



FROM THE IUSTORIA BLOG

The Lawyer as Illusionist: Magic, Therapy, or PR — What the Client Actually Needs

Clients come to a lawyer with problems the law cannot answer. Instead of a therapist, a mediation worker, a crisis-PR specialist, or a conflict coach, they hire a lawyer — and the lawyer tries to perform magic. A dense popular-science look at what therapeutic jurisprudence, Edgar Schein, Russell Ackoff, and modern crisis communication say about this borderline role.

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A client came in with a thick file and a sentence that has since become a classic: "I want you to destroy him." By the second hour of conversation it was clear that a legal solution would *resolve* the matter, but would not address what the client needed. What he needed was to publicly rehabilitate his name (a PR problem), to stop suffering insomnia and chest tightness (a health/psychological problem), and to convince his co-owner that he "hadn't lost it" and had a strategy for the case (a relational/communication problem). Three problems that look legal but **the law can't answer**. And the previous lawyer who had been running the case for three years had never told him: "This layer is beyond what my craft can reach. Get help for it elsewhere."

This scenario is not unusual. It is *typical*. In our practice we see this repeatedly: civil disputes that drag on for years are often dragged on by something only peripherally connected to the law. The dispute is not the cause but the *symptom*. And a lawyer who can't tell those two words apart is billing the client for treatment their diagnosis does not call for.

This article is about that. About the boundaries of the legal profession. About when a lawyer is genuinely needed, and when there is, behind their door, a problem better handled by a psychotherapist, a crisis communicator, a mediator, a coach, or a doctor. And about why *acknowledging that boundary* is one of the most valuable things a good lawyer offers — and why we systematically don't do it enough in Czech legal practice.

Part One: When You've Got a Hammer, Everything Looks Like a Nail

In the psychology of decision-making there is a concept known as **Maslow's hammer** (often quoted as "*if all you have is a hammer, everything looks like a nail*"; **Abraham Maslow**, *The Psychology of Science: A Reconnaissance*, Harper & Row, 1966). People solve problems with the tools they have at hand — not the tools that are actually best suited. A client thrust into existential crisis by a business conflict doesn't only hold the hammer of their own skills. They also hold the hammer of *the system*: around them is the offer "go to a lawyer," not "assemble a multi-disciplinary team." That single finger of an offer points to my office.

And I — if I'm desperate, if my calendar is empty, or if I'm not paying attention — accept the brief. I lend the client an ear, assess the legal aspect, and start drafting. The client pays me by the hour as if I were uniquely able to solve it. Neither of us said out loud: *you know, only a smaller part of what you describe is something a lawsuit can fix*.

In professional literature, the modern movement calls this the **comprehensive law movement** (overview: **Susan Daicoff**, *Lawyer, Know Thyself: A Psychological Analysis of Personality Strengths and Weaknesses*, American Psychological Association, 2004; also *The Comprehensive Law Movement: An Emerging Approach to Legal Problems*, *Scandinavian Studies in Law*, 49, 109–128, 2006). It draws together several sub-disciplines — therapeutic jurisprudence, restorative justice, collaborative law, problem-solving courts, holistic justice — that share one premise: **a legal problem is usually part of a wider human problem, and whoever fails to notice this may win the dispute but fail to save the client**.

This thesis is not romantic. It is *empirically supported*. Larry Krieger and Kennon Sheldon, in *What Makes Lawyers Happy? A Data-Driven Prescription to Redefine Professional Success* (*George Washington Law Review*, 83(2), 554–627, 2015), studied wellbeing in the legal profession and, among other things, found a systemic mismatch: lawyers focused exclusively on victory and performance reported lower life satisfaction than those who defined their role holistically. And clients? Client satisfaction correlates with whether the lawyer addressed the *whole* problem, not just its legal portion (overview: Steven Keeva, *Transforming Practices: Finding Joy and Satisfaction in the Legal Life*, Contemporary Books, 1999).

