

WHAT'S YOUR VISION? PEN THE FUTURE

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What do you want your legal practice to look like, sound like, and feel like in the future? How might answering this question help you as you practice today? How might answering this question help you shape the legal profession?

You have in your reach three keys to move you from where you are today to where you want to be in the future. First, you must identify where you are in the *present*. Then, you must *envision* where you want to be in the future. Finally, you must take the *next* action step. This is how you *PEN* your future.

Identify Your Present

What do you spend your time doing nowadays?

You can probably identify generally what you spend your time doing. If you are an attorney who bills hours and does so diligently, you can identify in fifteen or six minute increments exactly what you spend your time doing. But what about the rest of your time? Or what if you do not bill hours? How much do you really know about where your time goes? Do you wonder where the days go? Do you wish you had time to do what you really want to do?

To accurately identify where your time goes, conduct your own personal time audit. Pick any convenient seven day period and write down, *as you do it*, what you do when and for how long on each of those days. Include *everything* – billable or client time, business meetings, cooking, eating, laundry, grocery shopping, home maintenance, time with your kids, talking to teachers, pet care, sleeping, and everything else that makes up your life.

Now, take a moment to acknowledge yourself for all that you do. Many of us are

extremely good at creating, acting, and completing – but we leave off a key part of the natural cycle of life by never acknowledging ourselves for what we accomplish. Acknowledgment is a necessary part of any life cycle. If we fail to acknowledge ourselves, we feel at best that something is missing, and at worst ill. With acknowledgment, we feel fulfilled.

Fulfillment is key to life. To determine when you feel fulfilled, note how you feel as you write down your activities for your time audit. Are you satisfied? Happy? Having fun? Frustrated? Angry? Overwhelmed? Fulfilled? Whatever you feel, record that emotion. You will find this information helpful as you envision your future.

Envision Your Future

Set aside all thought of what your life looks like today. Start without any preconceived notions so that you are free to *envision* what you really want in your life. Do not worry about practicality, limitations, or anything else. Think only of what you really want your life to look like, sound like, and feel like.¹ Why?

If you limit your choices only to what seems possible or reasonable, you disconnect yourself from what you truly want, and all that is left is a compromise.²

Without compromising, write a future time audit based on consistently doing what makes you satisfied and fulfilled.

If at this point you are asking who has time to look to the future or what good is looking at what I want when I barely have time for what I have to do today, I invite you to consider this picture:

[T]he clouds gathered together, stood still and watched the river scuttle around the forest floor,

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crash headlong into haunches of hills with no notion of where it was going, until exhausted, ill and grieving, it slowed to a stop just twenty leagues short of the sea.”³

Conversely, consider the alternative:

The clouds gathered together, stood still and watched in awe as the river rush straight along, pushing rocks and branches aside or sweeping them up, so certain where it was going, until excited and fulfilled, it merged right into the sea.

By knowing where you are going, you can spend your energy and time moving in the direction you want to go, and eventually arrive where you want to be.

Now, note the feelings you recorded during the current time audit. Use those emotions to guide you as you create your future time audit. If an activity brings you satisfaction or fulfillment, be sure to include it in your future time audit. If an activity makes you angry or frustrated, eliminate it from your future time audit. If there are other activities that bring you satisfaction or fulfillment but those activities are not on your current time audit, be sure to include those activities in your future time audit. *Envision* the life that will make *you* and only you fulfilled and satisfied.⁴

You are ready to identify your *next* action step.

Identify Your Next Action Step

Compare your two time audits. What is one step you can take to move from where you are in the present towards where you want to be in the future?

In considering what your next action step is, make sure you have the absolutely smallest step

you can identify.

