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The Lawyer as Dream Enabler

Gerald Reamey

St. Mary's University School of Law

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ARTICLE

Gerald S. Reamey

The Lawyer as Dream Enabler

Author. Gerald S. Reamey is Professor of Law at St. Mary's University School of Law in San Antonio, Texas. Prior to joining the faculty of St. Mary's University School of Law in 1982, Professor Reamey practiced law in the Dallas Fort Worth area and served as the Legal Advisor for the Irving Police Department. The award-winning author of many books and law review articles, Professor Reamey is a former Associate Dean for Academic Affairs at St. Mary's where he is a Professor of Law and co-founder and frequent co-director of St. Mary's Institute on World Legal Problems at the University of Innsbruck, Austria. The recipient of several teaching awards, including for his work in judicial education, Professor Reamey has been awarded the Culture Medal of Honor by the city of Innsbruck, Austria. He teaches, writes, and consults in the areas of criminal law, criminal procedure, and law enforcement issues, and is a member of the Order of the Coif and the American Law Institute. Professor Reamey has taught as an Adjunct Professor of Management at the University of Dallas, and as a Visiting Professor on the law faculties at the University of Innsbruck, Austria (1993), and the University of Vienna, Austria (1999, 2008). Professor Reamey currently presides as Judge of the Municipal Court of Shavano Park, Texas (2021–present). The Lawyer as Dream Enabler was presented by Professor Gerald S. Reamey in January 2023 at the St. Mary's Law Journal 22nd Annual Symposium on Legal Malpractice and Ethics.

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I. INTRODUCTION

I recently revisited the “Last Lecture” delivered by Randy Pausch, a professor at Carnegie Mellon University.¹ You may remember seeing that lecture from 2007; it was widely circulated as a video.² I suppose today we would say it “went viral.” The compelling thing about Professor Pausch’s lecture was that he suffered from pancreatic cancer at the time he was asked to deliver it, a fact known to everyone in attendance in the large lecture hall where he made his remarks.³

He was 46 years old when he spoke, and he died just months later.⁴ Someone’s impending death imbues his remarks with a degree of importance that they might not otherwise have, but it also imposes on the speaker a heavy burden to say something meaningful. I am glad to tell you that I do not feel required for that reason to write anything meaningful today.

Dr. Pausch, an expert in virtual reality and computer simulations, began his lecture by immediately disclosing his medical condition and prognosis, in the event anyone in attendance was unaware of his terminal illness.⁵ He addressed the “elephant in the room” in a matter-of-fact way to acknowledge the reality, and then he set it aside.⁶ Nothing in his remarks or demeanor suggested he was looking for sympathy with this revelation.⁷

I am not going to write about death and dying today. I have observed both but have no personal experience with either. I am also not going to write about virtual reality, computer science, or time management, three of Dr. Pausch’s areas of expertise. Instead, I want to address a theme Randy Pausch thought important enough to share with his audience, and then tell you how it applies to lawyers and the legal profession.

I invite the reader to think back to their childhood. For some of us, this is a stretch, but please try. Did you have childhood dreams? Do you remember them? Are you lucky enough to be living them? I am not

1. Carnegie Mellon Univ., *Randy Pausch Last Lecture: Achieving Your Childhood Dreams*, YOUTUBE (Dec. 20, 2007), https://youtu.be/ji5_MqicxSo.

2. At the time of writing, the video recording of Randy Pausch’s “Last Lecture” has gained over 21 million views. *See id.*

3. *See generally Randy’s Story*, CARNEGIE MELLON UNIV. (2022), <https://www.cmu.edu/randyslecture/story/index.html> [<https://perma.cc/6UCE-HEWV>].

4. *Id.*

5. *See Randy Pausch Last Lecture*, *supra* note 1.

6. *Id.*

7. *Id.*

thinking about the pony you wanted but did not get. Rather, I have in mind the kind of dreams that help define your life. Did you dream of being a scientist, making discoveries that would help all of humanity? Or did you dream of being a CEO, a captain of industry? Maybe you shared my personal dream of being a teacher.

Some people achieved their childhood dreams, maybe not in exactly the form they imagined, but in ways that can be traced back to those innocent times earlier in life. Others abandoned their dreams along the way, either because they seemed unattainable or because other opportunities intervened. Sometimes “life happens” and we set aside our childhood dreams. New dreams and necessities take their place, and we never find time to come back to what first fired our imaginations.

