



BURDEN OF PROOF

Lawyers Love Solving Problems

By Tom Schuman

Google the term “lawyer jokes” and a seemingly endless supply of puns about the legal profession suddenly appears.

Asked about the image of the profession, Bill Barrett offers: “I think it’s like Congress. People hate Congress but they generally like their representative. People like to pick on lawyers because in many respects what we provide is so different from what other professions provide.

“We don’t build a bridge. We don’t suture a wound. We don’t file a tax return. We deal in abstractions and people don’t like that. But when it works for them and when they need them, they like us.”

Our three panelists discuss changes in the industry, expectations among young people in the profession, what they truly enjoy about their roles and much more. We hear from:

- Barrett, focused primarily on commercial and probate litigation as well as local government law and litigation, is a partner in Greenwood’s Williams Barrett & Wilkowski. Learn more at www.wbwlawyers.com
- Chuck Baldwin, with more than 25 years

representing management in labor and employment law matters, is a managing director of Ogletree Deakins. Learn more at www.ogletree.com

- Heather Wilson, a third-generation lawyer, is a member of the labor and employment practice group and member-in-charge of the Indianapolis office of Frost Brown Todd. Learn more at www.frostbrowntodd.com

Preliminary evidence

Like so many other professions, one of the biggest impacts for attorneys has been changing technologies. Most law offices will still display neatly aligned volumes on rows of impressive bookshelves. The only difference is that the publications are rarely, if ever, used today.

“There are too many better resources online that are easier and quicker,” Baldwin notes.

Technology has also brought additional competition in the form of LegalZoom, Nolo (a publisher of do-it-yourself legal books and software) and others. And private sector businesses are snatching up more of the top legal minds.

“Corporate America has figured out, ‘I can hire top talent and have them reside within my organization and save a significant amount of money’ that they don’t have to pay to outside counsel,” Wilson says. “People are leaving, not necessarily to go to another law firm, but we’re losing them – people that we don’t want to lose – to in-house positions.”

Baldwin adds that as a result of internal legal departments becoming larger and more sophisticated, “their expectations of outside counsel have grown. They call and expect someone with super subspecialty knowledge. We used to have labor employment lawyers in a group, but now we have lawyers who do nothing but campaign work or nothing but certain areas of discrimination law – and that’s because there’s a niche market for that subspecialty.”

While specialties focus on the individual abilities of a single lawyer or team, another adjustment has been the increased pace of mergers and acquisitions. Baldwin compares the growth of some of the largest entities to the global accounting firms, with the size and reach to match.

“There’s really big and there’s really small (in terms of firm size), and the middle is getting to be sparse.”

As for the third-party, lower-cost alternative services – which sometimes do not have lawyers behind them – Baldwin emphasizes that you have to realize what you might be getting.

Despite some recent regulatory rollbacks, Barrett points out that we continue to live in an “increasingly regulated society. Those people who previously didn’t need legal advice, that are on their own or as a small business, trying to deal with water regulations, trying to deal with business licensing regulations, whatever it might be, those people need advice more than was the case before.”



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— Bill Barrett

Balancing justice

Ogletree Deakins, focused exclusively on employment law, has 52 offices, which Baldwin terms both a benefit and a challenge. The size enables the addition of talented management support and the ability to have “boots on the ground in jurisdictions.” The test comes in having a business model that includes 52 locations.

Frost Brown Todd features 12 offices and a broader practice base. With regulations prompting financial institutions, for example, to reduce the number of outside law firms they engage, Wilson states, “The more areas that we can do for that client, the better off we are in terms of the law firm.”

Barrett is one of three partners in his 10-lawyer firm. With that, “you have the benefit and the burden of being involved in every decision. In some ways that’s good, because you own it. In other ways, it’s troublesome because you’re not lawyering. You’re administrating, and that takes time to do.”

For even experienced attorneys, the balancing act can be difficult.

Wilson sees her time divided between her full-time practice, the member-in-charge role of the Indianapolis office and her spot on the firm’s executive committee. While she continues to try to be as accessible as possible to her colleagues, there are times when she must direct them to another resource that can provide assistance.

“I know that I’ve spent too much time on administrative when I just start getting groupy. I’ve always found that when I get back into taking a deposition, I just feel so

much better.”

Barrett quickly agrees. “I have to say I’ve never heard it put better. It feels like coming home, to do that work. I just finished briefing a case to the state Supreme Court, and those two weeks were the most at peace I had been in months because I just put everything else aside and worked on the case.”

