

Fall 2002

The Personal and Professional Meaning of Lawyer Satisfaction

Randall T. Shepard

Follow this and additional works at: <https://scholar.valpo.edu/vulr>

Recommended Citation

Randall T. Shepard, *The Personal and Professional Meaning of Lawyer Satisfaction*, 37 Val. U. L. Rev. 161 (2002).

Available at: <https://scholar.valpo.edu/vulr/vol37/iss1/2>

This Tabor Lecture is brought to you for free and open access by the Valparaiso University Law School at ValpoScholar. It has been accepted for inclusion in Valparaiso University Law Review by an authorized administrator of ValpoScholar. For more information, please contact a ValpoScholar staff member at scholar@valpo.edu.



Tabor Lecture

THE PERSONAL AND PROFESSIONAL MEANING OF LAWYER SATISFACTION

Randall T. Shepard*

I. INTRODUCTION

The list of reasons why I treasure being invited to present the Tabor Lecture is a long one, but there are two I wish to mention by way of introduction.

First, our profession thrives when it lifts up the best of its members for special honor, and the fact that this lecture series has been sponsored by and named for Glen Tabor makes this occasion special for me. His contributions to our state, and especially to the Indiana legal community, have been legion, but he has always been particularly known as someone who defines the term "honorable member of the bar." To be associated with him and his career in this way gives me a happy sense of connection to one of the finest people in the profession. Thanks to him and to the school for asking me to deliver this year's Tabor Lecture.

Second, while lectures on ethics and professionalism are often sermons to the choir, I believe there is value in preaching to the choir. It may well be that not everyone who needs to hear the message is present with us. But the fact is that our profession is largely led by mainstream working lawyers and judges, and the occasions for lectures or conferences or seminars on the state of lawyering are important platforms. They are platforms for collective action and personal commitments to making our profession one that better serves society and enriches the lives of those of us who are part of it.

II. LAWYER DESPONDENCE AND APPLICANT EXUBERANCE

While I see much that warrants approaching today's message to the choir in a positive way, I also think that the present moment in the life of the profession is one of unusual contrasts constituting both good news and bad news.

* Chief Justice, Indiana Supreme Court. A.B., Princeton University, 1969; J.D., Yale Law School, 1972; LL.M., University of Virginia, 1995.

The bad news is that there is both continuing public complaint about the work we do and recurring dissatisfaction among lawyers themselves about their own participation. On the other hand, the spring of 2002 featured the largest increase in the number of law school applicants in the entire history of American legal education.¹ Many schools received twenty or thirty percent more applications than last year.² In short, the number of people who want to be part of the profession is rising just as the number of lawyers and judges who question the value of their career choice is growing.

I plan to explore these contrasts by focusing on four questions that many practitioners share about the profession. First, what is the state of public attitude about our work? Second, how have we reacted to public criticism? Third, what is the state of lawyer satisfaction with the career choices they have made? And fourth, what can lawyers and judges do to improve their own sense of well-being about being lawyers?

III. PUBLIC SATISFACTION WITH OUR WORK

I perceive a welcome reduction in the number of lawyer jokes in the country's popular culture, but there is no denying that a substantial portion of the American public is frustrated with the legal system. Public criticism of lawyers has such an ancient pedigree in Western societies³ that we lawyers frequently regard it as part of the background

¹ There were 87,005 applicants to ABA-accredited law schools for the 2002-03 school year, an increase of over eighteen percent. Terry Carter, *The Economics of Admissions: Law Schools Get a Boost in Admissions When the Economy Goes South*, 1 No. 25 A.B.A. J. E-REPORT 5 (June 28, 2002) (www.westlaw.com).

