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Message from the Dean

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This lawyer recognizes that each side has moments of maximum strength and maximum vulnerability, maximum receptiveness and maximum closure. This lawyer knows that, with the most important ideas, timing is everything, and is able to wait until the moment is ripe.

In my last message, I wrote about the great lawyer's capacity for patience. I discussed how, almost 20 years ago, I heard that quality extolled by Justice Thurgood Marshall. And I noted how it has implications both for a lawyer's commitment to painstaking care and also for a law school's commitment to prepare its students for professional lives in which the most important goals are long-term.

It is worthwhile to pause and reflect on the different colorations that we associate with the ideal of patience. Each of those colorations can teach us something important about what it might mean for us to lead a full life in the law.

In one form, the capacity for patience is cultivated in solitude. It connotes grace and equanimity, a certain spiritual transcendence. The patient one seems able to tune out the mundane pressures that bombard from without, to listen to an inner voice, to wait.

We have all known lawyers like this. We marvel at their ability, in moments of the greatest pressure, to show restraint. In the midst of an apparent crisis, when their clients or their partners are screaming for some action, any action, they choose not to act. And in 24 hours, a new and superior course of action, not apparent to anyone the day before, miraculously appears.

A second form of patience, equally solitary and inner-directed, involves the ability to persist and endure in the face of rejection and defeat. The patient one fights and loses, but commits to soldiering on, to hasten the day when the tide will turn.

We often associate this incarnation of patience with the lawyer for a cause. The world of public interest law includes attorneys of all ideological and political stripes. But if any one quality unites them, it is an exceptional ability to accept the mantle of the underdog, to situate setbacks within a larger narrative of progress and hope, and to draw inspiration from glorious but distant goals.

A third form of patience, however, is neither solitary nor inner-directed. It is, rather, intensely relational and restrictive. It embodies an acute sensitivity to the needs and wishes of another person. The patient one is able to sublimate his or her own timetable, to refrain from acting until that other person is ready.

We think here of the consummate negotiator. Such a lawyer understands that every negotiation has its own set of rhythms, shaped in part by the qualities of the distinct universes that the parties invariably inhabit. This lawyer recognizes that each side has moments of maximum strength and maximum vulnerability, maximum receptiveness and maximum closure. This lawyer knows that, with the most important ideas, timing is everything, and is able to wait until the moment is ripe.

Note the paradox here. To be patient may entail a certain heedlessness of others' views and wishes. Or it may entail supreme sensitivity and accommodation to their distinct needs.

This paradox parallels one that we often note in the domain of professional responsibility. At times we think the ethical lawyer is the one who stands up to a client or a senior partner in defense of what feels right. At times we think the ethical lawyer is the one who can sublimate personal judgment in deference to the considered judgment of a client or senior partner.

Throughout our professional lives, we must struggle to balance sensitivity to others with the preservation of an authentic and enduring sense of self. Indeed, persisting in the belief that such a balance may successfully be struck may be the ultimate measure of our patience.

Jeffrey S. Lehman