Part Two: Therapeutic Jurisprudence and Triage

Probably the most influential intellectual basis for the modern view of the legal profession's boundaries was created by David Wexler and Bruce Winick in a project they named **therapeutic jurisprudence** (TJ). Key reader: *Law in a Therapeutic Key: Developments in Therapeutic Jurisprudence* (Carolina Academic Press, 1996). Wexler and Winick do not say a lawyer should play therapist. They say something far more important: **every legal action has therapeutic or anti-therapeutic side-effects**, and the professional duty is to be aware of them. A court case can break a client psychologically even when they win it on the law. And conversely — a good mediation or a well-built settlement can be psychologically healing, even where they yield economically less than the court might give.

In practice this calls for *triage* — a term taken from emergency medicine and popularised by Atul Gawande in *The Checklist Manifesto: How to Get Things Right* (Metropolitan Books, 2009). Triage is a quick differentiation of patients (here: clients and their problems) by priority and by *which professional is right* for that problem. In medicine: this one to surgery, that one to neurology, this one to psychiatry. In law, triage should mean: this is a matter for a lawyer, this for a mediator, this for a PR agency, this for a psychotherapist. And the front-line lawyer — the contact point — should be able to make the differentiation.

Layer	Typical symptom	Who is the right professional
Legal	"They breached the contract, won't pay, won't allow performance."	Lawyer.
Procedural / forensic	"I need an expert opinion, an audit, due diligence."	Expert, auditor, forensic specialist.
Negotiating	"We are at odds, but a deal is in sight."	Mediator, negotiator, sometimes a lawyer with that training.
Relational	"We can't talk, but we still need to function together."	Mediator, couples or family therapist, conflict coach.
Reputational / PR	"The press is on it, customers are leaving, the mood is turning."	Crisis PR, communications adviser.
Psychological	"I can't sleep, I have chest tightness, I can't work."	Psychotherapist, psychiatrist, doctor.
Identity	"This is the value I'm defending." (regardless of rational cost)	Coach, therapist, mentor; sometimes a spiritual guide.
Existential	"What am I going to do now? Who am I without this company?"	Therapist, coach, supervisor; rarely a lawyer first.

A client typically arrives with a *blend of these layers*, often without a clear sense of where the core lies. The front-line lawyer has two jobs: (a) detect which layers are active in the client's picture; (b) tell them — *before* the meter starts running — which layer they can address themselves and which they cannot.

That is not economically convenient. The portion of the client's budget that the lawyer "passes on" to another professional is revenue the lawyer doesn't earn. But a **client to whom the lawyer says "this part is more for a psychotherapist than for me" comes back. And brings other clients.** Trust is, in the long run, more economically rewarding than opportunism.

A client who walks away from a lawyer feeling **holistically assessed** — even where the lawyer redirected them — has a fundamentally different relationship to the profession than a client who paid two years for resolving something that the lawyer could not resolve. The first spreads good word of mouth. The second spreads silence — or worse.

Part Three: Edgar Schein and Three Kinds of Helping

One of the lesser-known but deepest authors on modern theory of professional help is **Edgar Schein**, longtime professor at MIT. In *Process Consultation Revisited* (Addison-Wesley, 1999) and especially *Helping: How to Offer, Give, and Receive Help* (Berrett-Koehler, 2009), Schein distinguishes **three archetypes of professional help**:

1. **Expert model** — the professional knows what the client needs and supplies it. The classical role of a lawyer in the traditional view: "bring me the file, I'll write the claim." Works well for well-defined problems where the client knows exactly what they need.
2. **Doctor model** — the professional diagnoses and prescribes. The client comes in with symptoms; the professional determines what the matter actually is and proposes the intervention. This role is far more valuable in law, since most clients arrive with symptomatic, not diagnostic, descriptions.
3. **Process consultation model** — the professional helps the client *understand and resolve their own problem*. They don't intervene with reserved prescriptions but lead the client through a process of discovery. Schein argues this role is the most demanding and most important in professional services.

In our practice we try to recognise when expert mode is exactly what the client needs, when doctor mode would serve them better, and when, on rare occasions, process consultation is called for. The client typically comes in with a vague outline ("I have a problem with my partner"), and an immediate switch into a claim ("fine, I'll draft a demand letter") skips the differentiation triage was meant to perform. This isn't a flaw in expert mode — it's the underrated value of what triage decides before the work begins.

