

THE WOMEN'S ADVOCATE A CATALYST FOR 2011 – 2012

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A MESSAGE FROM YOUR CHAIR



RECOGNIZING A FEMINIST

by Patricia Blackshear

Welcome to the new bar year, and I hope that you join us in encouraging and facilitating the active and effective participation of women in the legal profession and in the community, and in addressing women's current needs and the issues affecting them. We are working on new and dynamic CLE and in increasing and reaching out to our membership. We welcome your feedback and look forward to getting to know you this year. Stop by our website at <http://www.txwomenlawsection.org> and our brand new Facebook page at <https://www.facebook.com/womenlaw>. The Council very much wants to know what you would like to see the Section do this year!

Are You a Feminist?

My mother was the first feminist I ever met. She did not know it, though; she was just living her life. When I was 18 months old, and my sisters were 11 and 14, my father was in a disabling car accident. While teaching him to walk and talk again, she supported the family entirely on her own. She had no college degree, but instead used her talents. She sold cats and plants and antiques. Those were days when people did not automatically have disability insurance. I'm not even sure that we had any health insurance. Without my mother's wiles, we would not have been in a very good place. But with her, we were.

Continued on page 2.

IN THIS ISSUE

History Is Important 3
By Carolyn F. Moore

President's Page 4
By Hon. Ellen Lorenzen

Introduction of New Members on
Our Council 5
By Deborah Race

Bexar County Women's Bar
Foundation Honors
The 2011 Belva Lockwood
Award Winners! 6
By Suzanne Oliva and
Gaylia Brunson

A "Mama Hug" Won't Do—
The Life of A Criminal
Defense Attorney! 7
By Mary Jo Holloway

Newly Licensed Lawyers Need
Your Help 8
By Carolyn F. Moore

Continued from page 1.

My mother continued to be the head of the family thereafter. Mother made the decisions, good and bad, right and wrong. She repeated time and again the value of an education because you never know when you might have to take care of yourself. She knew from experience how difficult times could be without a degree. She sold the big house in Houston and moved to the country, where the cost of living was lower, and the pace of life was slower. She established an antiques business and bought and sold real estate regularly. I was terribly embarrassed when my parents would show up at elementary school with a truckload of “junk.” I was perplexed when the dining room table changed on a weekly basis because Mother sold and replaced it so often. I did not realize for a while that those actions kept bread on the table and new shoes on my feet. My dad was there, thank goodness, but could no longer work, so my mother had to do what she could to support us. She continued this role till the last days of her life earlier this year. Her antiques shop morphed into antiques show booths (think: Round Top, Brenham, Bellville), and she later began a fun apron-making and rug-crocheting endeavor. She sewed and “junked” through a heart attack and later chemotherapy.

When I was in college, my favorite professor asked another student and me over tea if we were feminists. My classmate immediately said yes, but I hesitated, thinking that was not necessarily how I saw myself. I did not belong to any organizations or protest or try to change any laws. I did not know that the answer was yes even so. I, like my mother, just thought of myself as automatically equal, intelligent, capable. There was no degree of “feminism” in that for me. I knew that I could be or do whatever I wanted to in life. With life opening up before me in college, and later in law school, however, I came to understand that my mother’s actions embodied feminism. I came to know that you do not have to be a loud activist to matter and to influence people.

So my message to you, brought to you by my late mother, is that your actions and your life are influencing people, even when or if you do not realize it. It might be your children, your significant other, or your colleagues. Know that as a female attorney in our state, your mere existence says a great deal to young people, boys and girls alike. Know that as a female attorney in this state, your actions and good moral character speak volumes.

Yep, my mother was the first feminist I ever met. Without any activism whatsoever, she advocated social, political, and all other rights of women equal to those of men. It was borne of necessity, yet quite effective nevertheless.

Rest in peace, Jo Blackshear. You did a fine job.

