



Core Competencies: Autonomy and Accountability

By Robert A. Creo

Previous columns have addressed the lawyer's reputation, self-awareness, professional growth, the art of persuasion, navigating emotions and the importance of perpetual learning. The current series explores the importance of soft skills for peak performance and well-being and has addressed affiliation/association [September/October 2019] and autonomy/accountability [November/December 2019]. My goal is to assist lawyers gain insight into best practices for competency, contentment and professional development. Ability/agility and attitude/attributes will be the focus of upcoming columns.

Maslow's Hierarchy of Needs

In 1954, Professor Abraham Maslow published his book containing his Hierarchy of Needs, which became a popular and still-accepted model of human psychology and behavior. The model postulates that humans have five basic needs in ascending order: physical, safety-security, love-belonging, esteem and self-actualization. The dominant interpretation is that a person must meet the base needs before moving up the pyramid to the psychological gratifications. As a student and even now, I have never fully understood the concept of self-actualization in much more than an abstract manner. I envision it as one of those goals that seem to always exceed your grasp. The horizon you strive for, but never quite get to, is by definition a moving target. Professor Maslow contended that this manifests itself in the personal drive to become everything that one is capable of becoming. It is an internal, intrinsic motivation. Although many who later built upon his theory disagreed, Maslow initially believed that the parts of the pyramid were stages and a person had to move through all of the lower stages, in order, before attaining self-actualization. Near the end of his life, he criticized his top of the pyramid and added "transcendence," which involves giving oneself to something beyond oneself (altruism or spirituality) by behaving and relating as ends rather than means. Transcendence is way too mind-numbing and beyond the pale of my simple human existence.



Hm, Which Way Am I Going?

I do, however, like the pyramid and the idea of achieving things bigger than myself by being less selfish and more giving and connected to others. Such connection provides meaning and purpose personally and professionally. Over the last few years, I have been spending a significant amount of time researching and exploring the intersection of lawyer competency, soft skills, habits, effectiveness, performance, motivation and contentment. I applaud the ever-growing focus on lawyer health, wellness and well-being, especially the prevention aspects to avoiding burnout, depression, addictions and substance abuse. I started "The Effective Lawyer" column in this publication as one platform to advocate new perspectives and to spur discussion leading to action. During my continuous self-actualization journey, I have raised a number of questions to share with humility and openness to contrary or challenging perspectives.



Will Work-Life Balance Save You?

Full-time lawyers spend most of their waking hours working. The concept of work-life balance is a false siren that does not address the structural or other core problems facing the profession, especially for newer lawyers. Many people have jobs that neatly end when they leave the workplace. If you are on the assembly line; a hospital nurse; work in retail, construction, law enforcement or a host of blue-collar or service positions, once you end your shift, your time is now 100% your own until you return to work. If your work can only be done on location or a shift, you can't contribute remotely by smartphone or computer. Manual work does not come home with you. I am sure that almost all lawyers have had jobs that they did not think about at all once they were off work.

I acknowledge that stress from workplace conflict or performance demands may arise while off duty that may affect mental and physical health, but it is not resolved or cured by a work-life balance strategy.

Many professionals and office workers, and especially lawyers, can't avoid or escape the triggers that activate the mind to work. Problems requiring solutions obtained by critical thinking are going to be carried with the lawyer unless forced from the mind. This is hard to do when the information, data, prompts or supervision are as close as your smartphone, which is often on your wrist or within reach. Going to work is always at your fingertips, only a touchscreen slide away. A better pathway develops both healthy lawyer "Life Styles" and "WorkStyles," which are conjunctive rather than disjunctive. Happiness should not be solely tied to activities away from work while work is seen as just drudgery that has to be done. It is good to have a satisfying life outside of work, but that will not make you content while you are actually working, nor will it result in your peak performance.

Can You Achieve Well-being Based Upon Your WorkStyle?

The short answer is yes. You must be comfortable in your soft skills and core competencies. Although it may appear illogical or incongruent at first, having a mindset that achievement/actualization is not just an abstract goal, but is in itself a core competency, puts you well on your way to success. Your own concept of achievement is the vision that guides how you structure the nuts and bolts of your WorkStyle. Once you increase your awareness of your goals on a macro level through what you do on a daily basis, then how you do it may easily fall into place. For example, if you conclude that the goal of your work is that it is a series of piecemeal tasks that must be completed so that you are

paid wages and being a lawyer is only to earn a living, then you have defined your core competency of achievement as production of legal deliverables. The more you produce, the more you bill and the more you earn. Production happens in a normative void: Your product is neither good, bad nor ugly. Acceptable doneness is the goal. The WorkStyle you develop is geared to efficiency without drama. Innovation and creativity are not required since both are processes of trial and error. Repetition is a haven for you. Boredom is a safe harbor. As long as you are producing, you are achieving.

