

Lawyer on the Run

By CODY N. GUARNIERI



It seems like I am always on the run. In the morning, I'm running to help my wife get the kids ready for school and out the door in time for the bus. Throughout the day I'm running from one court to another. I run from a client meeting to a deposition to a pretrial or sentencing hearing. By the end of the day, I'm running to cub scouts with my third-grader or bath time and bedtime for my girls (ages two and five).

My clients are also on the run. In my criminal defense practice, a client could actually be on the run from law enforcement (thankfully, not often). More often, my clients run to me with their problems, questions, concerns, and burdens. They run to me with their hopes, dreams, aspirations, successes, and failures. I have clients who are trying to run away from their mental health issues, substance use disorder, abusive relationships, or the effects of systemic inequality. Some clients are running with a map of where they hope to end up; others sprint blindly towards an uncertain future. Some days, I just wanted to run away from my own problems (and my client's problems) for just a little while.

In 2018, some years into my law practice, my metaphoric running became literal running. The last time I had run a mile was probably the physical fitness test at Orchard Hills Elementary School, but in 2018, I decided to start running. I made it about half a mile up the street before almost collapsing on that first run. A few days later, I tried again and got a little farther. After a few attempts, I ran that mile. Then I ran past the mile marker; past two miles and four miles. In the spring of 2019, I ran a half marathon race in Newport (13.1 miles), in October of 2019 and again in 2022, I ran the Hartford marathon (26.2 miles), I ran the RIMACONN 100-mile relay in 2021, and I've run many races in between.

Running became an important part of my life and has contributed to both my individual well-being and my practice of law. Whether I am training for a race, or just out for fun, there is a mystical freedom of being out for a run. Carving a path through the predawn suburban darkness, my footfalls are the only sound breaking the silence. The world is still asleep, and I am truly and completely alone with my thoughts. I often return home some miles later with the feeling of having had an epiphany or worked out some thorny problem for myself or a client.

Running not only boosts my physical well-being but it often provides a boost to my mental health. Aspects of running and participating in organized races have also provided guidance for me on how I want to practice law. One way running has impacted my law practice is the use of mantras. Runners often use a "mantra," or a short phrase repeated to help them concentrate and focus on their run. I find that some of these simple mantras easily apply to law practice (and life beyond). Here are three of my favorites.

1. Run Your Own Race

In a race environment, there are dozens or hundreds or thousands of other runners beside you. Nevertheless, it is important to keep your own pace. Conventional race wisdom is that you are competing only against yourself. Hoping to beat your own personal record ("PR") time at that distance.

Perhaps in the practice of law it should be the same. The goal of the practice should not be to beat your opponent or win the case for the sake of winning. Rather, in the practice of law we should strive to provide the best legal services we can for the client, win or lose. In a sense, our law practice goal should be in improving the services we provide, not merely competing with other lawyers.

The Manchester Road Race, which takes place on Thanksgiving day, is 4.748 miles. One of my law partners runs the Manchester Road Race every year. I apologize in advance if my partner reads this article, but he is never going to win the race.¹ As a septuagenarian, his goal is to complete the race in less minutes than years he has been on this earth. To be completely candid, I did not win either marathon I ran. Not even close.² But each year I hone my running practice, putting in the work I need to do to be my best on race day. In my law practice I don't worry about how many trials others may be doing or whether they have more wins than I do. I just continue to learn and become a better lawyer, year after year.

2. Run the Mile You're In

I once heard an ultramarathoner (who runs races of greater than 26.2 miles distance) asked to describe how he runs such long distances. He explained that running long distances is like eating an elephant, it can only be done one bite at a time. Inherent to this adage is the importance of focusing on the bite you're taking, or the mile you're in. To that end, I look for landmarks to reach that are within a mile away, instead of visualizing and obsessing on the finish line for the whole race. Instead of focusing on the ultimate trial that can be months or even years away, I focus on the task at hand. Whether it be a motion, witness preparation, or a deposition, I concentrate on what I need to now. Focusing on the task at hand, giving it your full attention, is akin to running the mile you're in.

Besides being focused on the task at hand, I also see in this mantra an emphasis on the being present in the moment. When I graduated high school, my parents gave me a paperweight, which is still on the desk in my office. Inscribed on the silver surface of the weight is a Taoist proverb (*not* a Steve Jobs-ism, as some believe): *The Journey is the Reward*. Some days as lawyers we come to the office and grind it out because we need to feed ourselves and our family. Some mornings I lace up my running shoes and hit the pavement because I have a race coming up and I know I'll be less likely to injure myself if I trained sufficiently. Running the mile you're in is also about seeking acceptance and satisfaction in whatever you are doing now. The goal should not be getting to the end, but recognizing our limited time on this earth and making the most of it.

3. Stronger than Yesterday

Running is hard sometimes. Practicing law is hard sometimes, too. There are times that the challenges of running or practicing law can be discouraging but we would be wise to remember that these challenges make us stronger. Every run, good or bad, makes you stronger and adds to your overall health and level of fitness. In a similar way, the tribulations of law practice today make you a more experienced, knowledgeable, and resilient lawyer tomorrow. In fact, some say that a particularly discouraging run is the best training run. Similarly, the most difficult cases can give you your best training. No matter the outcome, celebrate the fact that you are stronger than you were yesterday. When the race is finished,

the evidence goes to the jury, the case is submitted for decision, take the time to rest in that accomplishment.

