Bouncing Back\_Ep30\_Marla Butler-audiogram

### Major Lindsay and Africa presents bouncing back conversations about resilience for lawyers

Rebecca Glasser: Major Lindsay and Africa presents bouncing back conversations about resilience for lawyers. Welcome to bouncing back resilience for lawyers. This podcast is brought to you by Major Lindsay and Africa, the global leader in legal search and consulting. I'm your host, Rebecca Glasser. I'm a partner in the associate practice group at Major Lindsay in Africa. In this podcast, I'll speak to successful professionals about the hiccups, bumps, bruises, and setbacks they've experienced in their careers and personal lives and how they ultimately bounce back from those experiences to thrive.

### Marla Butler is a partner in Thompson Hines Atlanta office

Rebecca Glasser: Today.

Rebecca Glasser: My guest is Marla Butler. Marla is a partner in Thompson Hines Atlanta office and represents clients in the medical, semiconductor, power, networking, and other high tech industries in high stakes commercial litigations, arbitrations, and trials. She helps clients proactively take on commercial threats, monetize their patent assets, and defend against lawsuits that threaten their businesses. Active in the community, Marla is currently on the board of the National LGBTQ Bar association, and she formerly served on the land legal board. Marla earned her BA degree from Cleveland State University and her JD from Florida State University. Marla, thank you for being my guest today.

Rebecca Glasser: I'm happy to be here, Rebecca. I'm looking forward to our conversation.

### You were devastated the first time you lost a big case

Rebecca Glasser: Well, in a prior conversation that we had, you mentioned that earlier in your career, you were actually devastated the first time you lost a big case. Can you share what happened?

Rebecca Glasser: Sure. so, you know, when I went to law school, it was with the goal of being a litigator, I think. I don't know that I knew that there was any other type of lawyer besides a litigator at that point. I didn't have lawyers in my family, in my life. And so, to me, being a lawyer was synonymous with being a litigator and a trial lawyer. And so, while I consider myself a trial lawyer, I'm not one of these people that has tried dozens and dozens of cases, but I've tried a few cases, and early in my career, I got opportunities as a first year associate, third year associate, fourth year associate to try cases before juries with pretty good success. and it's an area. Courtroom is a space where I feel very comfortable and enjoy being, I was a junior partner, I think it was summer or spring of 2008, and I had been brought on to a team at my prior firm that was going to try a patent litigation case. So I had not been involved in the workup of that case. But when it became clear that the case was going to go to trial, I was asked to join the team. I did, and for anybody that's been to trial, you know that for those days or weeks or sometimes months that you're in trial, you're living and breathing trial, you're going to bed thinking about trial, you're waking up thinking about trial, and it's all consuming. And this was no different. I was completely consumed in this trial. I was committed, to, our client's position. I was committed to winning. And, you know, I took a fairly significant role in the trial. And the jury came back and we lost. And I just remember, like, feeling devastated, and, you know, probably for weeks, I just thought and rethought what we should have done differently, what we should have done better. and it was a really kind of down moment. Now, I'll tell you before I get to the rest of that story, that I've lost trial since. And one of the lessons that I learned is that the hardest trial to lose is your first one. If you try enough cases, you realize that sometimes you lose trials. And that's when the only cases that go to trial are the close ones. Right? So sometimes you lose trials, and so it doesn't sting like that anymore. But that particular instance stung.

Rebecca Glasser: Absolutely. And it sounds like, having ever lost before, it was like, what do I do with these feelings and how do I recover from this?

### I have a question for you about losing a high-profile case

I have a question for you. I was curious how the client responded. And this was primarily you beating yourself up, or were you getting slack from your colleagues and

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the client who you were representing as well?

Rebecca Glasser: Yeah. No, the client knew that it was a tough case, and the client knew that there was a really good chance that the client would not win. I think what happens when you are fully immersed in something like that and you're the advocate, you become convinced that you can win, and sometimes the merits just aren't strong enough for you to win, no matter how well you communicate the evidence to the jury and communicate your arguments to a jury. And so the client was not surprised by the loss. The client was not upset with our team. and I may have been the person on our team that took it the hardest, I think, it was nothing. If you take a few steps back and look at the reality of the situation, it was not completely surprising that we lost.

Rebecca Glasser: Yes, yes. but that's the first time for everything. So how did you kind of get yourself out of that funk? Right. It sounds like it went on for a few weeks. And I'm curious, you know, it sounds like you're like me. You ruminate over things that you feel like you did wrong or mistakes. but how were you able to kind of move on to the next thing that was in front of you?

