

69. *Id.* at 524.

70. *Id.* at 529.

71. Although 4% of Catholic priests in United States' dioceses were accused of molestation between 1960 and 2004, culminating in a 2002 scandal that greatly affected the Catholic community, the vast majority of priests are functional, spiritual individuals. See Alan Copperman & Caryle Murphy, *4% of US Priests Were Accused of Sex Abuse*, WASHINGTON POST, Feb. 28, 2004, at A.1.

72. The American College of the Immaculate Conception employs an example of a standardized formation program. See Am. Coll. of the Immaculate Conception, Seminary, <http://www.acl.be/Whatwedo/ACLprograms/Seminary/seminary.htm> (last visited Mar. 16, 2007).

73. Am. Coll. of the Immaculate Conception, Our Program of Priestly Formation: Pastoral Formation, <http://www.acl.be/Whatwedo/ACLprograms/Seminary/pastoral.htm> (last visited Mar. 16, 2007).

74. Am. Coll. of the Immaculate Conception, Our Program of Priestly Formation: Spiritual

seminarian takes while working towards his Master of Divinity, Bachelor of Sacred Theology, License in Sacred Theology, License in Canon Law, or Doctor of Philosophy.<sup>75</sup> Pastoral formation and spiritual formation are germane in particular to the priesthood. Academic formation is already alive and well in today's law schools. The final prong of seminary education, human formation, is neither germane solely to the priesthood, nor featured in traditional legal education. Human formation in Catholic seminaries focuses on addressing the inner responsibility of the seminarian to himself and the outer responsibility of the seminarian to the world.<sup>76</sup>

## 2. Human Formation

Human formation is an element of seminary education that addresses issues such as living in a small community, relationship building, healthy attachment, love, psychological health, social justice, physical fitness, and creating a life of balance.<sup>77</sup> The goal of human formation is to develop life skills and living habits that reach beyond the formational years and plant seeds of inner health that are reflected in outer contentment, engagement, and activity. A description on the St. Joseph Seminary website states:

The fundamental goal of the human formation program is to assist a seminarian to acquire lucidity and transparency with respect to himself; to favour unity and integration in all of life's dimensions; and to enable him to make free and responsible decisions.<sup>78</sup>

Because the priest is a human person first and a priest second, his development as a healthy human individual is the most important element of priestly education.<sup>79</sup> As Pope John Paul II wrote, "The whole

Preparation for Ministry, <http://www.acl.be/Whatwedo/ACLprograms/Seminary/spiritual.htm> (last visited Mar. 16, 2007).

75. A candidate for ordination must possess at minimum a Bachelor of Sacred Theology (STB) or Master of Divinity (MDiv), both of which would require five or six years of study in the Roman Rite. The License in Sacred Theology is usually earned within a year of earning the STB or MDiv and is an advanced theological degree. See Am. Coll. of the Immaculate Conception, Our Program of Priestly Formation: Academic Formation, <http://www.acl.be/Whatwedo/ACLprograms/Seminary/academic.htm> (last visited Mar. 16, 2007).

76. Am. Coll. of the Immaculate Conception, Our Program of Priestly Formation: Human Formation, <http://www.acl.be/Whatwedo/ACLprograms/Seminary/human.htm> (last visited Mar. 16, 2007).

77. *Id.*

78. St. Joseph Seminary, Human Formation, <http://www.stjoseph-seminary.com/cms/?q=node/6> (last visited Mar. 16, 2007).

79. POPE JOHN PAUL II, *PASTORES DABO VOBIS* ch. V, § 1, #43 (Mar. 25, 1992), available at [http://www.vatican.va/holy\\_father/john\\_paul\\_ii/apost\\_exhortations/documents/hf\\_jp-ii\\_exh\\_250319\\_92\\_pastores-dabo-vobis\\_cn.html](http://www.vatican.va/holy_father/john_paul_ii/apost_exhortations/documents/hf_jp-ii_exh_250319_92_pastores-dabo-vobis_cn.html).

work of priestly formation would be deprived of its necessary foundation if it lacked a suitable human formation.”<sup>80</sup>

Because seminarians live in close quarters, and because of their future professional requirements, psychological health is a central element of seminary formation.<sup>81</sup> Seminary communities address issues such as intimacy, anxiety, stress, coping skills, living as a celibate, friendship, and relational boundaries.<sup>82</sup> Seminaries provide in-house counseling for seminarians who require more attention for any psychological problems as well as off-site professional psychological counseling when needed. There is no charge to the seminarian for either.<sup>83</sup> Through group discussions, support groups, one-on-one counseling sessions, and dedication to growing together, seminarians become conscious of the many emotional issues that pull at them, affecting both their interpersonal and intrapersonal lives. Emotional maturity serves as the foundation of a fully developed spiritual and intellectual life.<sup>84</sup>

The graduate seminary has succeeded in creating a model that strives to form the whole person. While the priest is a professional theologian, academic formation in theology is not emphasized at the expense of his humanity. Rather, the seminary model is one of holistic formation and balance, which could be useful if applied to the legal realm. Theological education and legal education are not so different nor are they pursued by groups of students that are humanly so unique that the seminary model cannot be replicated in legal education. In fact, I argue that the two are not so divergent as to negate the ability of law school faculties to learn from the faculties of graduate seminaries regarding the formation of healthy individuals. In fact, one law school has tried to implement an analogous human formation program into its curriculum.