I speak with many lawyers and law students who tell me that, from childhood, they always wanted to be a lawyer. That was not my case. I am a first-generation college graduate with no lawyers in my family. I had never met a lawyer until I was in my mid-twenties and already becoming seriously interested in law. It was not that law was uninteresting to me in my youth, it just was not something I considered as a possible career . . . until I did.

As a boy, my dreams were those of boys. To be fair, I did not dream of being a cowboy or an astronaut. Astronauts had not been invented when I was a very young boy, and the only livestock my family owned was an Easter chicken. My dad was in the Army, so I played soldiers with other boys, and I sometimes imagined I might one day be a soldier like my dad. I knew I wanted to be married and have a family that I would support with regular employment, but I had no idea what kind.

My career dreams had not gone much beyond those vague notions until the seventh grade when I met my teacher, a woman named Miss Grew. My thirteen-year-old boy brain had no idea how old Miss Grew was. I remember she had gray hair, so she must have seemed old to me, but I suspect she was middle-aged at most, or perhaps a good bit younger. While I liked and respected her, Miss Grew was a tough teacher. To a boy of tender years, this meant she assigned real work and expected it to be done on time and to a reasonably high standard. One such project she assigned was to prepare a biographical report on a notable figure and present the work to the class. I selected, or perhaps I was assigned, Albert Einstein as the subject of my paper and talk.

Standing in front of an audience and being expected to say something worthwhile is a heavy responsibility, which is bound to produce some anxiety. I can attest after all these years, that is still the case. For a thirteen-year-old boy, it was certainly a terrifying prospect. Thus, my defensive strategy was extra preparation; I worked hard on the background research and hand printed an outline of my presentation on 3 x 5 index cards. Do you remember index cards?

On the day my work was due, I sat nervously while my classmates increased my anxiety by doing all the embarrassing things I feared I would do. No one actually died of embarrassment, so I decided I could at least let go of that fear. When Miss Grew called me to the front of the room, my heart was pounding, but the index cards and preparation reassured me. As I had planned, I wrote Einstein's famous $e = mc^2$ formula on the board, carefully explaining—as much as a young boy could—the relationship between energy, mass, and the speed of light. I talked about Einstein's not very promising work as a student and his employment as a postal clerk in Switzerland. When my three-hour lecture ended (in reality, it likely only lasted a mere five minutes), my classmates applauded. It seemed like at least some of their applause was genuine and not just forced politeness. Miss Grew joined in complimenting me, which was a rare occurrence in our class. Teachers were less concerned with self-esteem in those days. Later in the school day, Miss Grew asked if I would give my presentation again the next day to the eighth grade class next door. She had thoughtfully recommended my talk to the teacher of that class. I guess Miss Grew was my first, and to date my only, agent.

It has been a few years since this all happened, and while I do not remember many specific events from that time in my life, I do remember those two days in 1961 when I was singled out for doing good work and “teaching” a class for a few minutes. My desire to teach, and my love of teaching, can be traced to that moment in time. I had always respected my teachers, and even admired them. I am not sure, however, whether I entertained the thought that I could become one of them.

At this point, you may think I am going to tell you my life story, about how I continued to develop my interest in teaching, eventually studied law, became a law professor, and still love teaching after more than forty years. However, you would be wrong. My remarks are not about me. They are about Miss Grew and what she taught—and they are about you.

II. THE VALUE OF PREPARATION

Perhaps the most obvious lesson I learned from my momentary teaching experience was the value of preparation. Miss Grew always urged us to prepare carefully and thoroughly—but requiring us to publicly demonstrate our degree of preparation added a frightening dimension that was a powerful motivator.

It also turned out to be a lasting lesson. In law school and in law practice, the power of preparation was reinforced for me. Generations of law students have now heard me extol the virtue of preparation above all others. While it is true, even the best preparation will never beat luck, luck is fickle and not subject to our control. On the other hand, we totally control the amount and quality of the preparation we put into any project. I discovered preparation is more important than good looks, nice clothes, a shiny leather briefcase, eloquence, experience, or even intelligence. Student attorneys in a law school's clinical program routinely prevail over capable, experienced lawyers because the students are simply better prepared.

