

Viewpoint: "'Happy Lawyer': Not an Oxymoron"

I spent many years enduring the practice of law before I finally learned how to actually enjoy it. Here are some lessons learned over 30 years that might help other lawyers enjoy their practices, too.

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It took me 20 years to learn how to enjoy practicing law. Until I learned how to do so, I told myself at least once a week that I needed to find another profession. There are two reasons why it took me so long. First, I was more concerned about building a practice and making money than enjoying what I was doing. Second, when I started practicing law in 1981, enjoying the practice of law was simply not something that lawyers discussed or even considered. Indeed, many lawyers believed that the practice of law was to be endured rather than enjoyed – at least by young lawyers who had to learn the law and build a practice with the eventual goal of making partner (which, at the time, was the equivalent of nirvana).

Times have changed, however, and learning how to enjoy the practice of law is becoming more important to many lawyers.¹

This article outlines what I have learned in 30 years of practice.

These tips have made my practice not only less difficult but also often entertaining and sometimes even delightful. While I make every effort to follow my own advice, I am not always successful in doing so. Many, if not most, lawyers are aware of and follow at least some of the practices detailed below. But, if you are like me, you'll find it helpful to be reminded periodically.

Thoughts to Keep In Mind Throughout the Day

Definition of a Real Emergency. All private practitioners have had a client call with "an emergency" that had to be dealt with "immediately." One day I was complaining to my wife about several clients who had emergencies that day. My wife, who is an operating room nurse on the cardiac team at a local hospital, responded, "Those aren't real emergencies. I'll tell you what a real emergency is! When blood is spurting, bone is showing, or someone isn't breathing – that's a real emergency!" Although I have rarely repeated this to clients (and those to whom I have said it were not amused), I do try to keep it in mind when a client calls with an emergency. It helps me keep my anxiety level down, if not the client's.

It's Not Brain Surgery. I often try to calm my clients who are in stressful situations by reminding them that it could be worse – usually reminding them that health problems are often far worse than legal or financial problems. Recently, I was having breakfast with a client in preparation for a meeting with bank representatives to discuss a large debt my client owed the bank. As my client expressed his anxiety about the meeting, I went into my standard spiel on how things could be worse. For some reason, I chose to say that "it isn't brain surgery." My client smiled broadly and replied that his wife had said the exact same thing to him that very morning. It turns out that this client had a brain tumor removed a few years ago. We agreed that the worst that could happen in this meeting did not compare with the worst that could have happened in that surgery.

Mistakes Can Usually Be Fixed. A partner in the firm with which I first practiced told me that while every lawyer makes mistakes, it is fortunate that most mistakes can be cured one way or another before they cause any real harm. I have found that to be true, and as a result, try not to worry about making mistakes (although I have to admit that my perfectionist personality has a very difficult time with this).

Dealing with Clients. We have all been frustrated by clients who don't understand, don't follow our advice, or demand more of our attention than we believe is warranted – I could go on and on. I have found that these thoughts help me be more patient and relate better to these clients:

- Many clients are under stress, often severe stress, which negatively affects their ability to understand and act.
 - Most clients don't know the law and need to be educated on it if they are to understand why you are recommending one action over another.
 - Learning takes repetition. Don't expect your client to understand your first explanation.
 - Some clients don't have the intellectual or organizational resources we possess and therefore can't easily assimilate our explanations and advice.
- Even if clients have significant intellectual and organizational skills, many are going through a new experience. They become anxious and have difficulty understanding and coping with their legal circumstances.

Dealing with Other Attorneys. Many of us are annoyed by what we believe are untenable positions taken by opposing counsel. Fortunately, we practice in Wisconsin, where it is rare that an attorney will take a frivolous position. Remember that most lawyers are just doing their job the best way they know how: taking the ethical admonition of zealous representation to heart.

Other Ways to Enrich Your Life as a Lawyer

Get Involved with the State Bar

Getting involved with the State Bar can be very rewarding. Writing articles for *Wisconsin Lawyer*, being a board member and chair of the Bankruptcy, Insolvency and Creditor's Rights Section, and participating in the *Lawyer-to-Lawyer Directory* have enriched my life tremendously. Specifically, I have developed very close friendships with both other lawyers and members of the State Bar staff. Participating in the State Bar has also made me a better lawyer because of the exchange of ideas that takes place at every State Bar event. Get the full benefit of your State Bar dues and get involved. Click on "[The State Bar](#)" tab at www.wisbar.org to learn about the leadership and networking opportunities available to you.

Mentor New Lawyers

In my humble opinion, for the sake of both new attorneys and their clients, all experienced attorneys have an obligation to mentor newer attorneys. The good part is that mentoring has several benefits. First, you learn. I can't tell you how many times I have been asked a question by a new lawyer to which I did not know the answer. Between the two of us, we figured it out. Second, new lawyers will often refer to you a case that they do not feel competent to handle. Third, you make friends.

