

## WHAT MAKES LAWYERS HAPPY?

### TRANSCENDING THE ANECDOTES WITH DATA FROM 6200 LAWYERS

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

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

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

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

## Summary

### A. What Makes Lawyers Happy?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## CONCLUSION

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

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

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

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

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

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

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