

# Introduction

During my second year of law school I had my first “real” lawyer’s job. I was an intern at a local legal services clinic. On my first day, I was handed 25 cases “to work on.” This would be my job for the semester. Three weeks later I asked the managing attorney for more cases. When he asked about the 25 I had been given, I told him that I had resolved them.

He was surprised, and curious! He asked how I did it. I told him I had reviewed the files, spoken to the clients, thought about a fair outcome and what needed to be done, called the attorney or agency on the other side, and reached a satisfactory resolution.

I knew nothing about being a lawyer. I had no inkling that the cases were difficult, needed to take a long time, or had to be handled in a particular way. With common sense and a “beginner’s mind,” I found the solution that worked best for all concerned. Simple? It was for me!

I spent the next 12 years becoming a “successful” lawyer—and becoming less effective at resolving matters. Then, feeling frustrated, anxious, fearful, and very stressed, I stopped practicing law. I have been in “recovery” ever since, recovering what I knew about resolution when I started, discovering its many component parts, and learning how to teach and model it for others.

As a young attorney, although I listened politely to more senior lawyers, I was surprised at the coaching I received. Standard practice discouraged communication among parties in conflict, communication that I used in those legal services cases, communication essential for efficient resolution. Many lawyers were playing a very different game from the one my instincts chose.

I was fascinated with how the most effective judges and lawyers paid attention to people’s real concerns. They listened and knew what to honor and respect. They knew how to frame situations and condition expectations. They embodied a tradition that knew how to accommodate competing concerns and build consensus.

Winning or losing was not the point of their work. Their game was resolution and getting people back to their lives.

I had a similar orientation. I believed that everyone had a lot to learn about conflict, and I focused on trying to understand conflict, a pervasive aspect of life, and the practice of law. Amid all the business and personal conflict, there was some

clarity. We could do a lot better at managing disagreement—and preventing a great deal of it—if we formed professional and personal relationships in a different way.

I had a varied and fulfilling career after leaving the practice of law. I spent time as a corporate executive, divorce and commercial mediator, professional speaker, organizational consultant, personal coach, and “edutainer” in all matters related to what are commonly considered “soft skills,” though many now call them the hard skills. Along the way I’ve written three well-received books.

For reasons that are not always clear to me, I have always kept my hand in the legal game—remaining active in the ABA and being a champion for what I considered to be progressive developments in the law. When the opportunity to curate and edit this book came up it, was a no-brainer. I thought of friends and colleagues who navigated the sometimes-challenging world of “what can you do with a ‘law degree’” and along the way learned how to create balance and satisfaction in their personal and professional lives. I also had a sense of the essential elements for staying healthy. I have been fortunate to come across others with contributions to make.

Health, wellness, and self-improvement have become a critical part of the culture we live in. Serving others is a lawyer’s job. Being fit yourself is a necessary foundation for taking care of others. This book provides a toolkit for lawyers to be able to do that.

It’s a must-have book because in the highly competitive practice of law, it’s impossible to compete on substantive knowledge. Where you can excel is as a service provider. This book will help lawyers develop that edge.

If you want to be effective as a lawyer, the fitness this book aspires to is as important as—if not more important than—substantive knowledge of law. This book provides what you need for optimum fitness: physical fitness, mental clarity, emotional stability, and a spiritual foundation that will enable you to take care of clients, colleagues and the communities you serve.

As competition increases in the legal marketplace, differentiation will become increasingly important. Lawyer fitness will be an element of that differentiation. Clients, judges, juries, and other lawyers respond differently to someone who is fit and healthy. A fit person is a confident person.

This book will do its best to provide a comprehensive guide for practicing attorneys on how to stay in the best condition they can to serve clients, communities, friends, and family while enjoying the work, leading balanced lives, and making a good living.

As this book was coming alive, someone on the ABA Publications Board said they thought of the book as an update to the late Steve Keeva’s *Transforming Practices* (ABA Journal Book, Chicago, 1999), which I had the honor of endorsing. Steve’s book reflected his personal mission of sharing inspiring stories of how passionate individuals had innovated and changed the way they thought about their role in society and how they practiced law. In a similar way, curating this book reflects my desire to leave a legacy for a legal profession that has served me well and as a capstone to my legal career. I know that all authors in this collection are writing from a place of personal passion and commitment to making a difference.