HISTORY IS IMPORTANT

by Carolyn F. Moore, Newsletter Editor



Judge Ellen Lorenzen's article, which is reprinted with permission in this newsletter, is a good commentary on some of the changes in the legal profession since the 1970s. One change she describes is clothing worn by lawyers to court. She writes that *Dress For Success*, by John T. Molloy, impressed and influenced what she wore in her practice of law beginning in the late 1970s. She contrasts that with the informal dress code now adhered to by lawyers.

Law students, male and female, read Mr. Molloy's book in the late 1970s. They considered the author to an authority on dress codes and were eager to accept his ideas on what to wear. Even though they differed in ability and personality, they wore identical navy blue suits when presenting themselves for law school competitions and job interviews.

Law students in the 1970s also had the chance to read two other timely books about law school and law practice. Scott Turow published *One L* in 1977, describing his first year of law school at Harvard and giving details on classroom participation and studying. Law students were mesmerized by the book because it so aptly depicted their own law school experience. The book was later made into a movie and even later into a short-lived television series. Helene Schwartz, now Kenvin, wrote *Lawyering* which was published in 1975. She described attending Columbia Law School, noting that she finished all classes without ever being called upon to give an oral response to a professor. She also recounted her first years of practice, which included working at the Center for Constitutional Law in New York City. Later she represented William F. Buckley, who would bring sack lunches with wine to their meetings. These two authors, who continue to write books, were able to offer readers good perspectives on the realities of law school and the practice of law.

Law students in the 1970s, even those with undergraduate degrees in history, probably had not been taught and did not know about a woman who in the first half of the 1900s wore blue suits as well as tricornered hats. Her name was Frances Perkins. She was a sociologist and was active in working for civil rights and for better labor conditions. *The Woman Behind the New Deal*, a biography of Ms. Perkins, was written by Kristen Downey and published in 2009.

Ms. Perkins was the first woman to hold a cabinet position in the United States. She became Secretary of Labor in 1933 during the presidency of Franklin Delano Roosevelt. She worked tirelessly to make working conditions better for all Americans.

Ms. Perkins knew the devastation that overcrowded working conditions could cause and she advocated for change. She was persuasive in convincing elected officials that government was responsible for the health and safety of citizens. She was the one who worked diligently to require occupancy codes and fire escapes in buildings. She was the inspiration behind minimum wage laws, eight hour work days, and social security benefits. Ms. Downey concluded that the secret of Ms. Perkins' success was being selfless and not seeking personal gain or public recognition.

Each of the books mentioned in this article is worth reading today. Each book is well written and presents excellent lessons in history.

PRESIDENT'S PAGE

by Hon. Ellen Lorenzen, President

National Association Workers' Compensation Judiciary

Editor's note – the following article by Judge Lorenzen, who presides over workers' compensation cases in Florida, first appeared in **Lex and Verum (Number XXVI, OCTOBER 2011)** a newsletter of The National Association of Workers' Compensation Judiciary. It is reprinted here with permission. The college referred to in the article was for workers' compensation judges. The 30 books mentioned in the article can be viewed at <http://www.abajournal.com/gallery/30lawyers30books>

If you attended the college in August, I'm sure you remember Professor Ehrhardt showing portions of a movie to illustrate evidentiary problems. Coincidentally in August the ABA's *Journal* contained a list of 30 books recommended by attorneys who had been asked to name a book they would recommend to other attorneys to read. Most of the recommendations were non-fictional, either memoirs or biographies. But others were commentaries on ethical and social problems which attorneys encounter. The two literary pieces that came to my mind that illustrated moral/ethical dilemmas in a social context were Arthur Miller's play, *The Crucible*, and the movie, *Lion in Winter*. I am sure you all have favorites, as well. In thinking about the issue of books and the law, I began to wonder about the influence of popular culture—movies, books, television, music—on our jobs.

