

Wagner Law Founder Talks Philosophy And Forging Own Path

By Emily Brill

Law360 (May 7, 2021, 4:21 PM EDT) -- Eight years out of Harvard Law School and running the employee benefits practice group at K&L Gates LLP in the mid-1990s, Marcia Wagner was reading philosophy and itching for a change.

She'd reached the top of the ladder at the firm quickly, gaining access to a comfortable life in the Boston area — money, prestige, accolades. But she bristled against the idea of stagnating. She wanted more.

"I didn't want, at the age of 32 or 33 or whatever I was, to have peaked," Wagner said. "It can be very comfortable at these big law firms. They take care of things for you ... there's a security. But I just don't subscribe to or abide by that, and I never have."



Marcia Wagner

So Wagner trusted her gut and took the leap, starting her own benefits law firm, The Wagner Law Group, in 1996. Since then, she's built the firm into a 37-attorney-strong force with offices in six states and Washington, D.C., doing litigation and advisory work in the benefits practice area and others, such as bankruptcy, labor and employment, and family law.

The early years were hard, Wagner said, as she worked 100-hour weeks while raising four children, experiencing a level of stress she doesn't want to sugarcoat. But in the end, she said, she looks upon the firm she's built and the four kids she's sent off to college with incredible pride.

"Part of the joy of living — the meaning of living — is knowing you got through the crap you got through," Wagner said. "Sometimes, the struggle seems like too much, but you get up, you take a shower, you take yourself out to CVS and get a new face mask or whatever the hell you do to make yourself feel better, and you brush yourself off and start all over again. That's the way it is."

Here, Wagner talks about why she started her own Employee Retirement Income Security Act and benefits firm, what motivates her and the power of hard work.

This interview has been condensed and edited for clarity.

[How did The Wagner Law Firm come about, and why did you start it?](#)

I was in my 30s, and I was a partner at a fairly major law firm — a fairly significant job, and prestigious, too. But those of us who chafe under bureaucracies that seem overly bloated — people like me — would give up the security and the prestige and the accolades so we could practice the way we want to. I'd been at a couple of other firms, and I was like, "Screw this. I'm going to take this show on the road and see if I can do it better myself."

I need to run things. I need to do things on my own, to see what it is to run a business, a law practice. To get into the nitty gritty, the ugly stuff, the difficult stuff. To have the myriad issues that you have as a business owner happen. That gives you an insight into the law, into business, into people, into humanity, and to really what it means to be a sentient being in this world. You need to see things with a thousand eyes. You can't just have one perspective or two perspectives. You need to have a thousand perspectives. And how do you get that? You have a thousand experiences. And you read a lot.

What did the firm look like in those early days?

I started with one associate, one secretary. There was a time when I was doing everything — changing the toner on the printers, you name it. That was the time when I was wondering if we would make rent each year. That time made me a much better lawyer.

And I created this baby when I was creating other babies — I had four kids in quick succession. I had a lot of babies crawling around, and I had a law firm crawling around. Somehow in those early years, the kids survived and I didn't commit malpractice.

Then, you just learn to grow what you're doing into a job, the kind that makes a good law firm. If you want to build something, you have to have faith in yourself. Otherwise, people won't have faith in you. If you build something, people will come. Now, because of the structures I've put in place, we're rocking it.

And what were those early years like for you, with a new law firm and four young kids?

It was hard. Anyone who says, "All you've got to do is be organized and be grateful" — well, all that's true, but it's hard. It's grueling. You make sacrifices, and the choices you make, you can never undo. And you can beat yourself up about them, or you can say, "You did the best you can do."

And at this point, I say I did the best I can do. I did a lot of this as a single mother. My kids are all in college — yes, I have four college tuitions, you can feel sorry for me — and they're acing it. The survival of the law firm wasn't guaranteed, and it survived. There's no magic formula, no secret sauce. There's just working as hard as you can.

And if you can avoid being cynical, thinking that people are out to get you — even if they are — and accept trouble, which inevitably comes in every life, as a part of existence and nothing personal and just something that needs to be either overcome or walked through, and just do it with integrity and faith, things will work out. But there's no sugarcoating how hard it is.

What helped you get through when it was really grueling?

One thing that's really helped me is reading philosophy. I happen to like the stoics. In particular, I like Seneca. I find he really speaks to me. He has this book called the "Letters to Lucilius." In it, he's made it, he's become a big deal, and Seneca wanted to impart wisdom to this guy at the top of his game. And I

really feel like Seneca was writing to me. I take it to heart. Even though he was writing thousands of years ago, it's very fresh and very real — the human condition doesn't change.

What principle of stoicism is most appealing to you?

You know who best summarizes it? The queen during the World War II bombing of London: "Keep calm and carry on." There's something beautiful about, "Do what you have to do. You choose your fate, your destiny. Choose it wisely, because you only have this one time." I think a stoic would say, "View the world with awe and love, yet understand that there's great imperfection, and don't let it harm you personally." The imperfection can take many different forms: greed, envy, gossip. A true stoic will see that for what it is and not be affected by it.

Are there other philosophical principles you're inspired by?

I like Camus' two principles. His first is, almost, one of absurdity. Man's consciousness puts him in a horrible situation: one of demanding meaning and order from a universe that is essentially meaningless. His second principle is the principle of the rebel: The only heroic act a man — a human — can make is to rebel. To rebel against injustice, against an uncaring universe. That is what makes man different from animal, and that's the beauty that we are.

If you approach law and life in that way, you imbue meaning into everything you do, even if you don't see it immediately. I know I have imbued meaning into ERISA. I have imbued meaning into the practice of law. And why is that? Because it's important. It matters. I won't accept something that seems wrong; it's my moral imperative to try to fix it, to try to do the best I can. If I have the power within me, I don't have the right not to use that power.

What motivates you as an attorney and person?

I've been blessed with a really good work ethic, and you need a good work ethic to make it. There's no easy way out. There's no way to do well without working hard. You have to not take no for an answer. Have the integrity and the faith in yourself to know you can do it, and to push yourself, and try to do everything you do with real honesty and real integrity. That's the only way to success.

You need to be a human first — a fully formed human first. And then, if you have the courage that a fully formed human will have, you will have the success. It's like night follows day; it's inevitable. To have the courage, the wherewithal, the grace, to push yourself. Then, and only then, can you push other people. Until that time, you don't deserve it.

The foundation's got to be real strong, and the foundation can't be strong unless the soul is strong. We as lawyers forget that, or we don't understand the value, personally and professionally, of being a fully formed, caring, compassionate human being. It's hard to do. People are not angels. It's hard to love people. But you need to force yourself to love them, because it's a reflection of how you treat yourself. We're all in this crappy game where the chips are lined against us. We're all in this together.

--Editing by Aaron Pelc.