

November 2013 Bar Bulletin

## 'The New Lawyer' - A Modern Spin on an Old Classic

By Adrienne Keith Wills

Conjure up a "classic" lawyer in your mind. What do you see and hear?

The "classic" lawyer that comes to my mind is a trial attorney, in the process of charismatically arguing his case before a jury. He's clearly enjoying every minute of it. It's irrelevant to this lawyer's performance whether he agrees with his client's actions or not; I suspect he doesn't, but I'll never be certain.<sup>1</sup> This classic lawyer is a successful guy, which is to say his skills and resources afford him the luxury of deciding how many more times he'll find himself in this scene.

Whether the attorney I've described ever existed is an open question. As society and the legal profession continue to evolve though, it's less and less likely that you'll find such a "classic" model lawyer. There's a new lawyer model in town and, looking at the work of Susan Cain and Julie Macfarlane, there are some unique ways this "new lawyer" will find success.

Cain, herself a former attorney, has written about the advantages of introverts in *Quiet: The Power of Introverts in a World That Can't Stop Talking*.<sup>2</sup> (An individual is introverted if he or she requires quiet and solitude to "recharge.") Studies that show that one-third to one-half of the population are introverts, so you have most certainly worked with one even if you are not one.<sup>3</sup>

Although popular culture tends to depict lawyers as extroverts, like my fictional classic lawyer who thrills at the opportunity to talk to the jury or anyone else, the nature of law practice is such that I'd estimate that more than one-third to one-half of us are introverts.

Law practice affords opportunities for introverts to do impactful work. Introverts prefer to work independently, and this can be a catalyst to innovative thought.<sup>4</sup> Likewise, working independently allows an individual to "practice" in a way that builds skills: identifying tasks or knowledge just beyond what they know; focusing and striving to improve; monitoring their progress; and adjusting their approach to reach their goal.<sup>5</sup>

Mastery from this practice, combined with the ability that some introverts have to act like an extrovert, can produce success just as meaningful and significant as an extrovert's win at trial.

Cain uses the term "core personal projects" to describe projects where introverts are intrinsically motivated to push themselves a bit past their comfort zone. Her message is that it's critical for introverts to work on these projects if they want to tap into the energy that will enable them to be successful. In order to identify your core personal projects, think back to what you loved as a child, pay attention to the work you gravitate to, and pay attention to when you feel envy as an indicator of what you'd like more of.<sup>6</sup>

Adopting Cain's approach can make work quite personal, quite quickly. A lawyer who can make that choice is fortunate. That said, a lawyer may also find they have no choice.

In her 2008 book, *The New Lawyer: How Settlement Is Transforming the Practice of Law*, Macfarlane, a Canadian law professor, argues that lawyers are experiencing a fundamental shift in practice toward settlement. In contrast to the trial skills of the classic lawyer I conjured, the new lawyer's skills emphasize negotiation, require a higher level of emotional intelligence, and even call on the lawyer's acceptance of a relationship with his or her client that accepts the potential for human connection.<sup>7</sup>

In particular, Macfarlane writes:

Rejecting the traditional assumption that emotions and feelings can somehow be excluded from the lawyer-client relationship, the new lawyer should accept that it is inevitable that her personal feelings and biases will become woven into her lawyering practice. Most importantly, she needs to be able to recognize the most extreme cases when this involvement interferes with her ability to provide the most effective service - for example, when she ... cannot offer loyalty and commitment to a client because of personal feelings.<sup>8</sup>

For an introvert whose core personal project includes justice for an individual or population, weaving her feelings into her practice may be a deep source of satisfaction and a path to professional achievement. For an introvert, or an extrovert,

whose personal feelings conflict with what representation of a client requires, the path of the new lawyer may look very scary.

Unfortunately, just like the heyday of classic cars, the heyday of the classic lawyer is past.

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1 Rule 1.2(b) of the Rules of Professional Conduct provides: "A lawyer's representation of a client, including representation by appointment, does not constitute an endorsement of the client's political, economic, social or moral views or activities."

2 Cain, Susan, *Quiet: The Power of Introverts in a World That Can't Stop Talking*, Broadway Paperbacks, New York (2013).

3 *Id.* at 255.

4 *Id.* at 74.

5 *Id.* at 81.

6 *Id.* at 218.

7 Macfarlane, Julie, *The New Lawyer: How Settlement Is Transforming the Practice of Law*, UBC Press, Vancouver, B.C. (2008) at 23–24.

8 *Id.* at 155–56.

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