Rebecca Glasser: Yep. I mean, so, you know, if we don't have, other things to occupy our minds, then we can fill that space in our minds with those ruminations of what we should or shouldn't have done differently. but I was able to, after a few weeks, things got busy, right. And I just didn't have a lot of capacity to continue to beat myself up over that loss. And so, basically, I got over it by diving back into work, and, you know, and committing to other matters and other clients.

Rebecca Glasser: Right. Sort of like it's time to move on.

### Marlo says losing a case to a big firm ended up being career changing

Well, you also mentioned, in our previous conversation, Marlo, that, interestingly enough, that loss ended up being sort of career changing for you. Can you share a little bit about that?

Rebecca Glasser: Sure. and career changing in a positive way. And I started sharing this story with younger attorneys. I call it my silver lining story, because, we lost that case to, a big firm that was on the other side. That that big firm also had, you know, had another client that was a huge. At that time. Oh, probably fortune, probably the top ten fortune ten company, maybe fortune five even. and that firm. So our opposing firm was meeting with this fortune five, Fortune ten company, because that company was another client of the firm. And, as the story came to me, was bragging a bit about having won that trial against my former firm, but in the process of bragging about winning that trial against my other firm, also said to the in house lawyer at this big company, you know, but there was this lawyer that came in kind of, you know, as trial was approaching. And when things got started at trial, we were actually really concerned that we were going to lose. And I think it was kind of an unintended by this opposing counsel, an unintended compliment about my performance at trial. And the in house lawyer that he was talking to just kind of, you know, just made a note, mental note, and, shortly after reached out to me, and this is now a, ah, client that I, you know, developed slowly over a few years, got, first kind of significant litigation matter for this client around 2010, 2011, and is now by far my most significant client. It's a client that, I'm loyal to, that has shown a lot of loyalty to me, that I've built a significant practice with. And it's a client that when I was at my last firm, and I wanted to change, I was at that firm for 22 years, and for many reasons, I was ready to move on. It was the client that allowed me to do that, because, you know, when you're 22 years into practice and you want to make a

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Rebecca Glasser: move to another firm as a partner, one of the first questions is, what's your book of business? And it's a lot harder to change firms into a good position with good compensation if you don't have a book of business. I was able to, as I'm looking at other firms and considering other firms, I was able to say, I've got this huge client, and it allowed me, from the firms that I was speaking with, to pick the firm that I wanted to join. it's a client relationship that allowed me to make that move comfortably, and it's a client relationship that I've continued to grow at my current firm.

Rebecca Glasser: That's phenomenal.

Rebecca Glasser: I love that.

Rebecca Glasser: I love that story.

### Marla says the biggest lesson is just always be good at your craft

And I'm curious. I mean, I've gotten a few takeaways from what you said, but I'm curious for you. Marla, what do you think of the lessons, that you learned looking back from that experience?

Rebecca Glasser: Absolutely. So the biggest lesson is just always be good at your craft. no matter the situation, no matter what the ultimate outcome might be, just work to be very good at what you do. You know, it is, we are going to lose cases. We're going to have deals that go bad. but there are always other people that are involved in those cases and those deals. And no matter what, you've got to show up as your best. I have a. Had another trial, about a year or so after the one I just described. And it was, you know, that was a case that we won. We didn't want win as much as we hope we would, but we generally won it. And the opposing lawyer is now a referral source for me. You know, it is just we, as lawyers, and especially law firm lawyers, we are part of a network, and the other side is part of your network. Right. And so how you interact with them, performing at your best, all of that can lead to good things indirectly, in ways that you wouldn't necessarily expect.

Rebecca Glasser: Yeah, I mean, I think that's a great life lesson. Two things. Two great life lessons for our listening audience and for, you know, more junior attorneys who are listening to this podcast is, number one, you never know who's watching. So.

Rebecca Glasser: That's right.