In 1975, three years before I was admitted to the Bar, John Malloy published a book entitled, *Dress for Success*, which was my bible after I began practicing. I had a true blue, Navy suit (matching jacket and pants, white blouse, navy shoes with neutral colored pantyhose) to wear when I planned to select a jury and make my opening statement. I had a white, pure as a virgin, suit with a pale blue blouse and those same navy shoes to wear when I made my closing statement. I never wore jewelry other than my wedding band. Somewhere along the way, I ditched the skirts and began wearing slacks, lost the heels and pantyhose, and decided I could wear an additional ring and maybe even a bracelet or necklace. I still dress very conservatively and I can no longer tell you if I dress this way because I want to or because a 36 year old publication molded my belief that this is the way I am supposed to dress.

Popular culture changes continually and I make no effort to keep up. What interests/concerns me, however, is ways that popular culture might be playing a role in our courtrooms. For example, one of the requirements in our procedural rules is that an attorney, before filing a motion, must personally contact the opposing counsel to discuss the motion and attempt to resolve whatever the issue is. It is only

after that event takes place, that the attorney is supposed to file her/his motion and seek a ruling from me. Because of this rule, I expect language in a motion that says, "I, Attorney Smith, have personally conferred or attempted to confer with Attorney Jones on 10/1/11 about this motion." What do I get? Ninety times out of one hundred, the word personally is left out of the motion. Sometimes the attorney will say (s)he sent a letter, fax, e-mail or text. Sometimes the attorney will indicate her/his staff made a phone call. Now I know from talking to my adult children and many of my friends that I am incredibly backwards because I refuse to accept texts on my phone. And I still remember the retired federal judge who taught my trial practice class in law school telling the story about an attorney who refused to accept phone calls because, "Nobody ever called who wanted to do anything to help me" But I somehow cannot accept the popular notion that sending the words, "do you agree or disagree with me on this issue" in an e-mail or text is a substitute for having a verbal exchange, even though everyone under the age of 40 believes this.

I see the relaxed culture of informality entering my office every day. For years every attorney I knew (including me) kept a suit coat and a dress shirt/blouse hanging behind the office door in case an emergency appearance in court was required. Today attorneys routinely appear in jeans and knit shirts for mediation and then apologize to me for their appearance when, during mediation, they find an immediate ruling on a discovery issue or whether I will grant a continuance would be helpful and my mediator walks them into my office. I really do not care that much how someone dresses but I cannot help but think that an attorney would want to show some respect to his client by appearing dressed for business.

I recognize that the aging process affects my viewpoint on the world. And I am concerned that my viewpoint unduly affects what I expect and accept from attorneys and parties alike. But I would sure like to see a popular television show with a hero/heroine who behaves civilly and respects people who disagree with her/him. Maybe I am just too old and wound too tight? As always, send your comments and any good books to Ellen_Lorenzen@doah.state.fl.us.

INTRODUCTION OF NEW MEMBERS ON OUR COUNCIL

by Deborah Race

There are three new members on the WAL Council, Chelsie Garza, Kim Cagle and me. I have volunteered to introduce these new members who are each looking forward to serving on the Council.

Chelsie Garza lives in Houston and is an experienced litigator with Abraham, Watkins, Nichols, Sorrels, Agosto & Friend where she maintains an active litigation docket. Chelsie prides herself on her multi-tasking skills which she needs to balance the demands of work with her active family life. She is married to Adam and they are the proud parents of two children, Megan and Cullen. I asked her to tell me a little bit about herself and I thought the most telling thing was the following sentence about her and her family: "They teach me how to balance what is truly important in life and I work each day to show them what hard work can do."

Chelsie grew up sharing time between a small town in Death Valley California and the New Jersey/New York area. She completed her undergraduate studies in New Jersey and attended law school in Washington D.C.

Chelsie is also active in the community and committed to improving both the community and the lives of women in our profession. She has handled several significant cases on a pro bono basis. One case changed the rules regarding Workers' Compensation in our state. She also is a member of the Tahirih Justice Center, which was formed in 1997 to provide legal assistance to immigrant women and girls who seek protection and immigration status under our laws. She is also the Legislative Chair for the Association of Women Attorneys and a member of the Outreach Committee for the Gender Fairness Committee. Chelsie also hosts a networking group for women attorneys and judges. Even with all of this on her plate she has hobbies as well and won third place in a recent skeet shooting competition.

