

“Do one thing every day that scares you.” —Eleanor Roosevelt

by Jonathan Aronie



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As a rule, lawyers are driven to succeed. We studied our way to the top of our college classes. We labored into and out of law school. We honed our skills as summer associates or in other positions. And day in and day out we work to perfect those skills as lawyers. Many of us get very good at what we do. But as time goes on, our rate of professional growth slows.

To be clear, I'm just talking here about our rate of growth, not our current state of competence. It's just that the marginal benefit of our efforts at professional self-improvement decreases over time. An economist would call this the law of diminishing returns.

If one were to graph this curve, for most of us at least, there would be a steep incline on the left and a gradual flattening out over time. This trajectory is known, sensibly enough, as the diminishing returns curve. The concept should come as no surprise to anyone, and certainly is not the unique province of lawyers.

For some, I suspect, the flattening curve simply reflects that they have reached such a high plane that there is little room for material growth. (Picture here

Unquestionably, a good lawyer could go on like this for quite some time without anything to be ashamed of. Doing great work, helping clients, and getting paid well for it is nothing to sneeze at. But I'd like to argue for a slightly different approach. I'd like to argue for standing up to the diminishing returns curve and for pushing the curve's flattening as far to the right as possible. I'm confident this is eminently doable for most of us. The secret, in my view at least, lies in Eleanor Roosevelt's quotation that introduces this essay. I propose combating the diminishing returns curve by shaking up our normal routine with something new, different, and, yes, even scary.

Many of us have long forgotten the feeling of professional fear—the fear of making a mistake or of not succeeding. But this fear used to power us forward. It impelled us to be creative, to learn new things, to view a problem from a different angle, to challenge what we thought we knew. And while there is much about the feeling of fear we all rightly should be pleased to be rid of (like that gut-wrenching cocktail of anticipation,

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elite athletes or performers who reach a peak and work continuously just to stay there.) For more of us, though, there remain significant opportunities for developing new skills. But I think it becomes too easy to be complacent with success. We do the same thing over and over. We become very good at it. Our clients value it and pay well for it. And as a consequence of our success, we (unwittingly, I think) stop trying quite so hard to improve ourselves. In essence, we allow ourselves to be held captive by our faulty view of where we stand on the diminishing returns curve.

anxiety, and angst we described to others as “just being excited”), our evolution to successful, fearless, accomplished lawyers has come with a cost.

What you choose to do to help bring a little fear (or call it “spice” if you are one of those who claims you fear nothing) back into your professional life is up to you. I have several colleagues who proselytize pro bono work as the most effective cure for complacency (not to mention a number of social inequities). They eloquently argue pro bono work not only helps those in need, but also offers untold rewards to the

provider, including the rewards of being forced to learn new things, to question oneself, and to test perceived limitations. Other professionals I know have looked elsewhere to shake up their professional lives. Some have taken on difficult community service projects. Some have volunteered for firm management. Others teach. Others of a certain age challenge themselves to understand, if not master, new technologies.

Two colleagues of mine just developed a writing coach program at my firm to help young associates hone their writing skills. Both lawyers are over 65, which, according to conventional wisdom, would put them rather to the right of their respective diminishing returns curves. Neither had to take on a project like this. Both are well established in their careers, having already gained a national reputation for their legal acumen. But neither was satisfied with being complacent with their success. Over the course of this program, these two lawyers will coach and mentor countless younger colleagues, helping them not only to progress in their own careers, but also to expand their skills so they can help others better. I suspect the prospect of spending hours dissecting and discussing memos, articles, and briefs written by millennials must have created at least some apprehen-

sion in these two baby boomers before the program began, but both embraced the challenge. And many will benefit as a result.

Whatever the vehicle, doing something outside our comfort zones—something we have not done before or even at all—can offer great rewards. Sure it can be scary. But at the same time, that fear can force us to think differently, more creatively, and outside the box. It can give us new insights into current problems, and it can point us to new paths and toward innovative solutions. It can introduce us to new friends, new colleagues, and even new clients. It can restore excitement and passion and energy in our work. It can make us better lawyers and, dare I say it, better people.

This antidote to the diminishing returns curve works for attorneys at any point in their careers. Indeed, in many ways, the pill I'm suggesting we all swallow probably has more potency when taken by a senior attorney since our curve has flattened out more than our younger colleagues'. But wherever you fall in your career, and no matter how good you already are, I recommend seeking a project outside your normal daily routine that forces you to get even better. Your clients will thank you. Your colleagues will thank you. And, once the butterflies in your stomach subside, you will thank yourself. ☺

LETTER TO THE EDITOR

Dear Mr. Vincent and Judge Warner:

Very high marks for *The Federal Lawyer*, the excellent magazine for the Federal Bar Association, and for those past national presidents who signed off on their letter to the editor.

It is *high time* that a letter came from a *high place* in the federal system—especially since we judges cannot speak out in our own defense!

We should, as has been done, soundly reject this shocking business but we should also take the next step and as a national association *reject the candidate*.

That is real. That is actual. That will get national attention as—properly—it should!

Respectfully,
Peter Beer

