

Pass it along!

by Hon. Elizabeth S. Stong
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In some thirty years in the legal profession, I have been privileged to learn from some of the best. Many of those have been judges and lawyers. Some have been parties in cases before me as a judge, and others have been clients. More than a few have been support staff. And at least one piece of professional wisdom came from that most unimpeachable of sources, my mother.

What is the best thing that can be done with this kind of insight? Remember it, reflect on it, and follow it, of course. But over these thirty years, I have learned something else – something that puts all of these thoughts in perspective, and reflects the debt that I owe to each and every source. The wisdom of a mentor’s insight cannot be fully appreciated until it is shared.

The second best job a lawyer can have When I entered on duty as a law clerk to Hon. A. David Mazzone, a United States District Judge in the District of Massachusetts, he told me that I had the second-best job a lawyer could have – serving as a law clerk to a federal judge. At the time, I did not know enough to appreciate the wisdom of those words. But I did know that I was lucky indeed to have the opportunity to serve as his clerk.

I recalled those words some nineteen years later, when I entered on duty as a United States bankruptcy judge. How were they different to me at that time? In 1983, I understood that a clerkship was a valuable career opportunity, and even more important, an opportunity for public service where, working together, we could truly make a difference. I had a sense that I would learn something new every single day, and that proved to be correct.

But in twenty years, I had learned something else – that every aspect of my life experience would be of use to me in my role as a judge. I had also learned that few skills would be more important than seeing an argument from all sides, or an issue from the perspective of each of the

participants in a proceeding. I also appreciated that my own background, and the diverse backgrounds of my law clerks and interns, would be invaluable to me in discharging the duties of my office. And those things, as much as the prestige and professional satisfaction, make these positions the best jobs a lawyer could have.

Be yourself After I finished my clerkship, I joined a large New York City law firm as a litigation associate. Early in my career at the firm, I was assigned to take the deposition of the defendant in a contract case. I had heard many stories of aggressive and even obnoxious deposition tactics, and suspected that as a junior lawyer, I might be the target of some. As I prepared to take the deposition, I approached one of the litigation partners to seek his advice on how to proceed.

Of course, he told me to prepare thoroughly and to listen carefully to the witness's answers. But he also gave me some advice that surprised me, and that I have shared with dozens of lawyers since then. He told me not to try to imitate someone else's style, but to be myself.

Be myself! What an unlikely suggestion. I had never taken a deposition, and except for reading transcripts, I had never participated in one. In the mid-1980s, there were few women associates and no women partners in the firm's litigation practice, so gender role models were scarce indeed. Put another way, no-one I worked with looked or sounded like me. The partner who gave me this unexpected and wise advice knew that I might do an adequate job of imitating someone else, but that I would do a far better job if I called upon my own resources to develop my own style and approach.

After twenty years as a litigator, I am certain this was some of the best advice I could have received. It is not always easy to be yourself, especially when you are the one who adds the diversity to the meeting or the trial team. It can be downright challenging to figure out who you are professionally, to define your own style, and to discern your own approach. But in the end, you will always be better at being yourself than pretending to be someone else.

Stay True to Yourself Several years ago, I attended an alumni event at my law school. In fact, it was principally an *alumnae* event, commemorating the graduation of the first class to include women in 1953.

At the closing session, an extraordinarily accomplished lawyer shared some of her experiences, and reflected on how she made decisions throughout a varied and remarkable career – a career, I should add, that appeared to be the result of masterful planning and decision-making.

To my surprise, she readily acknowledged that she had mistakes from time to time in her career decisions. She noted candidly that the only times this happened were when she was not true to herself and what she valued. She also observed that this sometimes happened when she used criteria that mattered a great deal to others, but not as much to her, when she assessed her options.

We all make career decisions, and we make them much more often than we think. Deciding to take a new position is a career decision, of course, but so is deciding not to look for a new position. Deciding to get involved with a bar association committee, or to take on a pro bono case or transaction, or to seek out a mentor – or to be a mentor – is a career decision. But again, so is deciding not to. *Doing nothing is a career decision, and it can be a huge career mistake.*

Listening to her caused me to think about how I make career decisions – not only the great big ones, like whether to leave private practice for the bench, but also the smaller ones that happen nearly every day, like whether to take on a particular assignment, seek out a pro bono opportunity, or join a bar association committee. And I came up with a way to think about decision-making that has served me well.

First, I ask myself, “Is this something that I really care about?” If it is, then I should keep thinking about it. If it isn’t, then perhaps it isn’t the best use of my time. Next, I ask myself, “Will my participation make a difference?” This question can be a hard one, because it can be difficult to know where it is possible truly to have an impact. And then as a practical matter, I ask myself, “Is this a defined commitment, or is it open-ended?” If I care a lot, and believe that I can make a difference, and the commitment is defined, then it’s fair to say that I will do my best to make a decision to become involved. And in doing so, I will stay true to myself.

