

Last Word: Three decades in private practice, so far

Work less, think more

It is a privilege to be paid to think for a living. “Lawyers should work less and think more,” was a saying of my late senior partner. Thinking and good judgment, just as character, are not qualities that necessarily come with a law degree. They are slowly built, over time, and time is something that is in ever diminishing supply.

My voice became untied

I was not summoned to become a lawyer. I did not embark on a legal career with anything resembling a cause, a passion, a sense of calling. I went into law because of a writer’s block. If I could not write, at least I should do something worthwhile with my life, something that would consume the hours like fire to human hair, make the writing impossible. But no sooner did I begin to study law, then the tongue became untied. I began to appreciate that my voice could be found, if at all, in giving voice to those I served, who otherwise might not be able to tell their own story – which is the essence of advocacy, the root of the Latin *vocare: advocare* – to speak *for* another.

For example

- a mother’s voice, speaking the words of her child, in fear, putting that before a Judge in a way that the Judge could hear the mother’s pain, safeguard the child in need of protection.
- collaborating with a client in the work of sifting through sixty bankers’ boxes of documents to find the key to his case: “Here’s what you are looking for, a solicitor’s reporting letter to you, not your now bankrupt company,” in a solicitor’s negligence case.

- collaborating with opposing counsel in putting a husband and wife back in bed together (so to speak) through a shareholders' agreement, so that a contest over the value of the golf course costing hundreds of thousands of dollars could be avoided, so that they equally participate upon the actual sale.
- and the thinking, thinking beyond the details and documents that multiply like the proverbial sands of Arabia, that always threaten to bury and to blind.
- and not ever losing the care and compassion for the individuals caught in the vortex of their human dramas and conflicts.
- because if it is worth doing at all, performing whatever legal services you provide, it is because somewhere deep down, in embracing this profession, you recognize you are repaying a debt you owe to other human beings, call it society, for *the privilege of being paid to think for a living*.

What to say to young lawyers starting out?

Times and the context in which lawyers practise today are vastly different than the profession that consumed my early years. I had the benefit of wonderful mentors and time. My articles were in a firm which offered a rotation. I wasn't forced out on my own. I benefitted from watching and listening. Which is still available to young lawyers, as it is to members of the public.

Mentoring

This past summer, I took on a young university student, the child of a former client, my first abuse case, where I had cut my teeth on a legal aid certificate. The young lady volunteered to shadow me. As I had left my practice in downtown Toronto, severed the cords and expensive resources of articling students, accounting department, clerks, I was able to work *pro bono* on an abuse case, courtesy of my greatly reduced overheads, and with the help of this intelligent young woman. This past year has been an eye opener. Just as younger women had been my mentors in guiding me into the profession, younger women were now my mentors in how it is done, solo, these days,

how you begin building the relationships that lead to the clients, *how young lawyers create themselves*.

Lack of deference

We are in an age where there is no deference, where the internet has led many to believe they can be their own lawyers, where the speed of everything has increased to such a pace that it is almost impossible to think, let alone to think clearly.

We walk clients out of the shadows of their darkest valleys

Where I entered the profession, not wanting to be the starving artist, now lawyers, at the outset, are starving artists, who must be willing and able to work for next to nothing, with commitment and without any certainty of getting paid for the time and services they provide. What will set them apart will be their *ability to think* – to think creatively and collaboratively with their clients and other counsel in seeking solutions from which all can benefit. This will require a shift in thinking, outside the paradigm of winners and losers; it will require real thinking, not artificial intelligence. What is the value of the service lawyers provide? The value of our working lives? We must measure it by the human steps we take alongside the clients we help walk out of the shadows of their darkest valleys.

That's what I do, daily, walk alongside a client and walk them out of their darkest valley. I make a difference. So can you.

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