

## A CLIENT'S PERSPECTIVE

OVER THE LAST THREE YEARS, DAISY FLOYD HAS SPENT A lot of time reflecting on what it means to be the client of a lawyer. She's a lawyer herself. In fact, she recently was appointed dean of Mercer University School of Law in Macon, Ga.

Before that, she practiced law in Atlanta and then moved into a successful career in academia at a Texas law school. During her 14 years there, she gained tenure and won fellowships and teaching awards.

Then, in a radical shift in perspective, she became a client. She had never been represented by a lawyer before, she says, but decided she needed one during a grueling series of events that unfolded when the university was looking to hire a dean. It was during this time that she was told the university's president had stated he would never hire a woman for the job. (The university and its president denied such a statement was made.)

In taking steps she believed necessary to preserve the integrity of those appointment processes, Floyd says her work environment became contentious, retaliatory, adversarial and ultimately very public. "All my relationships at work changed," she says.

Concerned about retaliation and believing that the president might file a defamation suit against her, Floyd stepped into an experience she knew a lot about, but only from the outside: She decided to hire a lawyer.

Of course, she knew a lot of them, but she chose Mark Perlmutter of Austin, Texas—someone she had known through state bar activities. "I knew something about his value system, and he knew something about mine. I believed he would listen to me and not make decisions unilaterally.

"I knew enough about lawyers and lawyering to know that, in the hands of someone with a highly adversarial approach, this would blow up, quite possibly publicly."

Floyd had always been optimistic about what the lawyer-client relationship could be, and, with Perlmutter, she had what she thought to be a real chance to create something special. She was clear about her goals. First, she wanted to maintain her own integrity throughout the process. That meant not withholding or lying about what she knew. And, having seen what major litigation can do to people, she was determined to hold on to her sense of self, no matter how high the heat was turned.

"Conflict," Floyd says, "is a real assault to one's identity.

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It can be dehumanizing. When you're in the midst of it and your lawyer doesn't take time to know who you are, that's an additional re-infliction of the injury. Mark understood that."

### SURVIVING INTACT

"WHAT DID I LEARN FROM BEING A CLIENT?" FLOYD ASKS. "Well, first I've started noticing how often discussions about clients' wants and needs include only lawyers. Clients are rarely involved. We lawyers discuss the client as if we know what it's like to be one and as if every client is the same. We make assumptions about what they want from the lawyer.

"What was so important and valuable for me," she adds, "is that Mark helped me hold on to who I am, even in the midst of major conflict. I think that is incredibly important—and equally rare. It was a good reminder of the person I wanted to be when all was said and done."

One way in which the collaboration was a positive experience for Floyd had to do with the way Perlmutter frequently used a form of the Socratic method in their consultations. "He'd ask: 'What do you think would happen if a certain thing came to pass?'" Floyd says. "And I'd answer, and he'd ask me what my basis for the answer was. That kind of thing helped a lot in making clear decisions, especially because at the same time he never devalued my emotions."

Floyd also appreciated Perlmutter's concern with her general well-being. "He had this understanding that the experience was infecting my whole life, as conflict does. He was extremely good at nonjudgmental listening and questioning, and I always had a sense he cared." Although Floyd ultimately filed a lawsuit, she decided not to pursue the litigation after she was hired as dean at Mercer. Instead, she put her time and energy into moving on. She voluntarily dismissed the suit, taking nothing. Many lawyers would view that result as a failure, but Floyd sees it differently. She views it as a successful conclusion to a difficult period in her life.

Perhaps the best evidence of that success, Floyd says, is her being hired at Mercer. "Conflict and litigation so often derail one's life, professionally and personally," she says. "But I was able to move forward with mine."

Floyd adds, "In reflecting upon this experience, I've decided that that's what most clients really want from their lawyers—to move through the conflict without losing their integrity, their values, their identity. Because of the way the attorney-client relationship so often plays out, I don't think that most lawyers or clients believe that goal can be met. And even if they do, they probably don't envision a positive role for the lawyer in that."

"Having the kind of lawyer I had, one who supported me in acting consistently with my character, made all the difference. It meant feeling, in the end, like I'd been bettered by the experience.

"And that's winning." ■

