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WORK-LIFE BALANCE AND THE NEED TO GIVE LAW STUDENTS A BREAK

Jonathan Todres*

ABSTRACT:

It has long been understood that joining, and staying in, the legal profession is not good for one's health. Research shows that attorneys experience alcoholism, depression, and other mental health issues at higher rates than the general population. Similarly, there is significant research showing the detrimental effects of law school on many students' well-being. We have known for years that students' happiness and well-being tends to decline over their law school years, yet the response by most law schools has been patchwork, slow, and largely reactive. An unhealthy work-life balance remains the norm. This Article calls on law schools to do more to create a climate and culture in which students can achieve a healthier work-life balance. While there are a range of issues that need to be addressed, this Article focuses on the specific issue of law school culture discouraging taking time off. Ultimately, if law students—the newest members of our profession—are going to achieve and maintain a healthy work-life balance, it is not enough for law schools to simply encourage students to take care of themselves. Law school faculty and administrators need to create the conditions in which self-care is not only possible but welcome. A key component of that includes enabling students to take time off.

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INTRODUCTION

One of the most worthwhile assignments I have given to students in the past fifteen years was to stop working. Literally. I assigned them a 72-hour break from work.¹ I did this out of growing concern that law schools are not doing enough to address the nonstop nature of the law school work culture and its adverse effects on student well-being.

It has long been understood that joining, and staying in, the legal profession is not good for one's health.² Research shows that "lawyers disproportionately experience alcoholism, depression, and other mental health issues."³ Similarly, there is significant research showing the detrimental effects of law school on many students' well-being.⁴ We have known for a while that students' happiness and well-being tends to decline over their law school years.⁵ Although law schools have

¹ Jonathan Todres, *An "Alternative Assignment" for Law Students*, JONATHAN TODRES (Apr. 27, 2021), <http://jonathantodres.com/blog/2021/4/27/an-alternative-assignment-for-law-students> [https://perma.cc/7AF5-LG6R]; see also *infra* Part II.

² 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, 268 (2011) ("[T]he fact that roughly 80% of lawyers consistently describe themselves as being 'satisfied' still has to be reconciled with the separate empirical data that indicates lawyers disproportionately experience alcoholism, depression, and other mental health issues."); William W. Eaton et al., *Occupations and the Prevalence of Major Depressive Disorder*, 32 J. OCCUPATIONAL MED. 1079, 1083 (1990) (Of all professionals in the United States, lawyers suffer from the highest rate of depression after adjusting for socio-demographic factors, and they are 3.6 times more likely to suffer from major depressive disorder than the rest of the employed population.); Martin E.P. Seligman, Paul R. Verkuil & Terry H. Kang, *Why Lawyers Are Unhappy*, 10 DEAKIN L. REV. 49, 53 (2005) ("Lawyers are also at a greater risk for heart disease, alcoholism and drug use than the general population.").

³ Organ, *supra* note 2, at 268.

⁴ See, e.g., Lawrence S. Krieger & Kennon M. Sheldon, *What Makes Lawyers Happy: A Data-driven Prescription to Redefine Professional Success*, 83 GEO. WASH. L. REV. 554, 560 (2014) ("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."); see also 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 (2009); Jerome M. Organ, David B. Jaffe & Katherine M. 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), <https://jle.aals.org/cgi/viewcontent.cgi?article=1370&context=home> [https://perma.cc/A9H9-Q2NG]; 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).

⁵ G. Andrew H. Benjamin, Alfred Kaszniak, Bruce Sales & Stephen Shanfield, *The Role of Legal Education in Producing Psychological Distress among Law Students and Lawyers*, 11 AM. BAR FOUND.

become more aware of the need to address student well-being,⁶ progress has been patchwork, slow, and largely reactive.⁷ One of the enduring hallmarks of law school and the legal profession seems to be an unhealthy work-life balance. This Article calls on law schools to do more to create a climate and culture in which students can achieve a healthier work-life balance. While there are a range of issues that need to be addressed, this Article focuses on the specific issue of law school culture discouraging taking time off.⁸ Ultimately, if law students—the newest members of our profession—are going to achieve and maintain a healthy work-life balance, it is not enough for law schools to simply encourage, or even urge, students to take care of themselves. Law school faculty and administrators need to create the conditions in which self-care is not only possible but also welcome. A key component of that includes enabling students to take time off.

