

On Being A Happy (and Successful) Lawyer

Remarks at the Commencement Exercises

For the

Case Western Reserve University School of Law

Cleveland, Ohio

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Tucker, Ellis & West

Thank you Dean Simson. Even after that gracious introduction, I can guess what most of you are thinking: Who is this guy?

The most informative parts of my background are not in my public bio, so let me tell you a little more to set the stage for what I'll be talking about. First, I am a lifetime Cleveland resident. I am married to my high school sweetheart of 40 years ago, and in 1972, I graduated from this great law school.

Other than talking my wife into marrying me, and the birth of our terrific sons and grandchildren, attending this school is hands down the most important event of my life. My three years here changed everything for me. The sort of squared away corporate type you see standing here this afternoon bears no resemblance to the bell bottomed, lamb chop side-burned college kid of 40 years ago. I look at photos of me and my friends back then and it looks like we were transported here from a strange place very far away.

Before showing up here in the fall of 1969, I was the fun guy your parents wanted you to stay away from. In fact I essentially majored in fun at Denison University, and with graduation looming I was looking for something to do besides working. A bright enough student bored by academics, I took the LSAT's on a flyer, slightly hung over (to my earlier point), and did great; good enough to get me on the waiting list at Case. Back then, when Case was just starting to become a highly respected school, the waiting list was pretty short and didn't take long to clear, so I got in.

By the third week I was totally hooked. I loved law school and the idea that I would know the rules of how society worked – as if someone had given me the back of the Scrabble box. I did very well at our school and for the first time, started to think of myself as someone who could actually accomplish things.

In the summer of '71 I took a job as a summer clerk at what was Arter & Hadden, a 70 lawyer Cleveland firm. Starting as a trial lawyer, I went on to be a transactional M&A/finance type and was able to build a successful, really fun

practice. At the too early age of 43 I became managing partner, and ran the place for ten years as it grew to a nearly 500 lawyer firm. In 2000 a friend and colleague took over as managing partner and three years later in 2003, that nearly 160-year-old firm, and my only job for 30 years, collapsed.

Now if it's true that we only learn from our mistakes, with all the degrees that surround me, I am without a doubt the best educated person in the room. But this story has an unbelievably happy ending, because the Cleveland office of Arter & Hadden didn't scatter and collapse into finger pointing lawsuits like virtually every other failed firm. Our lawyers turned down all sorts of great offers to jump ship. We put our money up, signed personally for the bank loan to get started, and chose to stay together as a team. All but perhaps 5 or 6 of our partners, associates and staff, maybe 200 people, threw their lots in together, and we formed Tucker Ellis & West, which is a truly great place to practice.

So, it's been 36 years since I was sitting where you are, waiting for someone like me to finish, and I still love being a lawyer. Every day brings new issues to wrestle, I spend my time with bright, completely engaged people, and all of my clients are people I'm proud to call my friends. I find myself very close to my lifelong goal of not spending one second doing things I don't want to do or being with people I don't want to be with.

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I tell you all of this not to brag - well at least that's not the only reason - but because our new firm rose out of some hard simple truths about what's good and not so good about being a lawyer today.

The fact is our profession has become increasingly unhappy over the past couple of decades. I am convinced the vast majority of that unhappiness derives from a single seemingly innocuous event in the late 1980's: The American Lawyer magazine began publishing the AM LAW 100, and listed the profits per partner of the 100 largest firms. Virtually all of the firms in this country immediately bought in to that statistic as the only credible measure of success. The game was on - we lawyers would now take our measure almost entirely from money, at least in terms of what was publicly discussed. Without question, integrity, service, and professionalism were important, but how we measured ourselves was money.

This was a terrible mistake and now, more and more of us see its dark implications: the bragging rights on how many billable hours we charge (and the

matching lost weekends and evenings); rates that are topping \$1000 an hour; and clients who believe their files are being worked to death by armies of inexperienced associates. All of this so the largest firms can bump their statistical rankings and everybody else can compare themselves to the published stars.