Rebecca Glasser: Perform at your best, you know, at all times, because you don't know what kinds of opportunities are going to come from, you know, your performance. I tell people this all the time, you know, you really want to make sure that you're not, you know, if you're leaving a firm, you don't want to, like, burn a bridge on your way out because you don't know if the person that you're speaking to is going to maybe go to another firm where you have an opportunity and want to take you with or go in house and you're interviewing for the in house job, and you're like, oh, this is something I knew from my last firm. The legal world is a very small one, and I swear it gets smaller and smaller the farther out you are from graduation. and then I think, too, you know, this idea that, you know, even folks on the other side can be referral sources or, you know, provide opportunities because they see that you've done a good, you know, a good job. I've had candidates who've gone to interviews, didn't get the interview, but were asked by a partner to sit on a panel with them or write an article with them or do other things. And so, you know, it's something to keep in mind and to also, like, treat people well, you know, no matter what, with respect, and that sort of thing. So I think those are great lessons, that have clearly served you well, you know, since that point in time.

### The theme of this podcast is resilience, and you cannot be a lawyer without

Well, I want to segue a little bit, Marla. you know, obviously the theme of this podcast is resilience, and you cannot be a lawyer, particularly a litigator, without being resilient. you know, as you mentioned previously, you know, you lost that case which you found devastating and then subsequently lost other cases, not necessarily through any fault of your own. It's just, you know, maybe the facts were not good or the law was not on your side. and I was curious, where the strength or knowledge or help to get through these sort of difficult experiences.

Rebecca Glasser: Comes from for you. Yeah. So, at some point, I realized something about myself that when I reflect on it, it I think help explains why I have a tendency to kind of move past, you know, hardships relatively

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Rebecca Glasser: quickly. I was having a conversation with, ah, a consultant that she's a consultant for, law firms, and we were just kind of casually chatting, and I was sharing some experiences that I'd had to in just different contexts. And she said to me, she kind of paused and looked at me and she said, you just kind of let things roll off your back, don't you? And it was something I had not thought about, but it really, like, it resonated. It was, It was a kind of a revelation of sorts, of self revelation in the sense that, I think I do, right. I think I have a tendency. I'm a glass half full person. I am. I just have a tendency to, for example, if someone says something that could be taken two ways. Right. If it could be taken as offensive or it could be taken as complimentary, but with maybe a little bit of ignorance mixed in. Right.

Rebecca Glasser: Right.

Rebecca Glasser: I'm more likely to just assume good intentions and take the compliment for what it is and disregard, whatever component of ignorance might have been a part of what they said and assume that they just had good intentions. And, so my tendency has been to, even if there's a bump in the road, if there's a loss, right, that there's going to be another opportunity, that there's going to be another trial, you know, we lost this one, but we'll win the next one. We lost this one, but I think we're going to win the appeal. Right. And it's a tendency, I think, to, put things in perspective. in the big scheme of my life and my career, losing that trial, honestly was not a big deal. Right. and so I can put it in that kind of perspective and move on to the next thing that, you know, that may end up turning out much better.

Rebecca Glasser: Yeah. I mean, I think this is great life advice. It's great career advice. I would hazard to guess as one of the few, you know, women of color who are a partner at a major animal firm in the country. I mean, there aren't. There aren't that many, you know, who are in your good company, also someone who identifies as LGBTQ. That is probably a good lawyer skill and probably also a good life skill to be able to kind of.

Rebecca Glasser: Grab.

Rebecca Glasser: Onto the positivity in some of these comments, and kind of push forward with that, and not sort of get hung up on the ignorance or the naivete.

Rebecca Glasser: absolutely. I mean, I told young lawyers, just, like, practice it. Like, just make yourself do it. Because if every time you hear a remark or see something that doesn't quite feel right, if you spend a ton of energy processing that and, just ruminating about whatever the ignorance is that's behind it, that's energy that your colleagues, your, for example, white male colleagues are spending improving the legal memo that they've been working on. Right. You know, because they don't have to spend energy on that kind of thing as much as, as much as you do. So, like, find ways to deliberately limit the amount of energy that you're spending on, I'll just say, other people's ignorance and fully recognizing that if somebody says or does something that, you know, that's not fair, that's not, that's a stereotype or, you know, that otherwise just demonstrates ignorance, that's their issue. It's not yours. Now, you know, of course, we've always, we always have to. It's always a line that we have to make sure it's not crossed. Right. Because I'm not

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Rebecca Glasser: saying, I'm not suggesting that we just let things happen to us and we never address them and we kind of keep moving on. But, I'm suggesting that we've got to pick our battles, right? We've got to figure out what is really worth me spending energy on. Right? Is this lawyer in another office that made some off color remark, am I going to spend energy on that, or am I going to spend energy on instead on the lawyer that I work with that gave me an unfair evaluation because of some assumptions that he has about me. Right. The latter is the one that's going to have more of an impact on your career. The former is not. So spend your energy on the latter and just let the former roll off your back and move along. Because. Because what happens is, you know, if you can successfully maneuver through those landmines, then you end up being the person that's making the decisions about somebody's evaluation. Right. You end up as the person that's in charge of the group or the office or, you know, whatever component of the organization. And you have fewer of these kind of, you know, instances of, or these fewer circumstances that you've got to. That you've got to maneuver through.