Kim Cagle also lives in Houston where she practices finance, banking and energy law at the firm of Burseson, L.L.P. She represents both financial institutions and borrowers in documenting and negotiating commercial lending transactions. Prior to coming to Burseson, where she is a partner, she was a partner at Mayer, Brown & Platt, also in Houston. She grew up in Dallas and attended Southern Methodist University for both undergraduate and law school. She graduated with a B.A. summa cum laude in 1984 and a law degree cum laude in 1987. In her spare time, Kim enjoys running marathons, cycling long distances, and flying her airplane. She is on the board of directors of a local Pomeranian rescue group.

Deborah Race has lived with her husband Mark in Tyler for the past twenty-five years. She has practiced with Ireland Carroll & Kelley for the past fifteen years. The firm handles complex civil litigation in state and federal court. Deborah is board certified in Civil Appellate Law and admitted to state and federal courts in Texas, as well as the Fifth Circuit, the Federal Circuit and the United States Supreme Court. Deborah currently serves on the Board of Disciplinary Appeals. She also currently serves as president of the Smith County Bar Association.

Deborah was born and raised in Dallas, attended the University of Denver, Southern Methodist University, and Baylor College of Dentistry for undergraduate school and the University of Houston for law school. She has lived in Dallas, Houston, San Antonio and Tyler. She is active in the community and has served on numerous community boards, including serving as president of the Humane Society, Hospice of East Texas and Path.

BEXAR COUNTY WOMEN'S BAR FOUNDATION HONORS THE 2011 BELVA LOCKWOOD AWARD WINNERS!

by Suzanne Oliva and Gaylia Brunson

We are so thrilled to announce that the 2011 Belva Lockwood Award winners are Carol Jendrzej and Priscilla Camacho! Carol Jendrzej was chosen for the Belva Lockwood Outstanding Lawyer Award and Priscilla Camacho was chosen for the Belva Lockwood Outstanding Young Lawyer Award.

Carol Jendrzej, a KCI attorney and a former lawyer with Cox Smith, has been recognized as a top bankruptcy lawyer by The Best Lawyers in America®, the "Texas Super Lawyer" edition of *Law and Politics* magazine, and *Scene in SA* magazine. In addition to serving on numerous local bar committees, she has been a wonderful mentor to the young lawyers at Cox Smith and at KCI. A special place in her heart is reserved for helping with Special Olympics, an organization in which she has served as a director and helped plan the annual Oscar Night America event. Carol was elected Chair of the State Bar of Texas Women and the Law Section and has written papers and organized conferences around the State of Texas. A former president of the Bexar County Women's Bar Association/Bexar County Women's Bar Foundation and Bench Brunch Chair, Carol has remained an active member, demonstrating her devotion to the organizations and the goals of assisting disadvantaged women and children.

Priscilla Camacho, a family law, probate law and civil litigation attorney with Plunkett & Gibson, Inc., is a former president of the San Antonio Young Lawyers Association and a current director of the Texas Young Lawyers Association. She is also a past director of the San Antonio Bar Association. Her community service includes work with the Special Olympics, Junior League, St. Mary's University, assisting in a walk to end child abuse and in hosting events for the children of South Texas Children's Bereavement Center. Priscilla has also been recognized as a Rising Star in the "Texas Super Lawyer" edition of *Law and Politics* magazine, and in *Scene in S.A.* magazine. Priscilla, a former Bexar County Women's Bar Association/Bexar County Women's Bar Foundation director and Autumn Affair Co-Chair, remains an active member of both organizations.

