

Passionate Practitioner

Once on the brink of suicide, Texas lawyer John McShane dispatched his demons and dedicated himself to finding fulfillment in the law. Now he helps others find meaning in their practices.

BY STEVEN KEEVA

John McShane smiles with his eyes, as though he feels lucky to have them—these clear blue portals onto a world that constantly amazes him.

On the same face, just above the chin, is a moon-shaped scar—a story in flesh, of a time when he drank too much, raged too much, felt too much fear and loneliness. Back then, in what he calls his out-law years, he romanticized the desperate lives of his criminal clients and frequently mimicked their excesses.

A scene from those times (the early 1970s): McShane is defending a drug dealer in a federal courtroom in Dallas. After he leaves the courtroom during a recess, his client passes a note to the judge claiming McShane is too drunk to adequately represent him.

McShane returns to find that the judge wants him on the witness stand for a hearing to determine sobriety of defense counsel. Once there, the judge examines him, finally deciding he's OK to continue.

Now, McShane jokes that he's probably the only lawyer in Texas who's been found sober by a federal judge.

Fact is, he got lucky.

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Today he is sitting on a bench in what he refers to as one of his Waldens—places he visits during the day to be alone and meditate.

This particular spot—a quiet, hedge-enclosed garden—abuts a plaza next to the mirrored Dallas office building that has been home to his five-lawyer family law boutique, McShane, Davis & Hance, since 1993. McShane himself practices family law in addition to criminal law, and he also handles professional license discipline matters.

“There is an Italian expression—*la dolce far niente*—for ‘the sweet doing of nothing.’ I love doing nothing,” he says in a Texas accent that makes up in melody for what it lacks in twang. “I’ve found that doing nothing and meditating—just being—enhances my actual doing at many different levels. It gives me more physical energy, it makes me more creative and resilient, and it renews me. And you don’t have to be sitting still in order to just be. Snuggling with my grandson is also being.”

Hardly the musings of your garden-variety trial lawyer, especially one as successful as McShane, who, at 56, is a well-known

presence on the Texas legal scene. Still, it took some time for him to get where he is today. For many years now, since taking his life back from the twin agonies of alcoholism and what he refers to as “a whole lot of pathology,” he has assiduously cultivated self-knowledge.

In a way, McShane’s experiences—emotional, intellectual and



John McShane

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spiritual—have uniquely prepared him for this time in his life, when his personal agenda is wrapped around a central theme. Here’s his message: “I want lawyers to know that it is possible to have a joyful, meaningful law practice, and that

there isn't another activity around that offers more opportunity for both personal growth and making a difference in other people's lives."

In 30 years of practicing in Texas courtrooms, McShane has handled many exhibits, but these days he himself is exhibit No. 1 in a case he's taking to what could be the toughest "jury" of his career—his peers.

What McShane has done, and what he has been teaching other lawyers to do, is to view law practice as a living laboratory for self-exploration and renewal, a constantly expanding field of opportunity. It's a chance to form meaningful relationships, laugh, learn and grow. But not until a certain hurdle is overcome.

"The thing is, we're great at fighting and negotiating for our clients," he says. "But we often misuse our boldness and don't use it to claim full and rich lives for ourselves. We can be timid souls when it comes to doing that."

McShane is not naïve. He's been through too much for too long

Nothing happens in which he can't find blessings, usually enough to counterbalance much of whatever damage may have been done. "I just lost a criminal case, and it hurt," he says. "I litigated it with great passion and conviction because the client is someone I care deeply about. But I've already found lots of benefits in the loss. Probably the most important one is that even though we lost, I know for certain that by bringing an ethic of care and a healing orientation to the case, I have made a difference in the client's life regardless of the legal outcome."

This kind of big-picture, holistic thinking characterizes McShane's approach to law practice and accounts for much of the rich meaning he extracts from it.

"He's a great detail man and a great big-picture man," says Dee Miller, a Dallas Family Court judge before whom McShane has appeared dozens of times over the years. "He's a visionary and an idealist who is also extremely thorough in exploring all the possibili-

ties of settlement and mediation."

talk of such things will cause a certain number of eyebrows to arch. "People will say, 'My God, why would a client hire someone with this touchy-feely approach to the law?' " he says. "The answer is, it makes sense. It resonates with that deep universal need for healing."