I. SAYING “TAKE CARE” IS NOT ENOUGH

Since I started teaching full time in 2005, discussions among faculty about student well-being have become much more common. Law schools have added a

RSCH. J. 225, 246–47 (1986); Sheldon & Krieger, *supra* note 4, at 282 (2004); Krieger & Sheldon, *supra* note 4, at 556–57.

⁶ Jordana Alter Confino, *Where Are We on the Path to Law Student Well-Being?*, 68 J. LEGAL EDUC. 650, 703 (2018) (“A number of law schools have made great strides in the areas of health focused orientation programming, physical well-being offerings, and LAP engagement. Moreover, a handful of schools have emerged as trailblazers in this arena, developing innovative courses and programs designed to promote holistic well-being, and devising creative strategies for engaging all members of the law school community in these endeavors.”).

⁷ See Peterson & Peterson, *supra* note 4, at 361 (“Almost universally, however, these programs are reactive; they respond to students’ requests for help by directing severely distressed students to a mental health counselor in the student assistance program (SAP) at the university of which the law school is a part”). In addition, many initiatives are not integrated into the core of legal education. See Kathryn M. Young, *Understanding the Social and Cognitive Processes in Law School that Create Unhealthy Lawyers*, 89 FORDHAM L. REV. 2575, 2595 (2021) (“[T]he forms many law school wellness initiatives take are decidedly remedial. They tend not to be integrated into the structure of law school; rather, they are typically relegated to orientation, lunch talks, and electives or clubs.”).

⁸ See, e.g., Young, *supra* note 7, at 2579–93 (discussing the array of student well-being issues to address); Gerald F. Hess, *Heads and Hearts: The Teaching and Learning Environment in Law School*, 52 J. LEGAL EDUC. 75, 78 (2002); Ben Gibson, *How Law Students Can Cope: A Student’s View*, 60 J. LEGAL EDUC. 140, 142 (2010).

variety of support services, such as mindfulness programs,⁹ on-site counseling,¹⁰ and online mental health screening tools.¹¹ In addition, many, if not most, law professors today reject the traditional Socratic style approach to law school classes, where suffering was considered a rite of passage.¹² They have instead adopted “a kinder, gentler” Socratic method or other teaching practices aimed at making law school classes less anxiety-provoking.¹³ However, while many law school faculty have adopted new teaching methodologies, the structure of law school has not changed significantly, and a healthy work-life balance remains elusive for many students. Law students feel a constant pressure to work.¹⁴ A report on students’ mental health at Yale Law School found that “many students perceived the ‘pressure cooker’ environment of the law school as encouraging over-commitment, isolation, and a widespread perception that activities promoting mental health are indulgent or unnecessary.”¹⁵ Similarly, a Florida State University law student explained:

Law students are notorious for living “unbalanced” lives and many take great pride that law school consumes such a great deal of their time. Especially in the first year, this attitude is not viewed as the beginning stages of burn out but simply as the signs of a hard worker. Law school is known for late nights, high doses of caffeine, ignoring one’s family, and embracing seclusion and isolation for the

⁹ Scott Rogers, *Making a case for mindfulness and law student wellness*, ABA STUDENT LAWYER (Apr. 13, 2016), <https://abaforlawstudents.com/2016/04/13/making-a-case-for-mindfulness-and-law-student-wellness/> [https://perma.cc/59C3-NCS4].

¹⁰ Confino, *supra* note 6, at 654.

¹¹ *Id.* at 660.

¹² Section on Legal Education and Admissions to the Bar, *Twenty Years After the MacCrate Report: A Review of the Current State of the Legal Education Continuum and the Challenges Facing the Academy, Bar, and Judiciary*, AM. BAR ASS’N (Mar. 20, 2013), https://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/council_reports_and_resolutions/june2013_councilmeeting/2013_open_session_e_report_prof_educ_continuum_committee.pdf [https://perma.cc/UC45-MARF].