Rebecca Glasser: Yeah. I mean, it sounds like to me you're encouraging, especially younger folks who, again, have not arrived in their power yet, right?

Rebecca Glasser: That's right. That's right.

Rebecca Glasser: A brand new council level attorney at some company, playing, chess, not checkers. Right. You know, what's the long game here? And what deserves my energy, my emotional energy, my physical energy, expending political capital, perhaps, to effectuate change and what absolutely does not. And I need to just let it roll off my back, like you said.

Rebecca Glasser: Exactly. Because, I mean, it's a zero sum game in the sense that we only have so much energy emotionally and otherwise. Right. And so we have to be very selective about where we spend it, and we have to spend it in ways that benefit us but that don't stagnate us or set or send us backwards.

Rebecca Glasser: Yeah, no, that makes total sense. I mean, this is what we mean by privilege, right? It's like, you know, there are certain groups in the world that don't have to think about these things, and there are other groups in the world that absolutely have to think about these things, especially if they have more than one, you know, minoritized identity. And it's like, you know, I, need to know where my power lies, and I need to know where my allies are, and I need to know where I can move the needle and not otherwise, you're just exhausted all the time. I mean, if you. Like you said, if you took every flight and internalized it or externalized it.

Rebecca Glasser: Yep, that's right.

Rebecca Glasser: You wouldn't have time for the stuff that's going to get you where you want to go. and I think. I think that's sound advice, and that's, in any scenario, whether you're a woman, whether you're a black woman, whether you're an LGBTQ person, or have some constellation of identities that, put you in the minority in your organization.

### Marla says her mother instilled confidence in her early on

let me ask you this. Have you always been this way, Marla? Is this for you to kind of pick and choose your battles and that sort of thing, or is it something that you learned along the way?

Rebecca Glasser: I'm not 100% sure, but, I think it's learned. And as I get older, so I turn 55 in January, and as I get older, I think as folks tend to do as they get older, you spend more time reflecting on your life. And one of the things that occurred to me in the last several years was the influence that my mother had on my self esteem. My mother and I had a very. I'll call it a rocky relationship, for basically all of my adult life. And I. You know, that was one of those things that, in my mind, it was the rocky relationship. And it took me a long time to see kind of the positives of, what, you know, she did for me or instilled in me. Right. But my mother had, She's. And she's since passed away, but she had a, And I don't know if this was innate in her or not, but this deep

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Rebecca Glasser: sense of confidence and just, an unapologetic right to be in this world in whatever capacity, and in ways, she passed that down to me. Right. I remember I told my kids this story. I thought that they would think it was funny. They were kind of mortified by it. But, I remember being, either five or six years old. And I went to schools with, almost all white classmates in, like, second to 8th grade. I was the only black person in the entire school. And this, this was. I was in either kindergarten or first grade. There were a few other black kids in the school, I think, but I don't even remember them, right. I just remember, you know, the sense of being kind of the only. And, the school that I was at was also school that my older brothers had gone to. And so the, and it was a catholic school. And so the, the, the principal, the teachers, they knew my mother because my brothers had come through that school. So I was five or six years old. And this, you know, long story short, this. Another one of my classmates hit me. She punched me in the stomach for kind of no apparent reason. And I pushed her, you know, in response, like, pushed her against the wall. And we were both sent to the principal's office. And when we walked into the principal's office and the principal said, you know, how can I help you girls? And she eventually admitted to hitting me. And when the principal turned to me to ask me, you know what I did? I said, I hit her back because my mother told me that if anybody hits me, I can defend myself. Right.

Rebecca Glasser: Your little pipque. You're like, you're like, in kindergarten.