² For instance, 11,500 applicants competed for just 500 first-year spots at the Georgetown University Law Center, a record twenty-one percent increase in applications. Amanda McGrath, *GU Law School Applications Rise to Record High*, THE HOYA, May 17, 2002, <http://www.thehoya.com/news/051702/news2.cfm> (last visited Aug. 24, 2002). Other law schools have witnessed dramatic increases of almost fifty percent. See, e.g., Pamela Manson, *Fewer Jobs Mean More Law School Applications in Texas*, TEX. LAW., May 29, 2002 (listing a forty-eight percent increase for Southern Methodist University Dedman School of Law and a forty-three percent increase for University of Houston Law Center); Laura Schmidt, *Law School Applications on the Rise* (noting a forty percent increase in applications at Northeastern University School of Law), <http://www.nupr.neu.edu/02-02/law.html> (last visited Aug. 24, 2002).

³ See WILLIAM SHAKESPEARE, THE SECOND PART OF KING HENRY THE SIXTH act 4, sc. 2. For a discussion of the misunderstandings that surround Dick's sarcastic suggestion, "The first thing we do, let's kill all the lawyers," see Steven H. Kruis, *Let's Not Kill All the Lawyers*, RES GESTAE, Oct. 1993, at 151.

noise. This makes us all too ready to brush off the criticism simply by saying, "The public does not really understand what we do."

Distressing as it may be, I think it important to mention some of the measures of the public's assessment of us and our work. A survey done for the American Bar Association ("ABA") revealed that public confidence in law firms has declined substantially since the early 1970s.⁴ The percentage of Americans expressing "great confidence" in law firms dropped from twenty-four percent to eighteen percent to fourteen percent and finally to eight percent during a period of about twenty-five years.⁵

The Gallop Organization recorded a similar trend in public opinion regarding the honesty and integrity of lawyers.⁶ In the mid-1970s, Gallop found that more than twenty-five percent of all Americans believed that lawyers had high or very high ethical standards.⁷ By the mid-1990s, that figure had dropped to barely sixteen percent.⁸

The public likewise possesses a dim view of the honesty of judges. More than three-quarters of all Americans believe that donors to judges' campaigns get special treatment in court.⁹ Remarkably, a quarter of all judges agree that this is so.¹⁰

Alas, it is difficult to attribute these attitudes to public ignorance. More than sixty percent of Americans have hired an attorney in the past ten years.¹¹ Fifty percent of the public interacts with lawyers on a fairly regular basis.¹² Moreover, it appears that the greater exposure people have to our profession, the lower regard they have for us. A survey for the National Law Journal revealed that during one seven-year period, as the proportion of citizens having contact with lawyers increased from fifty-two percent to sixty-eight percent, the percentage who believed

⁴ Gary A. Hengstler, *Vox Populi, The Public Perception of Lawyers: ABA Poll*, A.B.A. J., Sept. 1993, at 60 [hereinafter *ABA Poll*].

⁵ *Id.* at 63-64.

⁶ Randall Samborn, *Anti-Lawyer Attitude Up*, NAT'L L.J., Aug. 9, 1993, at 1 [hereinafter *NLJ Poll*].

⁷ *Id.* at 20.

⁸ *Id.*

⁹ *Numbers That Shape Legal Life*, NAT'L L.J., Feb. 25, 2002, at A22.

¹⁰ *Id.*

¹¹ *ABA Poll*, *supra* note 4, at 61.

¹² *Id.*

lawyers were less honest than most people rose from seventeen percent to thirty-one percent.¹³

Furthermore, the people most likely to have contact with lawyers have worse impressions of the profession than those who rarely deal with us. The ABA poll revealed that forty-one percent of the individuals with experience in the legal system have generally unfavorable attitudes, while only twenty-five percent of those with little exposure to the system registered negative opinions.¹⁴ Most disappointing of all, a substantial percentage of people who have been part of a jury trial, which we lawyers tout as a peak experience, hold negative views. The ABA's pollsters concluded that "[t]wo of the strongest predictors of an individual's negative feelings about lawyers are having served on a jury and having been sued."¹⁵

Of course, we hardly need pollsters to tell us that we are not the most widely admired segment of society. Most of us remember that millions of Americans paid good money to watch a movie starring Jim Carrey called *Liar Liar*.¹⁶ The central figure was a lawyer condemned by a magic spell to tell only the truth. That so many Americans found this entertaining is as telling as the Gallop Poll.