¹³ *Id.*

¹⁴ Jessie Agatstein et al., *Falling Through the Cracks: A Report on Mental Health at Yale Law School*, 34 (2014), https://law.yale.edu/sites/default/files/area/department/studentaffairs/document/falling_through_the_cracks.pdf [https://perma.cc/WVM2-KTQ3].

¹⁵ *Id.*

month prior to exams. Many students hope to live a balanced life, but the reality is that few law students are able to develop a plan to pull it off.¹⁶

In the 2021 survey administration of the Law School Survey of Student Engagement, nearly half of law students reported averaging five or fewer hours of sleep per night (including weekends).¹⁷ In addition, 43.6% of respondents reported five or fewer hours of relaxing or socializing per week, and an additional 32.1% reported only 6–10 of relaxing or socializing per week.¹⁸ Moreover, these burdens were not evenly distributed, as even higher percentages of students of color reported little sleep or relaxation time.¹⁹

Ironically, as attention to law student well-being has increased, law schools have also brought new pressure to bear on students—notably, through the push to ensure students are more practice ready upon graduation. Pedagogical innovations designed to make law school more humane and improve training of students may well exacerbate the pressure students feel to work nonstop. For example, the traditional law school course assigned reading for each class and gave a winner-take-all exam at the end of the semester. While this has correctly been identified as a suboptimal way to learn, adding assignments and experiential learning exercises throughout the semester puts more pressure on students.²⁰ These pedagogical changes are well-intentioned and have benefits (e.g., in-semester assignments enable students who do not test well to excel in other ways and earn good grades;

¹⁶ Gibson, *supra* note 8, at 142.

¹⁷ Data from the administration of the 2021 Law School Survey of Student Engagement shared by LSSSE and on file with author.

¹⁸ *Id.*

¹⁹ *Id.* (highlighting, for example, that among Black or African American law students, 68.3% reported averaging 5 or fewer hours of sleep per night, and 60.4% of Hispanic or Latino students reported the same. In addition, eighty percent of American Indian and Alaskan Native students reported five or fewer hours of relaxing and socializing per week).

²⁰ SECTION ON LEGAL EDUC. AND ADMISSIONS TO THE BAR, COMM. ON THE PROF. EDUC. CONTINUUM, AM. BAR ASS'N, TWENTY YEARS AFTER THE MACCRATE REPORT: A REVIEW OF THE CURRENT STATE OF THE LEGAL EDUCATION CONTINUUM AND THE CHALLENGES FACING THE ACADEMY, BAR, AND JUDICIARY (Mar. 20, 2013).

experiential learning improves understanding and better prepares students for practice; etc.),²¹ but they also have underrecognized costs.²²

In other words, despite recent efforts to reform the law school curriculum, in many respects we are continuing to train successive generations of professionals who are conditioned to accept that a legal career involves endless work, often at the sacrifice of family, friends, and personal well-being. Therefore, it is not a surprise how many hours attorneys work or how many lawyers suffer adverse mental health issues.²³ Many in our profession are deeply unhappy, but they have been enculturated to expect and accept too much work and sacrifice personal happiness, well-being, and other aspects of life to complete the work assigned to them.²⁴

Enter the COVID-19 pandemic, which upended the way law schools (and universities) do business.²⁵ For many faculty and administrators, the impact of the pandemic highlighted how much pressure and strain many law students were living under (and had been enduring even prior to the pandemic).²⁶ Again, these burdens often fell disproportionately on students of color, women, first-generation students,

²¹ See Tiffany D. Atkins, *#fortheculture: Generation Z and the Future of Legal Education*, 26 MICH. J. RACE & L. 115, 165 (2020) (discussing the value of experiential learning); Debra S. Austin, *Positive Legal Education: Flourishing Law Students and Thriving Law Schools*, 77 MD. L. REV. 649, 655 (2018) (describing the harms students experience from all-or-nothing final exams).