Baldwin applauds the talented people around him and at each of the firm’s offices. He admits, however, that it feels like “two full-time jobs most days” and the current strategy is to “just work more hours.” Flexibility is key, he stresses – and the others agree – as a well-designed work plan can be easily turned upside down with one phone call from a client.

Court of opinion

How lawyers spend their time is also an intriguing subject. Barrett offers an analogy of an attorney compared to a doctor.

“I don’t know about exact percentages, but the preponderance of the time that a doctor spends on your case is with you. The preponderance of the time a lawyer spends on your case is without you. It’s vey much behind the scenes.”

For Baldwin, who received his law degree in 1983, his role has evolved to “owning the strategy of the case. . . . That’s really why clients come to you, for your wisdom and vision on that.”

Wilson puts the job of helping train associates as an important function, whether it’s marking up briefs or communicating with them – both praise and constructive criticism – on actions they have taken.

In a world that demands more efficiency than ever, she says, “That’s probably not something, if you look at it, that I should be spending a lot of time sitting around and training. But, in my opinion, it’s absolutely critical for the next generation.

“I was very fortunate I had lawyers that did that for me,” Wilson continues, “and it’s actually required to become an equity partner in our firm that you demonstrate that you are training and developing the newer lawyers.”

Those newer lawyers, like many rising professionals in other industries, want purposeful and meaningful work – and they want it now. Reference is made to an instantaneous environment, which doesn’t always match up with taking that key deposition or guiding the case strategy.

Our trio admits it takes some adapting to both enhanced expectations and ultimately that work-life balance that is so prevalent today.

Baldwin: “It was a big deal to have a part-time lawyer when I started practicing

law. There weren’t very many of them, and now I’d say the general rule is that there are more creative relationships than there are the typical full-time shareholder track relationships.”

Barrett says it’s fine for lawyers, with the aid of technology, to develop their own schedules and divide their time between the office and home. Productivity is the bottom line. There is one downside, however, that he often sees.

“Newer lawyers are not as quick to pick up the phone and try to talk through a problem with the lawyer on the other side. Whether it’s a sale of a business or a big lawsuit, that has a deleterious effect on the profession, on the people it serves and on the courts.

“That doesn’t resolve disputes,” he contends. “It heats them up. If there was one thing I could change, it’s that.”

Wilson cites many negative articles about the millennial generation, “but I choose to look at it in a more positive way.” Citing dual-income careers, men taking paternity leave and similar factors, she discloses, “I personally think that’s a great thing.

“Now, do you have to put your time in and get your work done and produce an excellent work product? Absolutely. But if you have to leave at 5:00 and get back in at 8:00 to do your work, as long as that works for the partner that you’re working with, I think that’s fine.”

Case closed

Declining law school enrollments (see



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story on Page 27), partially a fallout of the Great Recession, are another interesting factor in play. They lead to a discussion about what a law school degree can do for a person

and what these lawyers love about their profession.

Baldwin believes that “companies are recognizing that that skill set of being able to ask questions to get the information you need to make decisions, being comfortable making decisions without lots of data and having those kinds of insights – the law school training is good training for a lot of areas.

“If you have a technology background with law,” he continues, “the intellectual property area, or some of the innovation and technology, is wide open to you. You see that out west where you have a lot of the tech start-ups.”

Barrett calls a law school education a “nimble degree; it does allow you to do a lot of things.” He also points out that “it is three challenging years.”

“Expensive years too,” Wilson confirms.

She explains that the profession differs greatly from the television dramas of yesterday or today.

“We don’t get into court to try cases a lot. It’s a lot of reading and writing and talking and helping people solve problems.”

She shares that a frustrated former colleague once told her that he didn’t like people. Her response was why was he in

private practice.

“Don’t get me wrong. I love when I win a summary judgment or do well in a deposition and all that, but at the end of the day those are really not the things that I remember. I remember who my clients are. Many of them, I know their families and their kids. I enjoy getting to know them. I love helping them with their legal problems.

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Baldwin agrees in his closing assessment.

“I wouldn’t change anything I have done. I’ve gotten to do a lot of different things. I think it’s made me a better problem solver.

“I see more solutions and issues than when I was a young lawyer. You were kind of like you had a mission and you weren’t going to be deterred from that.

“Now you go to at least two sides on every issue, and I think that lets you do a better job of being a creative problem solver. I think at the end of the day, that’s what lawyers should aspire to be.”



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