

**From Accounting to Zen:
Suggested Professional Reading
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Although I don't endorse every opinion or conclusion expressed in them, I think that law students and lawyers might find the books below useful in their continuing professional development. (These recommendations are mine only, and not those of the Washington College of Law and/or American University.)

Accounting

- Bandler, James- *How to Use Financial Statements* (1994)
A short, simple, step-by-step explanation of financial statements, their uses and interpretation, and the accounting techniques used in their preparation.
- Bradford, C. Steven & Gary Adna Ames- *Basic Accounting Principles for Lawyers* (1997)
Another abbreviated discussion, intended to be “interesting and understandable for law students who have no desire to become accountants. . . . This is not a treatise on accounting but a relatively short introduction to the essentials.”
- Ittelson, Thomas R.- *Financial Statements: A Step-by-Step Guide to Understanding and Creating Financial Reports* (2009)
- Makoujy, Rick J., Jr.- *How To Read a Balance Sheet* (2010)

The Business School Experience

These equivalents of Scott Turow's *One L* (1997) may provide useful perspectives on legal education and on the education and training of potential clients:

- Broughton, Philip Delves- *Ahead of the Curve: Two Years at Harvard Business School* (2008)
- Cohen, Peter Zachary- *The Gospel According to the Harvard Business School: The Education of America's Managerial Elite* (1974)
- Reid, Robert- *Year One: An Intimate Look Inside Harvard Business School* (1995)
- Robinson, Peter- *Snapshots from Hell: The Making of an MBA* (1994)
About Stanford Business School.

Efficiency and Effectiveness

- Allen, David- *Getting Things Done: The Art of Stress-Free Productivity* (2001)
“The methods I present here are all based on two key objectives: (1) capturing *all* the things that need to get done—now, later, someday, big, little, or in between—into a logical and trusted system outside of your head and off your mind; and (2) disciplining yourself to make front-end decisions about all of the ‘inputs’ you let into your life so that you will always have a plan for ‘next actions’ that you can implement or re-negotiate at any moment.”
- Drucker, Peter- *The Effective Executive* (1966)
By one of the foremost experts on management.
“To be reasonably effective it is not enough for the individual to be intelligent, to work hard, or to be knowledgeable. Effectiveness is something separate, something different. But to be effective also does not require special gifts, special aptitude, or special training. Effectiveness as an executive demands *doing* certain—and fairly simple—things. It consists of a small number of practices, the practices that are presented and discussed in this book.”
- Gawande, Atul- *The Checklist Manifesto: How to Get Things Right* (2009)
A surgeon (and medical school professor) examines the role and limitations of checklists in the medical context and beyond.
- Gleeson, Kerry- *The Personal Efficiency Program: How to Get Organized to Do More Work in Less Time* (1994)
Emphasizes doing things as soon as possible, rather than letting them accumulate.
- Jacobson, Douglas & Joseph Idziorek- *Computer Security Literacy: Staying Safe in a Digital World* (2012)
A practical discussion of computer security techniques and practices concerning passwords, e-mail, malware, Web surfing, online shopping, social media, and more.
- Kahneman, Daniel- *Thinking, Fast and Slow* (2011)
A sobering survey, by a Nobel-Prize-winning economist who pioneered “behavioral economics,” of the varieties of cognitive traps that undermine casual—and even careful—decision-makers. To me, the very best of the scores of recent popular books on the psychology of decision-making.
Notable also for the author’s conclusion:
“How can we improve judgments and decisions, both our own and those of the institutions that we serve and that serve us? The short answer is that little can be achieved without a considerable investment of effort. . . . Except for some effects that I attribute mostly to age, my intuitive

thinking is just as prone to overconfidence, extreme predictions, and the planning fallacy as it was before I made a study of these issues. I have improved only in my ability to recognize situations in which errors are likely. . . .

“Organizations are better than individuals when it comes to avoiding errors, because they naturally think more slowly and have the power to impose orderly procedures. Organizations can institute and enforce the application of useful checklists, as well as more elaborate exercises.”

