

Law and the Art of Motorcycle Maintenance
Riverside County Lawyer (RCBA, January 2008)
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Our profession poses one of the highest risks of alcoholism and drug dependency of any profession. We face high divorce rates and, according to studies, there is a high statistical likelihood that many of us will sincerely regret ever having become lawyers. The idea of avoiding burnout as a lawyer is probably an oft, but ignored, thought that hits most of us. This is an issue that came up during a recent MCLE Committee meeting where we were discussing the types of topics that we might present new attorneys with at the RCBA Bridging the Gap Program.

As someone who almost quit the practice of law altogether about seven years ago, I thought that I might be able to shed some light on the issue. For me, it got to a point where I was perfectly willing to go back to waiting tables at a Denny's restaurant as I had during college. Anything seemed better than practicing law and simply trying to make a buck. This was even after growing up on welfare with a blind and mentally ill parent, starting out as a janitor in a law office when I was fifteen, and working my way through law school. Money, in and of itself, is not nearly as satisfying as most claim.

What got me back into practicing law and feeling energized again was a simple e-mail from a friend. The e-mail said something like, "Hey Rich. Do you know any young lawyers interested in practicing constitutional law full time? It doesn't pay much though." Given that I was probably days away from waiting tables again, this didn't seem like such a bad idea. About a month later, I was working for the United States Justice Foundation doing what was billed as "conservative" constitutional law and I was completely energized while only receiving about two-thirds of the money I was making before. I was on the O'Reilly Factor several times, garnered national attention by hundreds of media outlets, and had a part of nearly every significant constitutional issue faced by our generation. I felt really good as a lawyer.

More importance was to be found in the people and the issues I met doing basic pro bono work. First, there was Maryanne, the mentally ill and homeless woman, who needed help with the Social Security Administration and a little bit of food. Then there was Ed, the senior citizen, who has literally trusted me with his life since he has no other immediate family. Then there were the hundreds of minority students we helped when a huge school district tried to take money away from them. The money was intended to equalize the educational playing field for these kids.

For the first time in over ten years in the legal field, I didn't feel burned out and actually enjoyed the practice of law. Handling regular briefing before the U.S. Supreme Court, Ninth Circuit, and local appellate courts was exciting as well. I was lead counsel in matters involving the First Amendment, the California electricity crisis, the Gray Davis recall, and argued on several matters which became published opinions. I also drafted the language of and sponsored legislation that has forever changed the Evidence Code and Government Code. For once, I was making a difference by, oddly enough, giving more of myself and enjoying the basic humanity of those around me.

I think that we often forget that there is a reason we are called to be attorneys. Whether the calling comes from our Maker or, for some others, by natural selection, the reality is that we are who we are and we have ended up becoming lawyers. More importantly, this calling evidences our unique gifts and talents on loan from our Maker or another powerful cause outside of ourselves. It is a highly overrated idea to think that we completely create ourselves and have ‘become’ the great lawyers we think we are.

Frankly, I think that we get burned out from failing to use natural gifts and talents to the fullest potential. It is all too easy to think that we are ‘someone’ because we had 60 or 70 billable hours for the week, or because we beat the heck out of some other lawyer. In reality, the only accomplishment that comes from these little victories is a whole lot of stress, frustration, and a relatively few bucks. Moreover, most of our time is spent chasing money for ourselves or for our clients. No judgment is ever enough for most clients, and no amount of money from billable hours will replace the lost smiles, hugs, and love from our families.

Some of us justify the long hours by believing that all of this time and effort lost to fighting in the courts and with each other is actually *for* our families. Trust me — the happiest and most free people on Earth are, arguably, the absolute poorest. They don’t have anything left to lose except their families, faith and hope. Because these things are what they have, they value them and make the best of life.

One of my favorite books of all time is Victor Frankl’s *Psychotherapy & Existentialism: Selected Papers on Logotherapy*. In this work, Frankl speaks of the Jewish holocaust victims who were surrounded by nothing other than the death and destruction of all things valuable to them (family, friends, life itself). Even so, the survivors were able to find sincere happiness, joy, and solace with each other in the concentration camps. Through faith and hope, and simply being themselves, they found friendship, joy and laughter even in the utmost darkness that any human could face. These people were true heroes. Yet, all the while, the rest of us face clients who divorce just because ‘we can’t get along,’ or we have the business client willing to put his/her former partner under ‘because of the principle of it.’ No wonder we’re often burned out.

With all of this said, I have gone back into the ‘private practice of law.’ I’m making a lot more money than I did for the nonprofit foundation and I’ve got a great wife and four kids to provide for. As one colleague put it recently, “I work so that others don’t have to.” While I’ve come to the reality that providing for my family costs a lot and requires lots of billable work, I have not given up on finding a real purpose in the practice of law.

My firm provides assistance for women in crisis pregnancies, we’ve found homes for three babies whose mothers could not provide for them in just the last couple of years, and we continue to shape the legal landscape in areas of the First Amendment, education and government. We’re working on a once-a-month legal clinic for victims of domestic violence in Southwest Riverside County and other projects which not only help others but make constant burnout but a distant memory. While many of my public interest cases have enjoyed widespread media attention, it is the clients that no

one hears about that I value most. They are the ones that relight the candle every time it comes close to burning out.

Keeping with the inspiration for the title of this article, the best advice that I can give to any colleague facing burnout is rather simple. Take charge of your schedule and finances so that you can find a client or litigant you can love helping, even if they will never pay you with anything other than an appreciative nod, a hug, or a smile. If you want to avoid burnout, find an issue that you cared about when you were still an idealistic law student and pursue it. Serve justice for the unrepresented by serving as a temporary judge, as a mediator for Dispute Resolution Service, or as a volunteer for the Public Service Law Corporation. This work takes just few hours a month. Keep your spirit healthy and love your family and friends.

The idealism that keeps students coming to our nation's law schools doesn't need to be merely a gross form of misleading advertising. If you want to avoid the drudge of the billable hour, do something that will make you smile by the hour instead.

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