

# Oyez!

Summer Newsletter for the Young Lawyers Division 2008

## Stop Preparing and Start Living

By Emily H. Plotkin<sup>1</sup>

We've all suffered it at some point. We stick it out doing something we don't like in the hope that maybe, just maybe, we can do what *we* want to do in the future. Maybe it's to retire early. Maybe it's to travel the world. Maybe it's to write a novel. Professional coach and psychotherapist James Dolan coined this syndrome as "Preparing to Live Syndrome."<sup>2</sup>

He describes it as the following:

The sufferer sees life as an endless chain of meaningless, two-dimensional experiences that lack passion, value or meaning but that he must tolerate, because those experiences lead to some future point when all will come together, and life will again take on sparkle and value. In the meantime, there is nothing the sufferer can do, and the solution always lies out of reach, in the future.

He describes a partner at a large firm who says, "I can stand what I'm doing right now, because I'm going to retire at 55." He



then asks her how long it will be until she reaches that age, and, despondent, she replies, "eighteen years." But then, when asked what she plans to do when she retires, she has no idea.<sup>3</sup> She had majored in English in college, with the dream of becoming a fiction writer. Unfortunately, as a busy lawyer, she has not had the time to write anything.

This partner's experience is typical of many in our profession. From law school to equity partners, we focus on getting good grades, billing the hours, and getting the clients, and it is easy to lose sight of all the other aspects of life that are so important to us. If we let the symptoms continue, we risk suffering burnout, decreased productivity, depression, over-medication or, at the very least, over-caffeination.

Law firms have begun to recognize that this symptom can lead to attrition, and have started implementing various work/life balance initiatives in order to prevent it. For example, Ford & Harrison, a labor and employment law firm, has developed the "Year

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## From the President . . .



*Emily Shouse*

### SERVICE TO THE COMMUNITY, SERVICE TO THE BAR

The YLD motto is “Service to the Community, Service to the Profession”. On September 27<sup>th</sup>, there was an excellent opportunity to put that motto into practice. September 27<sup>th</sup> was Hands On Nashville day, a yearly event when the entire Nashville community comes together to do volunteer work at schools across the city. Not only did the YLD have a team, but there were numerous teams under the leadership of the

NBA, with more than 100 lawyers volunteering their Saturday morning to help the community. Thanks to all those who participated and especially to Matt Potempa for leading the YLD team. If you didn’t participate this year, decide now to volunteer next year. You won’t regret it!

My term as president of the YLD ends on October 31<sup>st</sup>, so this is my last President’s Message. I want to thank everyone who has participated in a YLD event this year. I also want to thank all those who served on a YLD committee. The committee members put a lot of time and energy into their projects for little to no recognition and I appreciate their hard work. Finally, I want to thank those who served on the YLD Board this year. Their names are listed at the left. This is a group of committed individuals whose support has been invaluable to me. They are also a really fun group.

I also want to take this opportunity to express what an honor it has been for me to lead this organization. I have always been proud to be part of the YLD and the good works that it does. It is easy for the general public who know little of lawyers beyond what they see on television and in the movies to disdain the profession as a whole and all lawyers. And I have found that it is not always easy to get the good things done by lawyers in front of the public at large. Still, every time we volunteer our time and skills to help with Mock Trial or to go into classrooms and speak for Law Day or raise money for a good cause, even if it never makes it into the newspaper, the perception of the individuals who are affected by our efforts is altered to more closely match what I know to be true about the vast majority of lawyers – that they are talented, kind and good individuals who give of their time and talents to help others.

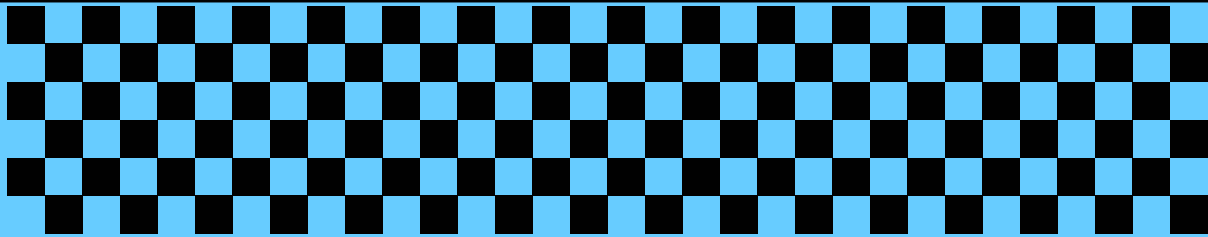
It has been a privilege to be part of this organization and to meet and work with so many of you. Thank you.

