

The Monkey and the Moldy Peanuts



WSBA President
Steven G. Toole

Embracing Change in a Changing Profession

Deep in the jungles of South America, an old tribesman wanted to trap a monkey. Monkeys were very difficult to trap and as such, monkey meat was greatly prized by the villagers. The hunter dug a small hole in the trunk of a large tree and he placed three fresh peanuts in the small hole, hoping to lure a monkey with the aroma of the peanuts. A monkey smelled the peanuts, reached his open hand in and grabbed the peanuts, closing his fist around them. Now the monkey was trapped because the hole was too small for the monkey to pull his hand out while holding the peanuts in a fist. The hunter watched in amazement as the monkey twisted and grappled, yanking his arm, frantically trying to get free, yet refusing to let go of the peanuts.

The hunter got caught up in the intrigue of the monkey's dilemma and decided not to kill the monkey right away. He decided to see just how stubborn the monkey could be. The day wore on and the monkey continued to struggle, apparently never once considering releasing the fistful of peanuts. Alas, nightfall was coming and the hunter had to return to his tribe before it got dark. The next day, the hunter checked on the monkey. The monkey was still at the tree, yelling and screeching, but refusing to let go of the peanuts. The hunter placed a pile of fresh peanuts just out of reach of the monkey. The monkey jumped up and down, strained and yelled trying to reach the new pile of peanuts. But no matter how hard

he tried and how much he screamed, still he re-

fused to let go of the peanuts in his grasp and, without doing so, he could not get his hand out of the hole in the tree.

The hunter, who initially wanted to kill the monkey for food, now felt sorry for the monkey and for several days dreamed of ways to free the monkey from his trap. He could not just go up to the monkey and pull him out, as the monkey would feel threatened and would bite and scratch and claw at him, causing great injury to the hunter. He hoped that the monkey might fall asleep and unwittingly free himself. But each day, the monkey was still there.

A few days later, the hunter returned to the clearing to find the monkey, tired and defeated, still locked on to the peanuts in the tree, which by now had become moldy from the humidity of the jungle and the heat and sweat in the monkey's closed hand. The monkey had become gaunt and the hunter could see him deteriorating physically. The monkey looked at the hunter with despondent resignation, but never once did the monkey seem to consider the possibility of releasing the now-moldy peanuts.

The hunter walked a few paces out of the monkey's reach and opened a basket he had prepared that morning. It was a virtual feast, steaming dishes of rice, meat, fruit, and water. The hunter laid it all out on the forest floor like a holiday banquet. The monkey watched with rapt attention. It was plain that the monkey was very hungry and thirsty and wanted nothing more than to dive into the feast, except he refused to release his moldy peanuts, even for an instant. The monkey whined a high-pitched mewling of misery but nothing about the feast could convince the monkey to release the peanuts. It was as if the monkey had forgotten why or what he was holding within the tree trunk, but he remained committed nonetheless.

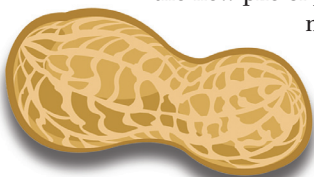
Several days later, the hunter once again



©ISTOCKPHOTO.COM/IRONNIESAMPSON

passed by the monkey trap, hoping somehow the monkey had freed himself. He was saddened to find the lifeless body of the monkey lying next to the tree, his hand finally freed from the enslaving hole. Next to his open hand lay three moldy peanuts.

As in all fables, this one has lessons from which everyone can learn. Over the years, I have come to realize that some of the *moldy* peanuts that so many of us are unwilling to let go of is the belief that *change* is something to fear. We hold on so tightly to what we have that we don't consider, or sometimes even see, other options that are available to us. For instance, it doesn't matter how unhappy or unfulfilled we are in our present job; we settle for getting a paycheck. We have adjusted our lives so that we can put up with the job and get by. To make a change, either by getting a new job or starting our own practice, has so many uncertainties that we are afraid to take that next step. We would rather have the *moldy*



To survive, many attorneys will have to tighten their belts, get creative, and show great courage. It would be easy to fear change and throw in the towel or accept a less-than-satisfying job just so that you can barely get by. Of course, this assumes that there are viable alternatives.

peanuts that at least are a sure thing than take the chance of reaching for life's bounty. We are convinced we will miss and end up empty-handed.


