



THE INDISPENSABLE PROFESSION

By Hon. William F. Downes (Ret.)
Arbitrator/Mediator/Special Master

Transitions, especially life altering ones, can be challenging. As most of you know, I recently made a momentous transition, leaving the federal bench, my colleagues and court family after 17 years. The opportunity to serve Wyoming and my country as a United States District Judge was an honor which I will cherish always. Although I still loved my work, I had come to the conclusion that I wanted to take a new path in my life.

I've been on this new path for over seven months and, thus far, I am enjoying the journey. During this transition I have been blessed with the support and encouragement of many members of this bar. Letters, emails and phone calls from lawyers have buoyed my spirits. Some of you have offered advice and counsel concerning my future endeavors. In a real sense, I am being mentored by many of you. Likely without intention—and certainly without pontificating—members of the bar are spurring me on, challenging me to set new goals.

In some ways I feel like that 28-year-old lawyer who put up a shingle in Green River almost 37 years ago. Then, as now, mentoring lawyers were ready to help me get off on the right foot. Dean Clark, with whom I would practice for three years, was an unfailingly kind and generous man. From him I learned much about the art of counseling clients. He taught me the importance of being an attentive listener.

The Green River Bar was small. Lawrence Marty, Calvin Ragsdale and Jere Ryckman officed on Flaming Gorge Avenue. Ford Bussart, who practiced in Rock Springs, lived in Green River.

In the first months of practice I became unnerved about how ill prepared I was to actually practice law.

The University of Houston Law Center had provided me with a sound legal education but, like most law schools of that era, it had offered no instruction concerning the economics of a law practice.

After awhile I swallowed my pride and asked for help. It was a raucous, booming time in Sweetwater County and every lawyer was working long, hard days. But, to my surprise, every one of the lawyers I've mentioned made time for me. No matter the issue—billing practices, accounting, taxes, local court procedures, proper formatting of divorce petitions—there was always someone upon whom I could rely for an answer.

In large measure, it was the mentoring of these selfless lawyers—and the choice I made to seek their help—that allowed me to have a good beginning in my career.

My friend, Professor John Burman, has said:

Every person who clears the hurdle to become a lawyer has the potential to be a good one. But not every lawyer will. Whether a lawyer becomes a good lawyer, a great one, or a poor one depends less on that person's abilities than on the choices he or she makes about how to practice law.

[Prof. Responsibility in Wyo., p. 927]

In this tumultuous young century, a new generation of lawyers has entered the profession. Amid acts of terror, worldwide conflicts, a deep recession and political upheaval, they are challenged to find their place. The future of our communities, state and nation rests largely on the choices which they will make. Veteran members of the Bar have a pro-

1.800.352.JAMS | www.jamsadr.com

This article was originally published in Wyoming Lawyer and is reprinted with their permission.

THE RESOLUTION EXPERTS



found obligation to help these new colleagues make good choices. And they, in turn, can help us make good choices.

The personal, financial and professional pressures new lawyers now face are unprecedented in my experience. I graduated law school debt-free. In contrast, many of our new bar members are burdened with crushing debt. This economic burden forces many to make choices driven largely by economic circumstances. I know a young lawyer who wanted to open a criminal defense practice, but who felt compelled to take a good paying job in another legal field so that he could pay off student loans.

Some of my young lawyer friends have confided that they carry \$100,000 to \$200,000 in student loans, debts which limit their opportunities to purchase a home. Whereas I could afford to set up a law practice on a shoestring budget, they cannot.

This new generation of lawyers is as talented as any which preceded it, but they are in trouble. We may not be able to help pay off their loans but perhaps we can offer advice about managing personal finances.

Recently, I asked a new member of the bar if he was “enjoying” his new law practice. With a pained expression, he responded, “I wouldn’t say I am enjoying it, but I am very busy.” He went on to describe his typical day: document searches, preparing discovery requests, drafting memos, motions and supporting briefs. With little feedback from well-intentioned partners, he hunches over a computer screen, often late into the night and on weekends. Not once had he been invited to attend a deposition or court proceeding. Perhaps since our conversation, the partners of his firm have made amends. If this new lawyer is to reach his full potential, his firm must make a concerted effort to mentor him. Even if a client won’t pay for an associate to attend a hearing or a deposition, it remains the obligation of the firm to provide those opportunities. An investment of time in a lawyer’s development now will generate dividends in the future.

In the October, 2011, issue of *The Wyoming Lawyer*, our Bar President, Eric Jones, addressed some of the findings of the Bar’s Quality of Life Survey. He reported that, of the 483 attorneys who responded to the survey, 61% admitted that work-related stress was affecting their health. As well, 80% of respon-

dents reported that their work-related stress affected their families at various times. It would appear that many of our members, regardless of seniority, are finding it hard to “enjoy” the practice of law. Could a commitment to mentorship be a key to reducing professional stress?

President Jones also reported survey findings that approximately 71% of Bar members believe that new admittees to the Bar lack sufficient training to enter into private practice and that 78% favor a one-year period of mentorship for new lawyers.

While the Bar has set aside, for now, the formation of a compulsory mentoring program, this should not deter Wyoming lawyers from developing an effective voluntary initiative. Each of us should resolve to give our time and attention to the personal and professional development of our colleagues. And, no matter how long we have been members of the Bar, we should be receptive to receiving mentoring from other lawyers. The task of acquiring wisdom and knowledge shouldn’t end at age 30.

It has been one of my great privileges to serve as mentor to 18 law clerks during my judicial career. My interaction with this exceptional group of lawyers was a rewarding experience. It is my hope that my mentoring efforts enriched their lives. What I came to realize is that each of them enriched my life immeasurably. Each, without intending to, helped me become a better person. I tried to mentor them. I know they mentored me.

For all its immense grandeur, Wyoming is an intimate place to live. We know one another. In this rugged, wind-swept land lives a sparse population of magnanimous people. They have nurtured and mentored us. We owe them, our families and neighbors, a solemn obligation to protect our democracy and the rule of law. In that task, ours is the indispensable profession. In the spirit of comradeship, let us resolve to fully utilize our mentoring skills, mentoring one another to be better lawyers and better people. ■

Hon. William F. Downes (Ret.) has over 17 years of experience as a federal judge in the U.S. District Court of Wyoming, 12 years of which he was the Chief Judge. Judge Downes has extensive experience presiding over both bench and jury trials in areas such as product liability, energy matters, civil rights, catastrophic personal injury, and professional liability. Prior to becoming a judge, he was an accomplished trial lawyer in Wyoming, handling a wide range of cases.