[For a catalogue of dozens of decision-making pitfalls that Kahneman and other authors have identified; a discussion of “preventive procedures, policies, and protocols”; and suggestions that directors, officers, and their counsel have professional obligations to assimilate and apply these lessons, and might face personal liability for failing to do so, see Walter A. Effross, *Corporate Governance: Principles and Practices* (2d ed. 2013), pp. 127-136.]

- Leonard, George- *Mastery: The Keys to Success and Long-Term Fulfillment* (1991)
Using analogies from the martial arts, Leonard (one of the leaders of the human potential movement, and an aikido master) concludes that “[l]earning any new skill involves relatively brief spurts of progress, each of which is followed by a slight decline to a plateau somewhat higher in most cases than that which preceded it. . . .
“How do you best move toward mastery? To put it simply, you practice diligently, but you practice primarily *for the sake of the practice itself*. Rather than being frustrated while on the plateau, you learn to appreciate and enjoy it just as much as you do the upward surges.”
- Ringer, Robert- *Looking Out for #1* (1977)
A best-seller in its time, this book got a lot of bad press from those who took its title to indicate that the author was advocating aggressive and unmitigated selfishness. However, no less an authority on appropriate behavior than Ann Landers contributed a blurb to the cover of the paperback edition. Ringer focuses, through discussions of his own financial and personal highs and lows, on the virtues of being prepared and self-reliant.
This book is a more general version of the author’s (similarly misleadingly-titled) *Winning Through Intimidation* (1973), about the lessons he drew from his early involvement in real estate transactions.
- Ringer, Robert- *Million Dollar Habits* (1990)
Continues the themes of *Looking Out for #1* by identifying, in the context of Ringer’s experiences, good habits involving realism, attitudes, perspectives, living in the present, morality, human relations, simplicity, self-discipline, and decisiveness.

The chapter entitled, “The Present Living Habit” raises five issues “critical . . . to your chances of achieving long-term, positive results”:

- (1) What Do I Enjoy?
- (2) What Am I Good At?
- (3) What Do I Want Out of Life?
- (4) What’s the Price?
- (5) Am I Willing to Pay the Price?

- *Robert’s Rules of Order* (various editions)
Essential reading—*before* a meeting governed by its procedures begins.
- Zimbardo, Philip, *The Lucifer Effect: Understanding How Good People Turn Evil* (2007)
A psychologist involved in the (in)famous “Stanford Prison Experiment” in 1971, two years after he pioneered tests of the “broken window theory,” offers a “Ten-step Program to Resist Unwanted Influences” (at pages 451-456) as “a starter kit toward building individual resistance and communal resilience against undesirable influences and illegitimate attempts at persuasion.”

Law Firms

- Caplan, Lincoln- *Skadden: Power, Money, and the Rise of a Legal Empire* (1993)
A detailed profile of the history and culture of the mega-firm, and of the firm’s role in and reaction to the rise in corporate mergers and acquisitions.
Chock-full of valuable lessons, great quotations, and revealing anecdotes.
- Eisler, Kim Isaac- *Shark Tank: Greed, Politics, and the Collapse of Finley Kumble, One of America’s Largest Law Firms* (1990)
More lessons, quotations, and anecdotes, but mostly of the “how-not-to” variety.
Eisler’s chronicle of the rapid rise and swift decline of this firm highlights issues of law firm culture, legal ethics, and professionalism in general.
- Pollock, Ellen Joan- *Turks and Brahmins: Upheaval at Milbank, Tweed* (1990)
A fascinating account of the firm’s “awakening: how a group of close-knit men fought [in the mid-1980’s] to keep their business afloat. . . . The firm’s client base was expanded. The lockstep compensation system was modified so that big business producers could be adequately compensated. Rainmakers were lured away from other firms. . . . The partners were forced to rethink their never-before-questioned belief that partnership was for life. . . . These decisions were based mostly on financial realities, with scarcely a nod to the loyalties that had long glued the partnership together.”
Pollock carefully portrays the way in which the firm’s culture changed to accommodate these new realities.