²² When law schools moved to asynchronous classes during the COVID-19 pandemic, a number of professors added a host of quizzes and other assignments. While these assignments were aimed at evaluating and supporting student learning, many students reported experiencing them as adding significant stress and pressure to work more at a time when students could least afford to do so.

²³ Patrick R. Krill, Ryan Johnson & Linda Albert, *The Prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys*, 10 J. ADDICTION MED. 46, 51 (2016).

²⁴ I recognize that many in other fields and professions work as hard as lawyers, often for much lower wages. Those issues should be addressed but are beyond the scope of this Article on law school work-life balance.

²⁵ Not only did classes move online, but law schools had to rethink and adapt long-standing procedures about basic aspects of education such as attendance policies, exams, and grades. See, e.g., Gabriel Kuris, *The Impact of the Coronavirus on Legal Education*, U.S. NEWS (June 14, 2021), <https://www.usnews.com/education/blogs/law-admissions-lowdown/articles/the-impact-of-the-coronavirus-on-legal-education> [<https://perma.cc/3FE2-ZR6S>].

²⁶ See, e.g., Kinda L. Abdus-Saboor, *Lessons from Pandemic Pedagogy: Humanizing Law School Teaching to Create Equity and Evenness*, 69 J. LEGAL. EDUC. 621, 621 (2021); Meera E. Deo, Jacquelyn Petzold & Chad Christensen, *The Covid Crisis in Legal Education: 2021 Annual Survey Results*, LSSSE, at 5 (2021), <https://lsse.indiana.edu/wp-content/uploads/2015/12/COVID-Crisis-in-Legal-Education-Final-1.24.22.pdf> [<https://perma.cc/VB8X-WRP2>].

and low-income students.²⁷ In short, the pandemic both revealed existing harms and inequities, and it exacerbated them.²⁸ Within the law school community, the impact has been experienced by students, faculty, and staff. Interactions and conversations over the past year and a half reinforced how significant the impact has been. And while many law schools returned to in-person classes in Fall 2021 with cautious optimism about a “return to normal,” mental health consequences and other challenges brought on by the pandemic have persisted for many students (as well as faculty and staff). Rather than “returning to normal,” we should confront deep-seated issues like the pathologies of law school work culture.

To address the problems of law school work culture, one point is clear: it is not enough for law faculties to encourage students to take time for self-care. Many students are balancing law school, work, family duties, childcare responsibilities, and more. This will remain true even after the pandemic ends. “Take care of yourself” messages do little for students who feel as though they are drowning.²⁹ Although students seem to appreciate professors who encourage balance, the reality is that until we change the structure of law school, many students will not feel able to take time off. Indeed, since I first started asking students about their experiences, many of them have reported that at times they have had professors wish them a restful break while simultaneously scheduling a mid-term exam or assignment due date right after the break. Well-intentioned wishes fall flat, at best, if they are not accompanied by a workload and schedule that make it possible for students to take a break.

In my own teaching, I have long talked to students about the importance of taking care of oneself, of recognizing that stepping away and taking a break are sometimes the most productive things you can do. However, increasingly I have realized that if I believe it is important for my students to stop working sometimes, I need to make it possible for them to do so.

²⁷ Deo, Petzold & Christensen, *supra* note 26, at 5; *see also* Jennifer M. Kiebler & Abigail J. Stewart, *Student Experiences of the COVID-19 Pandemic: Perspectives from First-generation/Lower-income Students and Others*, ANALYSES SOC. ISSUES & PUB. POL’Y (Nov. 6, 2021), <https://spssi.onlinelibrary.wiley.com/doi/epdf/10.1111/asap.12288> [<https://perma.cc/7EUM-VS9L>].

²⁸ *Id.*

²⁹ *See* Jennifer Rollin, *4 Things You Should Never Say to Someone with Depression*, PSYCH. TODAY (Nov. 26, 2016), <https://www.psychologytoday.com/us/blog/mindful-musings/201611/4-things-you-should-never-say-someone-depression> [<https://perma.cc/X6VL-65WN>] (“Telling someone with depression to ‘snap out of it,’ is akin to telling someone with a broken leg to ‘just walk.’”).