'A Whole Different Level'

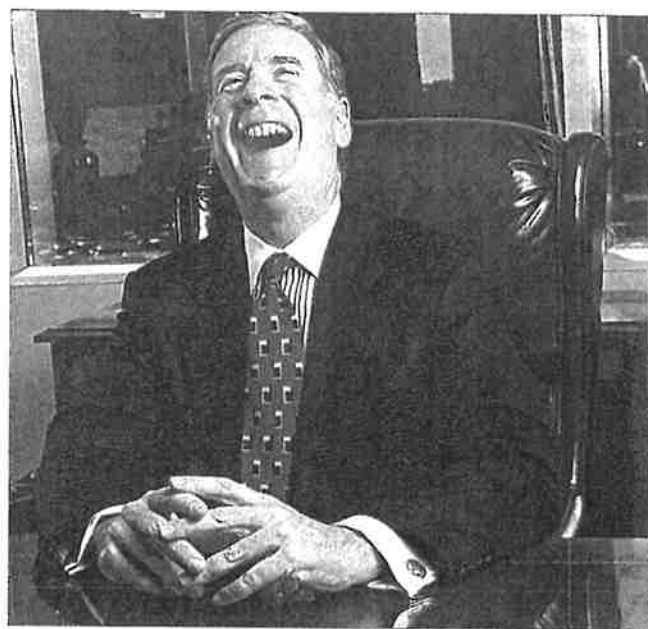
Garry Weber, an investor and former Dallas County judge and city councilman, puts it this way: "John simply operates on a whole different level than other lawyers I've been involved with." McShane counseled him on legal and personal issues during a lengthy and emotionally wrenching arbitration that ended last year. "Just knowing him saved me," Weber says.

Practicing the way he does, says McShane, also makes sense in another way. "People may be surprised, but you can do this kind of work, be a healer, do a great deal of good, *and* be financially successful," he says. His hourly rate is as high as any attorney's in Dallas.

He is a sought-after speaker



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to gloss over the very real challenges to heart and soul posed by law practice today. But he's learned how to make his professional life into something that so many others have despaired of ever finding, and he's not shy about discussing it.

Whether the client is a fabulously wealthy oil tycoon or a destitute felon, McShane sees a healing approach as the one best suited to serving the interests of everyone concerned. He realizes that any

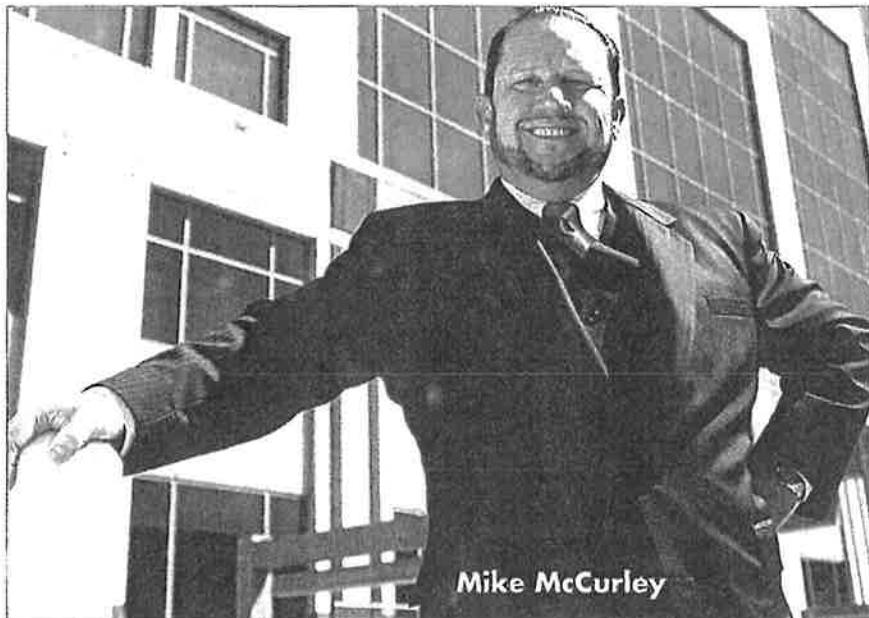
and coach to other lawyers. Bruce Winnick, a professor at the University of Miami School of Law who recently had McShane out to speak to that school's student body, calls him "a spellbinding speaker with an important message for all law

students and lawyers." A crucial part of that message is that we can change the world by changing the way law is taught and practiced.

"I think that one of the reasons I have such passion for helping other lawyers is that in my early years I went through a lot of pain and doubt—a dark night of the soul in the practice of law," McShane says. "At that time, I thought there was something fundamentally

control and he'd been sued for disbarment. Phone service had been cut off to his office because he couldn't pay the bill, and the IRS had locked the door because of non-payment of taxes. His family life was a shambles, and it wasn't uncommon for him simply to disappear for days at a time.

