

“WRAP”

Your Mind Around Legal Solutions

BY MARK LEWIS AND MARK KITRICK

The Heath brothers — those prolific scientist-authors whose handy advice helps us live well — have authored many books on problem solving. In “Decisive: How to Make Better Choices in Life and Work”, they help us synthesize and apply years of robust research to improve our decision-making in both law and life.

As always for the Heath brothers, an acronym focuses their teaching on how to make better decisions: **“WRAP”**

1. Widen Your Options

Investigate the full range of choices available to you. Do not accept the problem’s frame as it first appears. Re-frame it. Ask others, including both lay people and experts who have faced the same or similar choices. Read and research the problem as well. Above all, do not hurry your decision. Time allows for conscious and subconscious cogitation that will lead you to additional options. As a result, your choices will be more comprehensive and beneficial.

2. REALITY-TEST Your Assumptions

Do not seek to confirm what you already know (or assume you know). Rather, attempt to falsify what you know. Look for contrary evidence. It is not an easy task. So, again, ask for outside opinions, taking special note of those who disagree with your initial leanings or those who advise you to ask further questions. Listen. Be wary of anyone who confirms the direction in which you may already lean. These steps help avoid self-serving and confirmation biases that afflict us all.

3. ATTAIN Distance Before Deciding

Again, take your time to allow initial short-term emotions and thinking to subside and recalibrate. Wait, in other words, before making your decision. It is a physiological fact that your vision and thinking narrow when the stress and immediacy of a problem confront you. This is true no matter how cool under pressure you think you may be; this is your anatomy responding to millions of years of evolutionary training. Walk away, sleep on it and - most importantly - write out and study your long-term goals and values to ensure that you take them into account.



4. PREPARE To Be Wrong

Accept fallibility to advance the objective of avoiding future obstacles and pitfalls. Be ready for bad outcomes. Remain humble. Be especially careful not to over-identify with the decision. We all must make ambiguous choices based on incomplete information. We never have all the information. So, we will get it wrong - a lot. Remember our fallibility. Only then can we hope to lessen the cognitive dissonance that prevents us from recovering and learning from our mistakes.

As helpful as these framing devices are for everyday life, they can be even more useful to lawyers in their day-to-day practices. How might we apply WRAP to our legal cases and problems?

1. Widen Your Options

Don’t simply accept the way you’ve framed similar legal problems in the past, or the way the law has treated past similar cases. Treat the legal choice

facing you and your client as *novel*. See it with a beginner’s mind: a mind open to questions about the nature of the problem itself. This does not mean you disregard the settled law on the issue, but rather that you consider *non*-legal options too. How to do this? Ask a non-lawyer how they might frame the issue. Ask an intelligent 12-year-old what they think. Seek the opinion of a colleague unfamiliar with the specific area of law. In other words, don’t rely solely on your own conception of the problem.

2. REALITY-TEST Your Assumptions

Whatever you initially think about the problem and the solution, you should doubt it. Scrutinize the basic assumptions that guide your approach. Again, this does not countenance or propose some disregard for the law, or disrespect for settled legal procedures. It urges instead complimenting the “standard” lawyerly approach to decisions with questions for non-legal experts. Ask for opinions *outside* the legal system. Seek opinions that disagree with your or your client’s approach or suggested solution. This is formidable for us lawyers, trained as we are in the art of advocacy (otherwise known as the “art of confirming our biases through selective evidence”). But we should always put our assumptions on trial for their life! Request to hear and then actively listen to the weakness of your position.

“Ask for opinions outside the legal system. Seek opinions that disagree with your or your client’s approach or suggested solution. This is formidable for us lawyers, trained as we are in the art of advocacy.”

3. ATTAIN Distance Before Deciding

Wait as long as you reasonably can to make legal decisions, unless you truly face a “legal emergency.” Generally, the legal system moves slowly for many reasons – some of them less rational than others. But one salient reason for the seemingly snail-like momentum of many legal outcomes remains instructive: we tend to get it right when we slow it down, let the emotional dust settle and consider all solutions with more objectivity and dispassion. Yet, we can still be wrong more often than we want to admit, which brings us to...

4. PREPARE To Be Wrong

Focus here on “prepare.” As we say, invite dissent and try to forecast the consequences of wrong choices as early as possible. This “pre-mortem” analysis helps widen frames of reference for the legal problems and allows different solutions to develop. It is also an important reminder of an inescapable reality: unpredictability and uncertainty endure as features of legal life, despite our best efforts. Accepting unwanted outcomes that inevitably result from the sometimes random and uncertain legal world will strengthen our decision-making and resiliency in law practice. A mindset that accepts, as opposed to fears, mistakes will promote better decisions. Few, if any, truly good legal decisions are made from a fear of being wrong.