II. THE “ALTERNATIVE ASSIGNMENT”

In the Spring 2021 semester, I decided to try something new. Late in the semester, I gave students the choice either to do their final writing assignment or take a 72-hour break from work. Thankfully, everyone chose the break. The truth is, if they had not opted for the break, I would have assigned it anyway.

For this “alternative assignment,” students were “required” to take a break from all work for 72 hours. They could count weekends, so it only had to implicate one business day. My goal was to make the assignment achievable. I set the end of May as the deadline to give them the option to take their break after final exams. As I explained to them, I did not want this to interfere with any other class work. To get credit, they simply had to send me an email sharing what they did and how it felt (no one was required to share anything personal, just whatever they were comfortable sharing). The most important “rule”: This should not add pressure or stress to their lives. In other words, if they felt they simply could not afford time off, or if they tried and fell short of 72 hours, that would be okay too. The only requirements were (a) a good faith effort, and (b) honest disclosure. So, if a student reported that they attempted it, but had to do a few hours of work at one point, that counted. The idea was simply that, together, we were all going to try to take a break. I committed to doing the same.

The results affirmed that this was one of the best teaching decisions I have made. When I confirmed to the class that we would do this, their relief was visible (I was teaching on Zoom). That moment alone highlighted how much this was needed. They had already worked hard during the semester (in the middle of a pandemic); this decision was about prioritizing their well-being and sending the message that their well-being was more important than any single writing assignment. Their e-mailed reflections further highlighted how much law students need this—there was relief, joy, and appreciation.³⁰ As one student shared after she did the assignment:

I definitely felt the stress of the year and a feeling of inadequacy in all parts of my life. I even felt inadequate for not seeing my family more. I was consistently stressed and overwhelmed but refused to take a break. I have always just pushed on and been fine, but I really felt like I hit a breaking point this year.

³⁰ Student reflections on file with author.

A few other themes stood out in their reflections. Many students talked about how hard it was to unplug, how strange it felt to stop working, and how they felt guilty for not working:

- “In the past I’ve definitely felt guilty over taking a weekday off or missing school for [a religious] holiday.”
- “Telling myself not to do work was harder than I thought it would be.”
- “It felt great even though I did panic at some point in all three days thinking I should be doing something.”
- “It was eye-opening to see just how challenging it can be to plan to relax.”
- “One of the biggest hurdles in law school for me is that even when I do end up taking time off because I’m feeling burnt out, I’m still thinking about all the things I need to do or feeling bad for not doing them.”
- “It is odd to take time off to do absolutely nothing, because often the guilt that you should be working lingers.”
- “For the first couple of days it was hard to not work, but now that the 72 hours is over and I know I have stuff to do, it’s harder to get motivated. That’s been surprising. It’s almost easier to just keep plowing ahead.”

Students also described the joy the assigned time off brought them and the self-care that was made possible:

- “I also picked out several books to read for leisure—which has been a rarity during law school.”
- “I spent time catching up with friends and family, cooking with them and going out for bike rides and generally taking it easy.”
- “I slept a lot!”
- “I ate meals with [family]” and “relaxed, cooked, went to the gym, and watched Netflix.”
- “I took multiple naps, played trivia with some high school friends[,] . . . visited my brother during work and had lunch with him, went on a picnic date with my boyfriend, and got my second dose of the vaccine.”
- “I mostly just hung out with my family and tried to spend time on a few of my hobbies (archery, sewing, and fiction writing). I’ve recently been making an effort to engage myself in my hobbies, so that way I’m excited for the free time that I do have. It makes me feel less guilty about not

doing law work when law work isn't the only meaningful thing in my life."

- "All I really did was spend time with friends I hadn't seen in a while, take my dogs on much needed long walks/to the dog park, and just sat down and watched a movie all the way through without merely having it on as background noise while I worked on projects for school or work. I forgot how nice it is to not constantly be on the go and to take time to put everything away, breathe, and enjoy down time."
- "I really enjoyed the visit home and seeing my family, but I have to say the second-best thing about taking a break is getting all of the errands, chores, and mundane tasks done! During the school year, those typically fall to the side for me. Even small tasks that do not take long seem like mountains to complete because I have prioritized law school above all else which sounds like an iffy way to live and I question it most days, but the perfectionist in me struggles to operate differently."

