

Ignatian Reflection in an Externship Course

Helping Students Prepare for and Manage the Stresses of Practicing Law

By Pamela Wilkins

Depression. Anxiety. Substance abuse. We lawyers know this story all too well, and a comprehensive study by the American Bar Association and the Hazelden-Betty Ford Foundation provides hard data: 28 percent of lawyers report significant symptoms of depression; 19 percent report significant symptoms of anxiety; and almost 21 percent report problem drinking.¹ What's more—and contrary to findings a generation ago—younger, less-experienced lawyers suffer disproportionately.² For many, these problems begin in law school. In fact, an ABA report describes law students as “among the most dissatisfied, demoralized, and depressed of any graduate student population.”³

In response, professional associations and law schools have taken several steps to help lawyers in need. Most state bars, including the State Bar of Michigan,⁴ have assistance programs designed to help lawyers and law students who are in crisis or struggling with addiction, anxiety, or other disorders. Similarly, the ABA Law Student Division has developed mental health resources for students.⁵ Finally, law schools are addressing these problems through counseling programs, peer support groups, wellness seminars, and other measures.

Can a law school externship course give students tools for coping constructively with the challenges and sorrows inherent in the practice of law? What role can such a course play in stemming the tide of dissatisfaction, demoralization, and depression endemic

among law students? The Examen, which was developed by Ignatius of Loyola in the sixteenth century,⁶ is one tool I've incorporated into my externship course to help respond to the pressures I see my students confronting as they begin performing actual legal work.

What are externships?

First, though, a few words of context for those who aren't familiar with externships. Externship courses for upper-level students form part of the experiential learning curriculum at most American law schools. They consist of two major components: legal work at an external employer such as a nonprofit or government agency (typically referred to as a field placement), and reflection on what students are learning and experiencing. This reflection takes a variety of forms, including weekly journals, reaction papers, online chats, and in-class group discussion. The externship professor reads and comments on students' journals and reflective papers, while the employer's site supervisor works with the school to ensure students receive substantial lawyering experience.

For many law students, upper-level externships provide their first extensive legal work experience. In the staples of the first-year curriculum—courses such as legal writing, torts, and criminal law—students learn to speak the language of law, read and analyze cases and statutes, and write for various legal audiences. New law students take in an immense amount of material in the first year, but what they consume in their courses consists principally of book learning and simulations. Apart from participating in occasional one-day clinics and similar sorts of non-course-related pro bono opportunities, first-year students rarely encounter actual clients.⁷

Along with upper-level clinics, externships are where the rubber meets the road.

As an externship professor, I am privileged to witness students' excitement at the world of practice as they begin to use the knowledge and skills they've developed in the classroom. Most students love their externship experiences, and judges and lawyers at their placements take seriously their roles as mentors and guides. Students' journal entries are often bubbling with enthusiasm.

But two potentially darker themes—which are all too familiar to practicing lawyers but not yet to law students—invariably emerge in students' journals. The first concerns the stresses of the practice of law: constant deadlines, occasional incivility between lawyers, and competition. The second concerns the shock of encountering human tragedy and sadness. The following journal entry (quoted with permission from a student and involving a public hearing) is typical:

I watched as a younger defendant debated between a plea offer (involving more years than he has been on this planet) or going to trial (with the possibility of life without parole if he were to be found guilty). The defendant, the attorneys, and the judge spent the better part of the morning working through this decision. It broke my heart to watch him sit at the table with pen in hand struggling to sign his plea agreement, knowing he would be in his 50s before he would even have a chance for parole. Seeing the human side of the judicial system is lost when watching television shows (*CSI*, *Law & Order*), docudramas involving true crime trials, or reading about cases in books.

As this student and others discover, stress and encounters with tragedy are inevitable in the practice of law. Sadly, these stresses are often directly related to lawyers' substance abuse and mental illness. Substance abuse can represent an ineffective attempt to cope with professional demands; depression

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and anxiety can result when lawyers' coping mechanisms fail.

The Examen

The Examen (pronounced like the word *examine*) is a tool students and lawyers can use to cope with the stresses and sorrows of professional life. The University of Detroit Mercy School of Law is a Catholic institution in the Jesuit and Mercy traditions, and the Examen is an Ignatian (Jesuit) form of daily reflection or prayer. I discuss it here as an example of how law students and lawyers can try to balance the ups and downs of their daily professional lives. Its use (or that of similar reflective methods and practices) is, of course, not limited to Catholics, Christians, or people of faith. In my view, all students and lawyers can benefit from adopting some sort of reflective method that focuses their attentions on the recurring mental challenges they regularly face.