The profession is sometimes willing to accept these criticisms on the merits, and sometimes not. On one of the hottest political topics of the present day, the struggle over Congressional proposals for a patients' bill of rights, the public has sent firm if conflicting messages. Eighty-one percent of Americans believe they should have the right to sue doctors and health maintenance organizations over medical malpractice.¹⁷ They also agree, by a margin of two to one, that there should be limits on the right to sue, as forty-five percent believe the problem with the health care situation in the United States is that there are too many lawsuits.¹⁸

We run a tort system in the name of compensating victims and promoting safety but exact a pretty high tariff. The total cost of tort litigation, including attorneys' fees for both sides, witness expenses, and

¹³ *NLJ Poll*, *supra* note 6, at 20.

¹⁴ *ABA Poll*, *supra* note 4, at 62-63.

¹⁵ *Id.* at 61.

¹⁶ *LIAR LIAR* (Universal Pictures 1997).

¹⁷ Bob Van Voris, *Pollsters Find No Love for HMOs*, NAT'L. L.J., Feb. 11, 2002, at A12.

¹⁸ *Id.*

court costs, is actually greater than the compensation paid to victims.¹⁹ The great divide between plaintiffs' lawyers and defense lawyers makes it very difficult to conduct any sustained discussion about the public's attitude on the tort system.

Practicing lawyers are not the only ones occasionally slow to acknowledge the need for change; the legal academy has its share of slow moments as well. During the last decade, an ABA task force chaired by Sullivan & Cromwell partner Robert MacCrate recommended a stronger focus on training law students in the skills and values that make for good lawyering.²⁰ The task force concluded that such training would increase the quality and speed with which legal services are rendered, while at the same time lowering the cost of those services to the consumer.

A year after the issuance of the MacCrate Report, proponents decided to move on one of its least substantive recommendations. The Illinois Bar Association asked the ABA House of Delegates to amend the standards for the accreditation of law schools to declare that law schools should not only prepare students for admission to the bar, but also "prepare them to participate effectively in the legal profession."²¹ Most law schools offering comment on this proposal opposed it.²² In the end, the Section of Legal Education capitulated after it became apparent that the Section's credibility was at stake, and this new standard became part of ABA policy.

I have begun by recounting our slowness to acknowledge the critique of our fellow citizens because we all need to remember the seriousness of the charges. I also mention this because it contrasts so starkly with the many reasons why we might look to the future with some optimism.

¹⁹ INSTITUTE FOR CIVIL JUSTICE, ANNUAL REPORT 51 (1991) (citing JAMES S. KAKALIK & NICHOLAS M. PACE, INSTITUTE FOR CIVIL JUSTICE, COSTS AND COMPENSATION PAID IN TORT LITIGATION (1986)).

²⁰ See SEC. OF LEGAL EDUC. AND ADMISSIONS TO THE BAR, A.B.A., LEGAL EDUCATION AND PROFESSIONAL DEVELOPMENT—AN EDUCATIONAL CONTINUUM: REPORT OF THE TASK FORCE ON LAW SCHOOLS AND THE PROFESSION: NARROWING THE GAP (1992) [hereinafter MACCRATE REPORT].

²¹ Richard C. Reuben, *Changing Legal Education: House Endorses More Practical Training by Law Schools*, A.B.A. J., Apr. 1994, at 113.

²² Randall T. Shepard, *From Students to Lawyers: Joint Ventures in Legal Learning for the Academy, Bench, and Bar*, 31 IND. L. REV. 445, 446 n.7 (1998).