Schein has a sharp passage in *Helping* worth quoting (loosely): "*When you help someone whose problem you have not taken the time to understand, you are not really helping them. You are helping yourself feel useful.*" That sentence is uncomfortable for the legal profession because it resonates: how much of clients' money and years has been sacrificed so that lawyers could feel useful *on their own terms*, instead of solving the client's actual problem.

Part Four: Russell Ackoff and the Problem of Solving the Wrong Problem

Another big author of the same lesson — **Russell Ackoff**, one of the founders of modern operations research and systems thinking. His legendary line: "*The righter we do the wrong thing, the wronger we become.*" (Ackoff, *Redesigning the Future: A Systems Approach to Societal Problems*, John Wiley & Sons, 1974). Translated: the better we solve the wrong problem, the more damage we do.

Ackoff developed this in lectures, posthumously gathered in *Russell Ackoff and the Advent of Systems Thinking* (in: *Systems Research and Behavioral Science*, 27, 2010). His core stance: there are four ways of approaching a problem:

- **Absolution** — pretend the problem doesn't exist and let it go away.
- **Resolution** — solve it well enough to stop hurting.
- **Solution** — solve it optimally.
- **Dissolution** — *dissolve* it — change the context so the problem ceases to exist.

In legal practice we usually offer only resolution and solution — *solving* the dispute. But the right answer is often dissolution: change the structure that breeds the dispute. Split the company that no longer belongs together. Change the contractual frame in which the conflict is built in. Restructure the family business so that three gen-

erations don't have to share a single shareholder meeting. These aren't "legal solutions" in the narrow sense — they are **architectural solutions**, which the lawyer designs in collaboration with the client's economist, tax adviser, therapist, and sometimes their life partner.

And then there's absolution — a deliberate decision *to leave the problem alone*. That is an undervalued intervention in Czech practice. Sometimes the client needs to hear: *this matter isn't worth pursuing. Not because you aren't right, but because the purchasing power of your years, money, and mental health is greater today by not looking at it than by pushing it forward*. If you say that to the client and they accept it, you've saved them five years, half a million in fees, and goodness knows how many sleepless nights. If you don't say it *because you'd lose the brief*, that's an ethical problem each lawyer has to resolve with themselves.

A lawyer's most valuable work is not what you bill. It is what you **don't** bill, because you have steered the client away from a billable case that would not have helped them.

Part Five: Howard Zehr and the Restorative Layer

Where a legal dispute can't help with the layer the client is actually carrying — recognition, apology, a narrative of resolution — concepts from **restorative justice** step in. The classic of this school is **Howard Zehr**, *Changing Lenses: A New Focus for Crime and Justice* (Herald Press, 1990; expanded editions). Zehr argues that standard (retributive) justice asks: *Who broke the rules? What punishment do they get?* Restorative justice asks differently: *Who was harmed? What do they need? Who is responsible for restoring it?*

In continental European tradition, similar motifs found their way into the modern conception of mediation (overview: **Jay Folberg & Alison Taylor**, *Mediation: A Comprehensive Guide to Resolving Conflicts Without Litigation*, Jossey-Bass, 1984). In the Czech context, into the (under-used) probation and mediation regime in criminal proceedings. For civil cases, the restorative layer matters mainly because **in our experience, disputes that drag on for years are, at bottom, often about an unmet need for recognition**. A client who gets the money but no recognition often does not feel "closure." A client who gets recognition without the money (rare) often does feel "closure."

A practical instrument follows: **the question of recognition as part of the brief**. When you ask the client "what would you be willing to take instead, if the other side concretely did *this and this*" — where "this and this" is a *non-economic act*: a written statement, an apology, a joint statement to third parties, a statement in the company minutes — you often find the contour of a settlement that money alone could never reach.

In my practice this has been one of the most surprising experiences. Most of the disputes in which we achieved a "non-economic" element of settlement (apology, joint release, gesture) clients rated, years later, *more positively* than disputes that resolved "purely" in stronger financial terms. And often it was cheaper economically — because recognition in business carries a marginally lower cost for the other side than its cash equivalent.

Part Six: Crisis Communication — When the Problem Is PR, Not Legal

There is an entire domain of problems where a lawyer can't help, but firms hire one anyway: **media or reputational crisis**. Here we have to admit the profession lacks adequate training.

