

Teaching Scuba Diving Makes Me a Better Lawyer

WRITTEN BY

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Eight years ago, I embarked on a journey that would not only change my personal life but also enhance my professional skills as a lawyer. It all started with a simple goal: to take a scuba diving trip with my daughter.

We had planned to become instructors together, but life happened, she went off to college and I continued down the scuba instructor path alone. Today, I am a master instructor for the Professional Association of Diving Instructors, and the lessons I've learned underwater have profoundly affected my legal career.

Diving In

Teaching scuba diving has been a significant part of my life. Almost every weekend, you can find me in the water sharing my passion with new divers.

Achieving the rank of master instructor was no small feat; it required certifying at least 250 divers, training new instructors and meeting various other stringent requirements. This journey has taken me around the world — including to Australia, Belize, Curacao, Egypt, Indonesia, Mexico, Palau and the Philippines — and allowed me to experience diverse cultures and environments.

Over the years, the frequency with which I mention scuba diving has become a running joke among my colleagues and even plaintiffs counsel. The joke even extended to how much I made in tips as an instructor and whether students' knowledge of my career as an attorney made a difference.

In a recent case I worked on, whether I would bring up scuba diving became a joke among the plaintiffs counsel. For the record: I only mentioned it 1,000 times. This humor helped to lighten the atmosphere during what was otherwise a highly technical, contentious and complex case.

Overall, scuba diving has taught me invaluable lessons that I apply in my legal practice every day.

Preparation Before an Emergency

Just as in diving, where being prepared can mean the difference between life and death, in law, thorough preparation can make or break a case.

Divers understand the importance of maintaining equipment and doing a buddy check before a dive. As I tell students: all you need to do is breathe, a regulator has made oxygen available, even under the water.

For a litigator, the facts are our oxygen. A proof chart done even before discovery begins becomes our equipment. Discussing the facts and repeatedly challenging our approach to the case, anticipating opposing counsel's arguments, and preparing robust counterarguments are all essential for litigation success.

Overcoming Fears

Helping others face and overcome fears underwater has given me the confidence to help clients navigate the uncertainties of privacy and bet-the-business cybersecurity cases. It also has proven beneficial in leading teams, providing a healthy dose of perspective, and gaining life experience.

Whether it's their first experience with litigation or their 10th, most clients are not aware of the specific challenges presented by a privacy case. For example, opinions on privacy do not always follow traditional politics.

Understanding your audience — e.g., the judge — is critical. Explaining what to expect, having predications come true and being a confident guide through the process builds the client trust necessary to be an effective advocate. There is no better feeling than using your experience to guide someone through the unknown, whether under the water or in the courtroom.

Patience

Teaching new divers can require immense patience, a virtue that is equally important when dealing with clients and complex legal matters. Privacy and data breach cases involve sifting through vast amounts of data, and patiently building a case to address ever-evolving claims and issues presented by technological advances.

The demands of the practice of law are well known. Work-life balance is an art. We may be tempted to rush through a phone call to get to the next case or client. My clients are businesses, and so the witnesses have day jobs and otherwise might be distracted.

However, just as each scuba student needs to dedicate time and attention to master a skill, it is important to take the time with witnesses and clients to fully understand a case. I have learned that it is OK for a meeting to stray from a set agenda; in fact, sometimes better insights come from it. Just as I teach to meet the needs of the student rather than the expectations of the instructor, I adjust my case management process to the needs of a client.

Importance of Listening

Underwater communication is limited, making listening on the surface and observing underwater crucial. Similarly, in law, truly listening to clients and colleagues is essential. You can't be a great leader without being a great listener. It is a skill I am continuously practicing.

As mentioned previously, facts are our oxygen. Gaining the trust of a client is essential. Listening is critical to both. Providing opportunities throughout the life of the case for a client to be involved, provide facts and offer context is

essential.

Some may say that the practice of law is great, except for dealing with difficult clients. Just like seeing a scuba student overcome their fears of clearing water out of a mask, in my legal practice, nothing is more gratifying than seeing a difficult client through litigation and hearing “job well done.”

Using Both Sides of the Brain

Scuba diving engages both the analytical and creative sides of the brain. The analytical side is engaged through the meticulous planning and attention to detail needed for a safe dive, such as monitoring air supply, depth and time. The creative side is stimulated by the breathtaking underwater landscapes, and the need to adapt to the dynamic and often-unpredictable marine environment.

Exercising both sides of the brain is invaluable when preparing and advocating for clients, and in general problem-solving. We spend lots of time preparing a case — proof charts, case plans, argument development and the like. Effective advocacy requires more.

I am sure we have all experienced an instance where counsel pursued a losing position or argument even after its death was known to everyone else in the courtroom. Shifting at the right moment, coming up with an out-of-the-box argument, thinking creatively, throwing away a plan and building a new one are all abilities of an effective lawyer.

More importantly, bringing together effective project management with creative problem-solving in the heat of the moment is what makes the practice of law enjoyable (at least for me).

Decompression

In addition to the benefit of developing skills that bolster my legal work, one of the greatest benefits of scuba diving is the opportunity to disconnect from the constant barrage of emails, phone calls and demands of a complex practice. Underwater, there are no phones, and most of my students have no idea that I am an attorney. This disconnection allows me to recharge and return to my legal work with a fresh perspective.

For lawyers, the ability to disconnect and decompress is hyperimportant. Our lives continue to be dominated by stress. 15% of lawyers report working over 60 hours per week, and 22% took or expected to take a week or less of vacation.

For me, diving provides critical stress management. Finding inspiration in one of my students, the gracefulness of a manta ray or just a moment of silence is often what leads to a breakthrough moment. It allows me to take a step back from a problem and be objective. A fresh look devoid of ego leads to new ideas and may make the difference for a client.

Conclusion

Scuba diving has made me a better lawyer by teaching me critical life skills, providing a much-needed escape and

offering a unique perspective on problem-solving. I am fortunate to have discovered a passion outside my profession that challenges and enriches my life in such unexpected ways. Don't be afraid to dive into your passion.