- Dorsey, David- *The Force* (1994)

This book “is based on my experiences during a year I lived with a group of top Xerox salespeople in a suburb of Cleveland, Ohio. . . . I wanted to tell in vivid terms the story of how a top salesman—along with his team—attains certain goals over the course of a sales year, and what impact this effort has on the personal lives of the people involved.”

Although this material does not directly concern law firms, Dorsey’s discussions of the psychology of motivation and salesmanship and of the relationships between professionals and their clients should be instructive.

- Osborn, John Jay, Jr.- *The Associates* (1982)

A little-known novel by the author of *The Paper Chase* (1970). Unlike that book, this one was not made into a movie; but like that book, it was the basis for a (in this case, short-lived) television show.

Legal Analysis

- Farnsworth, Ward- *The Legal Analyst: A Toolkit for Thinking about the Law* (2007)

Thirty-one chapters on “the most interesting ideas one learns about in law school—or should learn, or might wish to have learned—[explaining] them in plain language with lots of examples of how they work.”

Management Theory

For critical assessments of management theories and consultants, see

- Kiechel, Walter- *The Lords of Strategy: The Secret Intellectual History of the New Corporate World* (2010)
- O’Shea, James & Charles Madigan, *Dangerous Company: The Consulting Powerhouses and the Businesses They Save and Ruin* (1997)
- Stewart, Matthew- *The Management Myth: Why the Experts Keep Getting It Wrong* (2008)

Perspective

- Csikszentmihalyi, Mihaly- *Flow: The Psychology of Optimal Experience* (1990)

Explores “the concept of flow—the state in which people are so involved in an activity that nothing else seems to matter; the experience itself is so enjoyable that people will do it even at great cost, for the sheer sake of doing it.” Aims, in this context “to present examples of how life can be made more enjoyable, ordered in the framework of a theory, for readers to reflect upon and from which they may then draw their own conclusions.”

- Frankl, Victor- *Man's Search for Meaning* (1959)

This unusual book contains three parts: a harrowing account of the author's experiences in a concentration camp, a discussion of the psychotherapeutic school of "logotherapy" that he subsequently founded, and an essay on retaining one's optimism while recognizing suffering in the world. In a foreword, Frankl notes that when he wrote the book in 1945 he had "wanted simply to convey to the reader by way of a concrete example that life holds a potential meaning under any conditions, even the most miserable ones."

Frankl sums up his philosophy:

"Don't aim at success—the more you aim at it and make it a target, the more you are going to miss it. For success, like happiness, cannot be pursued; it must ensue, and it only does so as the unintended side-effect of one's personal dedication to a cause greater than oneself or as the by-product of one's surrender to a person other than oneself. Happiness must happen, and the same holds for success: you have to let it happen by not caring about it."

- Hesse, Herman- *The Glass Bead Game (Magister Ludi)* (1943)

[in the original German, *Das Glasperlenspiel*]

A novel about an elite monastic subculture, Castalia, whose adepts weave together concepts from any and all disciplines in "playing" the most comprehensive intellectual enterprise imaginable.

In the words of a Master player to a young initiate,

"[O]ur mission is to recognize contraries for what they are: first of all as contraries, but then as opposite poles of a unity. Such is the nature of the Glass Bead Game. . . .

"Each of us is merely one human being. . . . But each of us should be on the way toward perfection, should be striving to reach the center, not the periphery. Remember this: that one can be a strict logician or grammarian, and at the same time full of imagination and music. One can be a musician or Glass Bead Game player and at the same time wholly devoted to rule and order. The kind of person we want to develop, the kind of person we aim to become, would at any time be able to exchange his discipline or art for any other. He would infuse the Glass Bead Game with crystalline logic, and grammar with creative imagination."