In his column this month (see [Inside the Bar](#)), State Bar Executive Director George Brown discusses the Joseph A. Melli Mentoring Program and how you can get involved.

Develop a Referral Network

When I first started practicing, I sensed that lawyers in the area discouraged making referrals to other attorneys – presumably

Then there are the times we are peeved by communications from, or actions by, opposing counsel that we believe are rude, unjustified, unwarranted, or unprofessional. Retaliating in kind only raises the tension and rarely, if ever, does your client any good. As a result, my first reaction is to do nothing. Second, I reread the communication – many times I do not interpret it the same way upon the second reading and find that I took offense at some imagined slight or insult. My third step is one of two: either ignore the offense and respond only to the legal issues at hand, or politely and without emotion call the attorney to task, explain what I believe the attorney did that I felt was offensive, and move on. Rarely have I asked for an apology, although the few times I have, I have always received one.

By the same token, if you discover that you have stepped over the line, take action to atone. Apologize; resolve to think twice before taking the same action the next time; and move on.

Dealing with Your Staff. Completing your work in a timely manner, while crucial to a good practice, should not prevent you from taking a few minutes every day to interact with your staff on a personal level. Several years ago, on a Monday morning, I was agonizing about completing a project before a deadline when my staff person arrived. Rather than greeting her, I immediately launched into the to-do list for the day. She had had an emotional weekend – her son had arrived home from Iraq. Needless to say, she was quite offended. I immediately apologized, but it took some time before our relationship was back on the good terms it had been. Over the years, I have become more and more careful with how I treat my staff.

Ask your staff to check your work and correct your mistakes. I can't tell you how many times my staff caught a mistake and, at the very least, saved me embarrassment, if not a malpractice complaint.

Things To Do

Get Organized. Organization is crucial to practicing law. Without it, malpractice is the inevitable result.

Ask for Help. Approximately 500 lawyers are listed in the State Bar of Wisconsin's *Lawyer-to-Lawyer Directory*. These lawyers have agreed to share their legal knowledge with other lawyers through brief telephone consultations. I am both a volunteer lawyer in the directory and a customer of the service, all in the pursuit of greater competence and better service to the public.² Many Wisconsin attorneys are glad to share their knowledge with others, whether or not they are listed in the directory. Checking with an experienced lawyer will, at the very least, confirm your approach to

because of the fear of losing clients. Over the years, I have learned that making referrals to other attorneys has several benefits. First, by making a referral to competent counsel, you are doing the public a service. Second, attorneys to whom I refer cases now refer cases to me. Third, I have developed several lifelong friendships with other attorneys as a result of this practice.

the issue and, at most, prevent you from committing malpractice. Take advantage of the goodness of others!

Choose Carefully – Both Your Clients and Their Cases. If you are in private practice, choose your clients carefully. Make sure they can afford your services, and make arrangements for them to pay you in a timely manner. If your personalities grate or you aren't getting paid, you might avoid contact with the client or possibly neglect the matter, both of which could result in poor client relations or even a malpractice claim. Just as important as how you choose clients is how you select the matters you undertake. Make sure you are competent to handle the matter; if not, ensure that you can

obtain the necessary assistance or engage an experienced attorney as co-counsel. If you aren't competent to handle the matter, you might be tempted to neglect it. Finally, for the same reason, don't take on too much work or too many cases.

Engage People. Engage everyone with whom you come into contact. Not only will you enjoy life more, but from a professional viewpoint, you will often advance your client's causes – sometimes greatly. From other attorneys' staff members to governmental employees to everyone else, you will achieve more results for your clients by honestly engaging people. It is often easier to obtain a stipulation with opposing counsel if she or he likes you as a person. Additionally, you can often convince people to go the extra mile if you are pleasant, agreeable, and understanding. The critical point is that you must honestly care about the person with whom you are interacting, because virtually everyone is turned off by an insincere attempt to achieve a goal (think politicians who want to "meet and greet" you or insurance agents who cold call you and address you by your first name).

Note the difference between the way I used to make business phone calls and how I make them now.

Old method: "This is Attorney Jim McNeilly. Is Attorney Smith available?"

New method: "This is Attorney Jim McNeilly. How are you?" When I reach the attorney or paralegal I called, I start with the same question: "How are you?"

Some people are taken aback until they realize I am sincere about the question. Almost everyone appreciates the thought and responds positively. I have had half-hour telephone conversations with people I have not met before during which we discussed everything from the weather to work to our children and families. Similarly, I often add a personal note to my emails. As a result, I have developed relationships with several people, mostly staff members in other offices, whom I will probably never meet in person. Of course, you can't always take the time to be involved in long conversations or email exchanges. However, doing so occasionally can enrich your life.

Each time we interact with another person, we can make that experience negative, neutral, or positive. If you try to make each opportunity a positive one, you will not only enrich your life but will enrich the lives of others. Enjoy the day!