IV. BUILDING PROFESSIONAL SATISFACTION

The last decade has been a period of tremendous reform in the legal profession. Starting with the law school example I mentioned, it should be apparent that American law schools have made substantial strides in expanding clinical and skills education. Additionally, the bar admissions authorities of the country, particularly the state supreme courts, have embraced the new Multistate Performance Test with lightning speed. This test is an instrument designed to test a bar applicant's capacity for solving problems, something traditional examinations like the Multistate Bar Examination and standard essay tests have not done particularly well.²³ This adoption of performance testing reinforces the growing availability of skills education in the schools.

The organized bar and the institutions of the judiciary have likewise renewed their efforts to rebuild public trust and confidence in the work of lawyers and courts. The Conference of Chief Justices, the State Justice Institute, and the ABA have launched a series of initiatives under this rubric during the last three years.

One initiative has been the establishment of race and gender commissions. The commissions examine how women and minorities are treated by the legal system and initiate reforms aimed at eliminating bias or neglect of their interests. These commissions became institutionalized during the last decade and now are generating reforms in nearly half the country, including most recently in the District of Columbia, Indiana,

²³ The Multistate Performance Test

test[s] an applicant's ability to use fundamental lawyering skills[,] . . . evaluates an applicant's ability to complete a task which a beginning lawyer should be able to accomplish[,] . . . [and] requires applicants to (1) sort detailed factual materials and separate relevant from irrelevant facts; (2) analyze statutory, case, and administrative materials for relevant principles of law; (3) apply the relevant law to the relevant facts in a manner likely to resolve a client's problem; (4) identify and resolve ethical dilemmas, when present; (5) communicate effectively in writing; [and] (6) complete a lawyering task within time constraints.

National Conference of Bar Examiners, *Multistate Tests: The Multistate Performance Test*, <http://www.ncbex.org/tests/mpt/mptxt.htm> (last visited Oct. 9, 2002).

Michigan, Minnesota, Mississippi, Nebraska, South Carolina, Utah, and Vermont.²⁴

Second, there have been major efforts to examine how we manage the jury system, including how we recruit jurors, how we treat them once they are in court, and how we help them do their assignments. The modern American jury bears little resemblance to the jury contemplated by the authors of the Magna Carta, and it is a work in progress. States like New York, Arizona, and Indiana have undertaken serious efforts along these lines.²⁵

A third initiative promotes projects to make the court system easier to navigate for people who represent themselves either because they cannot afford a lawyer or because they desire to do the work themselves. Alabama, Delaware, Georgia, and Indiana have become part of this movement. The most trailblazing development of this sort has been the Self-Service Center, created first in Phoenix, Arizona. The Center provides citizens with forms, advice about simple matters, and information about how the court system works, both at kiosks in the courthouse and over the internet.²⁶ Our Indiana project recently prepared basic divorce forms and instructions in Spanish.²⁷

These efforts are closely allied to our work in organizing a strong pro bono effort as a joint project of the bench, bar, and academy. Indiana's pro bono project has attracted so much national attention that a former chair of the ABA's pro bono committee recently published an article saying that "Indiana has emerged as a leader in this critical area."²⁸ Other efforts include:

- Public examination of the death penalty, which has long put Illinois on the front pages of the nation's legal and popular press. The recent report of the governor's commission in

²⁴ Justice Ginsburg described this development in her forward to the D.C. committee's report. Ruth Bader Ginsburg, *Foreword to The Gender, Race, and Ethnic Bias Task Force Project*, 84 GEO. L.J. 1651 (1996).

²⁵ JURY TRIAL INNOVATIONS (G. Thomas Munsterman et al. eds., 1997); IND. R. CT., JURY R. 113 (2002) (new rules effective Jan. 1, 2003).

²⁶ See Superior Court Arizona, Maricopa County, Self-Service Center, <http://www.superiorcourt.maricopa.gov/ssc/sschome.html> (last visited Oct. 9, 2002).