Another way to define achievement is summed up in the recent compilation "The Best Lawyer You Can Be," published by the American Bar Association. Developing professionally and honing your craft is in itself a worthwhile achievement/actualization. It's like athletes who seek their personal best regardless of whether they win, place or show. This WorkStyle requires innovation and diversity, combined with self-initiative and mentoring opportunities. The workplace culture should support the exploration of new techniques and models of delivering services. The identity of your clients or the task itself is less relevant here since the quality of the output is what matters most. Your processes sacrifice time in favor of excellence. Building in internal and external review processes, which requires sharing work at various junctures, should be integral to this WorkStyle. Sleeping on it and picking up the project again might be another commonly used technique.

A community policy or public interest basis of achievement might create a different focus for your WorkStyle. This may involve delving into theory and studies on the impact of the legal outcome or proposed ways to change the law or applicable regulation. What might be central to this WorkStyle is an ability to spend signif-



icant amounts of uninterrupted time in reading, research and study in order to formulate policy or other advocacy positions. It may also involve communications with diverse stakeholders and your closely following the news and public opinion.

Developing the daily tasks and the tools you use for any WorkStyle should be derivative of your achievement/actualization core competency. This is often deemed to be the meaning or purpose of your work, whether or not it is internalized or articulated in a mission statement.

Is Thriving Mostly in Our Own Minds?

Each person must self-define achievement/actualization. Inherent in achievement is purpose and meaning. This can take many forms for lawyers, and include external and objective benchmarks. These traditionally involve advancement of reputation, status, rank, compensation and other tangible monuments viewed as success by the community. They can also include the personal gratification obtained by being a good provider, family member, civic activist, artist or community or spiritual leader. I consider the latter motivators to be intrinsic and the reputational and economic incentives extrinsic. I like to ask questions of lawyers along these lines:

- What happens as a result of the outcome of your work?
- Who is affected by what project you are working on this week?
- Are there winners and losers you can identify?
- Is what you did in creating any winners or losers fair and reasonable?
- Did you recently help or hurt anyone?
- How do you feel about what happened as a result of your work?
- Do you believe your clients, supervisors, colleagues or others sufficiently appreciate your work?
- Do you believe you are being compensated fairly for your work? Why or why not?

I do believe that it is important to practice law with a goal of thriving and attaining well-being and happiness. This demands conscious self-exploration based upon self-awareness.

What's Next for Us?

Screen time detracts from the scenes we construct in our own minds. I try to live in my head a few times each day. I recently realized why I failed miserably so many times to meditate ... to empty my mind and to be at peace and calm. I went through a series of increasingly experienced

mindfulness gurus, culminating with several Buddhist monks. Then I started to track myself closely. To me, meditation is about emptying my mind. Mindfulness is intensely thinking and concentrating — twisting and turning it over — checking out the underbelly for the “what ifs,” “what fors” and “whys” of life and work. I am calm, and content, when I am engaging in thought processes and constructing stories from the information that emerges from data and stimuli. When I want to rest my mind, I distract it with a movie, television, lecture, concert, event, car ride, exercise or reading. These are activities and spaces where I am passive or engaged in muscle memory. My thoughts are pushed and pulled by the activity, with little or no ability on my part to influence what is happening before my very eyes. It is not my story. Not my drama. This loss of control is accepted and becomes restful because I do not struggle against it.

Once free from mental assaults — the tasks and chores are done — I am calm. I am in a state of mental openness. I get ready for bed. I ask myself the following: Was today a good day? Did I help anyone? Did I harm anyone? What makes me grateful about today?

Regardless of the answers or thoughts, I am eager to face tomorrow to enjoy it and, perhaps, to do better.

I am content that I have created my own WorkStyles and ways and means to be a happy and effective lawyer. I encourage you to explore all avenues to do the same. I, along with many others, am eager to help with the next steps. Come join us. ☯



Pittsburgh attorney Robert A. Creo has practiced as an in-house corporate lawyer and a solo and small firm general practitioner before becoming a full-time neutral. He has mediated and arbitrated thousands of cases, including as a salary arbitrator for Major League Baseball, a grievance arbitrator for the

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If you have a story to share on this subject or other practice topics, please email racroo@gmail.com.

TAKEAWAYS

- Work-life balance is a false duality.
- Value collegiality.
- Ask yourself:
What more do I need?
- Achieve well-being through WorkStyles.
- Achievement/actualization is a core competency.
- Purpose and meaning count.

Sources and Additional Reading

Robert A. Creo, "An Essay on Professionalism: The Portrayal of Lawyers in Popular Fiction," 146 *P.L.J.* 7-14 (January 1998).

Steward Levine, *The Best Lawyer You Can Be, A Guide to Physical, Mental, Emotional and Spiritual Wellness* (ABA Law Practice Division, 2018).

Douglas O. Linder & Nancy Levit, *The Good Lawyer, Seeking Quality in the Practice of Law* (Oxford University Press, 2014).

Abraham Maslow, *The Farther Reaches of Human Nature* (Viking, 1971).

Benjamin Sells, *The Soul of the Law* (1994; 20th Ann. Ed., 2015s).

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