If we employ these “WRAP” techniques, we are bound to make better decisions both in life and in law.

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Adam Fried
Practice Group Co-Chair
afried@reminger.com
216.430.2193



Franklin Malemud
Practice Group Co-Chair
fmalemud@reminger.com
216.430.2225



Adriann McGee
Partner
amcgee@reminger.com
614.232.2442

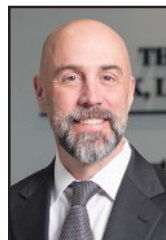
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Mark Lewis, Esq.
Kitrick, Lewis, & Harris, Co., LPA
mlewis@klhlaw.com

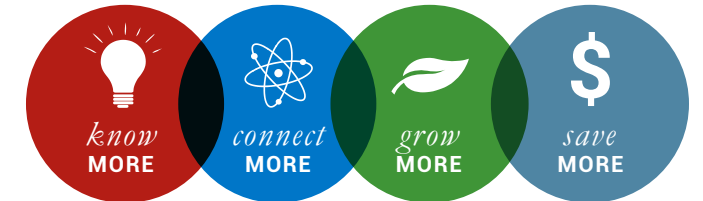


Mark Kitrick, Esq.
Kitrick, Lewis, & Harris, Co., LPA
mkitrick@kitricklaw.com



COLUMBUS BAR ASSOCIATION RESOURCES

The Columbus Bar has something to offer almost everyone in central Ohio—from members of the public seeking assistance to attorneys and paralegals and other legal professionals.



FOR THE PUBLIC

HELP FINDING A LAWYER

- Lawyer Referral Service
- Directory: search by practice area
- Columbus Find a Lawyer website

NOTARY PUBLIC SERVICES

- Required education courses
- Background checks
- Stamps and supplies
- Notary E&O insurance

INFORMATION ABOUT THE JUDICIARY

- Judicial polls: Performance Poll of sitting judges, Preference Poll of judicial candidates
- Judge the Candidates website for bios of judicial candidates
- Judiciary committee findings

FREE LEGAL ASSISTANCE

- Ask the Attorney weekly call-in show
- Online resources including a listing of free legal clinics; information about the Municipal Court self help center; legal information and glossary on the Columbus Find a Lawyer website

ATTORNEY ETHICS

- Staff available to answer questions about attorney ethics
- Handling of complaints about lawyers

CONFERENCE CENTER

- Access to affordable space for meetings and events

PROBATE BONDS

- Probate bond execution for estates and guardianships

FOR THE CENTRAL OHIO LEGAL COMMUNITY

MEMBERSHIP

- One year free membership for new lawyers (who attend the reception)
- Free membership for law students
- Free legal research (Fastcase)
- A wealth of member discounts from courier services to payroll processing

EDUCATION

- High quality CLE: live, video, webcasts, online
- Discount on CLE for members and access to CLE Easy Pass
- 12 hours of free New Lawyer Training for new lawyers
- 2.5 hours of free professional conduct CLE for sustaining members

NETWORKING

- 24 practice area specific committees plus a variety of professional development and board-appointed committees
- Committees & Cocktails: free monthly networking event for members
- A variety of special events throughout the year, from happy hours and the golf outing to Constitutional Conversations and author visits
- Online communities

PUBLICATIONS

- Directory – attorneys, paralegals, expert witnesses, mediators, and more
- Columbus Bar Lawyers Quarterly
- Legal Connections page in Business First
- E-newsletter
- Guide to Ohio Courts – online resource with links to court rules/judge profiles

CAREER/CLIENT DEVELOPMENT AND LEADERSHIP OPPORTUNITIES

- Dawson Legal placement services; career center with job postings
- Client development: LRS, directory (fields of practice and firm listings), Find a Lawyer website
- Opportunity to write for CBA publications
- Barrister Leadership Program
- Columbus Bar incubator program

PRACTICE MANAGEMENT RESOURCES

- Practice Management Center: videos, checklists, articles, monthly webinars
- Learning Library video collection on a variety of legal topics
- Central Ohio Docs automated forms
- Real estate forms

INSURANCE

- Health, dental, vision, Medicare assistance, life, disability
- Professional liability insurance
- BOP (business owner policies)
- Probate bonds

DIVERSITY

- Managing Partners' Diversity Initiative
- Minority Clerkship Program
- Annual MLK program
- Dedicated staff person for programming
- Affinity bar relations

ADDITIONAL RESOURCES

- Ethics
- Admissions
- Columbus Bar Interpreting Services
- Conference Center
- Notary Public
- Advance Succession Registry
- CBA Realty