For example, if in the future you want to have a commute that is less than or equal to twelve minutes per day, and you currently commute an hour a day, your next action step is unlikely to be “commute no more than twelve minutes a day.” You probably need to do a few things before you can make that part of your vision a reality. Ask yourself what those steps are. Do you first need to get a new job? To get a new job, what do you need to do? Identify employers within a twelve minute commute from your home? To identify employers within a twelve minute commute from your home, what do you need to do? Identify a relevant website that will list potential employers? To identify a relevant website that will list potential employers, what do you need to do? Have thirty minutes per day of quiet time? To have thirty minutes per day of quiet time, what do you need to do? Negotiate with your significant other for the time? To negotiate with your significant other for the time, what do you need to do? Ad infinitum, until you get to the very *next* action step, one that you can do *today*.⁵

Take your *next* action step.

Repeat.

Repeat.

Repeat.⁶

You are on your way to living the life you want.

Does This Really Work?

Given how many people struggle with being at a point in life where they are not happy, I am consistently amazed by how easily focused people get what they want and need. It makes me realize that much struggle and unhappiness is unnecessary.

When I was a supervisory attorney for the

government, I publicized a job posting one spring to add an attorney to my team. I received about one hundred applications, most from well qualified applicants. I interviewed several of the best by phone, and then a small handful of the very best in person. By the summer, I hired an outstanding attorney with stellar credentials, excellent recommendations, and a wonderful personality.

After I hired the attorney, she told me how she had pursued a new job, and why her new job was perfect. First, she had identified where she was in the present. She was working full-time in a government office. She had two children under the age of three. Her commute was thirty-five to forty-five minutes per day.

She then envisioned the future she wanted. She wanted to work part-time. She wanted to spend additional time with her children, including having the flexibility to attend school events as necessary. She wanted to work closer to her home. Finally, she wanted to accomplish this all no later than August 31st, before her eldest child started preschool.

She considered which next action steps she would have to take to make her vision a reality. She first considered staying at her current job. She spoke with her supervisor and asked for a part-time schedule. In her government office, attorneys were permitted to work part-time only in extraordinary circumstances, and only for a limited period of time. Even though her supervisor was extremely happy with her and her work, her supervisor refused to permit her to work part-time.

She explored other options. She let people know she was looking for a job, and specifically what she wanted in the job. One of the people she talked with saw the job posting I publicized, and passed it on to her. She applied, and made her application specific to my posting. When I spoke with her on the phone, she was enthusiastic and excited. When I interviewed her in person, she was prompt, responsive, and still

enthusiastic and excited. In addition, her past work, as supported by her references, made it clear to me that she would be a welcome member of my team.

This attorney got her new job before her eldest child started preschool, works part-time, commutes about fifteen minutes from her home, and has the flexibility to attend school events. This attorney was effective in getting what she wanted because she identified where she was in the *present*, *envisioned* her future, and then took the *next* action steps she needed to take to make her vision a reality.⁷

Stuck? Shift Perspective!

Sometimes you need more than one pen to write your future. You need *PENS*. To get the *S*, shift your perspective to see what is next. Consider that “[w]e can't solve problems by using the same kind of thinking we used when we created them.”⁸

Your ability to shift perspective is one of the most powerful tools you have to effect change in your life, and in the world. Any time you think, say, feel, or hear “I can't do it because . . . ,” you have the opportunity to shift perspective.

Ask questions that begin with who, what, when, where, and how to shift your perspective. Your objective is to ask questions that will help move you forward.⁹ For example, if you want ten new, good clients by December, ask yourself:

1. What do people who get good clients think?
2. What might happen if I got ten good clients?
3. What do people who get good clients say?
4. What do people who get good clients look like?
5. What do people who get good clients sound like?
6. What do people who get good clients feel like?

7. There are people who get good clients. How do they do it?
8. Who can I call on to help me get good clients?
9. Where can I find good clients?
10. When are good clients looking for good attorneys?

Add as many questions as you can. As you consider possible questions, do not get stuck on using only reason and research as your tools. As an attorney, you have been well trained to consider problems from many different angles. You probably also lean towards a conservative perspective and towards identifying limits. Put this powerful, paradoxical thinking to work for you. Recognize that reason and research work well for you, and that as your preferred methods of thinking they have helped you get where you are today.¹⁰ If you want to change, try different methods of thinking. Recognize that many people succeed without using reason or research, or by using reason and research only secondarily.