²⁷ See Indiana Supreme Court, Self-Service Legal Center, <http://www.in.gov/judiciary/selfservice/> (last visited Oct. 9, 2002).

²⁸ Robert N. Weiner, *Indiana Pro Bono: The ABA's Perspective*, IND. PRO BONO COMM'N, May 8, 2002, at 2B (supplement to the IND. LAWYER).

Illinois proposing various reforms has generated national dialogue.²⁹

- A national movement to reform the court system's response to drug addiction through more intensive techniques called drug courts. These methods involve intense participation by judges in the weekly reporting by drug defendants.
- Organized dialogues between the three branches of the profession—law practitioners, judges, and law teachers—called legal education conclaves. Conclaves began in Virginia during the 1990s and continue to be a path by which the constituent parts of the profession devise new ways to foster education of lawyers from the first year of law school through retirement.³⁰ Indiana staged its first such conclave in 1997 and followed up with a second one in 2002.
- The creation of community courts in places like Manhattan and re-entry courts in Fort Wayne. Community courts feature prompt attention to problems the system has long ignored, such as small neighborhood crime. The re-entry court supervises the process of monitoring and mentoring felons who return to their home towns.
- Under more difficult circumstances, the profession has reexamined some of its most hallowed beliefs. The Association of Trial Lawyers of America ("ATLA"), for example, organized remarkable support for a way to provide quick and inexpensive compensation to the victims of the September 11th attacks.³¹ The Air Transportation Safety and System Stabilization Act of 2001 created the September 11th Victim Compensation Fund.³² It is a means by which such victims can receive expedited compensation

²⁹ Governor's Commission on Capital Punishment, Report of the Governor's Commission on Capital Punishment, Apr. 2002, http://www.idoc.state.il.us/ccp/ccp/reports/commission_report/complete_report.pdf (last visited Oct. 9, 2002).

³⁰ William R. Rakes, *Conclaves on Legal Education: Catalyst for Improvement of the Profession*, 72 NOTRE DAME L. REV. 1119, 1122 (1997).

³¹ See Bob Van Voris, *A Commitment to Victims of Attacks*, NAT'L L.J., Jan. 7, 2002, <http://www.nlj.com/staging/special/010702pb-atla.shtml> (last visited Oct. 9, 2002).

³² See September 11th Victim Compensation Fund of 2001, Pub. L. No. 107-42, 115 Stat. 230 (2001).

for their losses, according to a standard formula, without the need to establish any negligence. The claimant must forego the opportunity to sue the long list of potential defendants, including airlines, the owners of the World Trade Center, flying schools, and insurance companies. This sort of arrangement, which has existed for about a century in the field of workers compensation, has traditionally been anathema to plaintiffs' lawyers. However, ATLA has been resolute in its support of the statute and in urging its members not to file any lawsuits for victims.

Why do I put such initiatives under the heading "professional satisfaction?" I submit that this is a good way of describing such efforts because their successful implementation makes all of us feel that we are part of a clan that performs well in making life better for the people whom we serve. I sometimes tell new bar admittees that being a lawyer is a way of doing well while doing good. The many reforms our profession undertakes add to that end.

I lift up one last example. Contemplate what our profession has done about equal opportunity in the American workplace. I was reminded of the progress we have made on this objective recently when I boarded an airplane and heard the first officer give the standard welcoming announcement. On this particular flight, the welcoming announcement was anything but standard because the first officer was a woman. That is still highly unusual. Piloting jet airplanes is a line of work that requires a high level of education, special training, and licensing. It is a well-organized profession, and it has done little that is apparent to create equal opportunity within its ranks.³³

By contrast, contemplate what we as lawyers have done during the last twenty-five years. Over the past four years, there were nearly as many women as men in the first-year classes of American law schools.³⁴ Most American law schools now have minority students in excess of

³³ The International Association of Women Airline Pilots estimates that out of 80,000 airline pilots worldwide, only 4,000, or five percent, are female. Of that number, only 450 are captains. See Int'l Society of Women Airline Pilots, FAQs, <http://www.iswap.org/ISAFaqs.html> (last visited Oct. 9, 2002).

