



## President's Perspective

# LAWYER, KNOW THYSELF

*By Amy Noe Dudas*

### PRESIDENT'S PERSPECTIVE

I've previously written and spoken about suggested, and sometimes implemented, changes to our traditional rules structure, often offered as solutions to the access to justice gap. These innovations, as proponents call them, include allowing nonlawyer ownership interests in law firms and licensing nonlawyers to perform certain tasks currently considered the practice of law.

Are these truly viable solutions for ensuring broader access to justice or, as many fear, do they risk eroding the foundations of our profession? As the collective voice of the legal profession, we need to better identify who we are, not just what we do, as we consider these and likely other experiments. Doing so will better enable us to articulate what it is about who we are that makes us uniquely qualified to serve in particular ways and, on the other side, what may appropriately be delegated to nonlawyers.

Unfortunately, research that has attempted to narrow down the so-called lawyer personality illustrates that many of our common traits may not always serve us well in our profession. To be successful

practitioners, advisors, and peacemakers, we must recognize who we are to pivot toward who we should be.<sup>1</sup>

A 2002 study<sup>2</sup> of personality traits common to successful lawyers found skepticism ranked the highest of lawyers' most-commonly shared traits. We also tended to score higher than the average Jane in urgency and autonomy, but lower in sociability and resilience.



Those scoring high in skepticism can be cynical, judgmental, and argumentative. They tend not to give others the benefit of the doubt. The urgent trait makes us impatient and we therefore approach everything with a sense of immediacy (even when it's not necessary). We are less mindful and contemplative. Autonomous people prize their independence and are effective self-starters, but they hate being told what to do.

Low scorers in sociability prefer human interactions that lean more intellectual than emotional. Even though lawyers present as (sometimes overly) confident and even fearless, our low scores in resilience mean we tend to be defensive, especially when criticized (even just a little), showing we're a little insecure.

If you've recognized yourself even a bit, as I surely have, good for you, because introspection is a trait we lawyers don't necessarily share either. But knowing both your strengths and weaknesses (and how context can make a strength a weakness) is the first important step to knowing when to pivot (OK. We're not great at that, either) when the time is right.

A 2014 study by the Institute for the Advancement of the American Legal System<sup>3</sup> identified five broad categories of characteristics with which new lawyers should hit the

As **problem solvers**, we should be able to see the big picture and address immediate issues. We should instinctively know which is which.

Finally, we must be responsible and initiate tasks as **self-starters**, needing little supervision while knowing when to ask for help and guidance.

But when you score high in skepticism and low in sociability, you may need to work a little harder at being a good communicator. Sure, many of us are good writers and speakers, but are we listening

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ground running as they enter the profession.

We must be effective **communicators** by reading, writing, speaking, and listening in a professional manner.

As **practitioners**, we need skills in research and analysis, and we should be able to synthesize information and apply it to both procedure and strategy.

We are expected to be **professionals**, managing our workload efficiently and using tools to ensure precision and relevance.

actively? Are we tuning into a witness' non-verbal cues or are our noses buried in our notes? Can you maintain a level of self-control when opposing counsel is berating you or tact when explaining to your client that her expectations are unrealistic?

You might be incredibly talented in research and analytical skills, but that sense of urgency might result in not spending enough time gathering facts or effectively determining your client's ultimate goals. I can load myself up to the rafters with tasks and juggle them like I perform with Cirque du Soleil, but if I don't set professional boundaries, honor my commitments, and make a priority





of being on time, my clients and colleagues will lose faith in me quickly. And I'll eventually end up ugly crying in a fetal position for no apparent reason.

Lawyer, know thyself.

Let's stop thinking like lawyers and start thinking like human beings who happen to be lawyers sharing a planet with other human beings.

A lot of what we will ultimately need to do in a case requires connecting with others with whom we may have few shared experiences. You won't earn a person's trust if you don't take the time to let them tell their story (even if most of it ultimately means nothing from a case perspective) or understand their ultimate goals (which may have nothing to do with the range of relief available to them). If you're curious and respectful, you'll learn a lot more and might give the client a positive experience in which they achieve their goal but actually "lose" the case. Many times, they just want to be heard.

To communicate well, we need to be perceptive and show a little compassion; let's exercise tact and self-control, maybe even a little grace. Human nature responds better to kindness than vitriol, especially when being asked to reveal information or compromise a position.

Successful lawyers overcome these challenges, adapt to the unexpected and unknown, and diligently pursue improvements—not only in the obvious skills we hone through CLE, but also in the human traits we can cultivate through introspection, reflection, and experiences beyond the courtroom and conference room. ☯

## FOOTNOTES:

1. Please understand, dear friends, that I am painting with a brush broader than Dwayne "The Rock" Johnson's shoulders. These are generalities that may apply to some of us, or none of us, but that at least some research has indicated is relatively common among lawyers as a group.
2. Larry Richard, *Herding Cats: The Lawyer Personality Revealed*, <https://bit.ly/3CDHvtt>.
3. Zachariah DeMeola et. al., *Foundations Hiring Guide* (2021).

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