Take Care of Yourself. Learn how to achieve an appropriate work-life balance, and then work at it. Nurture your personal relationships. Find interesting things to do outside the office and then do them! Get out of the office every day for lunch, coffee, or a walk. Have a designated "busy day" when you work a little late so that you can play hooky on another day. Listen to your life partner or best friend – if the person who knows you best is telling you something, he or she is probably right. Strive for physical well-being. Cultivate a mindful attitude: notice and appreciate the moment and think less about the past and future and more about now.³



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A wise client once told me this story. "When I was in Vietnam, my job was to take care of wounded soldiers who were returning home. I had deep conversations with many of them, some as they lay dying. More than one died while I held his hand. You know what? Not one of them talked about how they wished that they had worked harder, but many said that they regretted not spending more time with their family."

Happiness Resources

Even people who do not consider themselves unhappy would be rewarded by checking out the many books and websites dealing with happiness. For example, read *The Happiness Project*, by Gretchen Rubin, a lawyer turned author, and visit her website: <http://happiness-project.com>. My personal favorite is *You Can Be Happy No Matter What*, by Dr. Richard Carlson. Another excellent book is *The Happy Lawyer*, by Nancy Levit and Douglas O. Linder.

for their assistance in writing this article. Contact the author at www.mcneillylawoffices.com

Conclusion

If you aren't careful, practicing law can make you unhappy, if not downright miserable. However, if you organize your professional life, learn what to say yes and no to, and relate to all people with whom you come into contact in a positive way, it can be a most

rewarding career. Hopefully, some of the ideas set forth above will help you make your life in the law a little more enjoyable. Good luck!

Additional Important Matters

Matters of great importance to all attorneys that are, unfortunately, beyond the scope of this article include the following.

Addiction, Depression, and Other Serious Issues

If you are struggling with addiction, depression, or another serious personal issue, seek professional help, now. Start with the State Bar's Wisconsin Lawyers Assistance Program (WisLAP) 24-hour Helpline at (800) 543-2625.

WisLAP offers confidential support 24 hours a day, seven days a week and has more than 150 trained volunteers ready and willing to assist you with initial evaluations, referrals, peer assistance, consultations, education (including CLE programs), outreach, and intervention. For more information, contact WisLAP Coordinator Linda Albert at (800) 444-9404, ext. 6172, or visit www.wisbar.org/wislap.

Client Mental Illness and Suicide

As a copresenter in a recent panel discussion on "Dealing With a Client Under Stress," I was shocked to hear how many lawyers had faced clients with mental health issues and how many had represented clients who later committed suicide. As misfortune would have it, a few weeks after that seminar one of my young associates had a client in her office who was talking about committing suicide. While rarely directed at attorneys, information on how to handle people with these issues is available. Educate yourself so that when you are faced with such a situation, you will know what to do. There are numerous resources on the Internet about how to represent a client with mental health issues. For suicide issues, start with Prevent Suicide Wisconsin at www.preventsuicidewi.org and the National Suicide Prevention Lifeline at www.suicidepreventionlifeline.org/GetHelp/Someone. County mental health or human service agencies also are very good resources.

Lawyer Personality Traits

According to the Hogan Assessment Project of Lawyer Personality, a well-known study of nearly 2,000 lawyers, lawyers enjoy learning and tend to be:

- self-critical and temperamental, but also self-aware, open to feedback, and emotionally expressive;
- task-oriented;
- excitable, becoming tense and overly critical;
- cautious;
- skeptical, indicating a tendency to be argumentative and suspicious of others; and
- reserved.¹

However, not all lawyers share all these traits, and those of us who do, do not necessarily exhibit them in the same way. However, what is important is that we each understand our own individual personality and how it affects how we interact with people and the way we practice law. A wealth of information is available on personality traits and how to make the most of your personality – take advantage of that information. For a good discussion of lawyer personality traits and citations to additional resources, see "Pressure Proof: Three Ways to Build Resilience," by Paula M. Davis-Laack in the June 2012 *Wisconsin Lawyer*.

¹ Jeff Foster, Larry Richard, Lisa Rohrer & Mark Sirkin, *Understanding Lawyers: Why We Do The Things We Do 6-7*, Results from the Hogan Assessment Project of Lawyer Personality, © 2010 Hogan Assessment Systems Inc. Hildebrandt Baker Robbins a Thomson Reuters Business, available at www.hoganassessments.com/sites/default/files/Lawyer_Personality_12.1_0.pdf.

Endnotes

¹ See "Hunting Happy: In Grim Times, a Search for Joy in Law Practice Gains Ground," ABA Journal (Feb. 1, 2011), available at <http://tinyurl.com/77ksxlb>.

² See www.wisbar.org/lawyer2lawyer.

³ See, e.g., Scott L. Rogers, *The Six Minute Solution, A Mindfulness Primer for Lawyers*.

