

Chicago Daily Law Bulletin®

Volume 159, No. 89

Practicing with intuition pays personal and professional dividends

Over the past 20 years, the legal profession has weathered several recessions, the most recent one being the most transformative.

As business continues to evolve on a global scale, the rules and expectations in the world of law likewise significantly change. Clients demand myriad skills and talents from their lawyers; being a top-notch practitioner is just the tip of the iceberg.

Since graduating law school in 1994, I have had the wonderful opportunity to work with countless talented lawyers and exceptional clients, many of whom have become friends and mentors. Over the years, we have engaged in countless discussions regarding the skills and talents which are necessary to succeed. These relationships have provided me with invaluable insights, some of which I have touched upon in previous columns.

Through these exchanges, I have found that there is one tool in the proverbial toolbox which does not get much airplay, particularly among lawyers. Yet when I speak with the most successful and content professionals in my circle, they will openly acknowledge and revere it.

And while they all may call it something different, I know that they are talking about the same thing — what I call intuition.

Intuition is a somewhat amorphous concept that is often difficult to describe. Merriam Webster Dictionary defines intuition as “quick and ready insight; the power or faculty of attaining to direct knowledge or cognition without evident rational thought and inference.” Carl Jung once said, “[i]ntuition does not denote something contrary to reason, but something outside of the province of reason.”

Some people call it their “sixth sense” and believe it is an innate talent they have had since birth.

Others call it their “gut” and attribute it to a certain level of

judgment they have developed as a result of many years of experience. They claim that having a series of successes and failures under their belt has enabled them to accumulate a significant amount of objective and subjective data about what works and does not work in certain situations and circumstances.

More recently, intuition has been linked to emotional intelligence and has been described as the ability to pick up on subtle cues from other people and from the environment.

Those with a higher emotional quotient, or EQ, are found to be more perceptive to this type of stimuli than others, can more readily discern and process the totality of a given situation and are able to map out optimal solutions based on this wide array of objective and subjective information.

In an era with more data and analytics at our disposal than ever before, there is some question as to whether intuition still has a place in the world of business. Because there is an element of the unknown or something hidden which goes into intuition-based decision-making, many will often conclude that such decisions are uninformed, biased or emotionally based, when this is simply not the case.

Indeed, things are not always as they seem based on objective data, which can often be limited or simply erroneous. Intuition helps guide decision-making by going beyond the four corners of the data.

Ultimately, the best decision-making is a delicate balance of data, analytics and intuition and the proper balance in a given situation is driven by the circumstances.

Whether we acknowledge it or not, intuition plays an important role in being a successful lawyer.

We are hired for our judgment, plain and simple. Clients will pay many hundreds of dollars an hour for us to “make the call” for them and more often than not we are

PARADIGM SHIFT



**CHRISTINA
L. MARTINI**

Christina L. Martini is a practicing attorney, author and columnist. She is vice chair of the Chicago intellectual property practice group at DLA Piper and has been in private practice since 1994. She focuses her practice on domestic and international trademark, copyright, domain name, Internet, advertising and unfair competition law. She frequently speaks and writes regarding the legal and business landscapes and appears monthly in Chicago Lawyer magazine as a columnist of “Inside Out.” You can reach her at christinamartini.paradigmshift@gmail.com.

asked to do it with limited information and under less-than-ideal circumstances.

As a trademark lawyer, I am asked every day to make a determination about whether a client’s proposed brand is too close to that of another. There are often high stakes involved.

As a young attorney, I had to

“Over a 19-year career, I have made these judgment calls literally thousands of times and these experiences have enabled me to regularly exercise my intuitive muscle.”

get used to the idea that I was making an inherently subjective determination and only had a framework loosely based on 10 or so factors to guide me. Over a 19-year career, I have made these judgment calls literally thousands of times and these experiences have enabled me to regularly exercise my intuitive muscle.

Intuition is also an important part of effective management and leadership.

These types of decisions hinge upon truly understanding people, accurately sensing what they are feeling and what motivates them and effectively predicting their behaviors.

Oftentimes there is little empirical data from which to draw, and most of the available information is inherently subjective.

While there are certain metrics of one’s performance which can be objectively measured, there are just as many, if not more, facets to a person, their contributions and talents that cannot be adequately measured by such criteria. This is particularly true in the legal profession, where we are selling highly personalized, specialized services.

This lack of readily available information often forces leaders to feel their way through situations. So much of the successful leadership of organizations such as law firms goes far beyond the available objective data and delves deep into the intuitive realm.

We should all take a look at our professional and personal experiences and the significant role that intuition has played in our lives. We must honor the gifts that intuition has provided each of us.

As Albert Einstein so brilliantly observed, “[t]he intuitive mind is a sacred gift and the rational mind is a faithful servant. We have created a society that honors the servant and has forgotten the gift. We will not solve the problems of the world from the same level of thinking we were at when we created them.”