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# FEATURE

## LIVING BILLABLE LIVES

Oftentimes, we don't like what is said about us as lawyers. We complain about our image, about the stories that are told about us, about what some people expect of us, and sometimes what our clients say about us. For example, we are sometimes rankled when we hear comments about lawyers and their pursuit of the almighty billable hour, suggesting that lawyers pursue power and wealth for personal benefit, perhaps with more zeal than they pursue the best interests of their clients.

Other times, we might not even notice what is said about us in conversation, in the media, or in the ads we read. We may not even listen to how we describe the practice of law to our family, our friends, or how we talk among ourselves about what we do; or, how a bar association addresses us as members.

### LIVING A LIFE WITH SO FEW NON-BILLABLE HOURS

Recently I received a postcard from the American Bar Association to its members, touting a home financing program that "works as hard as you do." The ad was tasteful, even understated. Yet, the ad provoked me.

The ad contained two images and one line. One image was that of a young woman, wearing a business suit, busily talking on the phone. The other image was a rambling suburban home with a three-car garage, nestled among tall evergreens, set back on an expansive and well-groomed lawn. There was no activity to be seen—no people, no

cars, no trikes, no dogs. For all we know, the house is vacant.

Neither the image of the woman, nor the image of the house provoked me. What caught my attention was the single line that dominated the space: "Because you have only so many NON-BILLABLE HOURS in your life."

I cringed when I read the assertion that we attorneys have only so many NON-BILLABLE HOURS in which to live our lives. The ad seemed to suggest that whatever time lawyers choose to spend with family, friends, and community, or pursuing personal interests, is done with leftover time—time that hasn't been sold to clients.

As I thought about the ad, I realized, too, that if an attorney is successful, there really won't be much leftover time. After all, clients come first, and their calls and demands take priority over what an attorney might have scheduled for herself, or her family. And, in order to be successful, many attorneys strive to generate as many billable hours as possible. For surely, the house of one's dreams, depicted so handsomely in the ad, doesn't come cheap.

Is there something perverse in the assertion that there are only so many non-billable hours in our lives? Or is that assertion just stating the obvious, consistent with the lives of lawyers in law practice everywhere? For, in many firms, the metric of success (and survival) is 1,800 billable hours, 2,000 billable hours, 2,200 billable hours, or even more. Similar pressures commonly exist in corporations and other work settings. Are we simply lean, mean

billing machines, with our personal lives to be lived on leftover scraps of non-billable time?

For some, the ABA ad simply tells it like it is. For example, a successful lawyer friend of mine glanced at the ad and commented: "Yes, that's the way it is." Like some other lawyers, he lives a very busy life. Some lawyers like it that way. But others complain about it, and often feel powerless to do anything about it.

### CRAFTING A LIFE OF YOUR OWN

Perhaps it's worth asking whether it is possible, or even practical, to practice law with a resolve (contrary to the ABA ad copy) that we only have so many BILLABLE HOURS in our lives, and to somehow limit the number of hours that we work. Some of us are able, in the push and pull of an active practice, to have a life we call our own, while others seem unable to do so. And for those unable to tame their appetite for work, there often is a high personal cost, reflected in wear and tear to self and to relationships.

What help is available for those who want more time of their own and would like to push back on the pressure to bill ever more and more? I have three suggestions. If you follow them, you will know yourself better. You will be able to take steps to better align what you do with who you are and what you value, and you will seek out the company of those people who inspire and challenge you. The objective is to live a more congruent life, less divided into (sometimes opposing) parts, for example, billable and non-billable time.

First, identify your core values. These values are an *internal energy source*, the *fire* or *determination* that provides a deep source of passion and commitment. Throughout the adult years, values compete for a person's loyalty. In various combinations at different times throughout the adult years, these core values serve as the basis to design and redesign life, as people shift gears and take on new challenges. For example, what is valued most at the beginning of a career typically changes with age, experience, and maturity. Simply put, the young and the old see

their work and their priorities differently. What are your core values today? The objective is to incorporate more of what you value into the life you are living.

Second, be a student of your life experience and come to know yourself. Discover the hidden wholeness in your life, and resist the compartmentalization of your life. Become aware of underlying traits, or personal beliefs and convictions, that serve as inner threads that help maintain the vital connection between who you are and how you make your way in the world.

Third, pursue relationships and resources that sustain and support the best in you. In other words, seek out those who inspire you and who challenge you to step up to the best in you. Among them, include at least one who will hold you accountable.