[from the Richard & Clara Winston translation (1969)]

- Weisberg, Richard- *Poethics* (1992)

Collects a law professor's articles on reading law as one would read literature, and on the portrayals of lawyers and law in literary works. "Stories about law—whether or not from the established [literary] canon—provide a unique source of understanding, likely to bring a greater ethical awareness to late twentieth-century legal communication. No bad judicial opinion can be 'well written.' No seemingly just opinion will endure unless its discursive form matches its quest for fairness. 'Objective' treatment of

corrupt legal materials is itself corrupt, however seemingly benign. Good writing ennobles, and—in the case of legal writers—it brings great professional satisfaction and the restoration of law to our culture’s center stage. And finally: law and literature, for all their disparities, are one.” Weisberg’s empirical and textual studies of the legal community in Vichy France (1940-1944) detail the catastrophic human consequences of lawyers’ divorcing their technical capabilities from a larger sense of justice. On a much lighter note, the author contends in other sections of the book that “sympathetic fictional lawyers all fall into one of three categories: they have no law practice worth mentioning; or they lose the cases on which they are working in the novel; or they lose their lives altogether without solving anything”; discusses the works of Shakespeare, Melville, Dickens, and Faulkner; evaluates the canon of the “Great Books”; defends the Law and Literature movement against Judge Richard Posner’s criticisms; and recommends that lawyers, to retain their “professional bliss,” use the active voice in their writing and “read at least one novel a month.”

Perspective- “The Game of Law and Its Prizes”

Benjamin Cardozo’s address (as an Associate Justice of the New York Court of Appeals) at the 74th commencement of the Albany Law School, on June 10, 1925
[full text in *Selected Writings of Benjamin Nathan Cardozo* (Margaret Hall, ed.) (1947)]

[A lawyer] must be historian and prophet all in one—the qualities of each united in a perfect blend—who would fulfill that task completely. . . . Here is a game, a puzzle, a conundrum, to mystify and pique. Here is a task, a summons, a vocation, to rouse and stir and quicken. Give what you have, whether what you have be much or little. You will be sharers in a process that is greater than the greatest of its ministers. . . .The process of justice is never finished, but reproduces itself, generation after generation, in ever-changing forms, and today, as in the past, it calls for the bravest and the best. . .

This is no life of cloistered ease to which you dedicate your powers. This is a life that touches your fellow men at every angle of their being, a life that you must live in the crowd, and yet apart from it, man of the world and philosopher by turns.

You will study the wisdom of the past, for in a wilderness of conflicting counsels, a trail has there been blazed.

You will study the life of mankind, for this is the life you must order, and, to order with wisdom, must know.

You will study the precepts of justice, for these are the truths that through you shall come to their hour of triumph.

Here is the high emprise, the fine endeavor, the splendid possibility of achievement, to which I summon you and bid you welcome.

Perspective- The “Great Books”

In a 1954 letter to a twelve-year-old boy who had asked him for “some ways to start preparing myself while still in junior high school” for a career in the law, Justice Felix Frankfurter advised him that

[t]he best way to prepare for the law is to come to the study of law as a well-read person. Thus alone can one acquire the capacity to use the English language on paper and in speech and with the habits of clear thinking which only a truly liberal education can give. . . . Stock your mind with the deposit of much good reading, and widen and deepen your feelings by experiencing vicariously as much as possible the wonderful mysteries of the universe. . . .

(On the other hand, to Clarence Darrow is attributed the observation that “Inside every lawyer is the wreck of a poet.”)

- Adler, Mortimer- *The Great Ideas: A Lexicon of Western Thought* (1992)
From the former chairman of the Board of Editors of the Encyclopedia Britannica, essays on the development of 102 “great ideas” (such as “War and Peace,” “Love,” “God,” and “Truth”) through the masterworks of Western literature.
- Beam, Alex- *A Great Idea at the Time: The Rise, Fall, and Curious Aftermath of the Great Books* (2008)
An examination of the selection, marketing, popularity, cultural significance of, and individuals who formulated the 54-volume set, Great Books of the Western World (published by the University of Chicago and Encyclopedia Britannica in 1952)—and of the relevance and reception of the “Great Books” in general.
- Beha, Christopher R.- *The Whole Five Feet: What the Great Books Taught Me About Life, Death, and Pretty Much Everything Else* (2009)
The author’s reflections on his year-long project of reading and contemplating the entire 50 volumes of the Harvard Classics set (1909), “[k]nown informally as the Five-Foot Shelf.”
Beha concludes that during this personally turbulent period, “it’s not that I found consolation from the classics, but that I found consolation in the world by reading the classics. I found consolation in living a life that included these books. And so the book I finally did write wasn’t a book about reading so much as a book about the life of one reader. It was a book about the instruments that made it possible for me to read myself.”

