LEGALLY NUMB: THE LEARNED STIGMA OF DEPRESSION

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From the time we set foot in law school, we turn away from hobbies, relationships, and habits that make us feel whole. We train our sights on succeeding -- getting the best grades, the best job, the best salary. Many of us stop taking care of ourselves, both physically and mentally. We don’t exercise, we don’t enrich ourselves, and we don’t take time for things that feed our souls.¹

In 2004, the World Health Organization reported depression was one of the leading causes of disability in developed countries.² By 2020 it is projected to rank above infections and heart disease as the number one cause of disability in the entire world.³ Approximately 15 percent of people diagnosed with depression eventually commit suicide.⁴ In 2006, the Center for Disease Control reported that approximately 33,000 people in the United States committed suicide, which is about twice the number of homicides that occurred that year.⁵ As this article will show, law school students and practicing attorneys are far from insulated regarding this issue. The purpose of this article is to provide a primer on the prevalence of depression that law school students experience and how that carries on into their professional careers. First, there will be a brief introduction to depression including different definitions and types, symptoms, and possible causes. Then, the numbers will put some perspective on depression’s role in law school, followed by a discussion on some reasons how this came to be. This approach will then be used on currently practicing attorneys. Finally, this article will conclude with testimonies from two current law students that are struggling with balancing depression and their academic life.

* J.D. Candidate, May 2018, Loyola University Chicago School of Law.
³ Id.
⁴ Id.
⁵ Id.
To begin, a simple definition of depression is necessary. Meriam-Webster’s Dictionary defines depression as, “a state of feeling sad; a serious medical condition in which a person feels very sad, hopeless, and unimportant and often is unable to live in a normal way.”\footnote{“Depression”. \url{http://www.merriam-webster.com/dictionary/depression}. (Accessed May 5, 2016).} According to the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition (DSM-V), depression is split into different categories, each with varying degrees of severity, but generally is, “the presence of sad, empty, or irritable mood, accompanied by somatic and cognitive changes that significantly affect the individual’s capacity to function.”\footnote{“Depression”. \url{http://dsm.psychiatryonline.org/doi/abs/10.1176/appi.books.9780890425596.dsm04}. (Accessed May 5, 2016).} And finally, Black’s Law Dictionary says depression is, “the lowest point in a cycle that has reduced buying power, mass unemployment, excess supply, falling prices, falling wages, or lack of future confidence.”\footnote{“Depression”. \url{http://thelawdictionary.org/depression/}. (Accessed May 5, 2016).} While the legal definition was meant to be ironic, it actually portrays a realistic, yet poignant picture of why depression is a problem in the legal community. So it seems that, in general, depression is associated with different levels of sadness that have a profound impact on a person’s life. Yet, the effects of depression are not so easily contained as to be defined in a single sentence as it manifests itself in various ways.

The purpose of the following information is to demonstrate the malleability of depression; to show that its complexity and its many manifestations is something everyone may have experienced at one point in their life. One’s severity of depression is not based on how many of the following symptoms she is experiencing, but its typically associated with: diminished interest and pleasure in daily activities; significant weight loss or gain; lack of sleep or excessive sleep; feeling slowed down or increasingly restless; fatigue and loss of energy; feelings of worthlessness or guilt; difficulties concentrating; negative thoughts, or thoughts of.
death and suicide. Furthermore, the types of depression may be broken down into six different categories: 1) Dysthymic disorder is a depressed mood for most of the day, for more days than not, and occurs for at least two years; 2) atypical depression is when a person gains weight due to increased appetite, as well as, sleepiness or excessive sleep, and extreme sensitivity to rejection; 3) depression with melancholic features occurs when a person loses positive emotions, such as when something fortunate happens to them, or an overall loss of pleasure in activities she once enjoyed; 4) season affective disorder is the onset of depression during winter months due to less natural sunlight; 5) substance-induced depression is the result of constant drug and alcohol abuse that effects the neurochemicals in the brain; and, 6) Depression with psychotic features such as a form of psychosis where a person experiences disturbing false beliefs or breaks with reality, or hears or sees things other cannot.

