

The Case for Creativity

By: Lydia T. Gobena

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What if I told you I became a lawyer because I was a failed creative? Well, that is in fact true but the story did not end there - it is just the beginning of how I was able to blend two of my interests into a multi-faceted and dynamic career, which has enabled me to succeed and learn so much in the process. This is why I am here before you to argue the case for creativity.

In preparation for this talk, I asked different AI platforms the same question - "What is creativity?" – and the answer that most appealed to me was that produced by ChatGPT:

“Creativity is the ability to generate new and original ideas, solutions, or expressions that are both novel and valuable. It involves thinking outside the box, combining existing concepts in fresh ways, and often approaching problems or tasks from a unique perspective. Creativity can manifest in various forms—art, writing, music, problem-solving, inventions, and even everyday life.

It’s not just about being artistic; it’s about seeing things differently, connecting seemingly unrelated concepts, and pushing boundaries. In essence, creativity is about innovation and imagination, whether in professional endeavors or personal projects.”

(Of course, I disclaim any liability for any infringement claims arising from this definition.)

As lawyers, we often promote ourselves to clients by saying that we approach their problems creatively. And, certainly, we participate in creative endeavors in our practices: we write every day and formulate novel and imaginative arguments which will hopefully achieve the ideal results for our clients.

However, this talk is not about being a creative lawyer. Rather, it is about how participating in creative endeavors outside of your practice can benefit you professionally and personally.

Writing, painting, traveling, cooking, etc.: The opportunities to exercise your creativity are limitless. For the purposes of this discussion, I will focus on my personal creative outlet: jewelry-making, and the journey I took to discover and develop this talent.

Growing up, I was drawn to creative pursuits. I loved drawing, and painting but various teachers may it clear that I was not particularly good at either. Additionally, as the child of immigrants to the U.S., I knew that pursuing a creative career was something my parents would not necessarily support. I decided to take a more “practical” route and studied law.

I was fortunate enough to study different types of legal systems during my LLB in the UK, a course of study which ultimately led me to practice international IP law at Fross Zelnick. I

The Case for Creativity

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am currently a partner at this remarkable firm, where I have practiced for many years. Like others in this room, I enjoy the perks of practicing in this area of law: working with clients on clearing and registering their trademarks and other IP, and defending and enforcing their rights on a global scale. I also value the wonderful friendships that I have developed over the years from working in this field.

A couple of years into my practice, I faced a series of personal and professional challenges, including a rather challenging client that made me feel deeply and continually stressed. It was not that I did not *like* what I was doing with my career - I did. I was also pretty good at it. I enjoyed working with lawyers from every corner of the globe protecting well-known brands, and I was getting recognition for my work at the firm. But I knew I needed to find an outlet to address the challenges I was facing. I decided to tap into the creativity that I knew I possessed—but which I had been discouraged to acknowledge or explore.

Additionally, there was a compelling practical reason for me to tap into my creativity after all this time.

I have rather small wrists and hands. In fact, they have been called child-like, tiny or delicate on many occasions. It has always been difficult for me to find affordable, age-appropriate jewelry that fulfilled my desire to own statement bracelets and rings which actually fit me. Tapping into my creative side to develop my own jewelry would have a tangible, real life effect.

Additionally, if you know anything about me, I am not one to take “no” for an answer, or to be told that I am not good at something. I knew I could be creative. I just had to find the right medium to prove the naysayers wrong. Spurred on by a practical challenge and a burning need to prove a point, I returned to my creative roots. But in the end, that return helped me in more ways than I could have imagined.

I enrolled in a class at a prestigious fashion school on the weekends. I took my first jewelry class in the fall of 2001. The introductory course enabled me to explore a variety of jewelry-making techniques, including creating a bezel ring (which I wear proudly today), soldering a rather large pendant, and learning the technique of wax carving (which involves carving wax into one’s desired jewelry piece; the wax is then cast into metal through the process of lost-wax casting to make the final object which can then be customized as desired).

My first ring was slightly wonky. The large pendant made me realize that using two very large soldering torches to melt and join metal was definitely outside of my comfort zone. My wax

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carving resulted in an incredibly heavy ring that I will only wear on very special and short occasions. But, I persisted.