He had been a lawyer for 10 years, and although he had tasted some success—most notably in a



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wrong with me, that I wasn't adjusting to the practice of law the way most people did.

"Today I find I was not unique," he says. "As more and more lawyers confide in me, I recognize the universality of that pain. My message is that you can get your practice to a place that is rich and rewarding and you don't have to go through years of struggle if you have the proper guides and role models."

Deborah Slye Miller, a Dallas family lawyer and coaching client of McShane's, finds him to be such a role model. "I do not have an encounter with a judge, opposing attorney or client that is not influenced by John McShane," she says.

From Outlaw to Warrior

In December 1976, McShane found himself at the bottom of a pit—professionally, emotionally and spiritually. His drinking was out of

control as counsel to the General Investigating Committee of the Texas House of Representatives—his demons had come to rule the day.

On Dec. 13, he packed his bags with booze, prescription drugs and a gun, and checked into a hotel, planning to leave in a body bag.

Instead, his drunkenness and misery lifted, opening into what McShane calls "a lucid interval." "Suddenly," he says, "it just became clear to me that there was some reason I was supposed to stay alive.

"I was bankrupt in every way. I had no resources. There were no groups then for people like me, no Lawyers Concerned for Lawyers or anything like that. But I decided right then that I would commit myself to turning my life around. I would become the best husband, father, the best lawyer, the best person I could be." He got into recovery later that day and has been sober for more than 23 years.

Not long after the incident in the hotel room, someone handed McShane a pamphlet at a meeting in Dallas. It read, "Let God be your senior partner." Feeling certain that a higher power of some kind had intervened in his suicide plans and put him on the road to recovery, he took the suggestion to heart.

"I decided to see what it would be like if I made this higher power the senior partner in my law practice," he recalls. "I decided I would just do what I could do on the human level every day, and turn the rest over to my higher power. Then, I figured, all I'd have to do was keep my head down and do the next right thing. Then the next."

Daily Rededication

And so he did, rededicating himself on a daily basis to his new partnership. Then, he watched in amazement as miracles began to happen. "For example, when I first sobered up, I had that suit for disbarment pending," he says. "I was penniless and the only lawyer who would defend me was a mentally ill person. In fact, he later committed a murder.

"But he, too, had a lucid interval on the day he argued my case before the state bar. On that day, there was never a better lawyer in Texas. His life intersected with mine at his finest hour."

During the next decade or so, McShane collected an impressive string of "merit badges," as he calls them—honors and distinctions that boosted his profile in the state and local bar. He co-founded Lawyers Concerned for Lawyers to serve the needs of his impaired colleagues, and he developed a novel treatment/rehabilitation-based defense for drunk driving that put him in the national media spotlight.

Meanwhile, his law practice grew, and in an extraordinary reversal of fortune he was elected chairman of the State Bar District Six Grievance Committee, the very body that had sought his disbarment years earlier.

McShane refers to this period as his warrior years. Seeing himself as a crusader for good, he became a student of the role of conflict in people's lives—helping clients cultivate an awareness of the blessings it can hold, and its potential for transforming their lives. But being

a warrior, he also fought aggressively to smite the forces that he saw as inimical to his clients' best interests.

It was late in this period of McShane's career that *D* magazine profiled him in a piece on Dallas' top family lawyers. "Apparently there is more than one John McShane," the article began, going on to contrast his two sides: From the client's viewpoint he was "the passionate, spiritual risk-taker and a champion of the underdog"; from the opposing attorney's viewpoint he was "overbearing, self-righteous, and much too confrontational."

"During my warrior years, I could be as aggressive as any lawyer there is," he now says, adding that he often behaved that way because many of his clients had handicaps such as alcoholism or depression to overcome.

Barbara Clark was one such client, an alcoholic who drank her vodka straight from the bottle. McShane represented Clark in her high-stakes, high-profile divorce.

She says she prized his willingness to stand by her and to act as a reality check. "He didn't spend time stroking my ego; he did whatever was necessary to help me out," she says. "I went into treatment four times, and McShane stuck with me through all of them. I was so needy, and he gave me support and affirmation."

Now that she has become a lawyer herself—a development she credits in large measure to McShane's influence—she says she appreciates him even more.