Thanks to Miss Grew, I learned that lesson early on. In your own life and work, prepare for every case as if your client's life depends on it. If you practice criminal law, it may. However, every client deserves your best effort, not just those clients with complex cases involving high stakes. For every one of your clients, their case is the most important one in the world. Prepare as if it is also your most important case.

III. ENABLING THE DREAMS OF OTHERS

As I have matured, I have also realized that life is not just about achieving my own dreams. It is also about enabling the dreams of others. Good teachers do this all the time, and they do it quite intentionally. I did not dream of being a teacher when I first entered Miss Grew's class. Nevertheless, when she saw some potential in me as a student she not only advanced it; she enabled it. Her encouragement nurtured my latent interest, helping me recognize its existence and then watching that interest evolve into the dream it became.

Throughout our lives we encounter those dream enablers, people who help us along the way to the actualization of our dreams. It is rare for one person to carry that load alone; rather, it usually requires many people to nudge us in the right direction. Sometimes those enablers act intentionally,

and sometimes accidentally. Ultimately, our goals are realized through a combination of efforts: our own, and those of our enablers.

As a lawyer, *you* are a dream enabler. Be an intentional one. By solving clients' problems and helping them avoid problems, you clear the path to whatever their goals may be. But as a lawyer, you can also realize other ways to help your clients (ways that may have little to do with law). Remember, your law license says you are not just an "attorney at law", but a "*counselor* at law" as well. Your position, your knowledge, and your relationship with your clients and others empower you to be more than a legal technician. Consciously or not, you guide lives.

A. *Empathy*

To be a complete lawyer, and a complete person, you must have empathy. When Miss Grew saw that a pudgy little boy in glasses might have a talent that could be encouraged, she was sensing my excitement at doing something well. Without empathy, she would have missed the tell-tale signs. When she then pushed me to further explore that germ of talent, she was helping me grow a dream, which she and others would eventually nurture to fruition.

If you are not empathetic, you simply cannot be a good lawyer in any complete sense. Empathy is the ability to put yourself in the place of others, to feel what they must feel, to see the world from their perspective. This skill requires you to mentally step outside of yourself and inhabit the world of others (many of whom live in a reality that is very different from your own). Only by doing this can you be the complete lawyer, counselor, and guide that your client needs. If you do not have empathy, get some. It is essential.

B. *The Myth of the Self-Made Person*

This brings me to an important misunderstanding that has the power to inhibit you in your role as dream enabler. There is simply no such thing as the "self-made" person. If you want to resist that assertion, I ask you to be patient and consider the evidence that supports it.

We all know people who seemed to succeed against all odds, with no help from anyone. This is such a common experience that belief in the iconic self-made person has become our National Myth. In Texas, we seem particularly susceptible to this romantic notion that we are fiercely independent and self-reliant. More carefully considered, this notion is

largely just a form of self-congratulation. Such a notion is also mostly untrue.

I have a friend, a former student, who is a very successful personal injury lawyer. He chalks up his success entirely to his own effort and skill. Indeed, I do believe he is hard-working and skillful. He is a sole practitioner, and he deserves credit for what he has accomplished. But in imagining himself to be completely self-made, he overlooks substantial evidence to the contrary. My friend comes from a loving and supportive family. Let us suppose their support has “only” been moral—and not monetary. Even so, he attended schools at which teachers at all levels cared about his progress and tried to help him achieve at least his immediate goals, if not his career goals. He had friends and study partners who helped him along by providing much needed motivation and impetus. Once he entered practice, my friend worked for employers who tried to help him succeed—perhaps in part for selfish motives—but taught, supported, and encouraged him, nevertheless. His success benefits every day from those who refer clients to him.

Like every lawyer, my friend is part of a team. That team includes his very small staff, other lawyers with whom he associates on cases, court personnel, employees at insurance companies, medical professionals, experts, and his clients. He would say: “well, I pay most of those people for their help, except for my client. And my client does not really help me succeed.” Setting aside the obvious flaw in his attitude toward his client, is his point a fair one? Or does it miss the point, overlooking the essential role played by all of them, whether they are paid or not?