Finally, while there is much debate on this topic, there are currently three forces thought to be the cause of depression: they are biological, genetic, and social. Some people are more biologically predisposed to depression due to “abnormally low levels of serotonin, nor-epinephrine and/or dopamine . . . [which relate to] elevated mood, interest, pleasure, attention, and motivation.” Those who are genetically predisposed are 10-15 percent more likely to experience depression, as opposed to the 1-2 percent of the general population. “Children of depressed parents are especially high at risk; up to 50-75 percent of children are likely to experience depression if both parents are suffering from depression.” As far as social causes, anything from divorce, the death of someone close, chronic job stress, or interpersonal

10 Id.
11 Id.
12 Id.
13 Id.
14 Id.
difficulties with others may lead to depression as well. Women are also more likely to experience depression than men are. However, where women are more likely to attempt suicide, men are more likely to be successful at it. Generally, women’s symptoms range from feelings of sadness, worthlessness and excessive guilty, whereas men are more tired, irritable, have difficulty sleeping, or experience loss of interest in once pleasurable activities. While there are social commentaries to be made regarding the difference in symptoms between the genders, it is out of the scope of this article. Instead, the focus will now shift to depression in the academic setting.

Depression rates in law school are staggeringly high. It has been reported that between 20 and 40 percent of law students suffer from clinical depression by the time they graduate, which is approximately 8-15 percent greater than that of the general population. This tends to start as early as the first year of law school where it has been reported that as much as 32 percent of students suffer from a form of depression. By their third year in law school, the number caps at 40 percent. A study done on Arizona law students and Washington lawyers found that depression rates, alcohol abuse, and cocaine use was at least twice the amount of the general population. Law students have displayed more mental illness and substance abuse problems than medical students, psychology graduate students, and chemistry graduate students.

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15 Id.
17 Id.
20 Id.
21 Id. at 131-32.
22 Id. at 131.
though some students enter law school with a history of mental health issues, their symptoms often worsen in the law school environment.\textsuperscript{23}

There are a number of different reasons why law school students are more susceptible to mental health issues, and all of them point to a common theme: the culture of the environment. Law school is known to challenge its students, so naturally stress is common, which makes it difficult to distinguish between normal levels of stress and serious mental illness.\textsuperscript{24} The student is immediately exposed to adverse environments and ideas surrounding their future profession. Something commonly heard by the student going into law school today is how bad the economic downturn is for graduates, regardless if this is true or not.\textsuperscript{25} Before even starting class the student comes in with the high pressure of excellent performance, otherwise not only will she risk not finding a potential job, but will also no way to pay the tremendous student debt she incurred. She is then put in an environment that utilizes the Socratic Method of teaching and is known to undermine self-esteem.\textsuperscript{26} Although this style of teaching does have its merits and must have some application if it is still around, anyone who has been on the receiving end of the Socratic Method could attest to the anxiety inducing situation it places them in. Even if she knows the material in its entirety, simply being called out in front of a large group of her peers, while being asked questions that are meant to trip her up is enough to spike stress levels. Too much of this on a constant basis can start to manifest long-term issues.

Furthermore, the competitive nature of law school breeds mental health issues. On one hand, it forces the best work out of each student, but on the other hand, it is a conduit for mental instability. Every law student enters school expecting to be in the top 10 percent of the class, but

\textsuperscript{23} See, Jolly-Ryan at 125.
\textsuperscript{24} Id.
\textsuperscript{25} See, Temple.
\textsuperscript{26} Id.
90 percent of them end up disappointed.\textsuperscript{27} This is taken both as an academic failure and a personal failure. Not only does this limit the student’s opportunities, but there is “also the humiliation of not doing well academically after years of apparent success [while in undergraduate college].”\textsuperscript{28} Most students coming into law school have not faced the intense workload demanded of them, which makes law school more of a game of survival.\textsuperscript{29} Yet, even being academically successful does not mean she is free from the mental toll of law school. Unless naturally gifted with an abundance of intelligence, those who are among the elite of their school pay for it with innumerable hours of work. After a certain point it becomes a battle of attrition. Being at the top comes with the knowledge that one mistake can lead to losing her spot, thus fueling the anxiety to perform to perfection. This is an unrealistic expectation placed on the student where it is a lose-lose scenario: stress will come from doing poorly or stress will come from over performing. The only student who will not experience the slightest negative effect on her mental health is the student who does not care. But the anxiety of law school is just the beginning as in some situations this can lead to further mental health issues such as depression.