**Emily Shouse is a shareholder in Waddey & Patterson, P.C. She is a registered patent attorney and concentrates her practice to patents, trademarks and related matters.**

## TLAP

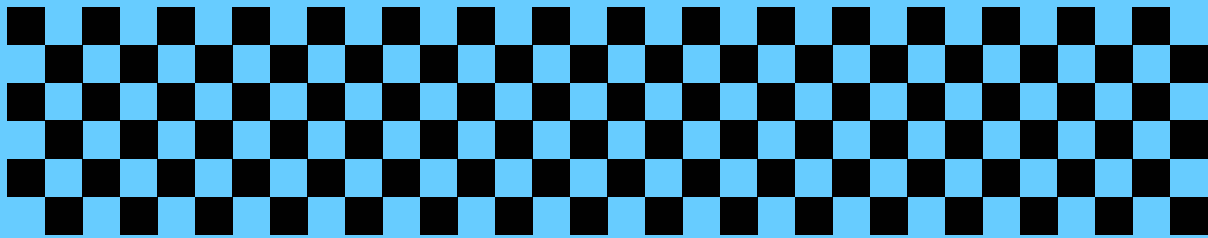
Do you know a Lawyer who is feeling sad? Call the Tennessee Lawyers Assistance Program and they will help your Lawyer Friend feel glad (or better). Call the Tennessee Lawyers Assistance Program at the number below for help dealing with a range of health and personal issues.

**(615) 741-3238**



## **YLD WINS ABA AWARD**

The Young Lawyers Division of the Nashville Bar Association won an American Bar Association Award of Achievement for the 2007-2008 year. The Awards of Achievement are given by the ABA Young Lawyers Division to state and local young lawyer organizations affiliated with the ABA to recognize the time, effort and skills expended by young lawyers in both public and bar service projects. The YLD's newsletter, *OYEZ!*, won 1<sup>st</sup> place in its division in the Newsletter category. Thanks to *OYEZ!* editor Jonathan Richardson and to all those who have contributed articles this year!



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One" associate development program, in which the billable hours requirement is eliminated for associates during their first 15 months at the firm.<sup>4</sup> Other firms are using flat fees and "up-front" pricing in place of billable hours.<sup>5</sup> These initiatives, however, are challenging to implement, and there is no magic formula.<sup>6</sup> Moreover, the only initiatives that can be expected to last are those that are compatible with the bottom line. As a result, much of the onus is on the individual to achieve a balance between work and life.

How that balance is achieved is unique to each individual. Thus, this article does not provide all the answers. However,

it may provide some tools – or at least some food for thought. First, let's go back to the law firm partner who entered college thinking she was going to be a fiction writer. Why not be both? A recent trend in the effort to establish a work/life balance is known as the "slash effect."<sup>7</sup> The "slash effect" occurs when professionals consider engaging in more than one career simultaneously. I'm sure we've all dreamed of it: lawyer by day, rock star by night. This could work, though you may have to add a few extra hours in the day for sleep, and the touring schedule might affect your ability to show up for a particular court date.

For some, however, the simultaneous career path enhances both careers. For

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## **NASHVILLE BARS GET TOGETHER FOR BIG BROTHERS BIG SISTERS FIELD DAY!**

On Saturday, May 3, the NBA YLD, along with the TBA YLD and the Napier-Looby Bar Association, sponsored the First Annual Big Brothers Big Sisters Field Day at the McGruder Family Resource Center in north Nashville. Over forty children, or "littles," attended the Field Day. YLD members played games--including such classics as the three-legged race, kickball, and the water balloon toss--with the littles, before everyone sat down to a hot dog lunch. Door prizes, including a \$25 gas card (which, unfortunately, is quickly diminishing in value), were awarded to littles and their parents. Then, the kids were treated to a performance by breakdancing duo Music City Soul, who brought down the house.

Big Brothers Big Sisters of Middle Tennessee provides free mentoring services to children in need throughout Middle Tennessee. Studies show that children with a mentor do better in school, are more likely to avoid drugs and violence, and improve in their self-confidence and attitudes towards others. This year, Big Brothers Big Sisters will serve just over 1,800 children with a one-to-one mentor in their lives.