Finally, students noted how much the assignment meant to them, and how it enabled them to feel more settled and in control:

- "It's helped provide much needed perspective about the importance of rest and I really appreciated it."
- "This assignment was a wonderful breath of fresh air, as I was able to mentally justify my 'doing nothing' as part of an assignment and could therefore shake some of that lingering guilt."
- "I felt like I was able to dig a litter deeper into my relationships and be a human again."
- "I just want to acknowledge that having a professor tell you to take a break (and actually mean it because they did not assign 75 pages of reading and a paper while they're telling you this) really does help you see that you can take a break and you need to take a break. I wish I had done more of that this year, even if just taking a break for half the day to do all those mundane tasks that suddenly feel so exciting to accomplish. However, it is hard to do when you feel like there are consequences for taking a break and mental health is still often not a valid reason for needing an extension or a day off. Even when it is, it is hard to convince yourself that it is okay to need the break when you look around and assume your peers don't need the break."
- "Overall, I really valued the break. I even felt a little rebellious for taking the break when I still had things that needed to get done. But still having assignments and tasks to get done while taking the break honestly felt like

I took back a little bit of control and I was running law school rather than law school running me.”

One student’s observation particularly struck me: “I might be playing some catch up this week, but honestly, not more than I usually do.” In other words, after taking time off, the impact on work was not insurmountable. Moreover, it gave the student an opportunity to recharge and then approach work feeling less drained and burnt out.³¹ We should be urging students to stop working at times, and, even more importantly, we should be structuring our semesters in a way that enables them to do so.

My “alternative assignment” was a small step. Yet what is striking is how rare even small steps are, according to students. As one student reflected: “Thank you for being so willing to experiment with this type of thing! All of my professors care, but the only other professor I’ve had do something about it was a clinic attorney who’d tell me to take an hour of clinic time to go walk and get some sunshine.” In other words, in three years of law school, the student could identify only two occasions in which a professor took affirmative steps to help enable them to stop working. Some might push back saying it is up to students—all of whom are graduate students—to make their own schedule. Of course, it is. However, if law school culture and the workload make breaks seem impossible, then we bear responsibility as well, and we need to be more proactive in supporting students.³²

III. IT IS NOT JUST STUDENTS

The students’ experience very much paralleled my own experience. As noted above, I promised them I would attempt the same assignment. I, too, felt guilt initially for not working, and it took me several hours to stop thinking about work. But eventually I did, and I was able to be genuinely present with my family and enjoy a weekend together.

Unplugging entirely from law school (or work) has become really hard—for students and faculty. Indeed, several years ago, I attempted to start a time off “accountability group” modeled on the writing accountability groups that many tenure-track professors informally organize. I envisioned creating a group that supported one another’s efforts to have balance in life.

³¹ It bears noting that the vast majority of students in the class continued to work on their papers even after the course ended—and for several students, after they graduated. In other words, giving students the opportunity to have balance seemed to allow them to engage the materials more meaningfully, and it did *not* lead to any less commitment to work hard.

³² Expecting students to push back when professors assign work is a bit like expecting a first-year associate at a law firm to tell a partner they will not do more work—it’s simply unrealistic.

It was a Fall semester, so I decided to start with what I thought was a modest goal: participants must commit to a five-day break between Thanksgiving (late November) and the start of the Spring semester (early January). That would give participants approximately seven weeks to take five days off (holidays could count). I reached out to about a dozen faculty, including a number of friends. I thought they would be most likely to say yes. And to my surprise, all but one declined the invitation. They either said they “couldn’t afford five days off” or tried to negotiate the terms so they could do some work (e.g., “what if I read in my field, but not for a specific article I’m working on. Is that okay?”).