W. Timothy Coombs, in *Ongoing Crisis Communication: Planning, Managing, and Responding* (Sage, 1999/2014) and subsequent work, formulated **Situational Crisis Communication Theory (SCCT)**. Core idea: the type of crisis dictates the type of response. If the crisis is in the *victim cluster* (the firm itself is the victim — cyber attack, natural disaster, supplier negligence), expressions of sympathy, sharing of information, and demonstration of remediation work. If it's an *accidental cluster* (a fault without intent — manufacturing defect, technical glitch), the response includes apology, compensation, and an open process of rectification. If it's a *preventable cluster* (the firm broke the rules itself), the response requires *full apology*, taking responsibility, and compensation. Choosing the wrong response makes the crisis exponentially worse.

And here is where **legal and communication strategy typically collide**. A lawyer instinctively heads toward **defensive comms**: don't admit liability, don't apologise (because an apology may be used in civil proceedings), don't disclose more than the law requires. In *legal* logic, that protects the procedural position. In *reputational* logic it can be a suicide. In four weeks of media nothingness, a firm can lose half the value built over a decade of brand work. Howard Gardner, in *Changing Minds: The Art and Science of Changing Our Own and Other People's Minds* (Harvard Business Review Press, 2004), showed that in the reputational domain, what decides is the *coherence of the narrative* and the *speed of the first response*, not the precision of legal phrasing.

What does this imply for legal practice? **Crisis communication belongs to crisis PR**, not to a lawyer. The lawyer has a narrow, sharply delimited mandate: ensure the communication doesn't admit facts that establish liability outside the existing framework, and ensure the wording does not damage the procedural position. But **decisions about tone, narrative, timing, channels and reputation-repair strategy** belong to a crisis communications professional. If the client doesn't have one within reach, the lawyer's job is to find them — not to substitute their own skills.

A long-time client of mine has a rule worth quoting: "*When you've got a crisis, within two hours three people must be in the room: lawyer, crisis PR, CFO. If you only have one, you've got an answer in one dimension, and the crisis steamrollers you in the other two.*" A professional able to admit this is more mature than one who thinks they can solve a crisis alone.

A client in crisis needs a multidisciplinary team, not a heroic lawyer. If they can't assemble it themselves, the lawyer's role is to help — not to substitute.

Defensive legal comms and defensive PR comms do not, in practice, perfectly overlap. Crisis communication should be led by a specialist, not a lawyer; the lawyer's role is the narrow legal frame.

If a client comes in with a problem whose economic impact will flow mostly through reputation rather than through a legal outcome, that is a strong indicator that crisis PR leads — and law is secondary.

Part Seven: A Hippocratic Principle for Lawyers and Schön's Reflective Practitioner

The medical profession is disciplined by **primum non nocere** — first, do no harm. The legal profession has no explicit counterpart, but strategically the principle is just as important. **Donald Schön**, in his classic *The Reflective Practitioner: How Professionals Think in Action* (Basic Books, 1983), showed that the competent professional is not the one with the most knowledge but the one who **at the moment of decision reflects on what they are doing** — and openly admits the limits of their role.

From Schön a few practical points worth stating outright for legal practice:

- **Know what you don't know.** Among other things, the client pays for your ability to say: *this is beyond my competence, I know someone who handles it better*. That sentence has no competition — because the competition (which can't say it) ends up bringing the client back to you anyway, only after five wasted years and lost health.
- **Diagnosis before intervention.** A medical rule: never operate without a diagnosis. In legal practice: never draft a claim until you've done triage. A claim is not the default output. It is *one of* possible outputs that has to earn its place against alternatives.
- **Reflect on side-effects.** After every major step (claim, filing, dealing with the other side), systematically ask what the *side-effects* are — psychological, relational, reputational, economic. Not just procedural.
- **Say enough.** Schön and Schein agree: professional integrity often means *telling the client you have nothing more useful to offer them*. That is a rare moment in legal practice, but the one that builds trust like nothing else.

