

# 'What makes a Lawyer in 2017?'

## Being a Lawyer is a Piece of Cake

By Viktorija Saric

What makes a lawyer in 2017? This is a tricky question to answer, given that not everyone has practiced as a lawyer before, or received legal advice from a lawyer in the past. To help illustrate, let's draw some comparisons from something that we all know and love... cake. Yes, delicious and calorie dense cake. Cakes come in hundreds, potentially thousands, of different flavours and types. The same can be said for lawyers, each having his or her own personality and lawyering style, or 'flavour' if you may. Whilst varying in flavours and styles, both lawyers and cakes have some core qualities that make for a great recipe or career. Are you hungry yet? Good, now let's pinpoint what exactly makes a yummy lawyer and a good cake (or vice versa?).

### *A Flexible Recipe*

Growing up my mother had an old banana bread recipe that was passed down to her, a family heirloom of sorts. It made delicious fluffy banana bread that the whole family loved and craved time and time again. As kids, our cravings would come at extremely inconvenient times for baking, like late at night. We would beg our mother to work her magic, catching her off guard. These were often the times when all the ingredients listed on the recipe weren't in our pantry. Of course, the banana bread had some ingredients that could not be changed (i.e. bananas). However, sometimes, depending on what blessed our shelves at the time, my mother had to get crafty and alternate a few missing ingredients for something that was available.

A similar concept can be seen in a good lawyer. As a lawyer, the recipe that you are presented with is your client's facts. Your mind is your pantry, well equipped with a range of solid ingredients (or knowledge) which you have accumulated over the course of your law degree. During initial meetings with clients, you may find that you are presented with an ideal set of facts and you can easily access the ingredients and, as such, provide sound legal advice based on the principles that you know and love. Other times, you may have a client whose set of facts resembles a season of 'The Bold and the Beautiful' and you find yourself sitting there, attempting to stifle a look of horror on your face whilst desperately hoping that someone from your office jumps into the meeting room yelling out 'April Fools!' But unfortunately, it's June and this is your client's life and your job is to provide them with comprehensive legal advice. Of course, there are some ingredients that cannot be changed (i.e. the legislation) but you may need to get crafty with some of the other ingredients; what was that journal article you read on that area of law or that recent High Court decision you skimmed over? But don't worry, if all else fails and the client's case has really stumped you, you can always whip out your recipe life saver, trusty old Vanilla Essence, i.e. "Gee whiz, that's an interesting set of facts you have there. I'll have to do some research on that area and get back to you". Admitting that you need to undertake some research is always going to be better received by a client than would be providing them with incorrect legal advice

and then backtracking on it in the future. No one likes banana bread where salt has been added instead of sugar.

### *Beat the dough, gently*

If you've ever made a cake, you will know that there is intellect behind the method and that when your recipe says, 'beat the dough, gently' you should follow it. Whilst I am no cake expert, the idea is that when you beat the dough gently it allows air pockets to form, creating a later delicious fluffy sponge. On the contrary, when you come at the dough with the aggression of a WWE wrestler (body slams and all), the dough will work against you and your anticipated fluffy sponge cake will more closely resemble a tortilla.

A good lawyer knows how to beat the dough, gently. In this instance, the dough is the other side's legal representative, your opposition. As a lawyer, you have an obligation to both the profession and your client to act in a professional and respectful manner in all dealings. Like with the dough, if your interaction with the other side is aggressive and rude, you are not only jeopardising your client's prospects of settling their case outside of the Court system, but you are also creating an atmosphere of hostility and rigidity. This may ultimately work very much against you when the case is presented before a Judge. On the contrary, facilitating good communication and a mutual level of respect with the other side can create open discussion regarding the dispute and potentially lead to a settlement in your client's favour. In other words, you can beat the other side, in a respectful way through positive collaboration.

### *Sometimes it just doesn't turn out the first go, or ten*

Have you ever poured your blood, sweat and tears into a recipe, following all of its ingredients list and method with the accuracy of a scientist only to have your cake turn out... average? Or even worse, a total failure? Not even your dog would eat it. Maybe you got mad, then tried to make the cake again and again until finally, after having made some alterations, your cake turned out... incredible. Naturally, you immediately wrote up a detailed Facebook post about how you, single-handedly, had dethroned Betty Crocker.