- Denby, David- *Great Books: My Adventures With Homer, Rousseau, Woolf, and Other Indestructible Writers of the Western World* (1996)
From the *New Yorker* (and formerly *New York*) magazine's film critic, a chronicle of how "[i]n the fall of 1991, thirty years after entering Columbia University for the first time, I went back to school and sat with eighteen-year-olds and read the same books they read" in the University's famous "Literature Humanities" and "Contemporary Civilization" courses. "This book is an account of my year as a second-time student. I have written it the way it happened to me, as a journey sometimes perilous, sometimes serene, and as an introduction to the great stories and momentous ideas I consumed with such hunger in middle age."
- Fadiman, Clifton- *The Lifetime Reading Plan* (1960)
Profiles of 100 literary classics. Fadiman warns that "This is not in any absolute sense a list of the 'best books.' There are no 'best books.'" Fadiman's *The New Lifetime Reading Plan* (1997, with co-author John S. Major) adds dozens of works, including many non-Western titles.

Professional Persona and Pathways

- Cain, Susan- *Quiet: The Power of Introverts in a World That Can't Stop Talking* (2012)
Champions the less-gregarious, more-reflective inclinations of many professionals (and others); examines "The Myth of Charismatic Leadership" and "When Collaboration Kills Creativity"; and asks, "When Should You Act More Extroverted Than You Really Are?"
Don't miss the author's discussion of her first client, a lawyer (pages 7-15) or of the culture of confidence and extroversion that she found on a visit to Harvard Business School (pages 43-55):

"Isn't there anyone on the quieter side?" I ask.
"They look at me curiously."
"I couldn't tell you," says the first student dismissively."
- Grove, Andrew- *Only the Paranoid Survive* (1996)
A thought-provoking analysis, by the former chairman and CEO of Intel, of how to recognize and react to "strategic inflection points" that affect your industry, company, and/or career.
In a sense, Grove elaborates on the famous lyrics of Kenny Rogers' "The Gambler": "You've got to know when to hold 'em/ Know when to fold 'em/ Know when to walk away/ Know when to run" (or the Rolling Stones' terser, "I've got to walk/ Before they make me run").
Although the examples generally concern Intel's experiences with technological developments, the last chapter, which specifically addresses "Career Inflection Points," is certainly relevant to law students and lawyers.

- Poundstone, William- *How Would You Move Mount Fuji? Microsoft's Cult of the Puzzle: How the World's Smartest Companies Select the Most Creative Thinkers* (2003)

Discusses the history and effectiveness of “puzzle interview” questions such as “How many piano tuners are there in the world?” and “If you could remove any of the fifty U.S. states, which would it be?” and “presents a short and easily remembered list of tips for improving performance.”

The Stock Market—and Other Complex Systems

- Bass, Thomas A.- *The Predictors: How a Band of Maverick Physicists Used Chaos Theory to Trade Their Way to a Fortune on Wall Street* (1999)

The author previously chronicled, in *The Eudaemonic Pie* (1985), the amazing attempts of some of these physicists to win at casinos' roulette tables by using computers hidden in their shoes.

- Graham, Benjamin- *The Intelligent Investor: The Definitive Book on Value Investing* (various editions)

In his preface to the fourth edition, Warren Buffett recalled that “I read the first edition of this book early in 1950, when I was nineteen. I thought then that it was by far the best book about investing ever written. I still think it is.”