### CORE VALUES

For those who want to craft a life of their own, it's important to consider what it is that you value at this time of

## Hennepin County Bar Association Half-Day & Full-Day CLE Seminars



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### Current Issues in the Practice of Mediation

**Wednesday, April 27**

8:30 a.m. to 11:45 a.m.

3.0 CLE credits applied for, including 1.0 Elim. of Bias, 1.0 Ethics, and 3.0 ADR Rule 114 credits.

HCBA member: \$110 Non-member: \$135  
CLE ONE CARD holders: No charge.

#### TOPICS COVERED TO INCLUDE:

Updates, including amendments to Rule 114 and Rule 114 Code of Ethics • International Mediation • Cross Cultural mediation practices

#### FEATURING:

Aimee Gourlay, Director, Mediation Center for Dispute Resolution

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Morning programs run 8:30 a.m. to 11:45 a.m.  
Afternoon programs run 1:30 p.m. to 4:30 p.m.

#### Tuesday, April 12:

DISABILITY-THE STATE OF THE PROFESSION  
(morning program) 3.0 Elimination of Bias credits applied for.

#### Tuesday, April 26:

EVERYDAY ETHICS—COMMON PROBLEM AREAS  
(morning program) 3.0 Ethics credits applied for.

DEAF ACCESS TO THE JUSTICE SYSTEM 101  
(afternoon program) 3.0 Elim. of bias credits applied for.

#### Friday, April 29:

EVERYDAY ETHICS—COMMON PROBLEM AREAS  
(morning program) 3.0 Ethics credits applied for.

your life, and whether your busy schedule reflects your values. Parker Palmer, well-respected educator and author, encourages us to “let our lives speak”—let our values be reflected in what we do and how we schedule ourselves. So, are your values reflected in the schedule you keep? How does your schedule reflect who you are and what you value?

Values change over a lifetime, as do our priorities. What you want from life at age 20 is seldom what you want at 40 or 50. And, at 60 or 70 you are likely to have different goals. So, today, what are your values?

Frederic Hudson—sometimes referred to as the Dr. Spock of adult development—studied the biographies of hundreds of successful adults.<sup>1</sup> He found six different core values in the lives that he studied. Adults have the capacity to tap all six, in various combinations, at various times in the lifecycle, to sustain vitality and purpose. The six core values are as follows:

*Personal Mastery – Claiming Yourself:* Self-esteem, confidence, identity, inner motivation, a positive sense of self, clear ego boundaries, courage.

*Achievement – Proving Yourself:* Making partner, winning cases,

working hard and doing a lot, getting recognition and money, playing in organized sports.

*Intimacy – Sharing Yourself:* Loving, bonding, caring, being intimate, parenting, making relationships work, feeling close, being a friend.

*Play and Creativity – Expressing Yourself:*

Being imaginative, intuitive, spontaneous, original, humorous, artistic, re-creative, funny, childlike, and non-purposive.

*Search for Meaning – Integrating Yourself:* Finding wholeness, unity, integrity, peace, spirituality, trust in the flow of life, inner wisdom, a sense of transcendence.

*Compassion and Contribution – Leaving a Legacy:* Leaving the world a better place, serving, social action and environmental caring, institution building, volunteerism.

Given that our values typically change over a lifetime, we need to be a student of our own life experience. Otherwise, we may be living a life that is out of synch with who we are and what we value today. My own experience can illustrate how these six core values typically change over a lifetime.

In my 20s and 30s, I earned my college degree (with a major in psychology) and my law degree; moved into an apartment and got a job at Community Legal Services in Philadelphia. I met my wife and a few years later, we became parents. We bought a house and I began a career in environmental law as a special assistant attorney general in Pennsylvania. During those years, my core values were (1) personal mastery—sorting out personal mission apart from parents and peers; (2) achievement—getting my academic degrees and starting a

career; and (3) intimacy—finding a life partner and becoming a parent.

In my 40s, my objective was to prove myself in private practice—become a shareholder in a major firm; earn money to meet college expenses for my daughters and have enough money to live the “good life.” I also started to do long distance running and to run marathons. During those years, my core values were (1) achievement—succeeding in private practice and excelling in sports; (2) personal mastery—developing a positive sense of self

and becoming more confident and competent; and (3) search for meaning—with all that money can buy, I found myself asking: “What’s it all about?”

In my 50s, my objective was to sustain a successful law practice. But, legislative reform changed the landscape of my environmental law practice and my billable hours eroded. At the time, I simply wanted to find a way to resuscitate my practice and hold on to what I had! Yet, I also began to ask more BIG questions of myself and to reflect on how I was spending my time. I joined a spiritual study group, and began volunteer work at an AIDS hospice.


