



For Women Staff of the State Public Defender's Office: Making a Living, Making a (Healthy) Life

By: **Larraine McNamara-McGraw***

In 1978, excited by my first pregnancy, I told my then-boss that I was pregnant. His response: "So, you won't be coming back to work then after the birth." What? Fired for being pregnant? And it was legal. I did the only thing I could imagine at the time: I went to law school. Motivated by issues of fairness and family, I've spent a lot of time thinking about how to have a healthy work-life balance especially in the context of being a woman practicing the Law. It's been more than 30 years since my first (of three) daughters was born so I'm familiar with the child rearing process many of you have experienced. I started as an ASPD and, these years later welcome the opportunity to share some of the activities I have pursued throughout my legal career.

I am a volunteer lawyer with WisLAP (Wisconsin Lawyers Assistance Program) and I agreed to write on the subject, generally, of Women and the Law: how can we live in health and succeed at our professional obligations at the same time? What I would like to offer you are some of the activities I have pursued that have helped me "stay on track" with the above, for the most part.

First, I suggest ten physical activities for staying healthy in these momentous times.

1. Walk in your neighborhood. We live in Wisconsin, so we have great places to walk. My home is in Milwaukee, on the Milwaukee River. Even in winter, I have a favorite walk that goes from my back yard, up to Capitol Avenue or down to North Avenue, and on around the river. It is a lovely route in any weather, and all it takes is an hour and a half. When I am alone, nature is my muse. Sometimes my friend Julia comes along and we catch up on girl talk. With or without a friend (or a child), walking is one of the best ways I know to feel at one with all that is.

2. If you have young children, enroll them in swimming lessons. My three daughters were living or born while I was an Assistant State Public Defender in Milwaukee. They went to the downtown YMCA daycare and that included the opportunity to take swimming lessons. There were other SPD kids there, one of whom was your own Nora Trinidad-Scholle, and she and my daughter Maud became friends and remain so

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today. One of the best things about being a mom (or dad) at swimming lessons was the chance to connect with other working parents. Even today I run into parents from back then-20+ years ago-who remember that we hung out at the window looking down on our kids learning how to swim.

3. Swim. Swimming isn't just for kids, though. I have been swimming all of my adult life, and I have been in the water with plenty of lawyers, including ASPDs. I am particularly grateful for the encouragement I got from a lifeguard at the Jewish Community Center ("the J") when it was on Prospect Avenue, in the 70s, before law school was a germinating idea. What was germinating was that this former "non-athlete" (my girls' high school had two sports: basketball and debating. I was too short for b-ball) had an athletic self seeking to be found. Swimming is the sport that found her. Need I add, number 2, above, might not have happened but for this?

4. Practice Yoga. In the eighties my friend Jan, a defense lawyer at a private law firm invited me to take a class in Hatha Yoga at Marquette University High School. I was in awe of our teacher. I remember vaguely that we did these strange movements that I parroted and performed "on faith." I can absolutely assure you that I did not have a clue what Yoga was supposed to do for me, and, after perhaps 9 months of going with Jan once a week, I dropped out. Today, Yoga is an essential part of my life. I totally *get* it, not just for the physical exercise, but for the overall healthful balance it provides me.

5. Ride your bike. The best thing about having a bike is that it is always there for you and doesn't demand much attention except to keep its gears and chains oiled and operating. In my adult life I have owned three bikes: a Gitane, a Raleigh and, today, a LeMond. The remarkable fact is that the LeMond is the first bike that actually fits me. It is the first bike I've owned actually made to fit a woman's size. I have always enjoyed riding and, having a great fitting bike has added pleasure I never thought existed. I expect to ride my bike right up to the time I pass on. Doing this with a child? Wonderful!

6. Run or jog. This is an activity not just for the young at heart, which I am, but also for the actually young, as it is a "high impact" activity. After I had decided to go to law school, I instituted a training regime that included running in my East Side neighborhood several times a week. Even in the late 70's, and even having grown up lacking sports-and Title IX- I understood that I needed to be physically fit as well as mentally fit to succeed at law school and law. I completed my first mini-triathlon last summer, the Chicagoland Danskin event for women. Participants were encouraged to run or walk the 3.2-mile run part of the course and I did a combination of both. I plan to participate again this summer. Feel free to join me!