Still, Big Brothers Big Sisters needs more volunteers to participate in the mentoring program. Many of the children who attended the Field Day have not yet been matched with a "big." If you would like more information on Big Brothers Big Sisters, please contact them at (615) 329-9191 or visit [www.mentorakid.org](http://www.mentorakid.org).

## **TOILETRY DRIVE FOR HOMELESS IS A SUCCESS!**

The Homeless Committee of the NBA/YLD Board conducted its Annual Toiletry Drive for the Homeless throughout the month of August. The Committee is proud to announce that this year's Drive was a tremendous success as over 30 law firms and other businesses participated, with the total donations more than doubling those of any previous year. The Committee would like to give a special thanks to Danny W. Fox and Alliance 1 for their generous donation of time and services in retrieving, organizing and delivering all of the donated items.



Group Picture from L to R: (1) Danny W. Fox, Owner of Alliance 1; (2) Emily Shouse, President of NBA/YLD Board; (3) Johnny Mueller, Co-Chair of NBA/YLD Board's Homeless Committee; (4) Kay Lee of Boulton Cummings Connors & Berry, PLC; (5) Don Worrell, CEO of Nashville Rescue Mission; and (6) Joel Eckert, Co-Chair of NBA/YLD Board's Homeless Committee.



by  
Rob Baker

# Word on the Street



## Weddings

YLD Board member, **Josh Helton**, is getting/got (depending on publication date) married on October 4, 2008. Congress is working on a bipartisan emergency bailout plan for the future/new Mrs. Helton. Seriously, congratulations, Josh.

## Moves

Former YLD Board member **Keltie Peay** and her husband, Jim, are moving to England where Jim will serve two years as an American attaché and exchange instructor at the Royal School of Artillery with the British Army, and one year as a student at the British War College. Keltie wants you to know that she has enjoyed working with everyone in the YLD, and that their quarters in England are nice and big with plenty of room for visitors. She wanted you to know that, but she didn't want you to know her phone number or address. So, I guess if you find yourself in England, ask around for Keltie and Jim and maybe they'll show you their big quarters. She and Jim leave November 15, 2008. The Board will miss you.

## CHECK PRESENTATION TO CASA

Representatives from the NBA presented the proceeds from this year's Carbolic Smoke Ball to CASA on September 17. The YLD would like to thank all the firm sponsors, hosts and attendees who made this year's Ball such a great success. The YLD was able to contribute more than \$17,000 to CASA. CASA (Court Appointed Special Advocates) trains and supports community volunteers who speak up for abused and neglected children in the judicial system.



Pictured L to R: Emily Shouse, YLD President; Robb Bigelow, Co-chair of Carbolic Smoke Ball committee; Rosanna Salgado McDonald, CASA Development Director; Elizabeth Tipping, Co-chair of Carbolic Smoke Ball committee; and Gigi Woodruff, Executive Director of the NBA.

example, Georgia attorney J. Anderson “Andy” Harp was recently nominated for the Georgia Author of the Year Award by the Georgia Writers Association for his first novel, titled *A Northern Thunder* and written longhand over a period of five years. He believes that the exercise of writing fiction can benefit his trial practice because it sharpens his communication skills.<sup>8</sup> It also sharpens the ability to tell stories, build a structure, develop a pace, and create persuasiveness, all of which are important in the courtroom.<sup>9</sup> Likewise, he uses his experience in the courtroom to develop his story lines.<sup>10</sup> As a lawyer/novelist, the sum is greater than its parts. Moreover, Mr. Harp is able to use his experiences and his passions in both career paths to complement each other, as opposed to take time away from each other.

Does this mean that all trial lawyers should be novelists in their spare time? Of course not. Does it mean that we all need to have more than one career simultaneously? Probably not that, either. But the concept of the slash effect does give one pause. It gives us the opportunity to look at everything we’re doing in our lives, including those things that don’t end up on our business card. It also allows us to see if our various paths complement each other or keep us running from one place to another with no time to stop and breathe. In writing this article, I thought about the various paths I have in my life. First, I am an attorney. But I’ve also ridden horses since I was six years old, and the opportunity to continue riding horses was one of the reasons I chose to live in Nashville. Recently, I started competing in triathlons and marathons. I am also very close to my family and friends. Thus, an accurate business/life card for me would be: Emily H. Plotkin, attorney/equestrian/endurance athlete/wife/daughter/friend. Each of these activities is important to me. They reflect my career path, my physical

wellness path, and my social wellness path. When I make an effort to spend time on each of these paths, I am more productive, energetic, and ultimately more fulfilled. When I step off one of the paths or spend too much time on any particular path, I feel unbalanced.

