

Understanding the “And”

BY JILL ROTHSTEIN

I’ve been attentive to the significance of certain words lately, and how the meaning of one word can change something entirely. It’s stemming from a review of several vendor contracts, I am certain. As lawyers, we are trained to be hyper-aware of the difference we create with “may” instead of “shall”; or the problems that will result from a missing “not.” This has made me start thinking more broadly about the significance of “and.”

In improvisational acting classes, students are encouraged to keep the flow going by saying, “yes, and....” The idea is to introduce an entirely open and unlimited pattern of thinking. What would happen if we thought about things more like an improv class, using the framing of “yes, and” rather than “yes, but”? I wonder, if by choosing the “yes, and,” we could strengthen connections that would help us see things differently and perhaps understand one another better.

Lawyers are trained to seek alternatives – alternate explanations, alternate solutions, ways to problem-solve by including a variety of ideas in development of sound, reasonable, equitable solutions. What would happen if we sought those alternatives, those additional factors, that could connect us to one another? How can we be more aware of the “and” in our colleagues, our clients, our opponents? Would that reframing be beneficial to our clients as we advocate for them?

What would change if we focused more on “yes, and” in our practices? What could we change if we better understand the “and”?

I have no answers here. Instead, I offer this to you as a thought exercise. I invite you to share those with me. **WL**



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