A runner's mindset has taught me lessons that has helped me focus on the task in front of me and not on what others are doing or on the outcome of a case. I know that by showing up, committing to my practice, and learning from each of my challenges, I continue to become a better lawyer. In terms of physical and mental well-being, running has various physical and mental health benefits, including increased levels of happiness, reduced stress, reduced depression and anxiety, and improving sleep.³ Maybe you're not ready for a marathon in 2023 (or maybe you are, dream big!). But perhaps making one change this year in your physical health (such as trying out a "couch to 5K" running program, like I did in 2018) will improve your overall lawyer well-being, too. ■



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Continued on page 40 →



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DE&I

Continued from page 33

comments you may have, including suggestions on how “[t]ogether we can identify and implement effective ways to fight hate crimes in Connecticut and lead the way to a safe and more inclusive United States of America.”⁴ ■

Amy Lin Meyerson, the 2020–2021 president of the Connecticut Bar Association, and **Judge Douglas Lavine**, Trial Judge Referee, are the co-chairs of the Connecticut Hate Crimes Advisory Council.

NOTES

1. 2022 Annual Report, The Connecticut Hate Crimes Advisory Council, <https://portal.ct.gov/hatecrimes/-/media/CT-Hate-Crimes-Advisory-Council-Annual-Report-FINAL-93022.pdf> at 3.
2. Written Testimony of Amy Lin Meyerson, Esq. as Co-Chair of the Connecticut Hate Crimes Advisory Council In Support of Raised Bill SB217, March 3, 2022.
3. HCAC Annual Report at 4.
4. HCAC Annual Report at 39.

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Free Speech

Continued from page 16

18. *Cobb*, 2018 WL 587315, at *9.
19. *Palmer v. Brook & Whittle Ltd.*, No. NN-HCV146049093, 2017 WL 1239646, at *3 (Conn. Super. Ct. Mar. 2, 2017).
20. *D’Amato v. New Haven Bd. of Educ.*, No. CV196091032S, 2020 WL 1656202, at *9 (Conn. Super. Ct. Mar. 2, 2020).
21. *Weinstein v. Univ. of Connecticut*, No. HH-DCV116027112S, 2021 WL 2446339, at *15 (Conn. Super. Ct. May 18, 2021).
22. *Trusz*, 319 Conn. at 202.
23. No. 378772, 2000 WL 726839 (Conn. Super. Ct. May 10, 2000); aff’d on other grounds 71 Conn. App. 835 (2002).
24. *Id.* at *3.
25. *Id.* at *5.
26. No. NNHCV176067843, 2017 WL 5243854 (Conn. Super. Ct. Oct. 10, 2017).
27. *Id.* at *2.
28. *Id.*
29. *Id.* at *3-4.
30. *Zelnik v. Fashion Inst. of Tech.*, 464 F.3d 217, 225 (2d Cir. 2006), cert. denied, 549 U.S. 1342 (2007).
31. *Browne*, 2017 WL 5243854, at *3-4, note 8.
32. *Browne*, 2017 WL 5243854, at *4.
33. *Browne*, 2017 WL 5243854, at *3.
34. No. HHDCV116027112S, 2018 WL 2222131 (Conn. Super. Ct. Apr. 25, 2018).
35. *Weinstein*, 2018 WL 2222131 at *1-2.
36. *Id.* at *6.
37. *Id.*
38. *Id.* at *7.
39. *Id.*
40. As of this writing, the case, which is captioned *Chamber of Commerce, et al. v. Bartolomeo et al.*, No. 3:22-cv-01373, is currently pending in federal District Court for the District of Connecticut. With their lawsuit the U.S. Chamber of Commerce, the Connecticut Business and Industry Association (“CBIA”) and other plaintiffs allege that Public Act 22-24’s amendments to Section 31-51q violate the First and Fourteenth rights of Connecticut employers and that the provisions relating to captive audience meetings are preempted by the National Labor Relations Act. The case raises a whole set of critical Section 31-51q questions that are beyond the scope of this article.

Book Review

Continued from page 19

- stable mental health and became more involved in politics after 1854.
3. See, for example, John Ford’s treatment of Ann Rutledge in his award-winning movie “Young Mr. Lincoln.”
 4. Donald’s title reverses that of Herndon’s own biography of Lincoln, *Herndon’s Lincoln*.
 5. Slaughter, Thomas P., “Towering Terzagant,” *Reviews in American History*, Vol. 49, No. 3 (2021), pp. 429-434.
 6. *Id.* Revisionist history is seen in John Y. Simon, “Abraham Lincoln and Ann Rutledge,” *Journal of the Abraham Lincoln Association*, Vol. 11, No. 1 (1990).
 7. See Burlingame, *supra*, note 1.

Wellness

Continued from page 37

NOTES

1. The men’s first place finisher in 2021 finished the race in 21 minutes and 23 seconds, running on average each mile in 4 minutes and 30 seconds. <https://results.raceroster.com/en-US/results/detail/32c3jgw5n9g-p6x9>
2. My 2018 full course marathon time was 3 hours and 53 minutes. A mere 1 hour and 35 minutes behind the race winner (who completed the race in 2 hours and 18 minutes).
3. www.webmd.com/fitness-exercise/how-running-affects-mental-health

President’s Message

Continued from page 5

We are hoping to raise funds that would benefit our Special Olympics Connecticut athletes by having a friendly competition between our section and committee members. Keep an eye out for more details as the new year unfolds. We can work together in 2023 just like a World Cup soccer team to achieve our GOOOOOOOOAAAAAAAAALL! (I couldn’t resist!) . ■

NOTES

1. Legendary soccer star Pelé passed away on December 29, 2022, at the age of 82.



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