

In This Issue

- Omnipresent Angst.** A state of the legal profession psyche report as more lawyers now look beyond their work for personal fulfillment **Page 1**
- Next Level.** Ross Fishman’s new book is all about effective branding for lawyers in search of better clients and higher fees..... **Page 3**
- New Normal.** Richard Levick offers a comprehensive look at the radical dynamics now driving litigation communications—and how lawyers must adapt to these incessant changes or face obsolescence..... **Page 6**
- Bottoms Up.** Bahaneh Hobe has an enviable niche as she and her firm are lawyers of choice for any business or legal issue affecting the alcohol industry **Back Page**

Psyche of the Profession ...

Despite Strenuous Hours, Deadlines, and Demands, Many Lawyers Find Happiness

Wherever you turn, it seems, you read and hear that people are dissatisfied with their jobs. In fact, in recent years a few surveys, including those by the US Chamber of Commerce, report that 70 percent of the American workforce hates or at least dislikes their jobs. While images of coal miners and toll-booth takers might come to mind, professionals who make good money and have “important” and “interesting” careers are glum on the job too, including lawyers, of course. Surveys of the legal profession bear that out year after year.

But surely it’s not a 70-30 dislike-to-like ratio like that of workers nationwide, right?

Well, probably not, but some inside the profession aren’t so sure about that. “I don’t know if the ratio is like that in the legal profession, but it wouldn’t shock me if it is,” says Daralyn Durie, litigator and name partner at San Francisco’s Durie Tangri who says she’s

quite happy being a lawyer, and an online search shows that, given all of her honors and recognitions, she also quite successful, too. “I think there are a lot of lawyers who don’t like their job. People tend to start out pretty excited, but there’s a lot of drudgery in this job, as there is in all jobs, and the workload’s heavy. The overworked thing is real.”

Sometimes that unhappiness translates into serious health and behavior issues, as is well documented. “Depression continues to be extremely high, and alcoholism, dependency on substances, suicide, and other issues are highly prevalent in the legal profession,” says Charlotte Wager, a partner and chief

Continued on page 2

talent officer at Chicago's Jenner & Block. "The profession is a very challenging and high-pressure environment for many people."

Wager, her team, and Jenner & Block management work hard to help lawyers reduce the stress that seems as high as it ever has been in the profession, in part, because of increased demands from clients that want more for less, the mounting pressure on the billable hour, and other such stress-points, all of which she thinks are here to stay. "Those demands are not going away," she says. "That's the nature



Copyright © 2017 CCH Incorporated.
All Rights Reserved.

OF COUNSEL (ISSN 0730-3815) is published monthly by Wolters Kluwer, 76 Ninth Avenue, New York, NY 10011. Subscription rate, \$1,125 for one year; single issues cost \$141 (except **OF COUNSEL 700 ANNUAL SURVEY**). To subscribe, call 1-800-638-8437. For customer service, call 1-800-234-1660. Address correspondence to **OF COUNSEL**, 76 Ninth Avenue, New York, NY 10011. Send address changes to **OF COUNSEL**, Wolters Kluwer, Distribution Center, 7201 McKinney Circle, Frederick, MD 21704.

This material may not be used, published, broadcast, rewritten, copied, redistributed, or used to create any derivative works without prior written permission from the publisher. For information on how to obtain permission to reproduce content, please go to the Wolters Kluwer Web site at www.WoltersKluwerLR.com/policies/permissions-reprints-and-licensing.

For customized article reprints, please contact *Wright's Media* at 1-877-652-5295 or go to the *Wright's Media* Web site at www.wrightsmedia.com.

This publication is designed to provide accurate and authoritative information in regard to the subject matter covered. It is sold with the understanding that the publisher is not engaged in rendering legal, accounting, or other professional services. If legal advice or other professional assistance is required, the services of a competent professional person should be sought.

—From a *Declaration of Principles* jointly adopted by a committee of the American Bar Association and a Committee of Publishers and Associations.

www.WoltersKluwerLR.com

of the profession that we're in right now, and I don't see that changing."

If attorneys don't take care of themselves and find ways to beat the stress, over the course of their careers it can compound and lead to dire results. "I see lawyers all the time who don't pay attention to physical fitness and their diets," says Matthew Addison the managing partner of the Reno office of Las Vegas-based McDonald Carano.

Like others interviewed for this article, Addison paints a depressing portrait of the health and psyche of many lawyers. "Often their health problems just go through the roof, even in their early 40s," he says. "You see people who are obese or addicted to alcohol and drugs or have high blood pressure and high cholesterol. You're pouring over so many documents your eyes get burned out, and you're on the phone so much your ears get burned out."

Walking Out the Door

But even on a less severe level, lawyers suffer through job dissatisfaction and become restless and disgruntled. If they're not turning to the bottle or the bong—or worse—they turn to legal recruiters, hoping a change of venue might be the answer.

Patty Morrissey, managing director of the international legal recruiting firm of Mlegal, says that while she thinks many lawyers are satisfied with their careers, she does hear a lot unhappy ones complain about their law firms. "They tell me, 'I want to grow my practice and it's not working in this platform,'" she says. "And, 'I don't like where the leadership is taking the firm.' Often they see some sort of change and don't like the direction the partnership is taking."