If nothing else, I hope this article will give you the opportunity to stop, take a step back, and assess your various paths. Do you have goals you want to meet but haven’t figured out how to get there? Give them a slash. That way you won’t forget where you want to go. Maybe there is something that you’re spending a lot of time on that you do not enjoy and do not want to continue doing for the inevitable future. See what happens if you remove it from your list of paths.

Of course, one of the ways to ensure you reach your ultimate goals is to establish small, daily goals that are easily attainable. Jim Dolan, who counsels lawyers and other professionals on a daily basis, uses the following mantra: “Today is the only day that belongs to me; I will live it the best way I know how.”<sup>11</sup> As previously discussed, every unique individual has his or her own goals and values. Therefore, living the best way you know how is specific to you. But some ways to live the best way you know how could be to rid yourself of distractions at work; turn off your phone and give your full attention to your brief or agreement. Before you know it, you’ll be done. Or it could mean going out for lunch instead of eating it at your desk. Maybe it means turning out the lights and going home early to spend time with your kids. Or going for a run. The best thing to do, though, is to make sure your “to do” list includes more than mere work. Just as you calendar in today’s deposition and tomorrow’s conference call, calendar in that time for yourself.

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Maybe it's just time to stop and smell the roses. But they'll be all the sweeter when you check them off your list. And as you do that, you'll be one step closer to achieving the impossible – perfect balance.<sup>12</sup> At that point, you will no longer be preparing to live, but living.

### Endnotes

1. Emily H. Plotkin is a labor and employment associate at Baker Donelson Bearman Caldwell & Berkowitz, P.C. She is currently serving as the Co-Chairman of the Quality of Life Committee of the Nashville Bar Association's Young Lawyer Division.
2. James Dolan. *Do You Suffer From "Preparing to Live Syndrome?"* TEXAS LAWYER (July 29, 2008), at [www.law.com](http://www.law.com).
3. Id.
4. See Melanie Jester, *Work/Life Balance Initiatives in the Legal Profession*, 79 OBJ 1119 (May 10, 2008).
5. Id.
6. Id.
7. See Sarah Glick, *Behind the Slash*, 79 OBJ 1125 (May 10, 2008). See also Marci Alboher, *ONE PERSON/MULTIPLE CAREERS: A NEW MODEL FOR WORK/LIFE SUCCESS*, Warner Business (2007).
8. See John Carroll, *For Attorney-Author, Writing and Law Go Hand in Hand*, FULTON COUNTY DAILY REPORT (June 12, 2008), at [www.law.com](http://www.law.com).
9. Id.
10. Id.
11. James Dolan, *Do You Suffer From "Preparing to Live Syndrome?"*, TEXAS LAWYER (July 29, 2008), at [www.law.com](http://www.law.com).
12. Admittedly written while watching the gymnasts compete on the balance beam in the 2008 Olympics.

## **The YLD ANNUAL MEETING** **at BROADWAY BREWHOUSE DOWNTOWN**

The NBA/YLD Annual Meeting is set for Thursday, October 9, 2008 at 5:30 pm at Broadway Brewhouse downtown (317 Broadway, 37201\ 271-2838). Officers for the 2008-2009 NBA/YLD Board will be elected at the meeting. The slate of officers is:

President-Elect	Phil Walker
Secretary	Mary Taylor Gallagher
Treasurer	Sara Reynolds
Events Director	Nicole Paulk
Membership Director	Michael Collier
Professional Development Director	Emily Plotkin
Public Service Director	Chris Coleman

There will be some business, but plenty of food, drink and fun!



# Young Lawyers Division of the Nashville Bar Association

## CALENDAR OF UPCOMING EVENTS:



<u>Date</u>	<u>Event</u>
October 9	YLD Annual Meeting
October 16	Ethics CLE
December 4	YLD Reception/Nashville Bar Annual Meeting & Banquet