

Finding Meaning in Our Work

by Joseph Shaub

The King County Bar Association puts on a novel and very popular continuing education program in the Fall entitled *Ethics from the Inside Out*. Its premise is that lawyers, in order to practice ethically, need to have a firm grasp of the principles reflected in the Preamble of the RPC's, coupled with an understanding of what each of us wants to accomplish in our role as lawyer.

This past year, one of the attorney participants, in front of a full banquet room of lawyers (many with more than 20 years of experience), courageously and eloquently discussed her struggle to find meaning in the work she does....a meaning which transcended the time sheets, the trials and the day-to-day push to build and maintain a successful business/practice. She spoke about her vision of law as a search for an ephemeral, and often elusive, embodiment of truth or justice, and she described the struggle to envision, and then strive for, that goal in her professional life.

At the next break in the proceedings she was inundated with people who told her, "You were speaking for me," "Thank you . Someone needs to talk about this." The facilitator who ran the program told me recently that the strongest feedback included the repeated statement, "They ought to be teaching this in law school."

This past Saturday, W.H. (Joe) Knight, Jr., the new dean at U.W. law school had a breakfast meeting for all the practitioners in Seattle who also teach on an adjunct basis. There were about 30 lawyers there who also teach trial advocacy, ERISA, insurance, intellectual property. The lawyers broke out into small groups of 5 or 6 and shared with administration members their ideas about curriculum, among other things. Once again, each group of practitioners, independently, suggested that emphasis should be placed - in the first year, if possible - on consideration of what it means to be a lawyer.

This goal - to find meaning beyond the financial benefit in the practice of law - has also seen its expression in the fairly recent debate over whether law is a "business" or "profession." As noted by Preston Munter, M.D. who in 1993 was the Director of the Harvard Law School Health Services, "Stresses of legal practice are escalating, especially in large firms. Traditional collegiality is rapidly giving way to a more stringent, commercial atmosphere, which some lawyers feel is driving out lawyerly concerns for justice."

Anthony Kronman, now the Dean at Yale Law School, in 1993 authored a searching and searing exploration of the crisis which he saw engulfing the legal profession.

"This crisis has been brought about by the demise of an older set of values that until quite recently played a vital role in defining aspirations of American lawyers. At the very center of these values was the belief that the outstanding lawyer - the one who serves as a model for the rest - is not simply an accomplished technician but a person of prudence or practical wisdom as well. It is of course rewarding to become technically proficient in the law. But earlier generations of American lawyers conceived their highest goal to be the attainment of a wisdom that lies beyond technique - a wisdom about human beings and their tangled affairs that anyone who wishes to provide real deliberative counsel must possess."

Sol Linowitz (whose career spanned generations and included an extremely successful and lucrative private practice, as well as years of public service) noted in his 1994 work, *The Betrayed Profession*,

"The satisfactions of practicing law were in the knowledge that others depended upon your judgment, your loyalty and your abilities, and that at the end of the day you knew that you had, in fact, helped

your client. In my generation, we thought of the law as a *helping* profession, not a continuation of war by other means.”

Legal education touts its ability to detach personal values from legal deliberations. From our first class and well into practice, we are inculcated with the notion that values are relative and that, therefore, a search for meaning in our professional lives based on personal values is soft-headed or non-productive. This is the prevailing ethos of most law firms today, where the big boys (and girls) concentrate on commercial viability....”eat what you kill” and other relics of the adversarial culture. Yet, when lawyers are given an opportunity to voice their unguarded personal concerns about their professional lives, the *hunger for meaning* consistently rises to the apex of discussions.

It is in this context that we find reflections on the lawyer’s role as other than a highly competent technician...as healer; as an embodiment of the value of service; as protector and refiner of the structure of our society and as promoter of justice within the constellation of our values. The issue bubbles up in myriad places:

In Robert W. Gordon’s chapter in the recent *Ethics in Practice* compendium, entitled “Why Lawyers Can’t Just Be Hired Guns.” Gordon’s compellingly argued thesis is: “Lawyers’ work on behalf of clients positively requires - both for its justification and its successful functioning for the benefit of those same clients in the long run - that lawyers also help maintain and refresh the public sphere, the infrastructure of law and cultural convention that constitutes the cement of society.”

In the ABA’s Law Practice Management journal, estate planning attorney, and prolific author, Daniel B. Evans, concludes his provocative essay, “Helping Clients Heal” with this passage, “Our duty to our clients, and our goal as lawyers, should be to achieve client satisfaction, not just manipulate pleadings, deeds and tax returns. We can help our clients achieve the peace and satisfaction that come from spiritual growth if: (1) We can use the legal process to help our clients come to a better understanding of themselves and the world around them (or at least the world represented by the legal system) and (2) We show them other ways of looking at the world and its conflicts.”

In Rule 2.1 of the Washington RPC’s which admonishes the attorney in rendering advise to the client to “refer not only to law but to other considerations such as moral, economic, social and political factors...”

In George Kaufman’s excellent book, *The Lawyer’s Guide to Balancing Life and Work* which contains valuable passages and exercises designed to encourage lawyers to explore their own deeply held personal values and then assess the degree to which these values are consistent, or in conflict, with the manner in which they conduct their practices.

In the earlier referenced KCBA CLE program, *Ethics From the Inside Out*, which contains an extremely powerful section devoted to the development of a personal and professional mission statement. Participants are encouraged to explore their unique personal gifts and deeply held values and then convert them into a focused mission statement.

As attorney Terry Leahy, who co-designed this CLE program, noted in the materials, if we lose sight of our purpose - of why we are engaged in this difficult, often draining, work - we will be vulnerable to depression and burn-out, and a wonderful opportunity to live comfortable *and* meaningful professional lives will be lost. Rather, as Terry suggests, we take heed of the words of George Bernard Shaw,

“This is the true joy in live. Of being used for a purpose recognized by yourself as a mighty one. Of being a force of nature, instead of a feverish, selfish little clod of ailments and grievances, complaining that the world will not devote itself to making you happy.

I am of the opinion that my life belongs to the whole community and that, as long as I live, it is my privilege to do for it whatever I can. I want to be thoroughly used up when I die, for the harder I work, the more I live.

I rejoice in life for its own sake. Life is no brief candle to me. It's a sort of splendid torch that I've got to hold up for the moment. And I want to make it burn as brightly as possible before handing it on to future generations."