The timeliness of this book is beyond question. Consider:

Between 21 and 36 percent of practicing lawyers are problem drinkers. Twenty-eight percent suffer from depression; 19 percent struggle with anxiety; and 23 percent are impaired by stress. Law students fare little better—17 percent are depressed; 14 percent suffer severe anxiety; 6 percent reported suicidal thoughts in the past year; and

22 percent engaged in binge drinking during the year. Those are the dismal results of the 2016 study of 13,000 lawyers by the American Bar Association Commission on Lawyer Assistance Programs and the Hazelden Betty Ford Foundation and a separate Survey of Law Student Well-Being conducted that same year, which included 3,300 law students from 15 different law schools. The adverse effect such statistics have on the legal profession—including the inability of its members to do their best work, or fully comply with the Rules of Professional Conduct, or even enjoy some semblance of job satisfaction and happiness—is obvious. So with the objective of doing something about that unwanted state of affairs, the ABA, the National Organization of Bar Counsel and the Association of Professional Responsibility Lawyers created the National Task Force on Lawyer Well-Being.<sup>1</sup>

As the book emerged, its chapters fell into three parts that are cornerstones of emotional intelligence: self-awareness, self-management, and effective engagement. Each of the experts relates what they know and how it contributes to personal well-being. Twenty-two of these 26 authors have been practicing attorneys; many are still doing their best to get better with more practice.

I am grateful to the authors who took the time to dig in and share from both their expertise and personal experience. I learned a great deal from each chapter and can honestly say, contrary to what others tried to warn me, that the project was not about herding cats. All it took was some gentle nudging, and it all came together. Thank you for making the contribution—each of you.

Prof. Larry Kreiger begins sharing the results of extensive empirical research on what makes lawyers happy, which in some ways is the ultimate barometer of lawyer well-being and satisfaction in the practice of law. Elizabeth Bader reveals the essential contribution of reflective or spiritual practice to well-being. Prof. Nathalie Martin shares the benefits yoga and mindfulness practice have brought her. Anne Brafford introduces the concept of emotional renewal and resilience, backed up by the critical work of Paula Davis-Laack. Dr. Larry Richard frames the critical development of emotional intelligence. Katy Goshtasbi introduces the importance of personal branding critical for a clear identity that best uses individual innate skills. Diane Costigan then focuses on the importance of self-empowerment and staying mindful because lawyers often sabotage their highest aspirations.

Self-management is the next critical set of skills. Dr. Shelley Canter touches on how critical the right career path is. Steve Meyers shares his experience about the importance of maintaining healthy family and relationships and how the dominance of the billable hour gets in the way. Ed Poll discusses financial success as a critical aspect of well-being while Dr. Eva Selhub shares critical aspects of stress and Dr. Felicia Stoler looks at the importance of proper nutrition. John Mitchell adds his reflections on the value of exercise and fitness. Martha Knudson shares her material on the importance of building what she calls “psychological capital.” Finally, Anne Collier talks about the value that a good coach can provide.

Turning to engagement with others, Micah Solomon shares essential tips for providing good client service. Dr. Heidi Gardner shares her research on the value of collaboration. Dean Joan Bullock does an excellent job of unpacking and making accessible the subject of diversity and inclusion and how that awareness is essential for well-being. Similarly, Phyllis Weiss Haserot addresses the increasing importance

1. Editorial Board, Dec 18, 2017, *Confronting a Legal Profession in Distress*, CONNECTICUT LAW TRIBUNE, available at <https://www.law.com/ctlawtribune/sites/ctlawtribune/2017/12/15/confronting-a-profession-in-distress/>.

of being able to operate in a multi-generational workforce. Julie LaEace shares her experience of the value of pro-bono service and what it can do for individuals and legal organizations. Bill Gibson writes from experience about the value of giving to the profession. Linda Alvarez shares her story of how following her own heart and mind to creative and innovative solutions has contributed to her personal values.

Two chapters are especially important to me because they reflect values I hold, as exemplified by the story of my own legal services experience before I “learned” how to be an effective lawyer. Kim Wright shares her personal journey and chronicles most of the progressive inroads enabling individuals to practice in a way congruent with their own personal values. Marguerite Picard tells us about her current multi-disciplinary practice. Even more important, she elegantly reveals the degree of unhappiness coming from the inability to adapt to a system that is inherently incongruent with the basic goodness and compassion marking us as human beings.

Finally, Cheryl Connor points out the unique contributions lawyers can make serving our democratic form of government because we are a nation of laws. She reminds us of the oath we took upon being admitted to the bar and how we swore to uphold the Constitution. Given what many perceive as current attacks on the rule of law, it is an especially important reminder.

No doubt you will find some overlap and even a bit of duplication in the book. I have taken license to do that in service of this book’s mission – to provide information and the personal experiences of others to help you reflect on your own current practices. For new lawyers, these chapters offer some things to stay mindful of. For experienced practitioners, there are points to reflect on and tools to use that relate to your current reality.

My vision is that legal service providers of all kinds will buy in bulk and that the book will generate the necessary dialogue and progressive changes that will contribute to everyone involved in the administration of justice.

Wouldn’t it be great if the legal profession served not only clients but also the lawyers and the system we are a part of? That’s a triple bottom-line I can get behind and one I invite you to join me in!

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