Add to this the classic **Carl Rogers** (*On Becoming a Person*, Houghton Mifflin, 1961), who in the therapeutic context formulated *unconditional positive regard* — the unconditional acceptance of the client. In legal practice that does not mean agreeing with everything the client says. It means *not driving them out of the office because their problem is "too human."* A client who comes in with a dispute that is half legal, half psychological, half reputational is *normal*. A lawyer who turns them away saying "we only do legal work here" gives up one of the main reasons their profession exists.

Part Eight: The Counsel Role — From Lawyer to Adviser to a Whole Life

Mafia-flavoured metaphors are received in the legal profession with awkwardness, but they are apt: the highest form of the lawyer's role isn't "advocate in a dispute" but **consigliere** — *counsellor*. Someone who knows the client, their business, their family and their weaknesses well enough to advise not only what to do but what *not* to do — and when to take a break instead of letting the dispute roll on.

In professional literature this role has been written about by **Mary Ann Glendon** (*A Nation Under Lawyers*, Harvard University Press, 1994), **Anthony Kronman** (*The Lost Lawyer: Failing Ideals of the Legal Profession*, Harvard University Press, 1993) and — from the applied side — **Steven Keeva** (*Transforming Practices*, 1999).

Their shared theme: in recent decades the profession has shifted from *counsellor* to *technician*, and that shift impoverished the profession materially — perhaps not economically, but humanly for sure.

Returning to the counsellor role does not mean returning to the nineteenth century. It means **deliberately elevating the layer of work the market currently underprices**, but which clients, once they get it, never again imagine going without. *It is the layer where the lawyer says "don't do this" more than "do this."* The layer where the conversation is about life, not just about claims. The layer where the client is helped to articulate *what they really want*, not just *what they want from the court*.

If someone objects "but you can't do that on an hourly rate," the answer is: no, you can't. But you can do it on a **relationship rate** — on an annual retainer where the client reserves you for a narrow set of strategic decisions, and the relationship rate is paid *once a year rather than three times a month* in half-hour units. The client who wants this will find you. The client who doesn't will not confuse you with a piecework shop. **That separation is healthier for both sides.**

Part Nine: The Ethics of Triage and Its Limits

Boundary question: can a lawyer *advise* a client to see a psychotherapist? To hire crisis PR? To consider whether they really want to run this dispute? The ethical rules of the profession do not anywhere prohibit such advice — on the contrary, the duty of loyalty to the client opens space for it (at the general level see **ABA Model Rules of Professional Conduct**, Rule 2.1: *"In rendering advice, a lawyer may refer not only to law but to other considerations such as moral, economic, social and political factors that may be relevant to the client's situation"*). Czech ethical rules (notably the ČAK board resolution no. 1/1997 and successors) do not explicitly codify this non-legal advisory dimension, but they don't forbid it either, and in the spirit of a general duty of loyalty to the client it is admissible.

There are two limits:

1. **The lawyer does not perform an intervention they are not trained for.** Recommending a psychotherapist is fine. *Performing* therapy is not. Recommending crisis PR is fine. *Being* crisis PR — without training — is professionally questionable. The line is simple: *whenever you are in expert mode outside your expertise*. If you cross over, you hand over.
2. **The lawyer must not exploit the proximity of the role.** The counsel relationship gives a lawyer unusual knowledge of the client's weaknesses. That knowledge can be used in their interest (and the client pays for that), or weaponised against them (and at that point you stop being a lawyer in any professional sense). The line here is ethical and personal, not primarily procedural.

A third, often missed line: **the lawyer must be able to admit they are not the one the client needs**. This is the psychologically hardest part of the profession. It requires a settled professional identity that doesn't derive its worth from how indispensable the client thinks the lawyer is. **Edgar Schein** in *Helping* calls this **giving away the**

helper role — the ability to hand the helper role to someone else when it serves the client. A professional who can't do this keeps the client dependent. A professional who can free the client — and the client returns because they want to, not because they have to.

Conclusion: True Magic and Fake Magic

The client I mentioned at the start did not, in the end, take the matter to court. After half a year of diagnostic work — psychotherapist for the insomnia, crisis PR for reputation, mediator for the conversation with his co-owner, lawyer for the narrow legal frame — the matter ended in an amicable settlement which, materially, brought less than what we could plausibly have argued for in court, but which returned the client to his life. Five years later he told me it was the only "win" in his life that he was proud of. The magic the lawyer did was not legal — and not his. The magic was that the lawyer **refused to be alone**.