The relevance here is that experience takes practice, and time. As a lawyer, sometimes your advice and the procedure in which you run your case will work great and you will secure a fantastic result for your client. Other times, all the preparation and precision in the world couldn't prepare you for your case falling flat on its face. Furthermore, you'll be met with a client who of course will blame you for the world collapsing in, despite your repeated warnings that the judicial system is notorious for its discretion and unpredictability. A good lawyer knows that in the face of adversity, you must persevere. Dust yourself off and do some research. What could have been done differently? What might work better next time? Experience takes practice, time and dedication. In the long run, these qualities distinguish the difference between a good lawyer and a great one.

### *The Right Headspace*

Your coffee was awful this morning and you had a fight with your spouse but you promised to make your best friend's birthday cake so here you are, baking a cake in the midst of your

emotional hurricane. You skim over the recipe but your mind is elsewhere, you are thinking about how you are going to 'accidentally' drop your spouse's PlayStation. That'll teach them. In your fury, you throw the ingredients together, set the temperature in the oven (too hot, too hot!) and fling your cake in soon after. You mentally note to come back and check up on your cake in 45 minutes, as the recipe prescribed. You spend the next two hours fermenting your anger before you remember the cake. You rush to the oven and are filled with instant dread. Hopefully, your friend likes extra crispy cake that resembles a small boulder. How very avant garde of you.

As a lawyer, your job is to deal with other people's legal problems on a daily basis. Unfortunately, no one schedules an appointment with a lawyer because they like you, or want to hang out with you. They have probably grudgingly dragged their feet into your office and are already mad about your legal fees, without yet knowing what they even are. They are probably going through a rollercoaster of emotions; anger, sadness, confusion... the list goes on. Notwithstanding, they hope that you can make some sense of their situation and solve their problems. No pressure. It's no surprise that the legal industry is infamous for its high rates of depression and suicide.

In order to act as a problem solver and look after the best interests of your client, you must first look after yourself. Taking care of your mental health is key and can be achieved through good work-life balance and by implementing strategies to combat stress and depression. Of course, each individual is different and my place of Zen might be very different to yours. The point is to make time for the things and the people that you love in your life, they will be your saving grace when times inevitably get tough.

Having the clarity of vision to be able to acknowledge when you are emotionally struggling is also an important skill to have as a lawyer. There is no shame in acknowledging struggle for exactly what it is and seeking help when needed. You have an incredible life and career ahead of you, don't allow yourself to become another statistic in a challenging industry. In addition, whilst your best friend might forgive you for their awful birthday cake, a client whose case you have flunked because you weren't in the right headspace might be less understanding. A good lawyer recognises that in order to take care of others, he or she must first take care of him or herself.

### *The Secret Ingredient*

Everybody has a person in their life who they adore, because they make the greatest cakes in the world (and if you do not... my deepest sympathies). This person seems to have some sort of godly gift of turning even the most mundane recipes into edible gold. You would complete not one, but two Ninja Warrior courses just for a slice of their heaven on a plate. The strange thing is though, that this person might share with you their recipe or even try to teach you how to bake your favourite cake but no matter how hard you try, you just can't nail it as well as they do. What is this person's secret ingredient, you ask? It's passion.

The same can be said of a great lawyer. Passion will take you places where otherwise you might not go. Enjoying the process and having faith and a genuine love for your work will shine through, not only to your colleagues but also to your clients. In time, it will also shine

through in your results. Passion makes a person determined to do better and to be better in their industry. A passionate lawyer doesn't despise challenges, but rather is able to acknowledge them as opportunities for growth. He or she has a natural understanding of legal concepts and ideas and is able to creatively apply them to difficult cases. A passionate lawyer is attentive to the wisdom of other, more experienced, lawyers and has the self-motivation and drive to learn more. A great lawyer possesses the secret ingredient; passion.

By this point, you may be craving cake. Perhaps you could not wait to finish this essay and so had an 'ad break' to indulge in your favourite slice? Regardless, I hope that you understand that it's not baking a cake that makes a good lawyer in 2017. Rather it's the qualities inside each and every one of us, the qualities that we have and utilise in various different aspects of our lives that can make a great lawyer. Actively collaborating with our peers and learning from the missteps we might take are key. Ensuring your clients needs are met is paramount, as is embracing your passion for your field of study. Being a great lawyer in 2017 is about being able to recognise and implement those qualities which will lead to a successful career in law.