³⁴ See ABA Network, Legal Education and Bar Admission Statistics, 1963-2001, http://www.abanet.org/legaled/statistics/le_bastats.html (last visited Oct. 9, 2002). During the 2001-02 school year, there were 62,476 women out of a total of 127,610 students enrolled at ABA-accredited law schools. *Id.*

their proportion in the population. The number has exceeded twenty percent in most law schools, and it did not decline during the 1990s when law school applications fell by nearly a third.

As you know, Indiana was the first state in America to create its own program, called the Conference on Legal Education Opportunity ("CLEO"), targeting minority and other disadvantaged law students as a vehicle for increasing their membership in the profession. Since Indiana implemented this in 1997, Georgia's Supreme Court initiated its own CLEO program, declared by the Chief Justice of Georgia to be modeled after the Indiana example.³⁵ Then Congress agreed to renew its commitment to a national CLEO program, which it had cancelled in 1995.³⁶ Most recently, the Ohio General Assembly approved funds for the Supreme Court of Ohio to start a similar project in that state.³⁷

Such achievements certainly improve the view of the public about whether we lawyers and judges are using the authority given to us in a way that helps build a better society. But the value of these initiatives is also internal to the profession. Men and women who have dedicated their careers to law undoubtedly experience personal renewal and a greater sense of value about their careers from the knowledge that their profession has accomplished important goals for our fellow citizens.

We advance these goals from time to time through litigation: one-person-one-vote, the right to privacy, abolishing "separate but equal," and so on. On an organizational scale, the changes the profession undertakes concerning how we do the public's business undoubtedly make all of us feel a greater sense of satisfaction about being lawyers.

V. MEANING OF PERSONAL SATISFACTION

This brings me to a closely allied but more intimate matter that I shall call the meaning of personal satisfaction that we take in being

³⁵ Letter from Chief Justice Robert Benham, Supreme Court of Georgia, to the author (June 28, 2001) (letter on file with the Law Review).

³⁶ See 20 U.S.C. § 1136 (2000).

³⁷ See Supreme Court of Ohio, News Releases, *Budget Testimony Before the Ohio Senate Finance and Financial Institutions Committee* (May 8, 2001) ("The [Ohio CLEO] program is aimed at assisting educationally disadvantaged and minority law students in attracting them towards a career in law and retaining them in law school once admitted. It is modeled after a long standing federal commission and a highly successful program instituted by the Supreme Court of Indiana."), http://www.sconet.state.oh.us/communications_office/press_releases/2001/0508testimony.asp (last visited Oct. 9, 2002).

lawyers. It is something that lawyers know about but do not often discuss. It is also a topic that law students begin to know about. As a student, I realized that I knew relatively little about how lawyers spent their time, and I began to ask lawyers with whom I had job interviews just what it was that they planned to do that day. The most unusual answer I received, from a senior partner in the Wall Street firm of Shearman & Sterling, was that he would be working on a bad check case. "There are two unusual things about this check," he said. "One is that it is for \$3 million. The other is that the signature is Juan Trujillo."³⁸

I would not have dared to ask probing questions about whether they actually felt good about how they would be spending their days, but I now know that a number of them would have given me ambivalent answers. Some of these ambivalent answers would have been prompted by how lawyers treat other lawyers. A poll done for the Committee on Civility of the Seventh Federal Judicial Circuit indicated that seventy-nine percent of lawyers think that the most common incidence of incivility is incivility of lawyers with other lawyers.³⁹ Some ninety-four percent of the lawyers polled say the work they do on pre-trial discovery is the primary setting for unpleasant experiences.⁴⁰

None of this is any surprise to working lawyers. We may not be able to quantify it, but we know it from our own experience. A former law clerk called to tell me he was leaving the superb boutique civil firm where he landed after leaving my chambers. He was headed for a prosecutor's office, where he would earn substantially less. I asked him why he had made this decision. "My mother didn't send me to law school so I could come in here each day and yell with other lawyers over whether we'd give each other pieces of paper," he replied. He believed then, and tells me he still believes, that the world of criminal litigation is simply a more pleasant place to practice law.

