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The Lawyer as Counselor



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A few months ago, I attended a continuing legal education presentation about Britney Spears' conservatorship. By then the controversy was already over. Back in 2021, Britney Spears' lawyer Mathew Rosengart managed to free Britney Spears from a 13-year conservatorship that the singer called "the darkest chapter of my life" and "the worst thing that could possibly ever happen to my music, career, and my sanity." But what really got my attention was a news article describing Mr. Rosengart as "an unlikely hero." I'm embarrassed to admit that my first reaction was to ask: "who could be a more likely hero than the lawyer who won her freedom?"

I think the article title tells us more about lawyers than about journalists. To quote Nick in *The Great Gatsby*, Jay Gatsby had "an irresistible prejudice in your favor;" he understood "you just as far as you wanted to be understood, believed in you as you would like to believe in yourself."

Would it be unfair to suggest that few people would say this about lawyers? This shouldn't come as a surprise when you consider that lawyers are the second-lowest-scoring profession on emotional intelligence (doctors are last.) This is a problem because emotional intelligence is the ability to perceive, use, understand, and handle emotions. Lawyers also score low in self-awareness—meaning they don't have a good understanding of their own thoughts, feelings, values, beliefs, and actions. "Lawyer, counsel thyself," you might say.

In short, lawyers who don't "do" emotions fail in their role as counselors by failing to be a friend to their clients. But as any lawyer who's had a challenging client relationship knows, this can be no mere friendship of convenience. The best frame for this friendship is St. Josemaria Escriva's description of the universal duty of every Christian: an apostolate of "friendship and confidence."

You might think that expecting this kind of attorney-client relationship is pollyannaish. But is there any alternative? Will a client trust a lawyer who doesn't treat them like a friend? The client likely won't. And will a lawyer be an effective advocate for his client if he lacks their trust? Probably not.

The word advocate has Latin roots meaning "one who pleads for another," and to plead is to make a heartfelt appeal to someone or something. So to be effective advocates, lawyers must serve as true partners to their clients, aligning their legal representation with their goals, challenges, and needs. I will touch on this in my next article.

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