- Kelly, Kevin- *Out of Control* (1994)

The former executive editor of *Wired* magazine discusses in detail his thesis that “the more mechanical we make our fabricated environment, the more biological it will eventually have to be if it is to work at all.” Includes chapters on network economics, e-money, “artificial evolution,” and “post-Darwinism.”

- Waldrop, Mitchell- *Complexity* (1992)

Explores, using very little mathematics, the emerging study of the marketplace, the human brain, evolution, and other “complex, self-organizing, adaptive systems [that] have somehow acquired the ability to bring order and chaos into a special kind of balance. . . . The edge of chaos is the constantly shifting battle zone between stagnation and anarchy, the one place where a complex system can be spontaneous, adaptive, and alive.”

Poetic and scientific at the same time.

Writing

- *Merriam-Webster Dictionary of Synonyms*
- *Merriam-Webster Dictionary of Synonyms and Antonyms*
Emphasize the distinctions among such “synonyms” as “law, rule, regulation, precept, statute, ordinance, [and] canon.”
- *Merriam-Webster Dictionary of English Usage*
Presents an alphabetical list of words, expressions, and grammatical concepts, accompanied by commentary on and examples of preferred usage.

Zen

- Busch, Colleen Morton- *Fire Monks: Zen Mind Meets Wildfire* (2012)
An arresting account of the Tassajara residents’ reactions in 2008 to a wildfire that swept through their area of California and threatened to destroy their Zen monastery. Particularly noteworthy (as is the next book on this list) for its discussion of individual and group decision-making processes influenced by intensive training in non-verbal/intuitive/mystical practices—and also, in this case, for their contrast with the decision-making processes of the professional firefighters and law enforcement officers involved.
- Downing, Michael- *Shoes Outside the Door: Desire, Devotion, and Excess at San Francisco Zen Center* (2001)
Examines the nature and Westernization of Zen practice, transmission, and community by focusing on the early-1980s controversies surrounding the financial and sexual activities of Richard Baker, a prominent non-Asian Zen master.
Can also be read as a study in the failure, and subsequent repair, of a corporation’s governance structures: as one member of the Zen Center recalled, “some of us were slow to think in those terms. We thought we were outside of the world of corporate life.”
- Pirsig, Robert M.- *Zen and the Art of Motorcycle Maintenance: An Inquiry Into Values* (1974)
This apparently-autobiographical book, which was enormously popular in the 1970s, is very hard to categorize, and probably no attempt will do it justice.
The narrator alternately: describes his motorcycle journey with two friends and his emotionally troubled young son; reconstructs his intellectual pursuit of the definition of quality, through Greek philosophy, the works of Kant and Hume, and Eastern thought; and pieces together fragmentary memories of “Phaedrus,” his younger self who grew so obsessed with the philosophical search that he ultimately received electroconvulsive therapy.
The book contains fascinating meditations on quality, philosophy, rhetoric, academic life and interactions, the motorcycle as an example of a mental system, tension between scientific and non-scientific perspectives, and the

process of thinking in general. Law students and lawyers might be most interested in the discussion (in Chapters 24-26) of problem-solving, “stuckness,” solutions, and “gumption traps”:

“What I’m trying to come up with on these gumption traps, I guess, is shortcuts to living right.
“The real cycle you’re working on is a cycle called yourself. The machine that appears to be ‘out there’ and the person that appears to be ‘in here’ are not two separate things. They grow toward Quality or fall away from Quality together.”

In *Zen and Now: On the Trail of Robert Pirsig and the Art of Motorcycle Maintenance* (2008), Mark Richardson retraces on his own motorcycle the route of Pirsig’s 1968 trip, talks with some of the individuals featured in the book, and adds details and context to Pirsig’s account. (Pirsig’s sequel, *Lila: An Inquiry Into Morals* (1992), about his sailing trip with an emotionally disturbed woman, further delves into issues of quality but also takes side-trips into such topics as the nature of “coolness.”)

Once in a while you get shown the light
In the strangest of places, if you look at it right.
-- Grateful Dead (Robert Hunter), *Scarlet Begonias* (1974)