This differentiation between civil and criminal practice shows itself sometimes in very public ways. In the *Fire Insurance Exchange* case, a prominent law firm pursued a motion to dismiss and interlocutory appeals through two appellate courts trying to establish that other

³⁸ Trujillo was a long-time Caribbean dictator, from whom any collection at all would have been a major achievement by any lawyer.

³⁹ Marvin E. Aspen, J. et al., *Interim Report of the Committee on Civility of the Seventh Federal Judicial Circuit*, 143 F.R.D. 371, 378 (1992).

⁴⁰ *Id.*

lawyers had no right to rely on their word.⁴¹ The atmosphere created by such experiences leads many lawyers simply to say that “it’s not fun.” Put another way, there is not enough “personal satisfaction” in the work they do each day.

The causes of this are plain enough. They include a bar that has expanded to the point that people do not know each other and do not share the same sense of loyalty to the joint enterprise that they did when the bar was smaller. It includes the economic competition that affords little time for senior partner training of young associates. It includes that great innovation of the twentieth century, pre-trial discovery, which has nearly given trial by ambush a good name. It includes clients who have unreasonable expectations driven by lawyer advertising and television fools like Judge Judy. And it includes the rise of the managerial judge, who sometimes does not appreciate the pressures that lawyers face.

We all feel this sense about the profession most keenly when someone among us who seems all right runs to the end of his rope, as Judge George Heid of Lafayette did when he recently committed suicide. Many local bars can remember when some practitioner did the same thing. Such events make us all pause to wonder what may have driven such a person to this extreme, and sometimes such events help us address the problems that cause these and lesser tragedies.

VI. BUILDING PERSONAL SATISFACTION

What are the ways we might improve our career satisfaction? I begin here with the proposition that institutional solutions are not the only fixes, but they are frequently the only ones that are sustainable. Take as an example the need to address the abuse of drugs and alcohol that is such a common response to the difficulties that lawyers face. We have always shared some collective responsibility for fellow lawyers who are afflicted in this way, but only in recent years have we acted to raise the quality and visibility of the help available. Our state bar has been committed to improving what is really a crusade by volunteers inside the legal community and substance abuse professionals. Indiana is now one of perhaps two-dozen states that have a permanent lawyer assistance program (“LAP”) with a staff and a lawyer and a doctor

⁴¹ *Fire Ins. Exch. v. Bell*, 643 N.E.2d 310 (Ind. 1994).

network.⁴² Indiana's program aims to address the burdens of the bench, bar, and academy, and thus contains representatives of all three.

Less well known, but perhaps more intriguing, are the organized responses that target lesser problems. One of these is the separation from family that long hours of practicing law can represent. This is of course a special problem for relatively young lawyers, and the organized bar has tried to fashion ways that make practicing law friendlier to families. The ABA recently staged its annual meeting in Orlando and structured the schedule so that members could attend their committee meetings and hours of continuing legal education and also participate in events with their families.

Likewise, the Indiana State Bar Association has organized Continuing Legal Education ("CLE") events in Mexico. The Indianapolis Bar Association staged one of its bench-bar conferences in Cincinnati and organized it so that attendees might find it attractive to bring their spouses. There are also projects in Indiana,⁴³ Ohio, and California aimed at the special problems judicial spouses encounter.

More than one legal organization of which I am a part now features humanities events at its meetings. Instead of holding yet another banquet at the annual meetings, the Conference of Chief Justices stages a book discussion or an evening of poetry, wine, and cheese for judges and spouses alike.