Try other techniques to shift your perspective. For example, you can represent how you will achieve getting clients in many ways. You can write out a narrative. You can use a calendar to schedule your next action items. You can draw a pie chart allocating the percentage of time you will spend on particular activities to attract clients. By representing your desired outcome in multiple ways, you see different needs.¹¹

By shifting perspective, you also slowly but surely convince yourself of your need for action and your ability to succeed. This is sometimes called “the tipping point.”¹² In general, people do not make sudden, dramatic changes. Rather, they accumulate enough experiences, data, and perspectives that their own perspective shifts. Keep going until you succeed at shifting your perspective. Remember, “[m]any of life’s failures are people who did not realize how close they were to success when they gave up.”¹³

Once you have answered your questions and

used many different methods to shift your perspective, generate the possible *next* action steps you can take. Select the steps you will take, and then act.

How Can I Help *PEN* the Future of the Legal Profession?

You now have a method for creating the life you want to live.¹⁴ What will you do now? Be proactive¹⁵ and move towards living the life you want to live.

Consider also how you might effect changes in the legal profession that will have a more immediate impact on a larger number of people. What is your vision for the legal profession?

We all decided to practice law for different reasons. Some people I know became lawyers because they believe in justice and helping people, some because they enjoy the intellectual stimulation that is part of a good legal practice, some simply because they believed becoming an attorney was a way to make a good living.

Why do you practice law today? Hopefully, you find satisfaction and fulfillment in practicing law well.

The question, of course, is how often are we practicing law well? Do we spend the majority of time, sixty-five percent or more, practicing law the way we want to practice? To answer this question, we must apply the same *PEN* to our profession as we do to our individual practices. Once we know where we are today and where we want to be in the future, we can identify the next action steps we need to take to move towards our desired future. We can *PEN* the future of our profession.

I envision a profession that:

- Has female and minority attorneys in numbers representative of the population as a whole;

- Engages in meaningful work at least sixty-five percent of the time;
- Provides legal services at a monetary rate that is accessible for clients;
- Provides a good quality of life for attorneys; and
- Engages in service that contributes to the well-being of our society.

Some statistics related to these visions are being measured and are available to us today. For example, diversity is well measured. The National Association for Law Placement, Inc.® (hereinafter “NALP”) reports that since the late 1980s, law schools have graduated classes with females representing forty to fifty percent of graduates and minorities representing from ten to twenty percent of graduates.¹⁶ When we compare these statistics with the statistics representing the United States' population, we see that graduating law students proportionally reflect the population as a whole of women¹⁷ and minorities,¹⁸ and that this has been true for almost two decades. We must recognize and congratulate ourselves for achieving what we envisioned in terms of diversity in our law schools.

What about our vision of having diversity in our legal practices? According to NALP, as of November 2004, “attorneys of color account for 4.32% of the partners in the nation's major law firms and . . . women account for 17.06% of the partners in these firms.”¹⁹ The Bureau of Labor Statistics reports that as of 2004, of employed attorneys, 29.4% are women, 4.7% are African American, 2.9% are Asian, and 3.4% are Hispanic or Latino.²⁰ Judges, magistrates, and other judicial workers are more representative of the general population, with 56.7% women and 12.8% African American.²¹ According to these statistics, we have some steps to take before our vision of having practicing attorneys as diverse as our population is reality.

There are many members of our profession who are taking the next action steps they find appropriate. For example, the General Counsels of more than five hundred corporations that are members of the Association of Corporate Counsel have pledged to hire law firms only if the firms have demonstrated a commitment to diversity.²² There are also numerous bar associations and organizations committed to furthering diversity in the legal profession.²³

If diversity is important to you, I ask you to consider what next action step you can take to increase diversity in your own practice. Your step, no matter how small, will help to create the profession you envision.

One possible step is to help create work environments that are attractive to people who want to live complete lives.

One feature of an attractive work environment is the ability to perform meaningful work. Fortunately, different people find meaning in different kinds of work. Providing meaningful work can be accomplished if a person knows what is meaningful for them, if we find out what is meaningful for them, and if we can provide that work for them. Today, ask someone you work with what kind of work they find meaningful. See if you can provide that work.

