



# MESSAGE FROM THE PRESIDENT

BY RICHARD POCKER, ESQ., PRESIDENT, STATE BAR OF NEVADA

## GREEK HAPPINESS

This year marks the 30<sup>th</sup> anniversary of my admission to the State Bar of Nevada. By a hardly predictable but much-appreciated coincidence, it also marks the beginning of my term as president of the State Bar of Nevada. I am deeply honored by the confidence demonstrated in me by my fellow members of the Board of Governors, and especially appreciate the efforts of my predecessor, Gene Leverty. His groundbreaking leadership, characterized by his signature combination of expertise and passion, opened a valuable and productive dialogue between the leadership of the bar and its members, upon which all of us hope to build. Gene is a courageous advocate, in the highest tradition of our profession.

This month's edition of *Nevada Lawyer* highlights the issue of "Attorney Wellness," a concept to which our profession has traditionally paid far too little attention. Attorneys cannot effectively take care of the needs of their clients and the public unless they also take care of themselves. Call it the "oxygen mask" approach to client care; adjust your own mask before assisting those traveling with you. As obvious as this maxim sounds, it is often honored only in the breach.

As many of the articles in this edition will attest, much of the focus of efforts to encourage wellness and work/life balance has centered on the management of stress, the treatment of addiction and the daily struggles with time management, all laudable and effective responses in the effort to restore lawyer well-being. This focus is premised on the notion that the practice of law is inherently stressful and challenging, a supposedly immutable condition to which we all are encouraged (or directed) to "adapt." While such measures perform triage for the casualties left on the battlefield of stressful intellectual combat, they are essentially defensive in nature. It is time to supplement that approach with the exploration of affirmative, positive steps toward making the legal system adapt to *our* needs for a change.

This approach is critically important, given what we know about the sources of the discontent in our profession. The extensive study of lawyer well-being, completed by the American Bar

Association in the past few years, revealed that a major contributor to attorney dissatisfaction was the widespread feeling that we lack control over our time and our resources, both professionally and personally. This observation was not limited to attorneys with special challenges, such as substance abuse or mental health issues. The erosion of control, power and satisfaction was noted by lawyers across the spectrum of relative success, and it ultimately impacts all legal practitioners.

It is my belief this phenomenon is, ironically, in large part of our own making. Not because we don't do enough breathing exercises or eat properly, but because we have collectively (and individually) abdicated so many of our core rights and responsibilities. We attorneys live and work under rules, laws and regulations adopted through processes in which we play an increasingly smaller role. The past 40 years have shown a steady decline in the percentage of lawyers who serve in our state legislature and in the U.S. Congress. The result of the development of virtual career tracks in municipal, state and local judicial systems is that many senior level positions of judicial power are now held by individuals who have not been inside of a courtroom as litigators for decades, with the consequential diverging perspectives between judges and practitioners as to how the trial process is conducted and regulated. And the ethical rules under which we practice seem increasingly punitive, rather than helpful or enlightening. Those rules are largely borrowed uncritically from other organizations, and are ripe for a 21<sup>st</sup> century makeover, incorporating the consideration of fresh perspectives. These trends and challenges risk creating a legal system that is far from effective or hospitable for our practitioners, but they do provide us with an opportunity of enormous impact if we seize that opportunity. Instead of coping with stress, we can eliminate or moderate it from its source.

The solution requires a renewed engagement by lawyers in the design and operation of the justice system in our country—and not just in the sense of lobbying for small changes or tinkering at the margins. It is time to seriously study and challenge rules that create unnecessary burdens or have outlasted their usefulness. A good deal of assertiveness will be required on our part, as much of the framework we will be reexamining serves the interests of people, organizations and institutions that do not necessarily share our concerns.

The positive byproduct of such a reexamination will be a happier, healthier and engaged bar (collectively and individually), as there is no greater antidote to the feeling of powerlessness than

to exercise a little bit of power. As the ancient Greek philosophers remind us, happiness is the wise and prudent exercise of all your powers and talents in pursuit of a worthy purpose or objective. Too often, we sideline ourselves from the struggles and challenges that swirl around us, and then wind up wondering how things turned out the way they did. Engagement may not make us universally popular, but it will coincidentally restore the influence and respect this country has traditionally reserved for the practice of law.

Not only is it essential for attorneys to head for the yoga mats now and then, but also to move off of the door mats more often. As Chief Justice Douglas reminded our newly admitted attorneys, no lawyer is a “joke.” Collectively and individually we, as professionals, have an enormous reservoir of untapped respect and power with which to address developments in the legal system that are both harming its effectiveness and distressing those who work within it. We have sadly come to view our power too narrowly, our collective wisdom and experience as irrelevant, and the restrictions on our freedom too broadly. It would take far more than an 800-word column to explain why this is so. But it is undeniable that, with the application of our talents, we can reclaim the influence and respect our profession has historically experienced, while at the same time, improving our sense of mission and satisfaction.

We have just completed an especially contentious election process for positions on the Board of Governors. A range of regulatory issues and outside challenges to the profession energized and bedeviled the campaigns of the candidates, and as in the nation on a broader scale, incumbency was no guarantee of freedom from scrutiny and accountability. Then again, it is about time that we had serious discussions about all of these matters, no matter how much we disagree. Lawyers are in their element when an important fight looms. Without such catalysts, many leave the profession to sell financial products. The silver lining in the contention is the realization that our bar is energized, involved and feeling just a little more “Greek Happiness.” Welcome to the adventure! You are joining in the most interesting of times. Together we can reinvigorate our profession. **NL**



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