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Where's Your Focus?

by K.C. Victor

On top of your practice work, with multiple projects and various deadlines, do you also have a speech to write, an article to finish or a professional panel discussion for which to prepare? In addition, are you on one or more corporate or charitable boards? And by the way, do you also want time for your personal life? If so, your life sounds like the lives of many of the lawyers I meet with on a daily basis. It sooner or later becomes obvious that professional focusing and prioritizing are of paramount concern and that failure to focus can injure or ruin your career.

Doing a little bit of everything at once is almost always ineffective. However, on the other side of the spectrum, working intensely on one or two things while pushing some tasks off until the unforeseeable future frequently results in those low priority tasks never getting accomplished.

The particulars of how lawyers can and should prioritize work are just that – particulars, special to every situation. However, there are guideposts that can help all lawyers maximize the chances that one's clients feel noticed, cared for and properly serviced, and that colleagues feel supported. These guideposts keep the individual lawyer in the realm of accomplishable, although sometimes difficult, goals. One of the best pieces of advice I have ever heard given to a young lawyer is that in the long haul it is better to turn down an assignment (of course explaining what else is on your already full plate) than it is to take an extra assignment that you are unlikely to be able to do well or perhaps even do at all. Both clients and colleagues rarely remember when a very busy lawyer refuses an extra project and always remember when an overworked lawyer does a task poorly or misses a promised deadline.

When given an assignment it is important to understand not only when the work is due but also in what state of perfection it must first be presented. Sometime no first drafts are allowed. When clients or superiors say, "get to it when you can," those words never mean that you don't need to relay when you expect to be able to finish the project. If you cannot tell how long the work will take until you begin the project, make that known. "I cannot look at this for two weeks. I believe I can tell you how long it will take once I spend a day or so on the assignment," always trumps, "I am not sure when I can get this work done."

When lawyers are given a new project, it is crucial to understand when the project is really due. Beware false deadlines. In litigations there are court deadlines. In transactional work, there are business cycles and business schedules. If you believe that a client or legal superior has asked for work too early and created a false schedule, ask why. There may be a reason you do not understand. Alternatively, together you may be able to determine a more realistic deadline and create comfort for all. Anxiety often creates feelings of urgency but need not create actual urgency. Progress reports along the way, to both clients and legal superiors, can help push final deadlines back when possible.

Good lawyers are part psychologists, both of the emotional and cognitive varieties. They need not only understand their own, their clients' and their superiors' emotional drives regarding any particular project - they need to also understand what it takes to focus on an intellectually difficult task and create an environment where excellent focus is possible. It is a psychological truth that most of us need a concentrated block of at least a few hours to accomplish any significant work of high quality on a complicated project. As importantly, once we have put aside that time to focus on a particular task or set of tasks, it is crucial to allow all other tasks to fade into the background. Even the best lawyers have only one brain.

A concern of many practicing lawyers with whom I speak is how to avoid distractions while concentrating on a difficult piece of work. Avoiding mental distractions is often harder during times when clients and work are hard to find; distracting professional and financial anxieties are more common. Achieving calmness leans towards focus. Many lawyers I know create calmness by incorporating physical techniques such as exercise or meditation into their schedules. Endorphins do focus the mind.

Meditation also clears the cobwebs from legal minds, allowing them to focus. In 2002, Harvard Law School offered a "Symposium on Mindfulness and Alternative Dispute Resolution." Both Harvard Law School and U.C. Berkeley School of Law have mediation classes in their curriculums. The latter will host a weekend symposium on "The Mindful Lawyer" this fall. At least one prestigious law firm, Wilmer Hale, provides on-site meditation training to any lawyer who wants to learn. Lawyers are paid to be careful and precise and both require focus.