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Linda H. Edwards
University of Nevada, Las Vegas -- William S. Boyd School of Law

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Book Review

The Good Lawyer
Seeking Quality in the Practice of Law

Nancy Levit & Doug Linder, Oxford U. Press 2014, 293 pages.

Linda H. Edwards*

In their first collaboration, *The Happy Lawyer*,[1] the writing team of Nancy Levit and Doug Linder tackled a crucially important subject: how to have a happy life in the law. As part of that project, they interviewed more than two hundred lawyers about what makes them happy in their jobs. Levit and Linder noticed that happy lawyers nearly always talked about doing good work. Curious about the connection, the authors turned to recent research in neuroscience and learned, not to their surprise, that a key to a happy life is the sense of doing good work. It is our good fortune that in their second collaboration, *The Good Lawyer*,[2] Linder and Levit have turned their attention to unpacking what it means to "do good work" in the law.

The Good Lawyer may be unique. First, it is essentially a text on professionalism, a subject much touted but rarely taught in any kind of comprehensive manner.[3] Second, the book is unusual in the scope of its natural audience, for it speaks just as effectively to law students as to practicing lawyers. Third, in a legal culture often too embarrassed to talk about

1 Nancy Levit & Douglas O. Linder, *The Happy Lawyer: Making a Good Life in the Law* (2010).

2 Douglas O. Linder & Nancy Levit, *The Good Lawyer: Seeking Quality in the Practice of Law* (2014).

3 In my informal survey of professors who teach courses related to professionalism (that is, courses such as Professional Responsibility, Clinic, Legal Writing, or Externships), not one person could identify a book that comprehensively addresses the character traits and skills inherent in professionalism: empathy, courage, willpower, respect for others, the pursuit of justice, the ethos of persuasion, and the personal characteristics that affect decisionmaking.

lawyers' feelings (other than anger) or the nurturing of a human soul, this book is unafraid to speak candidly about these fundamentally important "soft" subjects.

In ten engaging chapters averaging less than 30 pages each, the book takes us through some of the virtues, attitudes, and dispositions that distinguish good lawyers. Each chapter speaks in the voice of a wise, experienced mentor, combining sociology and cutting-edge neuroscience with what are essentially dharma talks on lawyering. We learn about the crucial role of emotions in lawyering; how intuition combines with more deliberative decision making; how to develop courage and will power. We learn why people, including lawyers, have difficulty relating across political lines. We learn how humans tend to over-predict success and underestimate difficulties; how moral intuitions affect the practice; and how anchoring (using particular reference points for comparisons) and framing (conceptions that highlight particular attributes) contribute to a lawyer's mental blind spots.

These chapters also tell stories, drawing lessons from the lives of remarkable lawyers. We meet giants of the law, as diverse as John Adams, Abraham Lincoln, and Gerry Spence. But even more important, we meet lawyers who have not graced the headlines—lawyers who simply got up every morning, put one foot in front of the other, and did what courage and integrity demanded. We meet John Michael Doar, who prosecuted racial crimes in the violence-soaked South; who stood alone between demonstrators and an approaching battalion of riot police in Jackson, Mississippi; who told the truth no matter what the cost. We meet Mark Edell, an under-resourced lawyer who took on big tobacco's litigation army and won the first judgment for smoking-related lung cancer. We also meet Orville Bloethe, a small-town Iowa lawyer who knows that perhaps the greatest contribution a lawyer can make to a client is the practical wisdom of an experienced counselor.

Not all the stories are biographical morality tales. The book raises and leaves us with some hard questions. The tension between client autonomy and the lawyer's experience is real, and the book does not pretend an easy answer. The book recognizes the religious foundation of justice for many lawyers, but it also honestly addresses the potential difficulty when lawyers' religious traditions limit the options lawyers offer to clients. The practical moral difficulties inherent in some kinds of legal practice—like criminal or corporate practice—are truthfully recognized. By recognizing these difficult questions, the book avoids a simplistic treatment of some of lawyering's hardest questions.

The book may have its critics, of course. Some law students and younger lawyers may resist the book's affection for tradition and its use of older cultural references like *Zen and the Art of Motorcycle Maintenance*.[4] Some readers may wince at the description of lawyers performing psychodrama at Gerry Spence's Thunderhead Ranch. Others may not warm up to the dharma-talk style and the retrospective voice reflecting back on a career in the law. But if so, that would be a shame. These authors certainly know the legal culture into which they speak, and their insistence on writing this book is, in itself, an example of the courage and integrity they advocate for good lawyering. In this book, the authors demonstrate the very attributes they describe.

The Good Lawyer could have many uses. It would be an excellent supplemental text for any law school course teaching professionalism, such as Professional Responsibility, Clinic, Legal Writing, or Externship. As part of the externship experience, students could use the text in their reflective writing requirement. Parts of it could be assigned as reading in typical doctrinal courses in which the professor consciously integrates skills and values, as recommended by the Carnegie Report.[5] It would be an excellent basis for a CLE on lawyering & professionalism. It could be a useful part of a law firm's orientation for its newer associates. Finally, it makes for stimulating reading for individual lawyers seeking to improve their own practice.

No matter what the use or what the reader, *The Good Lawyer* ends where its readers now stand. The closing chapter faces forward, describing some of the recent changes in the practice of law and speculating on other possible changes in the years to come. It asks how the lawyers of the future will be able to do good work in a legal world where long-standing client relationships and recurring professional interactions are reduced; economic pressures limit employment opportunities and job development; and the bar is divided ideologically. Wisely, the book does not try to answer those questions. It leaves us looking toward the future, knowing that it must remain with the next generation of lawyers to face those challenges. Thankfully, those who read *The Good Lawyer* will be much better equipped to build their own future life in the law.

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4 Robert Pirsig, *Zen and the Art of Motorcycle Maintenance* (1974).

5 William M Sullivan et al, *Educating Lawyers: Preparation for the Profession of Law* (2007).