7. ZUMBA! This is a recent phenomenon, a form of salsa dancing-cum-aerobic exercise that I have started taking at the J. I recognize at least one ASPD who takes it with me, Kathy, and she is really great at it. The thing I like about Zumba is that you *can* teach an old dog new tricks. This is especially important to me, since I do not do crossword puzzles and I do not want to get Alzheimer's. It takes mental acuity to learn the different beats and to learn them kinesthetically. It's also sexy—if not on me, on many of the *aficionadas* that I have the pleasure of dancing with.

8. Spin. Spinning is an exercise, like Zumba and Yoga that is best done by joining a class. Like all the class exercises I talk about, I do this at the J, and have done so for at least 8 years. I see plenty of lawyers coming in and out of spinning class. One of my long time friends from my 7:15 AM Wednesday class is Attorney Jim Collis. Jim is the reason I am on the WisLAP committee. One day about 5 or 6 years ago he told me that he was president of the committee and that he wanted to appoint me to it. Thanks to spinning, I am able to give something back to the State Bar by way of this volunteer work.

9. T'ai Chi. I first experienced T'ai Chi in the mid 70s when I was sitting in Lake Park on a lunch break with a late, great lawyer friend. It was one of those moments when you couldn't define it but you knew it when you saw it. T'ai chi seemed phantasmagorical. I started taking a class at the Riverwest Tai Chi center in about 1977. I recall seeing a great master, Al Huang, there. Like Yoga, I didn't "get" it until I went back to class several years ago taught by Robert Thoreau at Cardinal Stritch University. I finally learned the entire long form—and then, other things intervened, and I stopped. Returning to "playing" at T'ai Chi is on my "to do" list.

10. Core workouts. Core work has been a focus at the J for a few years now and they provide many opportunities for members to work at their core strength. Sometimes I do The BEAST (Basic Exercise and Strength Training); sometimes, when I am feeling courageous, I do a "boot camp" workout with Myron or Neila. It doesn't matter your age; it is never too late to build core strength. And, for women, this is a proven hedge against osteoporosis. I haven't (yet) tried Pilates, but I understand that it is great for core strengthening. Whatever the core workout, there is something for each one of us.

In order to stay healthy in life and in law, we need to pay attention to more than the physical. Mental and spiritual health are equally, if not more, important. Below are ten suggestions for exercising your mind and your spirit:

1. Recognize this truth: there is nothing wrong with you. That's right. In this "self help" world of "something's wrong with me and this (book, program) can help me fix it," know that there is nothing at all wrong with you and nothing to fix. I learned this several years ago, and I realize this truth now every day, all around me. I learned it from my first Zen teacher, Cheri Huber, whose marvelous works and books I discovered in several years ago. Wondrously, it follows that if there's nothing wrong with me, there's nothing wrong with you, either!

2. Distinguish working mind from thinking mind. One of my favorite authors is architect Sarah Susanka, whose latest book, *The Not So Big Life: Making Room for What Really Matters* has given me a practical blueprint for my own life. She describes this as follows: "...as soon as you find yourself planning how to cope with a situation or with an eventuality that might come about as a consequence of a projected sequence of events you are in 'thinking mind'—the mind that believes it is up to you to orchestrate reality. With working mind everything is much, much simpler because there's no planning, no projecting, and no imagining. It deals with only what is right in front of it to do. It's a whole lot easier and a whole lot less stressful (than thinking mind)..." p. 186.

3. Learn to say NO (because no, it doesn't all depend on you). As a young lawyer, married with kids, I assumed that of course, "I could do it all." Not only that, I believed I *had* to do it all. That meant burning the candle at both ends, and having this idea that I had to be "perfect." The crash didn't happen overnight, but it did over time. Giving this process a totally positive spin, I can say that I have learned a lot, and especially that "I," the ego that could do it all, is expendable and that saying no is a good thing to do. It frees me up for all the "yesses" that grace my life.

4. Practice being present. Wow! What does that mean? When I think back to my seven years spent daily in court as an ASPD, I can't believe how few details I actually can recall about individual clients and cases, or judges or juries, or colleagues or opposing counsel. I remember many events vaguely, but not so much in detail. I ruefully admit that this means I will never be a great lawyer-writer like Barack Obama, Scott Turow, or Bernhard Schlink. How have these great observers and writers done it? I believe they have the gift of being present in what they do. This is what my practice is now, and, one which I aim to do on a moment-to-moment

basis for the rest of my life.