Thinking like this begins with understanding what you care about, and it has helped me to define what I care about it. So what do I care about? I care about being a good judge, a good professional, a good member of the

community, and a good parent. I care about opening doors, as others cared about opening doors for me. I care about achieving and sustaining a diverse legal profession that offers opportunity to all, and that both is and appears to be fair. And I care about making a difference in each of these areas, every chance that I can.

Everybody matters Recently I had a working lunch meeting to plan a panel program with a general counsel and a senior partner from a large law firm. We met in private dining room of a large financial institution, and I was struck by how many of the staff – including waiters and service people – sought out our table to greet the senior partner. He acknowledged each one warmly. One came up to me and said quietly, “You know, we like him because when everyone was here working all night and through the weekend, he thanked us! We remember that.”

Recently, I chaired a conference for women in the law, and one of the keynote speakers, an African-American woman who is the general counsel of a major multinational corporation, recounted the story of her interviewing for the position. One of her interviewers knew her law firm well, and he contacted not only the obvious references, such as her partners and clients, but also the mailroom attendant, whom he had known for many years. After she was hired, she learned that his recommendation had played a role in the decision.

The point is, everybody matters. And people notice. As a lawyer and now as a judge, it’s plain to me that power and prominence do not give someone a monopoly on perspective or common sense – or influence. It’s not likely that the mailroom attendant will be listed on your resume as a reference, but remember the story of the general counsel. And don’t forget to thank the person who helps you get the job done.

They have to pick someone – it might as well be you! A very long time ago, and shortly after my father lost his job, I was looking at the high cost of college tuition, and applying for every scholarship that I could find. I wrote essays, I attended competitions, I took standardized tests, all with the goal of realizing my dream of attending the best college that I could get into, wherever it was, whatever it cost. It’s fair to say that I did not fully appreciate what a long shot I was for many of the things that I pursued. Late one night, as I wrote one more scholarship essay in the hopes of qualifying for a statewide award, perhaps I was becoming a bit discouraged – I don’t

recall the details – and my mother said, “They have to pick someone, it might as well be you!” That made me laugh, but more important, it made me stick with it and even try a bit harder. And it stayed with me. A few years later, when I applied for postgraduate fellowships, I thought of those words. And a couple of decades later, when I decided to apply for a position as a federal judge, I still heard that matter-of-fact reassurance – “They have to pick someone, it might as well be you.” Though I had many reasons not to apply, that simple guidance helped me overcome them and reach for something that was truly important to me.

You may be lucky enough to find a role model or mentor who can guide you as you think about how to achieve something that you really want. You may have a network of supporters and friends, or someone who traveled a path similar to yours, to look to – or you may not. Networks and role models are invaluable – but sometimes you have to be your own mentor. So look for those shoulders on which to stand – there are more than you think, sometimes in unlikely places – but never forget, “They have to pick someone, it might as well be you!”

Not for nothing! I worked with an assistant for many years who had a keen sense of people and situations. When she sensed something was not right, she often observed, “Not for nothing . . .” So in that spirit, to be sure that my observations are “not for nothing,” I offer the following practical advice:

- Remain excited about your professional life, and keep your standards high! You will never have more professional satisfaction than you expect.
- Take yourself at least as seriously as you would like others to.
- Embrace the privilege of practicing law with the highest standards of professionalism.
- Get involved and stay involved in bar associations and other legal organizations that address the issues about which you are passionate, with people who you are about.
- Never hesitate to ask for advice and know that you can learn from everyone.
- Look for opportunities and don’t be afraid to take a risk – where the risks are high, the rewards may be even greater.

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Judge Stong is active in the leadership of the ABA Business Law Section and Judicial Division, and a member of the ABA Standing Committee on Federal Judicial Improvements. She was a Section Delegate to the ABA House of Delegates from 2002 to 2011, and also served as a member of the ABA Commission on Women in the Profession, ABA Standing Committee on Continuing Legal Education, and ABA Committee on Homelessness and Poverty.

Judge Stong is a member of the Council of the American Law Institute and a Trustee and member of the Executive Committee of the Practising Law Institute. She is also a member of the New York City Bar's Committee to Encourage Judicial Service, and chaired the City Bar's Alternative Dispute Resolution Committee. She served as Vice Chair of the City Bar's Judiciary Committee, and member of its Public Service and Education Committee. She presently serves on the American Bankruptcy Institute's Presidential Task Forces on Civility and Standards of Practice.

Judge Stong works with the World Bank-IFC and other organizations to train judges in South America, North Africa, the Middle East and China in business reorganization and dispute resolution issues. Judge Stong previously served on the board of MFY Legal Services, Inc., one of the largest providers of free civil litigation services to low-income residents of New York City, as Vice President of the Board of the City Bar Fund Inc., and as President of the Harvard Law School Association.

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