In law school students are taught to abandon their emotions for analytical reasoning.\textsuperscript{30} Granted, this is a necessary skill to exceed in the profession. A lawyer cannot allow emotions to conflict with her job. Lawyers are supposed to be impartial while they represent different kinds of clientele and be prepared to offer their clients the best legal insight. That is not to say lawyers are passionless robots with no room for emotional intelligence, rather, it is something that must be put away for another time. This is in part because there is culture where “lawyers stigmatize and often decline to hire other lawyers unless they have a clean mental health history free of

\textsuperscript{27} See, Temple.
\textsuperscript{28} See, Jolly-Ryan at 134.
\textsuperscript{29} Id. at 133.
\textsuperscript{30} See, Bryan at 17.
disabilities, disorders, and illnesses.”31 “In the legal profession, disability is synonymous with ‘failure and incompetence’ and creates significant roadblocks to employment.”32 The irony in this is palpable,

Although lawyers work hard to assure that the antidiscrimination laws are fairly applied to most other people’s employment, education, and housing situations, they often fail to apply antidiscrimination laws to their own profession. The prejudice and bias faced by people with mental disabilities in the legal profession are even greater than those faced by people with physical disabilities.33

The fear of jeopardizing their future career begins in law school, particularly with the bar exam.

Bar examiners inquire about prospective law students’ mental health and refuse to allow them to practice law based on their past mental health history. At times, the bar only offers conditional admission to law students with current or past mental health issues. As a result, law students who mentally suffering during law school play a game of caution. They decline needed treatment and counseling, fearful of repercussions from fellow law students, faculty, and administrators if they disclose their problems.34

Depression then becomes a learned stigma to students. It is because of these recognized limitations that acknowledging depression is no longer an option. Instead of seeking help, most students will bury the problem until it breaks them. This is because “[l]aw professors and bar examiners may attribute a student’s mental struggles, illness, disorders, or disability to the law student’s ‘flawed’ character or something within the law student’s control.”35 It then becomes a competition of not only who can perform the best, but who can suppress the most. The amount of effort that goes into being a successful law student, and eventually a successful lawyer, provides

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31 See Jolly-Ryan at 123-24.
32 Id., at 130.
33 Id.
34 Id., at 124.
35 Id., at 129.
a large incentive to not risk any kind of handicap. By disclosing this to anyone, they jeopardize their entire future.\textsuperscript{36} Unfortunately, it does not get much better once the student finally graduates.

Depression affects 17.6 Americans, which is between 5-10 percent of the population – it is 3.6 times more likely for a lawyer.\textsuperscript{37} Moreover, out of 104 occupational groups, lawyers rank the highest in depression and 5\textsuperscript{th} in suicide.\textsuperscript{38} Compared to the general population, lawyers are six times more likely to commit suicide.\textsuperscript{39} Generally, legal professionals hold themselves to a higher standard.\textsuperscript{40} For instance, the term “counselor” instills a “responsibility to counsel those who may need wisdom and guidance”, so if the lawyer thinks she is emotionally weak, she sees herself as a hypocrite and that her own life is in disrepair.\textsuperscript{41} Why should someone trust her judgment if her own life is a mess? Another reason is from the learned rational and analytical mindset that takes precedence over emotional acumen.\textsuperscript{42} She is taught to keep her emotions hidden in the course of her job and this can spill into life outside of work as well.\textsuperscript{43} Some believe “appreciating the social connection to depression is vital if the person is to be viewed - and responded to - realistically.”\textsuperscript{44}

In a social context, legal professionals face a number of situations that can emotionally drain anyone. They tend to have to be engaged in stressful, conflictual relationships and meet important, inflexible deadlines.\textsuperscript{45} Some areas of practice introduces them to the worst aspects of human nature where they may be asked to “deceive others, as well as one’s own moral

\textsuperscript{36}See, Jolly-Ryan at 129.
\textsuperscript{37}See, e.g., Jolly-Ryan at 135; Sohi.
\textsuperscript{38}See, Temple.
\textsuperscript{39}See, Sohi.
\textsuperscript{40}See, Kay and Comerford at 55.
\textsuperscript{41} Id.
\textsuperscript{42}Id. at 56.
\textsuperscript{43}Id.
\textsuperscript{44}Yapko, Michael D. “Lawyer Depression is Contagious!” 73 Ala.Law.142, 142 (2012).
\textsuperscript{45}Id.
There is also the devaluation from the general public from a misunderstanding what it means to be a lawyer. Jokes about the profession generally say the same thing; that they are untrustworthy, greedy, and heartless. For example, “Q: What’s the difference between a mosquito and a lawyer? A: One is a blood-sucking parasite, the other is an insect.” The innumerable jokes like this are disheartening for anyone aspiring to be successful in the legal profession.