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But the worst of all this is: that we've chosen simply money, as our measure of success. It's too simple to say, "Money is the root of all evil" because it's not. And I know that the absence of money is a pretty good predictor of unhappiness. But money, just money all by itself, does not provide a sense of worth or accomplishment, or even peace of mind. The fact is, it's in our DNA to always want a little more, and getting more only feeds the need to get a little more.

Here's the formula on personal budgets that if you don't already know, you soon will. I know all of your parents know this. And you should write this formula down because it's as immutable as a law of physics. Your monthly expenses always equal your monthly income plus \$300. No matter what, we're all looking for "just a little more."

Now we're going to do a ten second experiment. Take a moment and reflect on the occasions when you felt truly happy - and please don't name "listening to this talk." [8 seconds of silence]

I submit that not one of you is thinking about money or material things. Our best times are always with people we care about, doing things that bring us closer together. But knowing that, we let ourselves climb on this treadmill, running harder and harder, like that donkey trying to catch the carrot on a stick.

I believe this is beginning to change, at least in the arena where lawyers have to keep increasing the hours they devote to work. Hours are being recognized as an irrational measure of value. Nobody calls a lawyer asking him or her to please spend twenty hours on a project. Clients want to pay us for what we do, not how long it takes us to do it.

In fact, a growing minority of lawyers and clients are starting to move away from hours as the basis for fees. The feature of Tucker Ellis & West about which I am most proud is that we have no billable hour requirement. We value our people for what they accomplish. And that decision has been hugely liberating for us.

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not how long it takes us to do it."*

I submit there's much more to being a satisfied lawyer than making a lot of money. Back when I was running Arter & Hadden I would speak to our incoming class of associates and suggest that if their career goal as lawyers was to get rich, they should seriously consider a career change. My point was that most law practices by their nature are designed to produce a comfortable living, not make us rich. We don't take big financial risks, we don't make critical business decisions, we are fundamentally well educated consultants.

If you've decided to become a lawyer solely to make money, if to you it's simply a job, I fear you'll hate it. As a career and a calling it's great and unbelievably interesting, but as simply a job, it's way too hard and stressful. It's the people, the pace and the endless puzzles of the law that make being a lawyer fulfilling. If you want tons of money for working twenty hours a day and nausea-inducing stress, Wall Street investment banking may be just the thing. In that business the grand old men are burnt out at 45.

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Over the past few years I've come to some conclusions on finding guideposts that will give us lawyers the best chance of being successful, in the sense of truly enjoying our lives and careers as lawyers. They are simple, some might say "trite". But 36 years of listening to happy and desperately unhappy lawyers and watching colleagues succeed as lawyers and people (and watching some fail), I know that these may be clichés, but I also know they are true.

I'm going to talk about a handful of these "truisms," only a couple of which I've made up, on being a successful lawyer in the sense of being fulfilled. Just so you know how close I am to wrapping up, there are nine of these, and they're pretty short.

FIRST, BE SOMEONE OTHERS COUNT ON.

Most folks talk a good game; very few come through. Clients come to you because they have a situation they cannot solve on their own. Most are not looking for an analysis of the law. Most want you to solve a problem. So solve it, don't add to their problem by being hard to find, by missing deadlines, or by simply describing their problem back to them. It's like going to the dentist when you have a toothache. You want it fixed and you want it fixed *now*. That's

what a client wants every time they talk to you. Walk in with a problem, walk out with a solution.

What they want is someone they can count on to make their lives simpler, to accomplish what they want accomplished. If you can simply do that, you'll be sought out as an extraordinarily effective lawyer. And there is a real difference in your sense of self between being simply somebody who knows the law and the person that people count on to solve their problems.

SECOND - BE AN INTERESTING PERSON.

...for your own good and so that clients think of you as more than a lawyer. A decent definition of hell is a dinner party companion who is a first year lawyer on the day after his or her first trial. Law stuff is interesting mostly to lawyers. In fact, it's real interesting to lawyers, so that's what we talk about all the time, just like you talk about law school all the time.

