

# April Showers Bring Muddy Paws... and the Power of the Pause



Lawyers are trained to move. Conditioned to respond, to act and to solve, immediately. Speed, when not paired with judgement, creates risk. Take a pause in your day to read Kristi Paulson's perspective on knowing when to pause or jump right in.

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April does not arrive gently. It shows up loud, unpredictable, and unapologetically messy. One minute you are enjoying a hint of spring, and the next you are standing at your door watching the rain (or this year...snow) come down sideways, wondering if it is too early to put the boots back by the entryway. In Minnesota, we know that spring is less a season and more a negotiation between winter and optimism, and the outcome is rarely clean.

And if you have dogs, you already know what comes next.

I have two. Dash, a miniature Australian shepherd, is tri-color black, white, and tan, with a long double coat that seems designed to collect every element the outdoors has to offer. Dash hates getting wet. He will stand at the door, evaluate the situation, and, if the rain looks even remotely offensive, reconsider whether going outside is worth it at all. Then there is Spencer, my golden retriever. Spencer does not evaluate anything. If there is water, he is in it. Rain, puddles, melting snow, it makes no difference. In fact, the wetter, the better. Staying dry is the exception, not the rule.

The result is predictable. Spencer charges in without hesitation, leaving a trail behind him that tells the story of exactly where he has been. Dash, on the other hand, pauses. He hesitates. He assesses the conditions before moving forward. Somewhere between those two approaches is a lesson for lawyers, and it is one we do not always take the time to consider.

### **The Instinct to Move Fast**

Lawyers are trained to move. We are conditioned to respond, to act, and to solve. A client sends an email late in the evening, and we feel the pull to respond immediately. Opposing counsel takes a position that feels off base, and we draft a reply before we have fully considered whether responding at all is the best strategy. A judge asks a pointed question during a hearing, and we begin answering while we are still processing what is really being asked. A negotiation shifts unexpectedly, and in the effort to keep momentum, we make statements or concessions that deserve more thought than we give them in the moment.

There is value in responsiveness. Deadlines matter, momentum matters, and clients expect engagement. But speed, when it is not paired with judgment, creates risk. When we move too quickly, especially in situations that are unclear, emotionally charged, or still developing, we do exactly what Spencer does when he runs through the yard in the rain. We carry the mess with us, and sometimes we spread it further than we intended.

### **Where the Mud Shows Up in Practice**

The consequences of moving too quickly rarely announce themselves in the moment. They show up later, often in ways that are far more difficult to clean up.

An attorney responds to opposing counsel with a definitive position before confirming key facts with the client. That position becomes the framework for the negotiation, limiting flexibility and undermining credibility when it must be revised. A lawyer reassures a client that a case is "strong" to manage anxiety, only to later confront facts that do not support that assessment, creating both a communication breakdown and a potential expectation problem. In mediation, a statement about authority or willingness to move is made in real time, without full alignment with the client, leading to confusion, frustration, and, in some cases, claims that the client was not adequately advised.

Even tone, something that feels secondary in the rush to respond, carries real consequence. Emails written quickly and read later often sound sharper, more dismissive, or more certain than intended. Those communications can escalate disputes, damage professional relationships, and, in the worst cases, become part of a record that is revisited in the context of a complaint or claim.

## **The Ethical Ground Beneath the Mud**

The Rules of Professional Conduct do not require perfection, but they do require judgment. That judgment is most often tested in moments of speed.

Competence requires not just knowledge of the law, but the ability to apply it thoughtfully to the facts at hand. A rushed response that fails to account for developing information can fall short of that standard. Communication requires that lawyers keep clients reasonably informed and explain matters to the extent necessary for informed decision-making. That obligation is not satisfied by speed alone. Providing a quick answer that is incomplete or insufficiently considered can be just as problematic as failing to respond at all.

Truthfulness in statements to others, particularly in negotiation, presents another area where speed creates risk. While advocacy allows for positioning and strategy, it does not permit misrepresentation of material facts. Statements made too quickly, without full clarity, can blur that line in ways that are difficult to unwind. What begins as an effort to keep a negotiation moving can become an ethical issue if the information conveyed is inaccurate or misleading.

These are not abstract concerns. They are the kinds of issues that sit at the center of many malpractice claims. A client alleges they were not fully informed before deciding. A communication is interpreted as a promise or guarantee that was never intended. A position taken early in a case constrains strategy in a way that ultimately impacts outcome. In many of these situations, the underlying issue is not a lack of knowledge or skill. It is the absence of a pause.