5. Practice gratitude. Eschew pessimism! Even if you cannot get to optimism every day (heaven knows, there is much not to be optimistic about), stop verbalizing pessimistic thoughts, and say instead, to yourself, “I am grateful for all that is.” We are all facing tough times in this country for one reason or another. This is a global phenomenon that doesn’t appear to be ending anytime soon. I recall, as an ASPD, my own feelings of pessimism about our criminal justice system, and how frustrated I felt at not being able to DO all that I wished to for my clients. Well, pessimism never helped anything and figuring this out for yourself can be the start of something really positive in your life. You may not stop *thinking* pessimistic thoughts but deciding not to *verbalize* them can lead to a more positive daily journey.

6. “I am not that thought.” Following on number 5, above, have you noticed that all of the trouble we create for ourselves starts in our own heads? If you haven’t noticed this, start noticing it whenever you find yourself getting attached to a particular notion and then associating other thoughts with it. Sarah Susanka says that the challenge is to “metabolize experience.” P.201. As you become attached to a thought stream, take a moment to observe what happens. How do you feel as you attach to it? What’s the point of attaching to it? Have you done this before with the same kind of thought? Where did the practice of attaching to this thought begin? Where does it go? The practice of noticing the “stuff” that makes up the thoughts we all have can open up a lot of space for us. Descartes was wrong! In this respect, at least, “I *think* “ is not, “ therefore, I *am*.”

7. Do one thing at a time. This is another great observation from Sarah Susanka. She says: “Multitasking and over-committing are excellent indicators that we are sleepwalking through (our) waking dream.” P. 223. (“Waking dream” is the way she describes the way most of us live.) Have you ever noticed just how much multitasking you do? Sitting waiting for your case to be called you can be: texting; thinking about dinner; thinking of the brief you need to write, thinking about your next five cases coming up, thinking about love, sex or rock ‘n roll. Now, in court, even during boring downtimes, I practice just *being* in court.

8. Embrace positive change. Is your mortgage under water? Is your credit card debt too large to ever pay back? Is your retirement account sinking fast? Is your child’s education in jeopardy? Is your health insurance at risk? We might feel very alone in all of this, but really, we are all in this together. This is the time for all of us to see these events for what they are: an opportunity to live beyond our small selves and to become a part of the great human experience that is this time of our lives. Our positive energy will be called on to help solve these serious issues. We cannot afford to waste time on sleepless nights and ulcer producing worry. We are all called on to get with change and to help make it good. We can’t be part of this if we stay locked in the illusion that we are all separate beings with unique problems.

9. Experience the self that is larger than you. Check out the *Tao te Ching*, the 2500-year-old masterpiece of Lao-tzu: “Look, and it can’t be seen. Listen, and it can’t be heard. Reach, and it can’t be grasped... Approach it and there is no beginning; follow it and there is no end. You can’t know it but you can be it, at ease in your own life. Just realize where you come from: that is the essence of wisdom.” (From Stephen Mitchell’s translation, Harper pocket edition, 1988.) So, the great realization is achingly simple, and yet may take a lifetime to realize: we are NOT our egos. This is true for each one of us. From here, the sky gets clearer, the air fresher, our breath, in and out, one breath at a time.

10. “Meditation is not a means to an end. It is both the means and the end,” the great Indian author and philosopher Jiddu Khrishnamurti has said. I gave a brief introduction at a WisLAP training in 2007 to the practice of “meditation.” And, make no mistake, for every lawyer in this state that may understand my message,

there are at least a thousand who'll say, "Whoa! She's way out there!" I'm used to that. My own practice comes from the Japanese Soto Zen tradition, and it's called *shikantaza*, or "just sitting." It is not technically meditation and it's not "easy," the way most of you find, say, arguing a case in front of a jury, easy. I often say, jokingly, that I plan on practicing law until I get it right. Well, for sitting practice, I just practice sitting; there is no "right" to get. The point is that all of us have this part of us that our busy lives keep us away from. I advocate taking the chance of finding that place. The way to find it is to just sit. You can go online and find many resources that can help explain this process.

Ladies (and gentlemen) of the Wisconsin State Public Defender's Office, I offer these thoughts in the spirit of wishing you a healthy and prosperous 2009. If you have any questions or comments, feel free to reach me at: Lmacmaac@mac.com. ■