Force yourself to be able to talk about more than law - read books, go to movies, be part of politics, go to lectures. You'll meet people, you'll be able to talk about things that other people find interesting, and you won't burn out on your job.

The horror stories you hear about associates working 2500 hours a year? You will be surprised when you see how much of that is self imposed. These young lawyers get caught up in the chase and find that what they're doing is more interesting than anything else, so they become that boring, self-absorbed dining companion. The world's full of great people with jobs and hobbies that are just as demanding and just as fascinating as yours (assuming you make yourself get a hobby). Learn about them. You'll be happier and much more fun to be with.

Here is another obvious but ignored truth...

LOOK OUT FOR YOURSELF.

Nobody cares about you like you do except maybe your parents, and you won't be working for them. My late and very wise father used to tell me to not worry about what people were thinking about me, because they weren't. They were thinking about themselves.

Your employer may have a mentoring program, but nobody is mentored into a success. Mentors are important, but they are only a resource. Accept that you are in charge of your success.

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So if you think you need experience in an area, make it your business to go get it. Ask somebody; don't wait for it to come along. Don't wait for somebody to notice that you're missing an important skill. Ask for a promotion; people aren't watching what you do as carefully as you think or hope.

ALSO, DETERMINATION MATTERS.

It matters more than intellect. The streets are littered with directionless geniuses with unexecuted good ideas. Woody Allen had it pretty dead on when he said that 90% of success is simply showing up. You won't suddenly have a great career. Nobody ever does. The secret is simple - great careers are the result of day after day good work and being someone who others count on.

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BE ENTHUSIASTIC.

Because we deal in rules, it's real easy to fall into cataloging all the reasons something won't work or why somebody shouldn't do something. In fact, we lawyers take pride in being the first to find fault with an idea. It makes us look smart. In my days as managing partner I would roll out a strategic initiative, and I could see my partner's eyes starting to spin. Who would get the prize for being the first one to spot the flaw?

Clients want to do things - they don't call you so they can not do things. They want to stay within the borders of the law, but they want to be told how to do what they want to do. And they want to know that you're happy to be part of what they're doing. There is no better way to end a client meeting than by saying "This is going to be great" and meaning it. It's fun to be charged up - to add energy to every conversation.

TRUST YOURSELF.

You are a very bright person or you wouldn't be here today. I think among the most important conclusions I came to as a young lawyer was that if I didn't understand something, it was because the thing in fact didn't make sense, not because I was stupid. Most of the times I've found myself in hot water it's because I let a conversation continue past the point where I understood what was being said. And virtually every time I would say "stop, I'm not following this," someone would come up to me after the meeting and say, "Boy I'm glad you said that, I had no idea what we were talking about."

GET INVOLVED.

Organize the reunion or the bike race. Chair the church committee. Help people who have not enjoyed your good fortune. You have spent three years learning how to organize your thoughts, analyze a situation, and articulate action plans. Use those skills everywhere in your life. Stuff will get done, people will appreciate your initiative, and you will derive great satisfaction from making things better.

Here are my final two unappreciated but clearly true truths:

THE TOUGHEST LAWYER IS NOT THE ONE WHO IS THE MOST OBNOXIOUS.

Clients will say they want a tough son of a gun to make somebody's life miserable, a real bulldog, etc.

Don't be that person. It's been my 100% uniform experience that the bulldog only adds time, expense, stress, and confusion to an otherwise inevitable result. Even clients can't stand them after a couple of months. You want to be tough? Have the best preparation on the facts, the law, and the strategy. Judges care only about those things, not a whit for bluster. Bullies are jerks, they wreck the profession for everyone, and you can beat them every time.

And finally and hands down most importantly, and please pass this on to your friends and your children, because it's really important -

BE NICE AND HAVE FUN.

Just doing that makes life better for everybody, mostly you.

And now really finally, and this is not a truth, but what I think you should do - thank the people who have helped you get to where you are today, and fully enjoy this moment - you have earned it.

I am honored to have this opportunity today, and I wish all of you good fortune, and fun, in this great profession. To each of you, "This is going to be great."