I have shocked my friend by suggesting even the government he mistrusts and belittles plays an important role in his success. Unlike my friend, I have had the privilege of living and traveling abroad, an experience which reminds me of what I enjoy in my home country and how tenuous goods and services can be in many parts of the world. Until we experience a catastrophic event that deprives us of clean water, food supplies, internet, telecommunication services, electricity, maintenance, and repair services—as well as the many other things that are usually available on demand—we do not think about them. The recent pandemic reminded us that those goods and services cannot be taken for granted. If we reflect on everything necessary to operate a law practice—even in the most rudimentary form—we begin to realize how dependent we are on institutions, services, and other

people. Throughout my career as a lawyer, I have always enjoyed working in a country with a stable government and with a court system that is orderly, fair, honest, and dependable. We largely follow the rule of law. Imagine trying to practice without these things. I am not blind to the imperfections of our systems and institutions, but I also cannot claim that the successes I have come to enjoy are wholly attributable to me.

C. *The Price of Hubris*

Believe it or not, that brings me to the ancient Greeks. They lived in fear of offending their gods. The surest way for an individual to do this was to exhibit hubris, a display of excessive pride. The sources of this concept can be seen in *The Iliad*, where Achilles—the notoriously sulky, self-indulgent, and supremely skillful warrior—squanders his talent, and eventually his life, by offending the gods in just this way.

Hubris. The Greeks had it right. But if you do not trust Greeks, especially those bearing gifts of the large wooden equine variety, you might recall our modern version of the admonition against hubris: “Pride goeth before a fall.”

It is hubris—pride, if you prefer—to pretend we are solely responsible for every good thing that has happened to us. It turns out we need those enablers of dreams, no matter how humble their individual contributions are.

D. *Mentorship*

Some of these enablers take the form of mentors. Mentors are those people who may have more experience and more ability and are willing to guide and advise us. Miss Grew was one of those mentors, for one formative year of my life. Other teachers certainly filled the mentorship role for me as well: a professor of ancient history when I was an undergraduate student, and a law professor who became my source for inside information about law teaching, who served as my LL.M. thesis advisor, and who eventually became my book co-author. I have been blessed with mentors in life, practice, and teaching. I continue, even now, to be guided by a few trusted mentors who generously share their hard-won insights and wisdom as I continue to break ground that is new to me.

Experienced lawyers urge budding lawyers beginning their careers to “find a mentor.” I can only imagine young lawyers wondering: “where do I

get one of these mentors?” Of course, there is no ready answer to that question. Some experienced lawyers are not very good lawyers. Some very good lawyers are not very good mentors. And some potentially good mentors are just unwilling.

The mentor-mentee relationship cannot be forced; and, like all relationships, it may fail. Despite these challenges, the value of this form of dream enabling is more than enough justification for the effort extended and potential risk of disappointment. As I have heard some people say about marriage, “a bad one is horrible, but a good one is better than anything,” it is also true of your relationship with a mentor. Find a good mentor, learn from a good mentor, and then be a good mentor.

If we learn from those who have gone before us, we also learn from those whose dreams we enable. Given the thousands of students I have taught over the years, you must imagine I am constantly learning from them. You would be right. Indeed, an enduring truth is that there will always be people who are smarter, more capable, more insightful, and more clear-thinking than we are. I have always had students who are all those things. They are my teachers.

Practicing lawyers also are surrounded by such people. Some of them are judges or more experienced lawyers, but some of them are young associates, court clerks, administrative assistants, clients, and family members. All of these people have much to teach us, and many will enable our dreams if we let them.

To benefit from the enablers who are all around us, we must listen, observe, and always be open to the help others are willing to offer. Pride will prevent you from achieving your goals as readily as refusing to ask directions will keep you from reaching your destination.

E. *Finding the Right Dream*

I have one more thing to say about dreams, and it may be the most important of all. Be certain your dreams are the right ones. I assume that you do not dream of running the biggest credit card fraud in history or winning an Olympic gold medal in decathlon. Some dreams are out of reach, and some will actually harm you, your family, and others. We often hear repeated the assertion that, “if you can dream it, you can achieve it.” While very encouraging, it is simply not true. I might have dreamed of being

a world class athlete or a star of the Broadway stage. Regardless of the work I put into trying to achieve those goals, it never would have happened.