Another feature of an attractive work environment is one that allows for a high quality of life. Although high quality of life also means different things for different people, most attorneys would agree that working to the near exclusion of everything else in one's life does not constitute a high quality of life, even if the work is meaningful. Consider what you can do to ensure a high quality of life for yourself and for other attorneys you know or with whom you work.²⁴

Regardless of whether you want to see diversity, meaningful work, or quality of life in the legal profession; or you want to provide legal services at rates that clients can afford,²⁵

contribute to the well-being of our society through the legal profession, or implement whatever your vision is for the legal profession, I ask you to **PEN** the future. Identify the **p**resent state of our profession in the area you have identified in your vision.²⁶ **E**nvision the future. Take the **n**ext action step. Make your vision a reality.

Things happen the day you decide you're going to make them happen.²⁷



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¹ Am I losing you here? If so, think of a time in your life when you really wanted something and it happened. You can have that consistently in your life by following these steps. But you must first identify where you are in the present. This is your foundation.

² Robert Fritz.

³ ANNE WILSON SCHAEF, *MEDITATIONS FOR WOMEN WHO DO TOO MUCH* April 6 (Harper 1990) (quoting Toni Morrison).

⁴ If you are thinking, “who has time to be satisfied and fulfilled?,” ask yourself “what’s the alternative?” There are people who are satisfied and fulfilled in life. Why not you?

⁵ See BARBARA SHER & ANNIE GOTTLIEB, *WISHCRAFT: HOW TO GET WHAT YOU REALLY WANT* (Ballantine Books 1979), for a good resource with practical tips on moving forward. The key is to find what works for you, and then use it.

⁶ If you want to make sure you are consistently on track, identify in time increments that work for you what you will accomplish within that particular time. See TERI-E BELF & CHARLOTTE WARD, *SIMPLY LIVE IT UP: BRIEF SOLUTIONS* 63-77 (Purposeful Press 1997), for an excellent description of how to accomplish this.

⁷ Another good example is an attorney, a partner at a major Washington, D.C. law firm, who sits down with his wife every year and identifies what they want to accomplish in the coming year. They are phenomenally successful in accomplishing what they identify. Yet another attorney, when told that her firm would not pay her for maternity leave, found a firm where she had two subsequent paid maternity leaves. Finally, I know an attorney who, after being a partner at a large Washington, D.C. firm, decided she wanted to spend more time with her children, while still doing meaningful work. Her clients asked *her* whether she would keep them, and she now runs her own firm.

⁸ Albert Einstein.

⁹ INT’L COACH FED’N, *COACHING COMPETENCIES* No. 6 (1999), *available at* <http://www.coachfederation.org/credentialing/en/core.asp> (explaining that powerful questions are “questions that move the person towards what they desire, not questions that ask for the ... [person] to justify or look backwards” thus, “why” questions are not helpful).

¹⁰ As an attorney, reason and research are no doubt the foundation of your work.

¹¹ See HOWARD GARDNER, *CHANGING MINDS: THE ART AND SCIENCE OF CHANGING OUR OWN AND OTHER PEOPLE’S MINDS* 15-18 (Harvard Business School Press 2004), for a reference to this technique, known as “representational redescription.” Gardner identifies seven levers for mind changing: reason, research, resonance, representational redescriptions, resources and rewards, real world events, and resistances. This provides a starting point for considering how to change your own or other people’s minds. My point in citing him here is simply to emphasize that there are a number of ways at looking at the world. Be sure to consider as many as you need to to shift your perspective.

¹² *Id.* at 229 ch. 6, n. 20 (referring to the principle set forth in MALCOLM GLADWELL, *THE TIPPING POINT: HOW LITTLE THINGS CAN MAKE A BIG DIFFERENCE* (Back Bay Books 1999)).

¹³ Thomas A. Edison.

¹⁴ You have always had the ability.

¹⁵ See, e.g., STEPHEN R. COVEY, *THE 7 HABITS OF HIGHLY EFFECTIVE PEOPLE* 65-94 (Free Press 1989) (discussing habit No. 1).

