

Being An EMT Makes Me A Better Lawyer

By **Marshall Huebner** (May 22, 2024)

In this Expert Analysis series, attorneys discuss how their unusual extracurricular activities enhance professional development, providing insights and pointers that translate to the office, courtroom and beyond. If you have a hobby you would like to write about, email expertanalysis@law360.com.

I have been a volunteer emergency medical technician for 39 years. That's longer than the majority of the more than 80 lawyers in my firm's restructuring group have been alive, and eight years longer than I have been a lawyer.

We all draw on various aspects of our nonwork lives — family, athletics, communal leadership, volunteerism, etc. — to inform and improve our professional performance (and, hopefully, vice versa). As the years go by, the overlap and synergies between my work as a lawyer and my experiences as an EMT, two seemingly disparate vocations, have become ever more apparent to me.



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Triage

In both worlds, the first task is always scene assessment and triage. There are a great many things in both contexts that seem to be (or are) wrong and need attention. But the order of operations is critical.

Things that are exceedingly important are not always urgent, and things that could be addressed only with immediate attention are not always particularly imperative. Restructuring professionals often arrive at situations later than they would like, and have a relatively limited amount of time to assess the entirety of the problems at hand and figure out what steps need to be taken in what order to help save a troubled enterprise.

Most people outside the world of emergency medicine don't know that a patient can bleed to death from a closed fractured femur. Thus, while a bloody scalp wound might cry out for immediate attention, it is likely superficial and trivial compared to a broken femur involving an internal severed artery.

Similarly, the corporate issues that may be attracting media attention and blaring headlines at a troubled company sometimes mask far more serious problems that need more imminent solutions.

Calm and Empathy

In the life cycle of a corporate enterprise, financial distress — let alone an actual Chapter 11 — is virtually always a very dark time.

Careers, reputations, pensions, health benefits, etc., are often at risk, as well as the ability of many employees and retirees to feed their families and pay their rent. All employees, from the newest hire to the most seasoned CEO, are usually under extraordinary stress and functioning with limited information in unfamiliar and unfriendly territory.

Restructuring professionals need to not only be experienced, confident and talented at assisting with complex and often multisystemic failures, but also need to project calm confidence and measured, honest optimism. Truthfully reassuring unsettled stakeholders that there is a way through the labyrinth can itself make it measurably more likely to come to fruition. Part of the job of experienced restructuring professionals is simply to be a lantern-bearer, and a source of energy and strength (and sometimes humor) in dark times.

There are many analogs in the emergency medical services context. Second patient syndrome — when someone close to a patient experiences emotional distress that can quickly manifest physiologically — is most likely avoided when family members are treated with care and empathy, and bedside manner has long been shown to have a material influence on patients as well.

Listening

Common to both corporate and medical emergencies is a lot of chaos, noise and dislocation; klaxons of one sort or another are invariably blaring. Additionally, people are — understandably — often not at their best during these times.

Signs, such as a hip rotated outward, breached financial covenants, visible cerebrospinal fluid or precipitously declining liquidity, can be objectively observed. However, symptoms, such as chest pain, disorientation, irretrievably frayed relationships between management and labor, or a breakdown in trust between a company and its lenders, can be ascertained only by listening carefully to the parties and knowing what to ask of whom and when.

Any good negotiator knows that getting to "yes" invariably involves honed listening skills and figuring out the subtext underneath what is being said, which is often as or more important than the actual requests or demands being articulated.

Passion

In my experience, clients figure out rather quickly which professionals really internalize the clients' problems as their own — and accept as an almost sacred mission their role in the collective effort to save a corporate enterprise or maximize stakeholder value — and which are merely doing it as a job.

While no one is fired up the same way every hour of every day, I still, even after more than three decades, derive tremendous fulfillment from helping troubled enterprises, and I hope I have zeal and passion in doing it. The same holds true in my work as an EMT, where being in the right place at the right time with the right skills can make a material difference, and which is likewise frequently deeply fulfilling and gratifying.

If there is not at least some fire raging in your heart or belly, and if what you do feels only like a job and not also like a vocation, you will probably never reach your full potential or have a deeply satisfying work life.

Preparedness and Fortitude

What restructuring professionals do is frequently difficult. And I don't just mean the 18-hour days, the all-nighters, the impossible deadlines and constant exposure to ecosystems filled with fear, stress and frayed nerves. Much harder is the substance of what sometimes has to be done to save an enterprise and maximize its value for its stakeholders.

While EMTs don't amputate limbs to save patients, they do tourniquet them to stop otherwise uncontrollable bleeding. Some companies can only be saved — and the greatest number of jobs, pensions and benefits preserved — if some employees, pensioners or retirees suffer drastic changes to their employment or benefits through the tools of Chapter 11.

Staying focused on the ultimate goals — maximizing value and finding the best available outcome for stakeholders — is often the only way to get through the dark, painful and twisting paths that sometimes need to be traversed.

Flexibility

Things that go well often go according to plan. Things that go badly very rarely do. In both law and emergency medical services (and pretty much all other contexts), it is critical to be ready to adjust — often radically — to changing circumstances, and never to let pride or rigidity stand in the way of ripping up some or all of a game plan and redoing it.

This is as true in the conference room as it is in the courtroom. What worked well in structuring the last deal likely doesn't suit the next one, and a great trial lawyer will always retool on the fly to address what the judge wants to talk about, not to deliver the lyrical and well-organized oral argument they finished writing late the night before.

Conclusion

While some of my experiences over the last four decades as an EMT — like responding to 9/11 and high-speed highway accidents — have been unusually painful and searing teachers, the six traits discussed above can be, and are, learned or honed in a great many contexts. Any endeavor that requires disciplined, sustained, intense effort — often under stress — is highly likely to further develop professional (as well as personal) capabilities.

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