Never discourage anyone's dreams, but do not fill them with false hope, either. Our reach *should* exceed our grasp if we are to make progress. We must imagine the things that would be very difficult but *might* be possible, and we should risk failure trying to achieve those goals. To give in to discouragement and frustration too readily can prevent us from fulfilling our potential. Persist!

Teaching was my dream, and it turned out to be a dream that, for me, was attainable. It required hard work and lots of luck, plus the intervention of many enablers along the way, but it was a dream that satisfied my need and desire to spend my life in work that benefits others. The practice of law is also such a dream. Never lose sight of why that was your dream, and use your dream fulfillment for the greater good, and not just for personal gain.

Over the years, I have read hundreds of personal statements on law school applications. Almost always, the applicant spoke of a dream to help others. Our profession is filled with people who were drawn to law by a desire to improve the lives of their clients and to contribute to the greater good. If you were one of those applicants, never lose sight of that dream.

My teaching career in law has made me supremely happy. Unlike those who constantly want what they do not have, I love exactly what I do have: I live in a beautiful and diverse community; I spend my days doing something that makes me truly happy and benefits others; I love my family and friends, and they love me.

Appreciating what you have is *not* the same thing as settling for less. It is the result of constantly evaluating your strengths and weaknesses and understanding what brings you true happiness, of seeing what you *can achieve* and what you *want to achieve*, while being acutely aware of the difference. If you and your family are content with your current situation, should you risk that contentment simply to "move up?" Law school graduates may expect to spend fifty years in some form of practice. Play the long game and make your career experience one that brings you, your family, friends, and associates, satisfaction and happiness with *all* of the aspects of your life.

I have achieved what I urge you to seek: the work-life balance that satisfies more than a single goal. Celebrate those who enable *all* of your dreams, not only your career dreams. Return the favor by enabling the dreams of all those around you.

As a dream enabler, your job is not to decide whether the dreams of others are the right ones. Contribute what you can to help the dreams of

others come true. Their happiness and satisfaction are more important than your being right about their life choices.

My favorite lawyer, my wife Kay, was lucky enough to spend her entire career practicing law with an extraordinary group of San Antonio lawyers in the firm of Matthews & Branscomb. During her career, I frequently played the role she also has played in my career: accompanying spouse. If you have a chance to be an accompanying spouse, I highly recommend it. The benefits can be terrific, and the responsibilities are few.

I still admire many things about Kay's firm and its members, many of whom remain good friends long after the firm was subsumed within Cox Smith and subsequently, Dykema. Attending a Matthews & Branscomb firm function of any kind was always a treat. I noticed, even when Kay was clerking for the firm, the lawyers of Matthews & Branscomb never talked about their cases, past or present. They rarely even mentioned law. Social conversation ranged over such diverse topics as art, music, travel, literature, and families. The lawyers were accomplished in fields other than law and their interests were wide ranging and fascinating.

I had never witnessed anything like this in a gathering of lawyers. It was truly delightful. Those highly skilled legal technicians were not lawyers in the occupational sense, but in a vocational way. They were dedicated to law and their duties to their clients, and all of them possessed a highly refined commitment to ethical practice. But all of them were much more than the sum of technical skill and hard work. They were the kind of well-rounded people whose dreams extended beyond a paycheck, nice car, and a home in a good neighborhood.

As I remind every class of students, "take what you do seriously, but do not ever take yourself too seriously." Make sure your dreams encompass your *whole* life and not just your working hours. And leave time to help others, including clients, friends, and family members, to find their dreams and realize those dreams. That work is the type which is truly fulfilling, and the success of others will become your reward.

My final reminder is this: it is an honor to represent people, just as it is an honor to teach them. Never forget that your clients are entrusting to you their property, their closest and most important relationships, and, in some cases, their liberty and their lives. How humbling is that?

Fight the cynicism that threatens to strip you of the passion that this work deserves. Every lawyer suffers defeat, disappointment, and undeserved

failure. Every lawyer represents difficult clients: whether they do not take your advice, they complain about your best work, or they think it is entirely your fault if they do not get everything from the process that they are sure they deserve (and then they do not want to pay for your services).

It may be difficult to represent these clients, but it is still an honor. It is an honor to pursue this dream. Always remember the obligation you have assumed, an obligation that is never lessened by the challenges it presents. Do not meet that obligation because disciplinary rules require it. Do it because it is your sacred duty. And then, feel the satisfaction you have earned.