We have a problem. We have created and continue to sustain a law school work culture in which people do not stop working. Setting aside how counterproductive that is in terms of quality of work product,³³ it is perpetuating the conditions that make many lawyers miserable. In addition, as law school faculty, we are not only falling short in our support of students developing a healthy work-life balance, but we also are doing a poor job of modeling what success looks like for our students.³⁴

IV. A SMALL BUT SIGNIFICANT STEP

Changing the culture of a profession is a major undertaking, but we can start with a simple step: instituting a break each semester (Fall and Spring break) when no work can be assigned.³⁵ Let students take a genuine break. This can be achieved at a law school level by adopting and enforcing a formal policy for breaks.³⁶ It can

³³ See, e.g., John Penceval, *The Productivity of Working Hours*, 25 (IZA Discussion Paper No. 8129, Apr. 2014), <https://ftp.iza.org/dp8129.pdf> [<https://perma.cc/5JDJ-MXHU>] (“Long weekly hours and long daily hours do not necessarily yield high output. . .”).

³⁴ I recognize that people define “success” differently. Here, I define “success” to mean achieving and sustaining a meaningful professional life, enriching personal life, and an appropriate balance between the two.

³⁵ I reached out to faculty at more than 20 law schools. None of the respondents reported having a law school policy limiting assigning work over spring break or scheduling mid-term exams or assignment due dates immediately after spring break. Roughly three-fourths of respondents said there are in fact some exams or assignments due right after spring break. In addition, a majority of respondents also indicated that their law school does not collect information on assignments due dates or mid-term exam dates. An online search did not identify any law schools with rules restricting assignments over breaks.

³⁶ Some readers might speculate that certain students will ignore the break and keep working anyway. Concerns of that nature reinforce the larger point that we need to do much more to change the non-stop work culture. In addition, the idea that a few might ignore the rule does not mean we should not adopt the rule; after all, that some might commit burglary does not lead us to conclude we shouldn’t have a law against burglary. See generally Louis Kaplow & Steven Shavell, *Fairness Versus Welfare*, 114 HARV. L. REV. 961, 1022 (2001) (discussing the value of social norms in shaping everyday conduct).

be accomplished by a smaller group of professors coordinating among themselves (given 1L students are typically assigned to a section, this is likely easier to coordinate for first-year students). Finally, if broader law school efforts are not viable at this time, individual professors can do this. Just pick a random Monday or Tuesday class and tell the students they do not have to read over the weekend, but that instead that you (the professor) will carry the load and lecture that day. After all, we all are capable of delivering a one-hour lecture in which we explain key concepts of law.³⁷ And students will not be worse off if one day of class does not have Socratic dialogue.

Instituting genuine breaks in the Fall and Spring semesters will not solve all the problems and challenges that law students confront, particularly for students confronting multiple burdens simultaneously.³⁸ But it will allow students time to focus on family and friends, recharge themselves, begin to develop good habits with respect to work-life balance, and start to view balance as the norm. In turn, supporting students and enabling them to develop better *life-work* balance can help them achieve more well-rounded lives and reduce the risk of adverse health outcomes.³⁹ In the end, if we are worried about the legal profession, we need to move upstream and start by fixing what is wrong with the culture of the institutions that train and produce legal professionals.

³⁷ Moreover, an occasional lecture on key concepts also reduces another major source of stress identified in studies by Krieger and others—professors “hiding the ball” and leaving students feeling that they have no idea if they are “getting it” or not.

³⁸ See sources cited *supra* note 8; see also Deo, Petzold & Christensen, *supra* note 26.

³⁹ Meg Selig, *How Do Work Breaks Help Your Brain? 5 Surprising Answers*, PSYCH. TODAY (Apr. 18, 2017), <https://www.psychologytoday.com/us/blog/changepower/201704/how-do-work-breaks-help-your-brain-5-surprising-answers> [<https://perma.cc/475G-TBPR>]; D.A.J. Salvagioni et al., *Physical, Psychological and Occupational Consequences of Job Burnout: A Systematic Review of Prospective Studies*, PLOS ONE (Oct. 4, 2017), <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0185781> [<https://perma.cc/HF37-AUZR>].