The Examen⁸ as I use it with students in my externship course generally consists of five steps:

- (1) **Centering:** becoming aware of the presence of God (if students are religious) or simply centering themselves (through deep breathing, etc.)
- (2) **Giving thanks:** silently replaying the events of the most recent day and savoring the persons, events, and things for which the students are grateful
- (3) **Expressing regrets and sorrow:** replaying the events of the day but noting regrets and failures to treat one's self and others with respect and dignity
- (4) **Scanning the day:** replaying the events of the day and pausing to reflect on whatever keeps bubbling to the surface (a resentment, a point of confusion, etc.)
- (5) **Resolving and concluding:** considering how to use what students experienced during this Examen over the next day and then concluding the reflection

These steps are flexible. For example, during the "giving thanks and expressing regrets" steps, a student can focus more broadly on *consolations*—those things that bring us

joy and energize us—and on *desolations*—those things that make us cynical and cause us to despair of ourselves, others, and the world. Similarly, students can build an Examen more narrowly around their work-days or professional lives.

I have used the Examen in several ways during the externship course. For example, during the summer externship orientation, I lead an Examen focused on students' entire experience during the prior year of law school using the language of consolations and desolations. This initial reflection introduces students to the method, and the template I give students for their weekly journal entries encourages them to describe their own workplace consolations and desolations. Similarly, during the final class session, I lead an Examen focused on students' entire externship experience. Students mostly appear to value the Examen, and I have already noticed in student journals more acknowledgment of self-doubt, discouragement, and other so-called negative emotions than I saw before I began incorporating this practice. In my view, openly acknowledging struggles (at the appropriate time and place) allows students to better cope with those challenges than does denying them.

In fact, the Examen gives students several tools for coping and wellness.⁹ It is first and foremost a daily gratitude practice. As noted above, the practice of naming regrets, sorrows, and sources of anger and despair is a way of being mindful of and coping with them. The Examen is also a tool of self-knowledge: anyone who engages in a daily Examen begins to see common themes, common resentments, and characteristic ways of engaging with the world. Finally, in a fast-paced world of high demands, the Examen is a place of refuge, a short time during which students or lawyers can close their eyes, breathe deeply, and gain perspective. It has become a regular (although admittedly not quite daily) part of my own life, and I highly recommend it to busy lawyers.

Conclusion

After a recent end-of-term Examen with my externship students, one student sighed deeply and began laughing. "I really needed that today!" she said. Chances are she'll need it again someday, and I hope she carries it into her life as a practicing lawyer. ■

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ENDNOTES

1. ABA, *National Research on Lawyer Impairment: The Prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys* (2016) <https://www.americanbar.org/content/dam/aba/administrative/lawyer_assistance/lis_colap_hazelden_research_infographic_authcheckdam.pdf>. All websites cited in this article were accessed June 6, 2018.
2. *Id.* See also Krill, Johnson & Albert, *The Prevalence of Substance Abuse Use and Other Mental Health Concerns Among American Attorneys*, 10 *J Addiction Med* 46 (January/February 2016) <https://journals.lww.com/journaladdictionmedicine/Fulltext/2016/02000/The_Prevalence_of_Substance_Use_and_Other_Mental.8.aspx#>.
3. ABA, National Task Force on Lawyer Well-Being, *The Path to Lawyer Well-Being: Practical Recommendations for Positive Change* (August 2017), p 35 <<https://www.americanbar.org/content/dam/aba/images/abanews/ThePathToLawyerWellBeingReportRevFINAL.pdf>>.
4. See State Bar of Michigan, *Lawyers and Judges Assistance Program* <<https://www.michbar.org/generalinfo/ljap/home>>.
5. E.g., ABA, *For Law Students: Mental Health Resources* <<https://abaforlawstudents.com/events/initiatives-and-awards/mental-health-resources/>>.
6. For a brief definition, see Got Questions, *What is an examen prayer?* <<https://www.gotquestions.org/examen-prayer.html>>.
7. In my view, one of the most exciting developments in legal education is that some schools' first-year legal writing courses have started to include real client work. See Vettorello & Wilensky, *Reimagining Legal Education: Incorporating Live-Client Work into the First-Year Curriculum*, 96 *Mich B J* 56 (August 2017) <<http://www.michbar.org/file/barjournal/article/documents/pdf4article3189.pdf>>.
8. For a more detailed description of the Examen as a form of reflection, see *The Daily Examen* <<https://www.ignatianspirituality.com/ignatian-prayer/the-examen>>. A project of Loyola Press, this website contains a number of articles and other resources about the Examen; I especially like one priest's description of the Examen as a way of "rummaging through the day."
9. I am not aware of any research on the health benefits of the Examen. However, adherents to the practice report reduced anxiety among other things. See *The Examen Curbs Anxiety* <<https://www.ignatianspirituality.com/25459/examen-curbs-anxiety>>. Though not identical, the Examen is similar to mindfulness practice, the benefits of which are well documented, e.g., Tollefson, *3 Things Lawyers and Other Professionals Can Do Right Now to Bring Mindfulness to Work, Mindful* (August 4, 2014) <<https://www.mindful.org/3-things-lawyers-and-other-professionals-can-do-right-now-to-bring-mindfulness-to-work/>>.