

CHICAGO LAWYER

INSIDE OUT

Uncertainty is unavoidable. When it hits – a headache, chills, momentary confusion possibly followed by anxiety – it is the body's biological feedback telling someone they are about to engage in a cerebral and emotional process.

THE PROCESS OF UNCERTAINTY

Martini: Uncertainty may come from a self-inflicted decision or arrive unexpectedly due to a mistake, accident or natural occurrence. It is crucial to develop mental skills to navigate uncertainty. Mastering this process helps people to be ready to respond – after the judge denies a motion; advise business leaders how to address a crisis; or move to another firm or company.

Susler: Lawyers don't practice law in a vacuum. What happens in the world in real time affects jobs, careers, employers and clients.

Uncertainty is guaranteed to present itself when working with clients, businesses, organizations, the government and other attorneys. In other words, stuff happens, but attorneys can be ready.

YOU WILL FIGURE IT OUT

Martini: Lawyers tend to think of uncertainty as a negative, but it is value-neutral. A simple shift in perspective can lead to seeing uncertainty as a growth opportunity.

There is plenty of professional and personal development stemming from the momentum people build in uncertain situations. Growth happens by embracing uncertainty, wading through the journey and reaching the destination.

Start with adopting an open mindset and taking a big-picture approach. Accept that uncertainty is unavoidable; it will occur despite best laid plans. Strength lies in the ability to respond. Do contingency planning, which will help lawyers get comfortable outside their comfort zone. Flex muscles of patience, perseverance, grit, honesty, self-awareness and discipline. Attorneys may do all this and still lack complete confidence in the outcome, but they can address the issue with a focus and confidence to make the best recommendations possible.

In-person communication is key. Minimize the use of email and text messages. Too much gets lost and misinterpreted in written words. Attorneys should meet in-person or via video



NAVIGATING UNCERTAINTY

Finding growth while working toward clarity

BY TINA MARTINI & DAVID SUSLER

conferencing with clients or colleagues to see their reaction and hear the tone in their voices.

Start with a positive statement that a solution will be found, because it will. Ask questions to find missing context on the issues. Perhaps an attorney has answers that immediately provide initial relief or maybe they need to process the information to ignite the right side of their brain. Also set a timeline for the next communication because it offers some immediate certainty. Then use the information from the in-person meeting to pause, critically think and divide the issue into smaller pieces to see the entire puzzle and identify the solutions.

Susler: When the sting of uncertainty strikes, stop and take a few deep breaths. They will help clear the mind so action can be taken. Navigating uncertainty has stages as people advance through the initial shock. They gather information to develop an action plan. This helps an attorney prepare for what to do when uncertainty appears.

Whether an attorney is in-house or outside counsel, they are closer to the goal of providing options to navigate the potential scenarios of uncertainty. There might not be a single definitive answer, but there are paths to pursue. Maybe the "legal" answer is clear but also not the best solution as multiple years in litigation does not provide the immediate resolution you need, so alternative resolutions should be strongly considered.

UNCERTAINTY IS A TEACHER

Martini: Prolonged uncertainty can present risk for career longevity and mental health. Uncertainty has a way of teaching attorneys that a strong foundation can prevent a spiral.

Maybe there are lawyers who do not get anxious about uncertainty. They compartmentalize matters in a way that keeps their emotions firewalled so they can continue to perform in the face of uncertainty.

Susler: Lawyers learn more when things go wrong than when things go right. Once the initial emergency has passed, do a root-cause analysis.

With experience and practice, uncertainty can lead to beneficial outcomes. Attorneys will know how to navigate more environments and situations. It may take them out of a box they didn't even know existed and they will be stronger next time. That is certain. [CL](#)

Christina L. Martini is a practicing attorney, author and columnist. She is a partner and the global co-chair of the intellectual property practice at Dechert LLP. She focuses on domestic and international trademark, copyright, domain name, internet, advertising and unfair competition law.

Martini's husband, **David G. Susler**, is general counsel with National Material L.P., a manufacturing company primarily engaged in steel processing and aluminum extrusion. He has a general practice, providing advice, counseling and training to all business sectors and operation. To submit a question, e-mail questions.insideout@gmail.com