## **The Pause as Risk Management**

Dash, standing at the door, is not avoiding the rain. He is taking a moment to assess it. That pause is what keeps the mud from immediately being tracked through the house. In the practice of law, the pause serves a similar function. It creates space to think, to verify, and to align response with both strategy and professional obligation.

From a risk management perspective, this is not just a communication preference, it is a protective measure. Many of the situations that evolve into complaints or claims begin in moments where something was said too quickly, assumed too easily, or communicated without sufficient clarity. The instinct to keep things moving, to provide an answer, or to respond in real time can feel productive in the moment, but it often introduces unnecessary risk.

As I was working through this idea, I picked up the phone and called my friend Todd at Minnesota Lawyers Mutual to get his perspective. Todd C. Scott, who serves as Vice President of Risk Management at MLM and is a nationally recognized authority on legal ethics and professional responsibility, did not hesitate:

“From a risk management standpoint, the pause is often where problems are prevented. Taking a moment to confirm facts, frame communication, and document advice can make the difference between a well-managed matter and a potential claim.”

That observation reflects what many lawyers experience over time. The issue is rarely a lack of legal ability. More often, it is a breakdown in how information is communicated, how expectations are managed, or how quickly positions are taken before they are fully understood. A response sent without confirming key facts can become a representation that must later be corrected. Advice given too quickly can be interpreted as more definitive than intended. A negotiation statement made in the moment can limit flexibility or create confusion about authority.

The pause interrupts that pattern. It allows time to confirm information before speaking, to ensure that advice is grounded and clearly communicated, and to document decisions in a way that protects both the client and the lawyer. It tempers tone, reducing the likelihood that communication escalates unnecessarily. It creates clarity in moments where clarity is most needed.

Importantly, the pause does not slow the practice in any meaningful way. In many cases, it prevents the need to fix what was said too quickly. It avoids the follow-up email that reframes a position, the conversation that attempts to reset expectations, or the explanation required when something is misunderstood. It is, in a very real sense, an efficiency tool.

In that way, the pause is not hesitation. It is discipline. It is the decision to step forward with intention rather than reaction, and in doing so, it protects the integrity of the process, the clarity of the communication, and the stability of the outcome.

## PowerHouse Perspective: The Pause is a Professional Skill

The pause is not theoretical. It shows up in small, everyday decisions that shape how we practice, communicate, and protect both our clients and us:

1. **Pause** before sending the email that feels urgent but carries assumption, frustration, or unnecessary certainty.
2. **Pause** when facts are still developing, even if others are pressing for immediate answers.
3. **Pause** when a client is emotional and looking for reassurance that may outpace the reality of the case.
4. **Pause** before making representations in negotiation that depend on information not yet confirmed.
5. **Pause** to ensure that advice given allows the client to make a truly informed decision, not just a quick one.

### At the Door

We try, with varying degrees of success, to teach our dogs that there is a moment at the door. A moment to stop, to wait, and to let the worst of the mud be dealt with before they move forward. Spencer is still working on it. Dash has it mastered.

Lawyers would do well to find a balance between the two. There are times to move quickly, to act decisively, and to step forward without hesitation. But there are also times, often the most important ones, where the better choice is to pause, to assess, and to proceed with intention.

That pause is not just about better communication or stronger advocacy. It is where problems are prevented before they take shape. It is the space where facts are confirmed, expectations are clarified, and advice is grounded in thoughtful judgment rather than reaction.

Because in a profession built on precision, trust, and accountability, what matters most is not how quickly we respond, but how carefully we do so. The lawyers who consistently get that right are not the ones who avoid the rain altogether. They are the ones who know when to move - and when to pause long enough to keep the mud from following them inside.



Kristi Paulson is a professional mediator and arbitrator with **PowerHouse Mediation**. She is an accomplished trial lawyer and a member of the American Board of Trial Advocates and the National Association of Distinguished Neutrals. She serves on both the Minnesota Lawyers Board of Professional Responsibility and the ADR Ethics Board. Kristi holds a Master's Degree in Speech Communication and has extensive experience as both a college professor and a trial lawyer, refining her expertise in communication and advocacy. A frequent speaker and educator, Kristi is also the owner of The Professional Education Group (PEG), through which she offers national training and education in mediation, ADR, and advocacy.