Of course, sometimes such discontent will contribute to an associate leaving the private-practice arena or the profession entirely, and

Continued on page 17

Mental Health Report

Continued from page 2

it's still true that partnerships are very hard on young attorneys. "When you see young lawyers leaving the practice or leaving a law firm to go in-house, often it's the 24-hour connectivity factor," says Patricia Stanton, a partner who manages the San Francisco office of Houston-based Baker Botts. "They just don't like that they can never unplug. If it gets to the point where that's something they can't deal with, they often move on to do other things."

Another element that adds to the pressure-cooker atmosphere, especially for first- and second-year associates, is the rapid pace of the work. "Deals close at warp speed, and clients need answers on issues and disputes quickly," Stanton adds. "That's what we're here for, and it's just the way business is done now, but it does create a lot of stress on the demands to respond quickly."

And then there are the notorious long, long hours that many associates must endure as they work their way along the partner track. "One thing that made me unhappy when I was at a [traditional] big firm was the night after night of 10:00 or 11:00 p.m. days," says David Goldberg who practices in San Francisco at the very untraditional VLP Law partnership, which broke the mold of the model in which firms operate when it was founded nearly 10 years ago.

The Happiness Factor

Naturally, all of this is not to say that many attorneys don't find satisfaction with their careers. Many do and for a variety of reasons. Nurturing intriguing interests and activities outside of the courtroom or boardroom is key, says Durie. "Attorneys need to think about things other than law in order

to be engaged in the world and be a reasonably well-rounded, engaged person," she says, adding that one of her outlets is theater and she attends dozens of performances nearly every year. "You actually need that to be a good lawyer in addition to being a happier human being. And you need to treat your outside interests the way you treat your job; you need to make them a priority."

Wager agrees and says one of the ways she decompresses from her career is by running marathons, and recently she completed her fifth such race. Addison performed martial arts for more than a dozen years and, as a former football player, sings the virtue of physical activity, especially the outdoors variety. "You have to do something like hiking, kayaking, skiing—something outside and something physical to keep yourself sane and physically fit," he says. "The more physically fit you are, the better you perform as a lawyer."

Those attorneys who do find joy in what they do cultivate the passion of the job's challenges. "The intellectual stimulation counters the stress," Addison says. "I love the sheer intellectual challenge of understanding the concepts of the law and the interactions of legal principles and figuring out how the law affects people."

It also helps if lawyers are keeping busy and not sitting on their hands with little work streaming into their offices. "Lawyers are happiest when they're working," Stanton says. "Lawyers love taking pride in knowing that their clients trust them, that their deals and their disputes are important to them. If lawyers are working and being challenged intellectually, they achieve career satisfaction."

Om, Ommmmmm

Law firms have clearly taken a lot of steps in the last 15 or 20 years to build a culture that breeds happiness through programs and policies and, importantly, attitude. Diversity,

inclusion, family-leave, and work-life-balance programs have been celebrated in this publication and others for the benefits they provide lawyers and nonlawyers alike in law firm settings.

“Our managing partner has been very focused on financial, physical, emotional, and mental wellness,” Wager says. “That led us to bring meditation and/or yoga into the workplace and feature it at our annual partner meetings. It’s amazing how well-received it is. People are hungry for that kind of engagement. Another thing, this year we’re bringing in workshops on nutrition. People want to feel better and healthier.”

Meditation? Yes, things have changed from the days of stodgy, conservative, cigar-smoking, all-male partnerships of a generation or two ago.

At VLP Law, the lawyers have made headlines for fully embracing innovative ways of doing business with their flex-schedules, go-with-the-flow, but effective, management practices and their now famous virtual offices. “Because we have a low overhead model, we’re able to offer a lot more flexibility in terms of hours,” Goldberg says. “While we serve sophisticated clients who have important deadlines that we have to meet—and we still have to pull late-nights sometimes—there’s no one here saying you’ve got to make your 2,100 hours or we’re cutting you from the partnership. With no one looking over

your shoulder or breathing down your neck to make hour-requirements, it’s easier to find happiness.”

What’s more, VLP tolerates and in fact encourages a variety of individual aspirations, without raising judgmental eyebrows toward one another. Goldberg explains: “While the firm has overall goals, the individual partners are largely in control of their own destiny in terms of where their practice goes and what they’re trying to achieve. I personally have a goal of growing my practice, but a lot of my partners are happy where they’re at. Our firm accepts people of both styles.”

Pro bono work and other community outreach initiatives also give lawyers satisfaction. “What we found at the firm is that in many ways the commitment to pro bono allows you to bring passion and feel good about your careers,” Wager says. “Associates feel that they are in charge and they’re getting client interaction and making a difference in somebody’s life. That changes the quality of your life.”

When asked about the pursuit of happiness, Goldberg is quick to get to the heart of the matter and looks at it with a holistic, philosophical perspective. “To be happy you have to have a purpose in life and some ability to control your destiny to achieve that purpose,” he says. ■

—Steven T. Taylor