One of the reasons these events are popular is that, as a class, lawyers are interesting people, and it can be fun to spend time with them. I spend a fair amount of time with other judges. Judges are cut out of the same cloth as practitioners and law teachers, and their passions run a remarkable gamut from professional ballet to collecting antique military vehicles. It is usually a pleasure to interact with such people, people who have the same ways of dealing with problems and always have a ready supply of war stories when conversation on the latest in music, economics, or politics runs short.

⁴² The framework for Indiana's Commission and its programs is contained in Indiana Admission and Discipline Rule 31. The executive director is currently Terry Herrell, whose contact information is available at <http://www.in.gov/judiciary/ijlap/index.html>.

⁴³ Indiana is headquarters to the Judicial Family Institute, Inc., chaired by Jan Aikman Dickson. Among other projects, the Institute has recently sponsored an ethics manual for judicial spouses and children.

I believe that the American Inns of Court movement, which has taken serious hold during the last decade, is not at its core something people flock to because they believe it will give them practice tips or networking, even though it surely does both. I think people like it because it creates occasions for whiling away an hour or two with other lawyers under non-threatening conditions and without the meter running.

The Indianapolis Bar Association has institutionalized this aspect of being with other lawyers in a series of events built around physical health. It now has a program called the Wellness Series, touted by e-mails, sponsored by firms, and built around experts in the field of fitness and health.⁴⁴

The Boston Bar Association has approached this aspect of its mission through the creation of a Task Force on Professional Fulfillment, whose recent report describes the evolution of legal practice and its impact on personal and family life. The report makes recommendations to individuals and firms that include the re-examination by firms of the values, policies, and culture of the firm, an examination of the firm's economic assumptions and incentives, and a greater awareness of language that equates "value," "success," and "worth" with long hours and exclusive dedication to the firm.⁴⁵

As is the case in so many areas, our friends in the academy can make contributions to this approach. The Pepperdine University School of Law, for example, ran a program entitled "Balance: Selections for Law & Life" in which it attempted to catalog new ideas for more satisfying approaches by individual lawyers and the institutions of the profession. Pepperdine supplied articles and reviews of new books, including one on the role that a lawyer's meticulousness can play in a hopeless quest for perfection and the pressure that can result in high heart attack rates, family disintegration, and chemical dependency. Every entry on Pepperdine's web site on this topic carries a small box labeled "Send to a

⁴⁴ See Indianapolis Bar Association, at <http://www.indybar.org> (last visited Oct. 9, 2002).

⁴⁵ See Boston Bar Assn., Report of the Boston Bar Association Task Force on Professional Challenges and Family Needs, *Facing the Grail: Confronting the Cost of Work-Family Imbalance*, June 1999, <http://www.bostonbar.org/workfamilychallenges.htm> (last visited Aug. 29, 2002).

Friend." One article you could send to a friend was called "Twelve steps to get your life back."⁴⁶

VII. CONCLUSION

These organized responses to the problems of public dissatisfaction and the personal toil of lawyers are reasons for hope as the profession faces continued expansion, economic challenge, and the need to reform its leading tools. That we have the capacity to change to meet these challenges is undoubtedly one of the reasons that young men and women, surveying the best ways that they might make their own lives mean something for the country, themselves, and their families, are seeking in record numbers to come to law school and become lawyers.

At the end of the day, American lawyers should be able to say with satisfaction that they have led the nation in building a safer, more prosperous, and more decent society and that they themselves have done well by doing good. That is the sort of leadership that the law graduates of this university have provided to the state and the nation. It is the sort of contribution that Glen Tabor has made to the well-being of all, and I am grateful for the chance to be associated with you.

⁴⁶ See Pepperdine University School of Law, *BALANCE: SELECTIONS FOR LAW & LIFE*, Nov. 2000, http://law.pepperdine.edu/resource/balance/v1_i1.htm (last visited July 17, 2002).