## V. FLIRTING WITH THE SEMINARY MODEL

### *A. The Collaborative Legal Studies Program at William Mitchell College of the Law*

One attempt to mitigate the psycho-social dysfunction that manifests

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80. *Id.*

81. Am. Coll. of the Immaculate Conception, *supra* note 76.

82. *Id.*

83. *Id.* (stating that the seminary will arrange for up to six sessions at no cost to the seminarian or the seminarian's home diocese although further sessions are expected to be paid for by the seminarian's home diocese).

84. DONALD B. COZZENS, *THE CHANGING FACE OF THE PRIESTHOOD* 30 (2000).

itself in law school is a program at William Mitchell College of the Law called the Collaborative Legal Studies Program (CLSP).<sup>85</sup> Ann L. Iijima, a law professor, and Richard Wagner, an on-site social worker at William Mitchell College of the Law, began the program during the 1997-1998 academic year, and fourteen students volunteered to participate.<sup>86</sup>

While William Mitchell College of the Law has established a counseling center for all law faculty, staff, and students, and while it requires all first-year students to attend talks on alcohol use, professional conduct, and related topics, CLSP is another prong in the law school's comprehensive attempt to combat dysfunction.<sup>87</sup> While the program attracted a relatively small group of students during its pilot year, the intimate setting allowed open discussion of very personal issues.<sup>88</sup>

Professor Iijima designed the CLS Program to focus on combating dysfunction by encouraging law students to sustain interconnections and intraconnections that are integral to physical, mental, emotional, and psychological health.<sup>89</sup> Those who participate in the program agree to track certain activities on a weekly balance sheet. Activities are grouped into the areas of "academic," "emotional/spiritual," "family/friends/community," and "physical."<sup>90</sup>

Academic activities include participating in class, studying with a friend or in a group, utilizing professors' office hours, and attending events sponsored by the law school.<sup>91</sup> Emotional/spiritual activities include attending a religious service, journal-writing, or meditating.<sup>92</sup> Family/friends/community activities might include communicating with people in your life, attending family events, spending time with friends in a non-law school activity or some other related activity.<sup>93</sup> Physical activities include both moderate and vigorous exercise.<sup>94</sup> Students are encouraged to pursue activities in each category every week, and each activity carries with it a point value.<sup>95</sup> Students indicate that they are pursuing a balanced life in law school by pursuing activities across the

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85. Iijima, *supra* note 2, at 537.

86. *Id.* at 537, n.66.

87. *Id.* at 537.

88. *Id.*

89. *Id.*

90. *Id.*

91. *Id.*

92. *Id.*

93. *Id.*

94. *Id.*

95. *Id.*

spectra and consistently balancing activities each week of the semester.<sup>96</sup>

Professor Iijima designed this program in response to the dysfunction that begins in law school and is rampant in the legal profession. While she recognizes that alleviating competition for grades would alleviate isolation, Professor Iijima theorizes that the decline of interconnections and intraconnections is what primarily leads to dysfunction. She believes any proposed solution must address these losses.<sup>97</sup>

Because the population of volunteer participant-students is quite limited (fourteen per year, by design), the program would have to continue for a few years before a critical universe of subjects to poll would develop. The program, though, indicates an important first step taken by an American law school to actively address and combat dysfunction within its hallways and after graduation.

### *B. A Proposed Program*

A proactive program, such as CLSP, incorporated into every law school's curriculum, may be the most effective way to respond to dysfunction in the legal profession. While longitudinal data is nonexistent to measure the effectiveness of such a program, program costs are minimal compared to potential benefits. Because law schools in general suffer from a lack of attention to law students' human needs,<sup>98</sup> any such program would be a step in the right direction. By planting seeds of healthy living, law schools can attempt to maintain law student mental health at rates comparable to their non-law student peers.

The seminary model offers a template of well-rounded formation that law schools could replicate in the form of a program that balances intellectual formation with a comprehensive human formation component. Seminaries operate as communities where seminarians interact in small groups, live together, and share personal space and intimate conversations with each other.<sup>99</sup> Law schools can replicate this component of seminary education by accepting smaller classes and dividing the entire class into small sections for a greater portion of their academic classes.

Seminaries offer structured time each week during which seminarians meet to discuss pertinent and timely personal issues in the realms of love, loneliness, stress, anxiety, family problems, and intra-

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96. *Id.*

97. *Id.* at 532–33.

98. 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).