Wisely, my law firm encouraged me to retain a personal coach to help me sort out the pieces and create a plan for my future. In conversation with my coach, it became clear that I wanted to combine my interest in psychology and my years of experience as a lawyer, so that I could be a resource to lawyers and judges as they attempt to better align their values with their busy schedules and to understand the transitions that everyone makes from time to time.

In my 50s, then, my core values were (1) achievement—getting training and certification as a coach, to work productively with lawyers and judges; (2) intimacy—as an empty-nester, to learn to be a couple again; (3) search for meaning—what is my life purpose; and (4) compassion and contribution—helping lawyers and judges to achieve satisfaction in their

**Values change over a lifetime, as do our priorities.... So, today, what are your values?**

2005  
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Annual Meeting and  
Member Celebration

Join us for the 86<sup>th</sup> annual business meeting and passing of the presidential gavel. Stay for hors d'oeuvres and more at the post-meeting social hour.

  
**Thursday, May 19**  
12:00- 1:30 p.m. - HCBA offices

Mark your calendar today. Registration will appear in next month's *Hennepin Lawyer*.

lives and their careers, and to engage fully in the profession. As well, another value became important: play and creativity—having fun and being creative in the work I do.

So, my core values changed from my 20s/30s, through my 40s, and into my 50s. During those years, when I got cranky and out of balance, I was out of touch with the values that were important to me at that stage of my life. During such times, my life had too little of what I valued, and I wasn't satisfied. Now, being more aware of what I value, I am more able to align what I do with what I value.

Take a piece of paper and write down the six core values, as identified above. First, rank-order the core values at the time you started your practice. Which were most important to you at that time of your career? Then, rank-order the core values as they operate in your life today. As you reflect on your scorecard, what differences and similarities do you observe? I also suggest that you engage in conversation with a couple of trusted friends and ask them for their insight and encouragement as you sort through the data. The clarity you gain will enable you to make some changes in your life, for example, dropping some activities that are not important to you now, and to take on some new challenges.

## A HIDDEN WHOLENESS

Over the years, each of us identifies certain attributes and preferences that define who we are and how others know us. We experience a sense of self, a core identity, even as our priorities and values shift, and the world changes around us. Some describe this sense of self as soul, or the true self.

In the busyness of our lives, we can lose sight of our true selves. Some people strive to become the person others would like them to be, while other people ceaselessly strive to meet or exceed the expectations of the workplace. Living such a life can cause us to be out of touch with who we are and what we value, all at a high cost to ourselves and those we love.

For many, life is keenly divided into billable and non-billable time. For some, little of who they are and what they value is reflected in the work they do. For them, billable time is numbing. And for those winning accolades for exceeding "production" targets, billable hours consume virtually all of their life. Those attorneys are the target audience for the ABA ad; they have only so many non-billable hours to live.

Parker Palmer uses the sturdy metaphor of a rope when writing about one's true identity. In the introduction to his book *A Hidden Wholeness: The Journey Toward an Undivided Life*, he writes:

There was a time when farmers on the Great Plains, at the first signs of a blizzard, would run a rope from the back door out to the barn. They all knew stories of people who had wandered off and been frozen to death, having lost sight of home in a whiteout while still in their own back yards.

This book is about tying a rope from the back door out to the barn so we can find our way home again. When we catch sight of the soul, we can survive the blizzard without losing our hope or our way. When we catch sight of the soul, we can become healers in a wounded world—in the family, the neighborhood, the workplace, and in political life—as we are called back to our "hidden wholeness" amid the violence of the storm.<sup>2</sup>

So, whether we speak in terms of a rope or some other metaphor, each of us has a sense of self, or soul, that defines who we are, even as our priorities shift and the world changes around us. And it's through reflection and thoughtful conversation with friends and life teachers that we can remember who we are. Some describe this process as "coming home," or simply "coming to know one's self."

A second exercise: As best you can, answer the questions: "Who am I?" "What is my essence?" "What do I

stand for?" Oftentimes, I suggest to my clients that they answer these questions as a writing assignment.

In addition, interview friends and trusted advisors; get feedback that helps you to understand yourself as others see you. For many, the difficult part of the interview is to hear the words of positive regard—the personal attributes that others observe. Often, we simply squirm when we hear applause. Yet, it is the embrace of a person's competencies that serves as the building blocks for self-confidence, and for the courage it takes to be the best in what a person does or to take a new direction in life. In my experience, everyone needs a little help from friends, so it's best to be intentional about it. Simply ask your friends what you do well. It will require some courage on your part, but it's important to know your talents and gifts.

