introduction

“What do I do next?” This question is asked by all of us at some crucial points in our lives. Lawyers are faced with the prospect of being required to retire long before their useful lives are completed. Others reach a point when writing a skillfully drafted agreement no longer presents a challenge, and the task of fighting a battle in the courtroom no longer has a strong draw. Family situations may bring about a reassessment of goals and work patterns and dictate a change in the way one spends one’s time, effort, and largess.

Different people have approached the answer from varying perspectives. Admittedly, every lawyer seeking change may not have equal opportunity to pursue certain goals or have the means to follow them; but when you are faced with the need to change, don’t narrow your prospects. In this volume I will attempt to describe how others have made dramatic changes, even when the “new life” is far different from their lives up to the crisis point. You can review the pros and cons of following in the footsteps of other lawyers who have changed their lives; perhaps you will decide that you can make the same adjustments. Bear in mind that, even when your new life may take you away from serving as a legal practitioner, your training and experience as a practicing lawyer provides the foundation for a successful transition to any of a myriad of other pursuits.

With a legal degree and experience in law practice, there is almost no limit to the other fields one may enter. The Forty-Fourth Street Notes, a newsletter of the New York City Bar, in December 2007 published a brief article on professional development titled “Lawyers as Journalists.” The article notes that at a program the Association co-sponsored with the Harvard Law School Arts Initiative, four attorneys spoke about their transition from law practice to print and television journalism. Their principal point was that the skills needed for a career in print journalism or media are
often the same skills lawyers gain while practicing law. The article states that lawyers acquire an ability to learn about a new industry or business depending upon their clients’ needs, and notes that this skill is transferable. It observes that, as a journalist, “you would be expected to write an article or report a story on a legal subject you may know little about. Lawyers are often called to think on their feet and ad lib, work under pressure in an organized manner, and work efficiently. Lawyers must be able to communicate a story and have exceptional writing skills. All these qualities, as one would imagine, are extremely useful in journalism.” Journalism here should be understood to include broadcast reporting and commentary, where these same skills are not only desirable and useful but essential.

The conclusion that alternative dispute resolution (ADR) has grown in stature in corporate America is borne out by several studies. Results of two surveys are discussed by John Bickerman and Divonne Smoyer in an article published in *The Legal Times* on December 5, 1997. The first survey, of the country’s 1,000 largest corporations, was conducted by Cornell University in cooperation with the Foundation for Prevention and Early Resolution of Conflict (PERC). This study indicates that, from 1994 to 1996, “the vast majority of U.S. corporations have used one or more forms of ADR in resolving a broad range of disputes, including: employment, environmental, sexual harassment, contracts, securities and age discrimination claims.” This, the authors noted, was due to various causes, including the rising costs of litigation, an increase of ADR provisions in employment and commercial contracts, and court mandates of ADR processes. In my many years of work as a corporate general counsel, I invested significant time in the preparation and execution of mining and industrial construction and development contracts. I became aware that provision for ADR—particularly arbitration, before mediation came into vogue—was a necessary inclusion in such contracts. Moreover, there was another factor contributing to the expansion of such clauses. In most projects covered by such contracts, disputes were multiple, involving separate aspects of a project, and each required a separate case for resolution.
The second survey, of general counsel and outside corporate attorneys, was conducted by Deloitte & Touche. The authors say that the survey “revealed an increase in the use of ADR—as much as 28 percent—in” the 2004–2006 period, “especially in the area of mediation.”

Later in this volume, there will be a discussion of one lawyer’s experience in ADR practice and devoted predominantly to matters of construction law.

The most interesting and challenging switch in careers has probably come among lawyers who have left active practice for a career in arts or entertainment, including major spectator, professional sports. In each of these endeavors, the new entrant into the field may not necessarily be a performer, but may find his or her way into the peripheral activities of the new field. For example, you will hear about the successful lawyer who elected to move into the realm of television and theater, and in doing so wound up in aspects of production, and not on the stage or in front of the klieg lights. On the other hand, you will hear of the former general counsel who left the world of the corporate lawyer, studied the art of acting before a live audience, and is now a successful actor in the challenging world of Broadway.

Many lawyers have a love of sports—not necessarily as players, but also through franchise or player management. Getting involved in this aspect of the sports world can provide many challenges, some new and others familiar to the legal practitioner. Each provides a different approach to professional life and a different opportunity for personal development and satisfaction. You will meet, at least in a descriptive way, one lawyer who followed this path and succeeded in utilizing his legal education and background in the area of professional and national sports.

Any major change in one’s professional life requires a careful analysis of both one’s talent and one’s deficiencies, and a reasoned assessment as to whether one possesses the necessary drive and determination to ensure a successful outcome. There are lawyers who would greatly appreciate an opportunity to make a contribution to the law through work in those aspects of a professional sport that demand legal talent. Lawyers who serve the professional athlete often do not understand that both a peculiar talent and a
dedication to the individual must be present to ensure success. This translates to a personal sacrifice of time that many lawyers are unwilling to make.

There are lawyers who, for one reason or another, want to augment or replace income after reducing or abandoning law practice. ADR is an obvious source of revenue. What is not so obvious is the necessity to have many talents and diverse experience to be a truly effective neutral. Chapter One will look at the broad scope of experience of several lawyers who have found second careers in ADR.

There seems to be a call from national leaders in many fields to provide public service—sometimes for compensation, other times on a pro bono basis. Such public service may be rendered at home or abroad and in a variety of situations. We will examine some of the opportunities in both venues from those who have “been there, done that” and can explain some of the desirable attributes one must bring to the table in some of these ventures.