Many things can be said regarding depression and one’s journey through law school and beyond. However, numbers will never feel as real as facing actual experience. The following section is meant to provide candid access into the minds of two students who struggled with depression while attending law school. To provide anonymity, the names have been changed in order to protect these students. They were both asked a series of questions and answered them as truthfully as they could remember. Lastly, these two were picked in order to contrast each other. One experience depicts a student who sought help (L.Z.), while the other one did not (J.R.).

**Question:** Did you come into law school with any previous experiences of depression?

**J.R.:** Kind of – I’m not too sure. I remember back in high school I thought I experienced depression once right after my girlfriend broke up with me. But, you know, that was high school and putting it into perspective that was more so hormone-induced puppy love coupled with teenage angst. There’s been some rough patches in my past that brought me incredibly low, but I

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46 See, Yapko at 142.
47 Id.
48 “Lawyer Joke Collection”, [http://www.iciclesoftware.com/LawJokes/IcicleLawJokes.html](http://www.iciclesoftware.com/LawJokes/IcicleLawJokes.html). (At the top of the page it says, “WARNING: Some of these jokes are in bad taste. Some are indecent. A few are obscene. But we’re talking about lawyers...” This is not far from the truth after reading some of them, so I had to try and pick one that got the message across and was appropriate at the same time – it was not easy.)
can’t say if that was really depression. What I do know is they definitely don’t compare to what I’m currently experiencing.

L.Z.: Yes. I have been experiencing depression for over a year before law school started. It wasn’t consistent, though. After I initially recognized the depression it stuck with me for quite a while, but then there was a brief period where I thought I was better; I thought I was happy. That turned out to be false. It was just tucked away in some recess in my mind. It came back after my first semester of law school completely unexpected, which is probably why it hit me so hard.

**Question:** When did you start experiencing the depression?

J.R.: About halfway through my first semester in law school. I obviously didn’t expect it and it changed a lot. At one point I was making friends, going out, enjoying the entire experience, and then all of a sudden it changed. I mean, it didn’t happen like instantly, but I just remember sitting one day letting it roll over me and realizing something was wrong. I stopped talking to my friends and it became hard to keep up with my work.

L.Z.: During winter break between my first and second semester. I was alone for a lot of the break as my roommates both went home, so I had a lot of time to just think. I guess being alone in my apartment wasn’t too healthy since it ultimately spurred the return of the depression. I was just glad it happened after finals.

**Question:** Could you describe what it was like? What did you feel? How did it affect your ability to do work, or socialize with your classmates?

J.R.: Well, at first I was numb, which is hard to describe. I always thought depression was associated with pain or sadness, but in my case it felt like nothing. I wasn’t really able to
experience emotion fully. Hollow is the best way to describe it. Like sure, I was able to maybe crack a smile or laugh at times, but it was hollow. It was all surface level emotions. I wasn’t able to truly experience those emotions, you know? For example, when I laughed, the feeling would leave as soon as I stopped. I was essentially just a walking shell moving on its own. Maybe it could be said there is a silver lining since I didn’t feel any pain, but it’s not what you think. Honestly? Feeling nothing is the most terrifying thing. You search for a meaning, try to explore a feeling or a thought and find a dead end. You have no attachment to anything, including life. So this affected how I was able to approach work and talk with people. I didn’t care about reading the cases, the words meant nothing to me and I was just going through the motions – I was surviving law school. I feel like I was keeping people at arm’s length, but not on purpose. Sometimes I wanted to socialize or connect with someone, but the words that came out of my mouth weren’t mine. There was a disconnect between who I think I am and what I was portraying to the world. I felt like a hollow projection.