These impressive attorneys received their well-deserved awards at the 2011 Autumn Affair which was held on October 13, 2011 in the courtyard of the Witte museum in

San Antonio. Proceeds from the event, attended by over three hundred individuals, will be distributed to the Center for Family Relations, a.k.a. Kid's Exchange, at the December luncheon of the Bexar County Women's Bar Association/Bexar County Women's Bar Foundation. Autumn Affair is an annual event of the Bexar County Women's Bar Foundation that not only recognizes the Belva Lockwood Award Winners, but also honors the female judiciary of Bexar County and its contiguous counties.

Congratulations ladies!

A “MAMA HUG” WON’T DO— THE LIFE OF A CRIMINAL DEFENSE ATTORNEY

by Mary Jo Holloway

Editor’s note – In 2009, Ms. Holloway’s article, printed below, won 3rd Place in the Texas Daughters of the American Revolution State Competition, Women’s Issues: Career Category

Reviewing my long list of criminal trials and criminal appeals spanning the past 15 years of my work as criminal defense attorney, I can still see vividly those particular individuals, and remember the circumstances of each criminal trial and appellate case. I also periodically review my “love box” containing “thank you” notes from defendants and other clients. Without my “list”, as is not unusual with the passing of time, all those defendant’s faces seem to blur and be forgotten, and the legal and factual issues of each case becomes more cloudy. Today I am grateful for keeping those “lists” and my “love box”.

At first glance, the importance of any particular case as it relates to each criminal defendant appears only to be another day on my job, remembered briefly, and then forgotten when the case is over. But, cases on my “list” and my “love box” are reminders that, whatever the outcome, our Constitutional system of justice is alive, functioning well, and constantly evolving since its initial creation over 200+ years ago. I feel privileged to be part of all those attorneys who before me have used all those wonderful Constitutional arguments that continue to frame the criminal justice system of our great country.

I do not know if a person is born with a love for our country’s freedoms and personal rights, or it is a “learned” love for justice that leads a person to this noble attorney profession. How did a “stay-at-home mom”, with four children and no attorneys in her family, become a defender of an accused’s Constitutional rights, a confronter and tester of the justice system—a criminal defense attorney? I do remember one afternoon, during law school, and during my first day in a large metropolitan courtroom, I felt this overwhelming human compassion for many of the accused individuals I saw that day---no mamas to hug them; no one there for them as they faced their ultimate punishment, years of prison incarceration. I felt a need to learn more about this strange world I had never before experienced. Each trial and post conviction appeal became a personal quest for the ultimate testing of legal issues, resulting in an eventual love for our country’s Constitutional justice system.

I was, and still am, continually amazed at our “living” Constitution. Using Constitutional rights on a daily basis makes them become more “alive” as they are applied to real situations and to real persons. Today, most in our society

seem to ignore or downplay the significance of their Constitutional rights, and other legal rights made in light of that never aging historical document, unless it directly affects them or their family. But, I am fortunate to be a criminal defense attorney, and I am able to see this “living” document in action as few other professionals can claim. Who else can say they know in their professional life the significance of, much less have deeply studied and/or used, those great principals such as person’s right to an impartial jury, speedy and public trial (6th Amendment), a person’s right against unreasonable search and seizure (4th Amendment), a person’s right to have a defense attorney (6th Amendment), a person’s right to due process of law (5th Amendment); etc.? Who else has a great passion to identify and recognize constitutional violations and injustices that need to be addressed to keep our society free and functioning as it should?

Criminal defense attorneys live it every day. Our obligation is to defend the accused in all stages—arrest, pre-trial, trial, and post-conviction appeals. Our clients’ personal lives and liberty depend on our expert knowledge and respect for their Constitutional rights, no matter what crime the accused has been alleged to have committed. Defending persons under our Constitution does not mean we who are criminal defense attorneys are condoning any crime. We must realize we do not live under a 100% perfect justice system. Some innocent people are, or will be, convicted, jailed, and/or even put to death. Our forefathers strongly believed in the rights of the accused, and set up laws so that all accused persons are guaranteed a fair, impartial and just system.

