

Laying Down the Law
By Andy Arnold
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I am doing something radical: I am buying a year of my life. Well, maybe not a year, but as much of my life as I can afford. However long it turns out to be, my life as I know it will soon be no more. I have decided to shut down my law practice, although I have a few cases that I intend to see through until their conclusion (whenever that might be). It is final and irreversible. My secretary will shortly begin her new job, and my office will have a new occupant beginning April 1. With no idea of what will follow, I am laying down the law.

Simply put, I am burned out and want to take sometime off. Of course, burnout is a common phenomenon into today's win-at-all-cost world; and when your family's livelihood hinges on the opinion of overworked judges and unpredictable juries, the raw stress of the constant all or nothing stakes can take its toll. And as our society continues its litigious ways, sifting through the compost of complaints that gets dumped at my door week after week has made it difficult to find the meaningful endeavors.

If I sound as if I am complaining, I certainly am. No doubt that burnout and stress are shared by all types of folks and the stakes are no doubt higher for countless others than myself. Compared to others, my life is really not that bad. To be completely honest, at times my life seems as good as it could possibly get. However, life is too short for a "not that bad" standard, even if just some of the time. It strikes me as crazy that we should bargain away so much of our individual slice of the miracle of existence.

Don't get me wrong: There are a few things that I love about law. The gathering and ordering of facts is challenging. The crafting of new arguments from old legal concepts is really enjoyable. Arguing right and wrong while helping folks who have been hurt by the arbitrary meanness of others is actually fulfilling. But, these parts of the profession have become too few and too far between to sustain the fire necessary to endure the uncertainty and pettiness of the litigation process.

We hear much about the plague of jackpot justice, but the scourge of the billable hour on our society goes largely unnoticed. I can't tell you how many cases I have settled for \$50,000 after a year of litigation that I would have gladly settled for \$50,000 on the first day. The economics of contingency fee creates a true incentive to find quick resolutions to disputes. It is a basic truism that my stint in law has confirmed.

Not so for the defense lawyer whose life is measured by billable hours. When I left the defense practice back in 1994, I thought I was leaving the billable hour behind. Measuring productivity in terms of hours as opposed to results did not appeal to me. (I am much too lazy for such a rigid system.) However, I have learned that the billable hour, whether your own or someone else's, will dictate the course and length of litigation more times than not.

The most important lesson I have learned during my time as a trial lawyer is that truth can usually be found in the middle. Lawyers have an axiom that your case is never as good as it is the first time you meet with your client. My experience anecdotally confirms this conclusion. And in most cases, the differences arise not so much from blatant dishonesty but because a person's self-interest shifts the point of memory's emphasis. People don't retain everything; and the mind can be quite strategic when it comes to forgetting. We all do it. We assimilate facts that support our worldview while discounting those that contradict it. Cases are won as much because of the facts remembered as the facts forgotten.

Law imposes a pragmatic solution to this quirk of human nature: The Seventh Amendment's "trial by jury." My decade-plus in a litigation practice has given me true appreciation for the jury system, and the notion that requiring a unanimous verdict from diverse of perspectives and interests is the best vehicle to finding justice. All of the abuses in our system (which I encountered) are committed by those who do their work outside of the jury box.

However, in the end, laying down the law has less to do with the law than it does with me. My wife and I decided that instead of buying a bigger house that perhaps we could just get rid of some of our excess stuff. Instead of spending my time earning money to buy a newer and better version of stuff that I would use this money to buy a newer and better version of a year in my life. Slow down. Take a sabbatical from the quest to be an alpha male. Write. Read. Live.

My health is not irrelevant in this equation. Stress is a killer, and there is no doubt that my worrying has taken a few years off of my life already. However, it is not simply law that has been a health hazard. Although I will retain red wine as an essential component of my regime, ditching the addiction to homerun swings and victory laps should help me regain some balance.

This little experiment may turn out to be a disaster; but my gut suggests otherwise. Although there are some risks you simply cannot afford to take, there are others you cannot afford NOT to take. This roll of the dice seems to be in the latter category; and if I am right, the experience promises to be worth more than all the jackpot justice and billable hours combined.