

PURSUING HAPPINESS

Pursuing Happiness

One Lawyer's Journey



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CAROLINA ACADEMIC PRESS

Durham, North Carolina

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LIBRARY OF CONGRESS CATALOGING-IN-PUBLICATION DATA

Names: Jaeger-Fine, Desiree, author.

Title: Pursuing happiness : one lawyer's journey / by Desiree Jaeger-Fine.

Description: Durham, North Carolina : Carolina Academic Press, 2021.

Identifiers: LCCN 2021019277 (print) | LCCN 2021019278 (ebook) |

ISBN 9781531019518 (paperback) | ISBN 9781531019525 (ebook)

Subjects: LCSH: Law--Study and teaching--Psychological aspects. |

Law--Psychological aspects. | Happiness--Psychological aspects.

Classification: LCC K346 .J34 2021 (print) | LCC K346 (ebook) |

DDC 340.092 [B]--dc23

LC record available at <https://lcn.loc.gov/2021019277>

LC ebook record available at <https://lcn.loc.gov/2021019278>

Carolina Academic Press
700 Kent Street
Durham, North Carolina 27701
(919) 489-7486
www.cap-press.com

Printed in the United States of America

Toni
Forever and a day

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Preface

I studied law in Germany and the U.S., and thus am educated both in the civil and common law traditions. The German legal and educational systems are quite different from the U.S. legal and educational systems, and I feel lucky to have experienced both. There are many apparent differences between European and U.S. methods of legal education, but the most striking for me was the prevalence of mental health problems in U.S. law schools. The pain and torment that I saw in my peers' eyes felt like a culture shock and a human tragedy. It seemed as if the toll on students' mental health was not only an accepted characteristic of law school life but that there was a sense of pride in the belief that law school must be a grueling and overwhelming ordeal to adequately prepare students for legal practice. Having learned of the suicide of a bright young law student, I decided to look into this problem with the sincerity that it deserves. I now work in legal education and recognize this issue both as an impediment to success and a failure to protect our future generation of lawyers.

This book is not meant to critique legal education but rather to serve as a refuge for law students. In this preface, I outline what I believe are the reasons for law student unhappiness. Subsequent chapters offer suggestions to help dismantle certain unhealthy thought patterns that education fosters so that students can find solace in and beyond the law.

Competition

We live in a tremendously competitive environment, and competitive success is seen as a source of happiness. Life is treated as a contest in which respect is to be accorded to the victor. We spend much of our lives competing to win at games without giving much thought to whether or not we want to play. First, many compete to get into a prestigious high school. Then we compete to get into a prestigious college, where we compete for grades. Then we compete for LSAT scores. Then we compete to get into a prestigious law school. Then we compete for law school grades, law journals, clerkships, and jobs. After years of conditioning, are we going to stop competing? Are we going to stop comparing ourselves to others? Of course not. We will keep competing—competing to bill more hours, attract more clients, win more cases, and earn more money.

We feel this struggle for success, just like our ancestors felt their battle for survival. The glorification of superhuman effort and achievement makes us believe that only a successful human being is worthy of having been born. We feel as if we are only truly seen when we outshine our peers. This combat mentality causes discord within us. Deep down, most of us want nothing more than to have a safe and reasonably comfortable life with meaningful work, a loving family, and caring friends.

Issue Spotter

Studying law has a natural tendency to produce discord. As law students, we are trained to look for and anticipate issues. We are trained to view life as a set of problems waiting to happen. If we cannot spot the issue in an exam, if we cannot anticipate problems when we draft a contract, we have failed. The world of a lawyer is a world of problems. This is underscored by the fact that law is an adversarial system. This notion is introduced early on in our law study, as appellate decisions form the mainstay of legal education, especially in first-year doctrinal courses. And as agents of others,

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much of our work is as advocates promoting particular positions, whether those positions are advocated in the courtroom or the boardroom. With its emphasis on conflict, this issue- and position-centered training compromises our natural zest and appetite for the beautiful.

Discipline

Legal education places a virtually singular value on rigorous, objective, analytic thinking, which minimizes the perceived utility of other kinds of thinking. Much of our unhappiness as law students is tied to the rigorous analytical approach inherent in teaching us to think like lawyers. This approach depletes creativity and compels us to value facts over imagination, rules over context, consistency over ambiguity, and rationality over emotion. It is no wonder that we begin to exhibit signs of distress during our studies given this method of thinking—coupled with the heavy workload; the crushing competition for grades, journal membership, clerkships, and other top jobs, and other external standards of success; as well as the Socratic method, which induces stress and exposes ignorance (or perceived ignorance).

The Good Fight

Many of us also experience a form of cognitive dissonance during law school. Many decide to pursue a career in law because of service-oriented values, values that dissipate during and are largely anomalous to law study. Due to insurmountable debt, many of us feel pressured into a career we might otherwise not have chosen.

For Our Future

The ambition fostered before and during law school places an undue emphasis on the future. Our mind is often ahead of both its time

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and its capacity. We are driven by promises, hopes, and assurances as a horse is driven by a whip. In the guise of professional development, we are trained to meditate on our shortcomings. We are continuously confronted with an image of ourselves as we ought to be, which is in continual conflict with who we are at the moment. This dissonance with self destroys the essential quality of life.



If all of this sounds hopeless, I promise that it does not have to be that way. We are more than competitive, success-hungry, and issue-spotting machines. We can be happy. It is time for a revolution!