99. Am. Coll. of the Immaculate Conception, *supra* note 76.



seminary conflicts.<sup>100</sup> These meetings allow seminarians to personally connect with each other and share common emotions that all face or will face in the future. Law schools could easily structure time each week devoted to small group discussions on common issues law students face. These facilitated conversations would allow law students to talk about how an issue (e.g., alcohol use, exercise, intimacy, relationships, family life, etc.) impacts him or her personally. They would also allow groups to discuss solutions to common problems and strategies for healthy coping and happy living.

Law schools do a poor job of attending to the human needs of their students and do not concern themselves with producing a well-rounded graduate.<sup>101</sup> In my proposed program, law schools would actively encourage students to exercise, participate in community activities and community service outside of the law school (and possibly outside of the law), appreciate culture and the arts, and positively interact with classmates. Law schools without exercise facilities could work with community gyms to provide a discounted or complimentary annual pass to students. Law schools could also organize discounted nights at the local theater, opera, or art gallery to encourage students to enjoy these expressions of human spirit and talent. Deans could reach out to community service organizations and offer the law students' help to aid with their charitable work. Simultaneously, deans could stress the importance of community service and encourage students to help form a partnership between the law school and the community.

Seminaries are attentive to the psychological needs of their students and offer in-house counseling and outside psychological help to seminarians in need.<sup>102</sup> Law schools ideally would follow this model by recruiting an in-house, resident, professionally-trained counselor that would be available for student needs and problems. Law schools could also create and sustain relationships with outside psychologists to which students would be referred depending on their problem.

Finally, law schools need to take an active role in breaking down the invisible wall that separates students and faculty. Not only do seminary faculty members live on seminary grounds, each seminarian is appointed a spiritual director from among the faculty, with whom they meet regularly.<sup>103</sup> Obviously, law school faculty could not live with law students, but professors could be encouraged to take a more active role in mentoring students, hosting social evenings, or leading group trips to the

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100. Am. Coll. of the Immaculate Conception, *supra* note 74.

101. Krieger, *supra* note 98, at 112, 120.

102. Am. Coll. of the Immaculate Conception, *supra* note 76.

103. Am. Coll. of the Immaculate Conception, *supra* note 74.

opera, baseball games, or other activities.

For a variety of reasons, lawyers may never report satisfaction at rates as high as priests. Mitigating, proactive programs, however, will be deemed successful if they can reverse the alarming trends of increased lawyer dysfunction.

## VI. CONCLUSION

How many lawyers must leave the legal profession before law school deans implement programs that ensure *their* students will experience longevity and fulfillment in their careers and satisfaction in their personal lives? How high do rates of alcoholism, drug abuse, suicide, divorce, and psychological impairment have to climb before the Association of American Law Schools and American Bar Association mandate that law schools enact some sort of program that addresses dysfunction? How long must we “tilt at windmills” before the legal profession tackles the real problems it faces? How long must the profession encourage reactive measures such as lawyer assistance programs before the profession acts offensively to implement measures that prevent the development of these problems?

These questions, while largely rhetorical as presented here, are the questions that must be asked if dysfunction is to be addressed effectively. The legal profession is experiencing a downward spiral of many of its professionals in the form of addiction and dysfunction, broken relationships, and a lost sense of self. Stop-gap measures such as assistance programs do not seem to be having a significant affect on these problems. Rates of dysfunction continue to rise despite the availability of these programs.

Proactive measures seem to be the most effective way to respond to increasing dysfunction in the profession. The CLSP pilot program at William Mitchell College of the Law is one example of a proactive program that aims to have a long-term effect on law student and lawyer mental health. It is a program designed to *avoid* problems rather than one that merely *reacts* to them. Similar programs that focus on forming the whole person, comparable to the seminary program, could be used to help decrease high rates of lawyer dysfunction and dissatisfaction.

While both law schools and seminaries encourage intellectual formation and expect that their students master the subjects they study and become effective practitioners, seminaries have succeeded in forming a more balanced, happier, more psychologically stable set of graduates. In contrast, law schools and the legal profession have fostered dysfunction in the lives of lawyers.

The human formation program in seminaries inculcates in seminarians the habits needed to cultivate effectively intraconnections and interconnections, healthy friendships, and ways of dealing with emotions in a healthy way throughout one's priestly career. The seeds planted during theological education are cultivated throughout a priest's career by means of support groups, retreats, and other methods of personal care. Though they work long hours, are incredibly busy, and sometimes cannot tend to all the needs of their parishioners, priests are nonetheless overwhelmingly happy and satisfied.

If the legal profession is to experience decreasing rates of psychological impairment, alcoholism, substance abuse, depression, and divorce, law school deans, administrators, and professors must acknowledge that dysfunction begins during the three years law students are under their tutelage. According to Ann L. Iijima, "If [this dysfunction] is to change, law schools need to acknowledge at least partial responsibility for the dysfunction and, to the extent possible, reduce the causes."<sup>104</sup> Reducing the causes translates to offering a program that mitigates the amount of dysfunction in the student body and ultimately in the profession. A successful program will be one that allows law students to sustain interconnections and intraconnections, minimizes anxiety over grades, and effectively balances human formation and academic formation during the three-year course of studies.

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104. Iijima, *supra* note 2, at 538.

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