This is apropos to the current economic climate. The practice of law is changing and, in some respects, changing dramatically. Law firms are downsizing or even dissolving. Attorneys who have been practicing law for years in these firms are now faced with the reality of having to change the way they have been accustomed to practicing and cut back on their hours or even take the big step of starting their own practices. Many attorneys might have to consider doing contract work. Newly licensed attorneys are not able to find salaried associate positions and must put up their own shingle, without the benefit of a close mentor and often without the financial ability to cover operating expenses and service large student loans. To survive, many attorneys will have to tighten their belts, get creative, and show great courage. It would be easy to fear change and throw in the towel or accept a less-than-satisfying job just so that you can barely get by. Of course, this assumes that there are viable alternatives.

I don't have any magic answers for anyone, other than to say in my experience, creativity is at its peak when one is excited and upbeat, not when one is depressed and focusing inward. Looking at the glass as half-full as opposed to half-empty is the starting point. This gets us back to those *moldy* peanuts. If we let our *fear of change* control us and we continue to hang onto those *moldy* peanuts, we will be unwilling and unable to see the opportunities that exist. These are the opportunities that take creative thinking and that often require us to look *outside the box*.

The leadership of the Washington State Bar Association is well aware of the horrible economy, the changing practice of law, and the great dissatisfaction with life and career that so many of our members are going through at this time. As Executive Director Paula Littlewood outlined in her November *Bar News* column, the Board of Governors has adopted a strategic goal for 2011–2013 that tries to address these concerns: "The WSBA should use existing programs, and should implement new programs, to improve our members' level of satisfaction with their lives

and with the practice of law." In addressing this dissatisfaction, we must consider not only limited financial opportunities, but also limited, or perceived limited, opportunities to serve and give back to our communities. To help achieve this goal, the WSBA is going to focus on enhancing the culture of service within the WSBA membership; providing more assistance to lawyers with the business side of practicing law; providing more assistance to lawyers in avoiding or dealing with the stress of practicing law; and conducting a detailed study of the composition of the legal profession in Washington and retention rates within our profession.

In last month's *Bar News*, Executive Director Littlewood described several of the programs and projects that already exist or are underway, such as the Moderate Means Program, the Contract Attorney Panel, the Lawyers Assistance Program (LAP), and the Law Office Management Assistance Program (LOMAP). Another program she briefly referenced was iCivics. This is a nationwide program. We are teaming with local educators and under the state leadership of Supreme Court Justice Mary Fairhurst and Margaret Fisher, we are going to bring the iCivics online interactive games to middle schoolers throughout the state. The Washington State Bar Association's role will be to recruit and train our members to join with the teachers and go into the classrooms and lead the students in the online games that are designed to teach the middle schoolers about the Rule of Law, the workings of the U.S. Supreme Court, and other civics education that is now missing from our school curriculum. You will hear more about this later.

The efforts of the WSBA are not going to stave off the tides of change. Change is inevitable. The WSBA is hopeful that it can assist the lawyers who are dissatisfied with their lives and practices to address the changing times head-on and with support. It is my belief that we should embrace change; consider it our friend. Change is an opportunity and should be a source of excitement and hope. It is a guiding light steering us in the direction we need to next go in our life's journey. To resist change is nothing but settling; settling for less than who we are and who we can be. In considering your options, trust that you can let go of those *moldy* peanuts and not only survive, but thrive. 

WSBA President Steven G. Toole can be reached at steve-wsba@sctoolelaw.com or 425-455-1570.

COMMERCIAL LITIGATION

HALL ZANZIG CLAFLIN
MCEACHERN | TRIAL LAWYERS

Proud to support
the *King County Bar Foundation* and
the *Campaign for Equal Justice*.

1200 Fifth Avenue • Seattle, Washington 98101
206.292.5900 • www.hallzan.com