

The Affective Assistance of Counsel: Practicing Law as a Healing Profession

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A Search for Balance in the Whirlwind of Law School

Concurrent Session 2:00-3.30 P.M.: Affective

What do students (and lawyers) need to know about the affective aspects of the practice of law to enable them to engage in the profession in a manner that is helpful and healing for their clients and through which they will find satisfaction and joy?

I. The Course: Selected Topics in Professional Responsibility: Lawyering as a Happy, Healthy, Healing and Ethical Profession

A. Course Description:

Numerous studies have documented a disproportionately high incidence of dissatisfaction and unhappiness among lawyers, often accompanied by problems with alcoholism, substance abuse and depression. Increasing numbers of lawyers, social scientists and academics have attempted to understand why this occurs, and to find solutions.

This seminar explores the problem, the theories, and existing and potential approaches to increasing lawyer *and* client satisfaction. We study schools of thought such as Therapeutic Jurisprudence, Preventive Lawyering, Collaborative Lawyering, Transformative Mediation, Restorative Justice, all of which attempt to solve legal problems in a less adversarial, and more humanistic manner. We examine personal, professional and institutional approaches to enable the practitioner to have a career in law that is personally fulfilling as well as more beneficial and healing for the clients, and for society as a whole. The intent is for each participant to develop a vision of her own career that will fit with her value system and meet her life goals, and that will enable her to find “joy and satisfaction in the legal life.”¹

B. Course Outline:

- *Introduction to Lawyer Distress & Preventive Strategies*
- *Comprehensive Law Movement*

¹ See STEVEN KEEVA, TRANSFORMING PRACTICES: FINDING JOY AND SATISFACTION IN THE LEGAL LIFE (paperback 1999).

- *Attorney/Client Communications & Psychological-Mindedness*
- *Attorney/Client Communication and Cross-Culturalism*
- *Alternatives to Adversarial Dispute Resolution: civil (e.g. collaborative lawyering; facilitative and transformative mediation)*
- *Alternatives to Adversarial Dispute Resolution: criminal (e.g. problem-solving courts)*
- *Apology & Forgiveness*
- *Vocation*
- *Stress, Burnout, Vicarious Trauma & Self-Care*
- *Work/Life Balance*

II. The Book: *The Affective Assistance of Counsel: Practicing Law as a Healing Profession* (forthcoming Carolina Academic Press 2006-07)

A. Book Description:

This book is for lawyers and law students interested in developing the competencies to practice law as a healthy, healing profession, one that the lawyer finds fulfilling and rewarding and that is beneficial and healing for the client. It will interest those inclined towards new directions in lawyering, informed by psychology, social work and multiculturalism. In addition, it will be a useful text in clinical law teaching as well as other courses aimed at finding alternative, humanistic approaches to legal practice.

The incidence of alcoholism, substance abuse and depression among lawyers, as well as widespread dissatisfaction with the practice of law, underscore the importance of developing healthy, healing alternatives to traditional, largely adversarial, law practice. Despite increasing interest in alternatives to traditional legal practice, embodied in what Professor Susan Daicoff has characterized as The Comprehensive Law Movement, and including schools of thought such as Therapeutic Jurisprudence, there currently exists no compendium of the competencies needed for such practice. In addition, there is little in the literature of the Comprehensive Law Movement that explores the particular challenges of cross-cultural and cross-racial representation. This book will fill that void.

B. Book Contents:

(1) Psychology, Personality & Stress

- **Marjorie A. Silver**, *Psychology and Practice*
- **Susan L. Brooks**, *Social Work Constructs and Practice*
- **Susan Daicoff**, *Lawyer Personality Traits and their Relationship to Various Approaches to Lawyering.*

- **Aderson Bellegarde François**, *Making out the Ghost behind the Words: Approaching Legal Text with Psychological Intelligence.*
- (2) Cross-cultural Competence
- **Paul R. Tremblay & Carwina Weng**, *Multicultural Lawyering: Heuristics and Biases.*
 - **Susan J. Bryant & Jean Koh Peters**, *Six Practices for Connecting with Clients across Culture: Habit Four, Interpretation and other Mindful Approaches.*
- (3) Representing a Client on Civil Disputes
- **Harold Abramson**, *Problem-Solving Advocacy in Mediations: A Model of Client Representation.*
 - **Pauline H. Tesler**, *Collaborative Law: Practicing Without Armor, Practicing With Heart.*
 - **Jonathan R. Cohen**, *The Culture of Legal Denial.*
 - **Edward A. Dauer**, *Hurting Clients.*
 - **Bruce J. Winick**, *Overcoming Psychological Barriers to Settlement: Challenges for the TJ Lawyer.*
- (4) Representing a Client in the Criminal Justice System
- **David B. Wexler**, *The TJ Criminal Lawyer: Therapeutic Jurisprudence and Criminal Law Practice.*
 - **Lisa Schreibersdorf**, *A Public Defender's Perspective [?]*
 - **Kristin Henning**, *Defining the Lawyer-Self: Using Therapeutic Jurisprudence to Define the Lawyer's Role and Build Alliances that Aid the Child Client.*
 - **Steve Keeva**, *John McShane, Passionate Practitioner.*
- (5) Spirituality, Religion and Practice
- **Leonard L. Riskin**, *Awareness in Lawyering: A Primer on Paying Attention.*
 - **Timothy Floyd**, *Spirituality and Practicing Law as a Healing Profession: The Importance of Listening.*
 - **Paula Franzese**, *The Good Lawyer: Choosing to Believe in the Promise of Our Craft.*
 - **Calvin Pang**, *Sojourner to Sojourner.*