¹⁶ *Women & Attorneys of Color*, ANN. REP. (Nat’l Ass’n of Law Placement, Inc., Washington D.C.), Nov. 2004, *available at* http://www.nalp.org/nalpresearch/mw_indx.htm.

¹⁷ U.S. CENSUS BUREAU, *USA STATISTICS IN BRIEF -- POPULATION BY AGE, SEX, AND REGION*, *at* <http://www.census.gov/statab/www/pop.html> (last revised Jan. 18, 2005) (reporting that, as of 2003, men and women are approximately equal in numbers).

¹⁸ U.S. CENSUS BUREAU, *USA STATISTICS IN BRIEF -- RACE AND HISPANIC ORIGIN*, *at* <http://www.census.gov/statab/www/racehisp.html> (last revised Jan. 18, 2005) (reporting that, as of 2003, of the total population of 290,810,000: 234,196,000 (81%) identify as white only; 37,099,000 (13%) identify as African American only; 2,787,000 (1%) identify as American Indian only; 11,925 (4%) identify as Asian; 495,000 (.1%) identify as Hawaiian or Pacific Islander; and 4,308,000 (1.5%) identify as being two or more races; 39,899,000 (14%) people self-identified as Hispanic or Latino origin, of any race).

¹⁹ *Women & Attorneys of Color*, *supra* note 16.

²⁰ *Employed Persons by Detailed Occupation, Sex, Race, and Hispanic or Latino Ethnicity*, ANN. AVERAGES-HOUSEHOLD DATA (Bureau of Labor Statistics, U.S. Dep’t of Labor, Washington D.C.), 2004, at 211, *available at* <http://www.bls.gov/cps/cpsaat11.pdf>.

²¹ *Id.*

²² ASS'N OF CORPORATE COUNSEL, DIVERSITY IN THE WORKPLACE: A STATEMENT OF PRINCIPLE, at <http://www.acca.com/practice/diversity.php> (last visited May 21, 2005) (“We expect the law firms which represent our companies to work actively to promote diversity within their workplace. In making our respective decisions concerning selection of outside counsel, we will give significant weight to a firm's commitment and progress in this area.” In late 2004, a new statement was introduced and companies are now adopting or considering the policy. The new statement reads in part, “we pledge that we will make decisions regarding which law firms represent our companies based in significant part on the diversity performance of the firms. We intend to look for opportunities for firms we regularly use which positively distinguish themselves in this area. We further intend to *end or limit our relationships with firms whose performance consistently evidences a lack of meaningful interest in being diverse.*” (emphasis added)).

²³ See, e.g., MINORITY CORPORATE COUNSEL ASS'N, MISSION STATEMENT, at <http://www.mcca.com/site/content/aboutmcca.shtml#events> (last visited May 21, 2005); VA. WOMEN ATTORNEYS ASS'N, OUR MISSION, at www.vwaa.org (last visited May 21, 2005).

²⁴ See, e.g., DEBORAH L. RHODE, BALANCED LIVES: CHANGING THE CULTURE OF LEGAL PRACTICE (American Bar Association 2001), available at <http://womenlaw.stanford.edu/model.policies.html>.

²⁵ A number of jurisdictions are examining alternative billing structures. See, e.g., John C. Keeney Jr., *Law Costs Too Much*, WASH. LAW., July-Aug. 2004, at 6; Robert Pack, *The Tyranny of the Billable Hour*, WASH. LAW., Jan. 2005, at 20-26, for what the Washington, D.C. bar has examined with regard to alternative billing; see also Irene Leonard, *Has the Billable Hour Made Fools of Us?*, KING COUNTY B. ASS'N BULL., Apr. 2005, available at <http://www.kcba.org/barbulletin/0504/article2.html>, for ideas from the State of Washington.

²⁶ See AM. BAR ASS'N, STATISTICAL RESOURCES, at <http://www.abanet.org/marketresearch/resource.html> (last visited May 21, 2005), for helpful resources.

²⁷ Pam Lontos.