## KEEP GOOD COMPANY

As you strive to be your best, it is helpful to identify who has inspired you. Who have been your life teachers and what have you learned from them? In

Changing Firms? Making Partner?  
New Specialties? New Offices?

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this regard, I would like to introduce you to a lawyer friend of mine. I have known him for more than 15 years. For our purposes, I will identify him as "Simon."

Simon is a lawyer's lawyer—wise, with a brilliant command of the law. He is honest, compassionate, and hard working. Simon is a mentor to others, graciously answering questions and respectfully giving guidance. Now in his late-50s, Simon recently accepted a pro bono case, representing an indigent on death row. Simon fully knows that the man's life hangs in the balance. He also knows that representing this man will involve hundreds of hours of non-billable time. In a monetary sense, Simon will lose tens of thousands of dollars of income. Yet, for him, the case is worth it. And, no one is surprised that Simon accepted

## LOOKING AHEAD

### CALENDAR OF EVENTS

MARCH 9, 2005  
LEGAL EXPO

MARCH 16, 2005  
BAR BENEFIT

APRIL 20, 2005  
BAR MEMORIAL

MAY 19, 2005  
ANNUAL MEETING AND  
MEMBER CELEBRATION

JUNE 15, 2005  
LINC GRADUATION DINNER

AUGUST 8, 2005  
CHARITY GOLF  
TOURNAMENT

the case. That's who Simon is, and his decision to take the case clearly reflects what he values. Simon wants to make a contribution as a lawyer, and he feels a sense of compassion for the client and the injustice that has been done to him.

We all know lawyers like my friend Simon, who live a congruent life, whose values inform their work, and who model the aspirations of our profession. I mention Simon as someone who knows who he is, and what he values at this time of his life. Simon is living a life that Parker Palmer describes as a life of "hidden wholeness." There are many others like Simon; some practice solo, and others are in law firms. Some practice in corporate positions, while others are in non-profit organizations or governmental agencies. Some are judges and others are in court administration. What is common to them all is a wholehearted engagement in the law, consistent with who they are and what they value.

A third exercise: Seek out those who inspire you and bring out the best in you. Be in conversation with those who will challenge you, be honest with you, and informally mentor you. And, in kind, be a mentor to others. There are many opportunities, both formal and informal, to be a mentor. For example, local law schools have mentoring programs. For years, I have been a mentor to law students. I have learned a lot in my conversations with them and I think that I have been helpful to them. Take advantage of the professional development courses that are now approved for full CLE credit. These courses are designed to enhance the development and performance of lawyers, addressing subjects such as resilience, emotional well-being, stress management, and adult development.<sup>3</sup>


### LAWYER KNOW THYSELF

In summary, my advice is to consider whether your work as a lawyer reflects who you are and what you value at this time of your life. What served you so well in the past may not meet your

needs today. While it may have been necessary to spend (almost) countless hours building a practice, it may no longer be necessary or rewarding to continue to practice in the same way and at the same pace.

While there is no perfect alignment, there can be a sense of congruence in the lives we live. People make changes every day to better align what they do with who they are and what they value. It is a matter of setting the intention and staying awake. Or, perhaps it's a matter of how we set our sails. A favorite poet, Ella Wheeler Wilcox, observes:

One ship drives east and  
another drives west  
With the self-same winds that blow.  
'Tis the set of the sails  
And not the gales  
That tells them the way to go.

Listen to yourself and the stories you tell about the work you do as a lawyer or judge. Do your stories reflect who you are and what you value? And read how the bar association addresses you. In particular, if you see the ABA ad and its observation that you have "only so many non-billable hours in your life," smile and know that you have a choice and can live a life not heartlessly minced into finer and finer bits of billable time. 

<sup>1</sup> *Life Launch—A Passionate Guide to the Rest of Your Life*, Frederic M. Hudson and Pamela D. McLean (4th edition, The Hudson Institute Press). See also *The Adult Years*, by Frederic M. Hudson (1999 Jossey-Bass), a classic best-selling guide about adult development and personal renewal.

<sup>2</sup> *A Hidden Wholeness: The Journey Toward an Undivided Life* by Parker J. Palmer (2004 Jossey-Bass).

<sup>3</sup> Effective Feb. 1, 2004, the Minnesota Supreme Court broadened the standards for continuing legal education (CLE) courses to allow approval of courses related to the "professional development" of lawyers. Rule 2 of the Minnesota State Board of Continuing Legal Education provides "professional development course means a course or session in a course designed to enhance the development and performance of lawyers addressing issues such as career satisfaction and renewal, stress management, mental or emotional health, substance abuse, and gambling addiction. Professional development courses do not include individual or group therapy."