As I scan my “list”, I see lots of those “not guilty” verdicts—i.e., the scared 18 year old who consistently denied the burglary and passionately cried when the jury found him “not guilty”; the “mentally challenged” defendant who wept on the police video because he perceived the questioning officer was mistreating him, did not understand him, and had based probable cause to arrest him on a wrong impression; the traveling out-of-state black military veteran who was profiled and unlawfully arrested, etc. But then, unfortunately, I also see the names of innocent persons convicted, and the injustice of excessive punishments—i.e., the sexual assault conviction case because of the exclusion of testimony and faulty DNA evidence; a lengthy sentence imposed where one uneducated juror could not read, and was therefore influenced by the other jurors that “majority rules”, and so changed her vote, etc. But, each of my “not guilty” verdicts reassures me the justice system still works most of the time, and can result in exoneration of innocent

Continued on page 8.

accused persons.

Also, as I ponder my appeal brief list, I recall all kinds of legal arguments I briefed for a defendant's post-conviction appeal. My visits to incarcerated inmates in prisons, who are solely dependent on justice under our law and my legal expertise, brings home to me the brutal reality and finality of criminal convictions. We cannot automatically assume innocent persons are never convicted, and all persons have a fair trial. I have an obligation to dissect the defendant's previous trial transcript for some legal issue that can be explored and briefed, no matter how minute. I must proceed with an initial theory that some incarcerated inmates have been denied basic guaranteed rights that may entitle them to a new trial or even an acquittal.

Remembering my "list" is a stark reminder of how much we need our Constitutional system of criminal justice. Maybe more women and mothers should become criminal defense attorneys. We are by nature compassionate, nurturing, and

mediators. We are tenacious, and more apt to firmly and consistently stand for the rights of the lowest in our society. We are not easily deceived by untruths. We are discipliners of our children, requiring us to be firm in administering justice, but forgiving. We can at times require retribution and punishment from our children, but at other times we are more prone to practice mercy in lieu of punishment. We are problem solvers, detailed and intuitive, and able to multi-task and manage career, home, family. Our country and great system of criminal justice needs us—MAMA HUGS WON'T DO!

NEWLY LICENSED LAWYERS NEED YOUR HELP

by Carolyn F. Moore

This is the time of year when recent law school graduates find out if they passed the Texas State Bar Examination. Do you remember the day you got your results? Did you seem to be floating on air? Do you remember getting advice from lawyers when they learned you were soon to be sworn in as a lawyer? If so, was that advice good or not?

If it was good, you should pay it forward. Take the time to seek out a newly licensed lawyer. Invite one to attend a local bar association meeting with you. Be prepared to give advice to the lawyer. The advice should come from your experience and be tempered with good feelings from your heart. Don't scare the lawyer, but be truthful.

Here are some things you can consider telling the newly licensed lawyer:

Be proud of your profession. Guy Harrison, a former State Bar President, never passes up an opportunity to tell others that he loves being a lawyer. He starts speeches with the comment about his love for the legal profession. Another lawyer, Steve James of El Paso, hands out bumper stickers that say *Lawyers Are Heroes*. Steve also gives speeches about lawyers that he considers to be heroes.

Respect your fellow lawyers and treat everyone you meet with courtesy. You should consider your legal opponents as

foes in court but friends at the end of the day. Yes, you need to represent your clients to the best of your ability but there is no need to demean fellow lawyers or be rude to anyone.

Continue your legal education by keeping up with changes in the statutes and case law. Proofread your work. Then proof it again.

Be an active member of your local bar association and the State Bar of Texas. Attend meetings, volunteer to be on committees, and express appreciation to fellow bar leaders for their work to improve the profession.

Share your knowledge of technology with seasoned lawyers. They will be forever grateful to you.

Spend quality time with your family. Family members are proud of you and they want you to join them at meals, school functions, religious activities, shopping sprees, and vacations.

Be good to yourself by doing things that bring you joy. Give yourself some time each week to pursue your hobby, read a book, or relax. Taking time for yourself will give you the energy and the desire to maintain your good standing in the legal community as well as with your family.