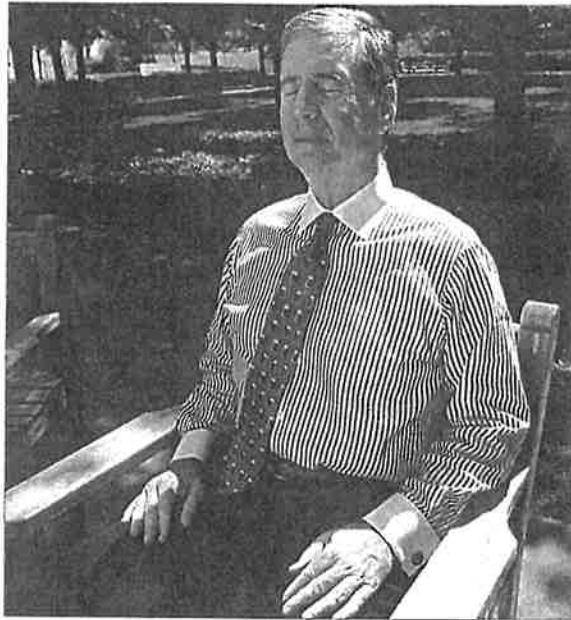
T. Boone Pickens, the Texas oil magnate who is CEO of Mesa Petroleum, has, in his time, engaged the services of whole armies of lawyers. But, to him, McShane stands apart—as a man and as a lawyer.

"He's good, I'm not kidding you," Pickens says. "He just has this special dimension. He has a feel for people and great compassion for his clients, in addition to tremendous credibility with other lawyers."

Pickens recalls the many late-night sessions at McShane's office during the two years it took to settle his divorce. With the tension approaching the breaking point, they would sit and chat about what to do

next. "He'd just let me talk it out, then he'd ask, 'Do you really think that's a good idea?' And I'd say no. Then we'd laugh. In fact, we had lots of laughs. John has a real way of helping to relieve the pressure.

"When people ask what I think of John McShane, I say you can't do any better than him," Pickens says. "And when they ask why, I tell them he's as good as it gets in family law. But more than that, so



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many more things come with McShane than just the legal stuff."

Another celebrity client who says McShane changed her life is the Emmy Award-winning journalist Paula McClure. Her first contact with McShane was when he handled her divorce 15 years ago.

He Can 'Pull You Through'

"He looks at law in such a different way than most lawyers, and I've interviewed countless lawyers over the years," she says. "He sees it as his way to minister to people who need help. He's a person who can get through all the legal jargon and red tape, and cut right through everything to your heart and soul and pull you through."

McClure was so impressed with McShane that she hired him to represent her in contract talks when the syndicated television show *Entertainment Tonight* hired her as host. "I went on to do five national TV shows thanks to John," she says.

The lawyer on the other side in both the Clark and Pickens cases is the man McShane describes as his all-time fiercest opponent. Mike McCurley, perhaps the best-known divorce lawyer in Texas, has opposed McShane in many cases over the years.

Unlike Clark, he's seen McShane in less commendable moments. McCurley, who calls himself "one of those take-no-prisoners types," recalls an evening years ago in McShane's office after a day in which they'd slugged it out in court. McShane was angry at McCurley and became judgmental and confrontational.

"All the stuff he teaches us—be kind to your neighbor and all the rest—went out the window," McCurley recalls.

That night, McCurley played against type, refusing to respond in kind. Instead, he went into McShane's outer office and took a copy of "The Winning Attitude," an article McShane had written for *Corpus Christi Lawyer* and made available to clients.

McShane recalls the rest. "When I left the office later on I noticed this article on our conference room table. I

picked it up and saw that various lines had been highlighted." He smiles at the memory's poignance. "It was all the stuff that I tell other people to do that I hadn't done that night." McCurley had made his point.

Although he's quick to mention that McShane is not a saint, the last impression McCurley wants to leave is that he's just another hard-nosed lawyer. "Even when we've had these firefights, and we have over the years, we still laugh a lot together," he says. "There is no other opponent quite like John McShane, none that compares to him.

"Unlike so many people who have reached the pinnacle of their profession—and he obviously has—he is constantly working to improve himself. He's truly a master at what he does, he cares about people and tries to make their lives better, and he tries to make our profession better, but he is always learning about what he does. I've learned to

be a better man from John McShane."

Claiming the Vision

In the late 1990s, after 20 years in warrior mode, McShane became aware that his passion for practicing law had begun to wane. Feeling the need to reinvent himself yet again, he set off for Africa with Richard Leider, a friend and mentor who also happens to be the author of several books on mid-life renewal.

"It was a chance for me to live in the big questions of life, to get in touch with my core values and re-examine what really mattered most," he recalls. He came back, he says, both renewed and with a deep reverence for life—specifically his own life—and a commitment to living as fully as possible every day.

At first, this intention was all he had because he was unsure of what form his commitment would take. "But the power of intention just kind of kicked in, and coaching

lawyers became the next step on my journey," he says.