This is my proposal for what a modern legal profession should look like, as I see it: not a technocratic factory of statute paragraphs, not an illusionist's pretence that law can do what it cannot, but a **disciplined, conscious, multidisciplinary practice** that knows where the law's playing field is and where the client needs to assemble *another team of specialists* for a *different field*. A profession that says *no* to engagements it isn't qualified to take, and elevates the layer of its own work that today is underpriced but humanly essential.

A client who grasps this finds an adviser who can do this. An adviser who can do this is never out of work. And a profession that moves toward this model will enjoy a different social and economic standing than one that remains exclusively in a technicist role.

Related reading: on [how a judge decides and what each side really wants](#), see the piece on the psychology of the parties. On [why classical negotiation doctrine fails against an irrational adversary](#), see the article on asymmetric defence. The scientific background of negotiation itself in [Statutes Are Just the Foundation: Psychology and Tactics in a Legal Dispute](#). For a practical view on [when to litigate and when not](#) and [when to choose mediation over court](#).

Are you facing a matter where you suspect the lawyer is one of three professionals you'll need — but you don't know who the others are? In [our practice](#) we open every more complex situation with triage — and recommendations of specialists where we know we can't substitute. [Get in touch](#) before you decide a lawyer alone will do.

Further Reading

- Ackoff, R. L. (1974). *Redesigning the Future: A Systems Approach to Societal Problems*. John Wiley & Sons.
- Coombs, W. T. (1999/2014). *Ongoing Crisis Communication: Planning, Managing, and Responding*. Sage.

- Daicoff, S. (2004). *Lawyer, Know Thyself: A Psychological Analysis of Personality Strengths and Weaknesses*. American Psychological Association.
- Daicoff, S. (2006). *The Comprehensive Law Movement: An Emerging Approach to Legal Problems*. *Scandinavian Studies in Law*, 49, 109–128.
- Folberg, J., & Taylor, A. (1984). *Mediation: A Comprehensive Guide to Resolving Conflicts Without Litigation*. Jossey-Bass.
- Gardner, H. (2004). *Changing Minds: The Art and Science of Changing Our Own and Other People's Minds*. Harvard Business Review Press.
- Gawande, A. (2009). *The Checklist Manifesto: How to Get Things Right*. Metropolitan Books.
- Glendon, M. A. (1994). *A Nation Under Lawyers*. Harvard University Press.
- Keeva, S. (1999). *Transforming Practices: Finding Joy and Satisfaction in the Legal Life*. Contemporary Books.
- Krieger, L. S., & Sheldon, K. M. (2015). *What Makes Lawyers Happy? A Data-Driven Prescription to Redefine Professional Success*. *George Washington Law Review*, 83(2), 554–627.
- Kronman, A. T. (1993). *The Lost Lawyer: Failing Ideals of the Legal Profession*. Harvard University Press.
- Maslow, A. H. (1966). *The Psychology of Science: A Reconnaissance*. Harper & Row.
- Rogers, C. R. (1961). *On Becoming a Person: A Therapist's View of Psychotherapy*. Houghton Mifflin.
- Schein, E. H. (1999). *Process Consultation Revisited: Building the Helping Relationship*. Addison-Wesley.
- Schein, E. H. (2009). *Helping: How to Offer, Give, and Receive Help*. Berrett-Koehler.
- Schön, D. A. (1983). *The Reflective Practitioner: How Professionals Think in Action*. Basic Books.
- Wexler, D. B., & Winick, B. J. (1996). *Law in a Therapeutic Key: Developments in Therapeutic Jurisprudence*. Carolina Academic Press.
- Zehr, H. (1990). *Changing Lenses: A New Focus for Crime and Justice*. Herald Press.

This article is popularisation, not a sociological study. The recommendations on triage and multidisciplinary practice reflect my view of the profession and my experience; other colleagues may legitimately hold a different one. Citations are accurate to the original works; their application to the Czech bar is my own interpretation. The ethical frameworks mentioned — ABA Model Rules, the Czech bar's code — carry different formal weight in the Czech Republic; the ABA is a comparative reference, not a binding source.

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