**L.Z.:** It hurt a lot. It was one of the most painful things that I’ve experienced, which is weird to think about. I try to remain practical when it comes to my problems, even through the depression. I’ve tried to trace the origin of why I’m in this situation, but it’s difficult. This made it hurt more, not being able to understand why I was in so much pain. It was a full-body pain at times. My heart hurt, my body hurt. I remember one time when I was trying to read for class the next day and I just stopped mid-sentence and went to my room. I just laid on my bed staring at nothing in the dark. I couldn’t move. I felt completely paralyzed; I couldn’t will myself to move. I’m not sure how long I was there literally stuck in the exact same position. But it took a large toll on my academic life. I couldn’t bring myself to read the cases and I stopped going to class.
When I did I kept to myself. I would go weeks without really talking to anyone, other than “hi” or “bye”. I guess I just projected this aura around myself and no one really questioned it.

**Question:** Do you know why you are/were feeling depressed?

**J.R.:** No. There wasn’t any trigger in my life that caused this. My life is pretty stable. Don’t get me wrong, it’s not great, but it’s also not bad by any means. Sometimes it helps assuming it’s just some chemical imbalance in my brain.

**L.Z.:** I think so. I remember when I first felt the depression I was driving home after hanging out with my friends. It was around 2 a.m. and I was lost in thought while driving on the highway. All of a sudden it all just kind of snapped. All of a sudden I just felt lost. I was always the type of person who had a plan, and a backup plan, and a backup-backup plan. I knew where I was going and my alternative routes. That was all shattered in an instant. I lost my reason for what I was doing in my life. At that time I graduated undergrad a few months earlier and planned on taking a year off before going to law school. That night I couldn’t remember why I wanted to go to law school. My once clear future got shrouded in darkness. I couldn’t see where I was going. All I knew at that moment was where the location of a gun was in my house. I knew how easy it was to get it, and I knew it was loaded. I was scared. I was afraid of what would happen if I went home, alone, and had the gun in front of me. I kept picturing it in my head. The gun was in a false book under the table in our front room. I know this because I pulled it out before and felt the weight of it in my hand. That made it more real, knowing how it felt in my hand – how cold and heavy it was. I pictured myself reaching under the table, taking the gun out of the false book and holding it. I wouldn’t immediately put the gun to my head and pull the trigger. I would just stare at it and let the temptation fill me up until out of sheer impulse in a quick motion I would
put the barrel to my head and pull the trigger. This all went through my head in a matter of seconds on repeat. So I called my friend who I was just with and told him this. I said I couldn’t go home and that I was afraid of what would happen. He told me to come back. I met with him and my other close friend and we just talked for a while until I calmed down and they felt I was safe.

**Question:** Did you ever think of taking your own life?

**J.R.:** Yes, many times on a daily basis. I constantly thought up scenarios of how I would do it. They ranged from using a blade to slit my wrists, to overdosing, to finding a gun, or even fantasies of putting myself in a dangerous situation that I know I die in, like going to a bad area of the city looking for trouble. Sometimes it’s worse than others, but I honestly can’t think of a day since it started where I haven’t thought of killing myself. I would describe it like a roar in my head. Usually it’s a dull roar or a passing thought that, now, I don’t think much of. But sometimes, it’s…terrifying, it’s loud and painful. It doesn’t happen often, but there have been a few times when my thoughts become overwhelming. It’s just like how they describe it on t.v. when the insane guy talks about hearing voices. It sounds weird, or you think to yourself “just ignore them, they’re not real.” But no, it’s not that easy. They scream at me. They fill my head. They tell me to kill myself. The voices come from every corner of my mind to tell me to die. It’s not just my own private conscious voice, but multiple ones overlapping all at once. It would trigger an anxiety attack because I couldn’t see or hear past the voices. On the outside I looked fined, but on the inside I was being torn apart.

**L.Z.:** Other than what I said up there, yes. It didn’t happen every day, but more than I’d like to admit. I usually thought about slitting my wrists. It always made me cringe, though. It was like I
could feel the razor sliding across my wrist. I would imagine what it would feel like as the blood left my body and I grew cold. I thought about where I would do it, too. I felt if I did do it I would go somewhere no one could find me; I wouldn’t want anyone to see me like that. This in turn would make me feel bad, thinking about my loved ones who wouldn’t know what happened to me. It was cowardly.