To become a certified professional coach—one dedicated to helping other lawyers—McShane took a course at the Hudson Institute in Santa Barbara, Calif., where Frederic Hudson, the institute's founder, had a profound effect on him. "He is a great proponent of continuous learning," McShane says. "And being at the institute ignited in me a much larger passion for learning everything I could learn.

"The legal profession is really a knowing culture, not a learning culture, as it should be. Everyone feels under such great pressure to know. I tell lawyers that they should adopt the Zen posture of beginner's mind." McShane did so himself, reading "everything even remotely to do with how to live and practice law with joy and meaning and passion."

The writer who has influenced McShane most in this regard is Dr.

Wayne Dyer. But he also credits Gary Zukav, through his best-selling book *The Seat of the Soul*, with introducing him to the concept of nonjudgmental justice, which, for McShane, has meant learning to practice law without judgment and with compassion for his opponents. "It was an epiphanous experience," he says.

What he realized was that in practicing law as a warrior for good, he had become somewhat self-righteous, judging both the opposition and even his own clients according to some abstract notion of goodness. "I was able to reinvent myself as a more compassionate healer/lawyer/coach and agent of change by first working on healing myself, then radiating that out into the world in my law practice and my life. And healing that part of me—the part that judges others, that sits in judgment of 'the bad people' and so forth—was a real important part of it."

What came from all of this is something rather like a recipe for finding joy in the practice of law. Hewing to this hard-won approach with great devotion, McShane systematically tends to both the microcosm—his own inner landscape and the effect it has on his family, his law practice and his clients' need for care and healing—and the macrocosm—the legal profession as a whole.

He meditates, exercises, practices yoga and performs a personal gratitude ritual every day—all ways of grounding himself, tending to his need for balance and clarity, and focusing his energy and intention.

Tending to the Macrocosm

And he speaks to lawyer groups around the country, explaining how he's found a rich sense of meaning in his law practice and has managed to dramatically reduce stress in his life. Among other legal systemic changes he is involved with, he is spearheading the effort to bring collaborative divorce—a noncombative model in which parties forswear going to court—to Texas.

McShane doesn't have a lot of patience for talk about law practice's good old days, back when lawyers would pick up the phone and call each other rather than reflexively launch fusillades of paper. It's not that he thinks such talk roman-

Coach's Corner

Over the years, John McShane has developed a system for bringing more health, balance and fulfillment to the way law is practiced. He uses it in coaching lawyers on achieving joy and finding meaning in their practices. Here are the key elements:

Clarify. Identify your core values. Reading, writing in a journal, meditating and coaching can inform and enhance this process. Resist judging your values as right or wrong. Priorities change over time—money, recognition, family or spirituality could each be paramount at different life stages.

Visualize. Develop a vision of law practice that is congruent with your core values. It becomes the lens through which options can be evaluated. The vision identifies the type of work you intend to do and for whom, and, most important, your purpose.

Plan. Write a plan for realization of the vision. Divide it into subparts, with deadlines for completion. It is a road map for achieving your goals. Revisit and refine it as circumstances change.

Act. Boldly work your plan. In the words of Goethe, "Boldness has genius, power and magic in it." Build

in accountability through progress reports to mentors, coaches or trusted friends. Even small steps in the right direction often produce dramatic results.

Overcome Resistance. You will inevitably encounter obstacles in the form of internal resistance (fear, self-doubt) and external resistance (colleagues, critics). Identify helpful resources such as spiritual practices, support groups or new skills, and use them aggressively to push through the resistance. Fight for yourself with the same zeal with which you fight for clients.

Negotiate. Sometimes it is not possible or appropriate to "overcome" resistance, especially when it comes from personal or professional systems (family, law partners, clients, judges). Negotiation can result in workable compromises. (McShane once persuaded a busy judge to allow him regular meditation time during a lengthy trial.)

Picture the Benefits. Commitment to the vision will wane in the face of resistance unless a compelling picture of the transformed law practice is maintained. List the benefits and keep the list close. Refer to it during periods of fear, doubt or criticism so you will continue to advocate for your dreams.

ticizes the past; it's just that he can't see any reason not to claim that vision as your own, if you believe working that way would make you happy. And so now, for example, he makes it his business whenever possible to share human moments with opposing counsel—

whatever it may take to bring that about.

"So much of what's wrong in the profession comes from the fact that lawyers don't know each other as people," he says. "It's so easy to be nasty to someone you don't know; it's much harder once you've seen

pictures of his grandchildren and talked about what matters to you."

Most lawyers, McShane says, tend to see the practice of law as, at best, a limited feast. He sees it differently. "I intend to claim the whole enchilada," he says. His blue eyes are beaming. ■