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Career Services and Student Affairs: Helping Each Other Help Our Law Students¹

By Amy Perez and David Jaffe

Most students come to law school with two main goals in mind: obtaining a quality education and employment after graduation. Some students arrive at law school with any number of pre-existing issues that hinder the pursuit of their goals, and others develop these types of issues later on. Regardless, we know from a recent survey focusing on law student well-being² that many law students are drinking excessively,³ taking drugs not prescribed to them,⁴ and expressing high rates of depression and/or anxiety,⁵ all of which affect their academic and job pursuits. Equally concerning is law students' reluctance to seek help for these issues. Among the top reasons why students reported being discouraged from seeking help were concerns that doing so would jeopardize their bar admission, current job, or academic standing.⁶

As many of us have experienced firsthand, these issues and concerns often manifest during students' meetings with their career advisor. As a result, career advisors can be in one of the best positions to help identify students who are struggling with mental health or substance use issues, especially since students are typically hesitant to seek help from a dean of students.⁷ The presumption here is that each student believes he is the only one visiting the dean of students; hence, stigma becomes a significant factor in not visiting the office. Also, there is a belief that the dean of students will have to report anything she learns to the bar examiner, thus adding a further deterrent to that visit taking place. At a minimum, by adding another group of professionals who can engage our law students, we can increase the likelihood that our students will seek the help they need. With this in mind, below are several ways that those in career services can partner with their dean of students⁸ to support law students.

Know Your Protocols and Resources

First and foremost, know what you are expected to do about students of concern. Does the dean of students want to be made aware of non-urgent issues, or is there someone else with whom you should discuss such concerns? If a student appears to be in crisis, who are you expected to call? If you are not the head of your career services office, know what the protocol is beyond telling your immediate supervisor, in the event an urgent situation arises while he or she is out of the office or otherwise unreachable.

Also, know the key resources that are available within your law school and elsewhere for students who are struggling with mental health or substance use issues so that you can share this information with students in a confident and non-judgmental manner. This will help you gain trust, as someone with whom the student can feel comfortable opening up. With that being said, be careful not to inadvertently take on the role of therapist, which you can avoid by emphasizing the effectiveness of seeking help from a trained professional. Two available resources are your university's counseling center and your state's Lawyer Assistance Program (LAP).⁹ Most counseling centers and state LAPs offer confidential support and mental health assistance to law students.

If possible, ask the dean of students to meet with the career services office once a year to discuss general observations regarding your law students' well-being and best practices for responding to certain issues, as well as to talk through common scenarios. Share this information with new hires during the on-boarding process.

Early Identification Is Ideal

Given the number of students we work with on a daily basis, it is inevitable that our efforts to support their well-being will be largely reactive. However, there are steps we can take to intervene more proactively in some cases.

Common symptoms of a student in distress include persistent sad, anxious, or empty mood; feelings of hopelessness or helplessness; extreme fatigue or lethargy; eating disturbances; and difficulty making decisions. All-or-nothing thinking is also common in people with anxiety or depression and often means only seeing the downside to any given situation. While loss of perspective, to some degree, is normal in law school, if a student is exhibiting any of these behaviors or thought patterns it is an opportune time to check in with the dean of students' office. This may enable the dean of students to "connect the dots" regarding an emerging mental health issue.

A student who repeatedly no-shows for appointments or appears disheveled, irritable, or "spaced out" might also benefit from a check-in by the dean of students' office. Mock interviews are a good opportunity for you to assess students who might be struggling, paying close attention to flat affect or anxiousness beyond typical interview jitters. Above all, trust your gut — do not hesitate to put the job search discussion on hold to focus on a student's more immediate need for support related to their well-being. If a student seems reluctant to do so, stress that a period of self-reflection may ultimately allow him to return to his job search faster and in a healthier frame of mind, thus increasing his odds of success.

Be Sensitive to Character and Fitness Concerns

It is not uncommon for students, especially 1Ls, to have the misconception that counseling for situational stress associated with the demands of law school, a break up, family issues, etc., must be disclosed on the "Character and Fitness" portion of a bar application and may preclude their admission to practice. In the vast majority of (if not all) states this is not the case, as an increasing number of bar examiners are focusing on conduct or behavior and not diagnosis. Familiarize yourself with your state bar's mental health and substance use related questions so that you can clear up any misconceptions on the

spot. While you are not expected to be an expert on bar disclosures, knowing this basic information can give you instant credibility and be the deciding factor in a student seeking help.

In some instances, a student's character and fitness concerns might be legitimate, such as matters surrounding an arrest, hospitalization, or inpatient treatment. If a student shares this type of information with you, perhaps in the context of inquiring whether it would preclude employment with a particular type of employer or explaining a gap in work or educational history, know who to direct the student to for a more in-depth discussion. At some schools, that may be someone other than the dean of students. To encourage follow up, you might also say something like, "Thank you for your willingness to share that information. I can appreciate it might have been difficult to do so. Have you spoken with anyone else about it? Dean Smith has much experience in this area and would be happy to help guide you." Anecdotally, we have reason to believe that most applicants with a history of treatment for mental health or substance use issues are ultimately admitted to practice. However, it is important to recognize and, as best we can, counteract the chilling effect that invasive questions around these areas may have on students seeking help while in law school.

All of us who work in career services and student affairs share the "badge of honor" in being on the front line when working with students in need of help. To be sure, a law school dedicated to its students must make an effort on all fronts. By working together, we can identify students' emerging mental health and substance use issues before they escalate. We can also help guide students through crises and other difficult situations with the sensitivity and care that they deserve. ■

ENDNOTES

¹ Portions of this article were originally published in "The Key to Law Student Well-Being? We Have to Love Our Law Students," authored by David Jaffe for the February 2018 issue of *PD Quarterly*. Available at https://www.nalp.org/view_pd_quarterly/?documentID=4038&PDQuarterlyIssueID=15.

² J.M. Organ, D.B. Jaffe, and K. Bender, "Suffering in Silence: The Survey of Law Student Well-Being and the Reluctance of Law Students to Seek Help for Substance Use and Mental

Health Concerns,” 66 J. LEGAL EDUC. 116 (2016). Available at: <https://jle.aals.org/home/vol66/iss1/13/>.

³Id. at 127-133.

⁴Id. at 134-136.

⁵Id. at 136-138.

⁶Id. at 141.

⁷Id. at 140.

⁸We use “dean of students” as the term for the person charged with seeing to the welfare of students at a law school, recognizing that this role will vary in title and position(s) from school to school.

⁹Available at: https://www.americanbar.org/groups/lawyer_assistance/resources/lap_pro-grams_by_state.html.

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