Rebecca Glasser: Yeah, exactly. I probably had pigtails, like, the whole deal. The plaid uniform with the white shirt and the blue vest. The catholic school. Catholic school uniform. And I did. And I, and I was. I mean, I just. It just was like, it wasn't like I wasn't. I don't remember feeling, like, timid about saying it. Like it just was right. And I, you know, my mother told me, m somebody hits me, I hand them back, like, period. And I was excused. Like that was it. Because, like. Because, like I said, they knew my mother, right? And that, and that was, that was the end of that. I remember being, in high school, and I was, with a group of girls, and a couple of them had stolen somebody's purse. And the school was going to punish me along with these other girls. And I remember my mother coming to the school, and I went to a school in suburbs, of Cleveland Orange High School. And so we're sitting in the principal's office, and my mother wanted to understand why they were punishing me. My mother said, my daughter is not orange high school police. Right? And, you know, and it was just like, it's not her responsibility to, you know, she doesn't have an obligation to tell on other. To report and, you know, that kind of thing. And I was excused. And so I think, like, that, that was a kind of the environment that I grew up in that, implicitly taught me to, like my mother, be unapologetic in my right to exist and be, And I think that. That, you know, is part of just kind of my core that impacts how, you know, I respond to. To various situations.

Rebecca Glasser: No, I think it's great. I mean, those are great. Those are great life lessons. I bet that little girl in kindergarten, never kicked or punched you again.

Rebecca Glasser: She did not. She did not. for her to. For her to pick up.

Rebecca Glasser: Yeah. Pick a fight with. Well, I love it. Well, I could keep talking to you all day, Marla, about all kinds of things, but, for time, I will ask you this one final question.

### Marla, what advice do you have for new attorneys trying to enter legal profession

the legal profession can be incredibly rewarding. It sounds like it's been very rewarding for you and your career, but it also can be grueling and relentless and unforgiving at times. And, I, on a regular basis, talk to kind of junior associates who are trying to find their footing, and they're trying to find their way in our profession and decide if this is right for them. And if it is right for them, exactly where do they fit? what advice do you have to give to kind of newly minted attorneys who are trying to find their way in this profession of ours?

Rebecca Glasser: So, because the profession requires so much

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Rebecca Glasser: hard work, so much time, so much dedication, I think it's really important that each of us finds our lane in this profession that is a lane that we love. Right. So there are, you know, so many options for careers as a lawyer. there's, you know, government, there's other public service. There's law firms, there's small firms, there's medium firms, there's big firms. And then even within firms, there are different practice areas. Right. Whether you want to be a transactional lawyer or a litigator. And I think it's really important to find a path where you really enjoy what you're doing, because to work this hard and not enjoy it is a recipe for unhappiness. And so I started out thinking I wanted to be, a plaintiff's lawyer, doing, like, medical malpractice, representing individuals. I felt like I'd, you know, come to this profession to change people's lives. And I was gonna, you know, one. One plaintiff at a time, you know, change the world and what I realized is that I was not kind of intellectually satisfied by that and carrying the burden of, And I very much admire people who do it, but for me, it carrying the burden of the tragedies that people experience in their lives turned out to be very difficult for me. And so I realized that being a plaintiff's lawyer was not the right path for me. And I ended up being a technology litigator, having no idea that I would absolutely love it. I am, what, 27 years? 26. 27 years into this profession, still doing litigation. For the vast majority of that time, I've done technology litigation. And I still love it. I still love reviewing patents. I still love writing and editing briefs. And because of that, I think I've, managed to stay in it for a long time and do a decent job at it. So if a young lawyer is on a path that has them doing the type of work or a type of work that they don't enjoy, if you're not finding yourself excited about something that you're working on in any given day, any given week, then find something else. Right? You're young, you've got. And find something else before you get yourself, if you're in a law firm, for example, before you set yourself to a standard of living that it's now, you're kind of stuck because you've bought this big house, for example, and, you know, you don't have a lot of flexibility. So figure out what it is that you're going to enjoy doing for a long time and do it, because then you're also going to be better at it because you enjoy doing. You're going to think harder about it, you're going to think deeper, deeper about it, and you're going to do a better job of it, and you're going to be more successful at it. So find the path that also includes something you're passionate about.

Rebecca Glasser: I think that's great advice. Well, Marla, thank you so much for giving me your time today and being so open and honest with, me and our listeners. I know that they will get a lot out of this conversation. I, most assuredly did, and I sincerely appreciate your time.

Rebecca Glasser: I was happy to do it. And, I appreciate the opportunity to talk to you, Rebecca.

Rebecca Glasser: Absolutely. Thank you for listening to bouncing back resilience for lawyers. Join us next time for another story about thriving after overcoming challenges. You can find bouncing back and other programming for lawyers on MLA's legal talk network.

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