**Question:** Did you seek out help? Why or why not?

**J.R.:** No. I believe I’m strong enough to make it through this without seeing a doctor or getting prescribed medication. I’ve been through some really rough patches in my life and got this far without the need for it. I see this as another learning experience, something I have to go through alone to become stronger. I mean, don’t get me wrong, I’ve told some really close friends, but I don’t want professional help. This is something I can get through.

**L.Z.:** I was very against it at first, but yes, I eventually sought professional help. I started by contacting the school’s medical clinic. From there I was directed to a therapist that I’ve been seeing for quite a while now. A few months later I started seeing a psychiatrist to get prescribed medication. I’ve been seeing both of them, and I’ve been taking the medication for the past few months. It’s helped immensely. There’s a marked difference in every facet of my life. I’m starting to feel closer to “normal” again. I also once again found my motivation for staying in law school and doing the work. That’s really the biggest reason why I sought help. I knew I wouldn’t be able get through law school feeling this way. At first I felt weak and ashamed, but I didn’t want that to stop me. I worked hard to get here and didn’t want to throw it away because of my own pride. I’ve also been able to finally talk to and interact normally with my classmates and re-discovered the fire that drove me to wanting to become a lawyer.
**Question:** Where are you at now in regards to the depression?

**J.R.:** I’m still here, that’s all I can say.

**L.Z.:** Significantly better. I’m not completely through it. My experience prior to law school has taught me that depression isn’t something that just goes away. I know some people whose depression never went away. For me, it’s stored away. I can still feel it at times, like if I didn’t get enough sleep and am exhausted. My “defenses” are low and it’s easier to slip into that negative mindset. But it doesn’t happen often. As sad as this sounds, I don’t know if I’ll ever truly be over the depression. I’ve been told once you’ve experienced a deep depression it will stick with you, even if it’s not in the forefront of your mind. It just becomes your shadow.

**Question:** Overall, how do you think law school affected your depression?

**J.R.:** Considering I wasn’t feeling depressed before law school, it’s hard not to point fingers as this being a reason why I’m depressed. But I’m not the type of person who shifts responsibility away. I mean, I’m not saying this is my fault and was brought because I did something. I look around at all the other students and know they’re getting along fine. Even if they are experiencing something like I am, they’re not showing it and still performing, most better than me as is reflected in my GPA my first semester. This in itself kind of motivates me. I want to beat them and prove to myself I can do law school, in spite of the depression.

**L.Z.:** I’ve always had some problems with anxiety, but I think law school amplified it a little bit. I’m not sure if that was directly related to my depression or not. That’s another thing. My depression and anxiety would feed it each other in a cyclical nature. For example, I would feel
anxious to get an assignment done, but because of my depression I lacked the motivation to do it, so I neglected it – this in turn would feed my anxiety which would spur thoughts of feeling like a bad student, thus feeding back into my depression. So yes, law school has definitely had an impact on my depression. I know had I not been in law school when this was happening, I probably wouldn’t have sought professional help because I would have more time to just focus on getting better and not have to worry about balancing a heavy workload against my depression. That’s not to say I’m blaming law school for my problems. My depression isn’t an excuse for my academic performance and vice versa, however, I can’t say it isn’t at least a reason. They are definitely connected, but if I fail it’s because I wasn’t capable of accomplishing my goal, not because law school spurred my depression.

This article is not meant to discourage the competitive nature of the legal profession, but only point out some glaring deficiencies that cripple it. Researching this topic was eye-opening, and this barely scratched the surface. This topic is too big to be given justice in only a few pages. I did not expect there to be so much information in this specific area, let alone to see the startling numbers on its prevalence in the legal world. Depression, along with other mental health issues, is without a doubt slowly consuming law students and practicing attorneys. Although there has been some progress in recognizing this problem, it will take a lot more effort to effect real change. It should first start with removing the stigmatization of those with depression. To further stigmatize each other because one of us corroding from the inside has no practical value. As the two testimonies illustrated, depression consumes the individual and is impossible to completely separate from other parts of one’s life. While there is no right way to treat depression, there is a
wrong way: by burying it and pretending it doesn’t exist. The shadow of depression does not go away just because you are not constantly stepping on it.