My subsequent classes focused on different jewelry-making techniques. I took a three-month long course on sawing sheet metal, thinking it would help me improve my skills. Each week we were given the task of sawing circles, with the goal that the circles that we made would be symmetrical and would require little or no filing to make the shape. The teacher would grade each circle, and I averaged a C+. As an overachieving lawyer, I realized that I could not spend my free time being so mediocre. I also realized that my jewelry was never going to be perfect.

Additionally, I had arrived at the conclusion that, while learning certain techniques about jewelry was necessary to create pieces, making circles over and over and over again was not helping me with tap into that creative side that I was so craving. So, I changed programs, joining a class that gave me the freedom to make jewelry the way I wanted to. And the more freedom I had, the more satisfied I became.

As I created more pieces, I realized one of my jewelry-making goals—I could make the larger pieces of jewelry that would still fit my wrists and hands. But soon I realized that there was only so much jewelry that I could make for myself, so I expanded my efforts, making jewelry for friends and family. Eventually I started a small business selling pieces to the public under the BIRABIRO trademark. I began exhibiting my work in galleries, at Milan Jewelry Week and, most recently, at New York Jewelry Week. I was finally able to showcase my work outside the small circle of people who would attend my trunk shows and to get my work out into the greater universe.

It has been more than two decades since I first stepped in to the jewelry marking studio and it has been one of the most educational and satisfying adventures I have undertaken. As I explored my creativity, I learned several valuable lessons. I hope that they inspire you to take up your own creative endeavors.

First, as my jewelry business grows, I have a greater appreciation for my clients' needs.

I had to first determine what type of jewelry brand I wanted my business to be. I initially held trunk shows where I invited friends to purchase the items that I made. But the more jewelry I put out there, the more I realized that I would have to pivot a bit and offer jewelry that may be on a smaller scale than I would wear—but which may be more palatable to a broader range of consumers. This will hopefully allow me to scale up my business. And the

The Case for Creativity

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March 2025

ability to pivot in my own business is directly applicable to my legal practice as it enables me to be more flexible when advising clients.

Additionally, I have had to consider which platforms I should use to sell my jewelry, the risks associated with those platforms, my budgets and marketing plans, and, closest to home, I have had to figure out the filing strategy for my trademark.

In fact, I recently filed in China and faced an obstacle to securing a registration in Class 14. With the assistance of my go-to Chinese firm, I was able to successfully cancel the prior mark, opening the way for me to secure a registration. This process has further enhanced my ability to look at my clients' issues from both a legal perspective and a business perspective—I have been able to put myself in their shoes and empathize with their struggles.

Second, creative work develops foresight, problem-solving, and imagination, which are required for the larger scale jewelry that I generally make.

For example, to make a statement necklace out of balloons for Milan Jewelry Week, I needed to figure out how to create a sturdy enough structure that would hold the 300+ balloons required to make the piece. This involved compiling various components together to make the final work (shown here). Working through this process required thinking somewhat differently than I do in my life as a lawyer.

Moreover, making a new piece may require learning different skills. I may need to learn an entirely unfamiliar jewelry-making technique; so, the process is educational, and helps me grow as a person. While the skills and knowledge that I develop in my jewelry business may not always be directly transferable to my practice, they do impact how I approach problem-solving at the firm, and sometimes the solution that I offer a client may be different than how others approach the same problem. Thus, my creativity helps me develop strategic solutions for clients that are “outside the box”.

Third, anxiety and law generally go hand-in-hand. I recall a talk that was given by one of the speakers at the ceremony when I was admitted to the New York State Bar so many years ago. This person warned us about how stressful being a lawyer is... *maybe they should have given that talk before we even undertook the study of law?*

But something almost magical happens when I enter my studio and start to play with the metals and stones and other materials. The stress of my week disappears as I shift my focus to making jewelry. I transform my anxiety into a physical object that I find beautiful,

The Case for Creativity

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March 2025

or interesting. And if I am having a particularly difficult week, I may create hammered jewelry as there is nothing like getting out your frustration by pummeling a piece of metal to create a textured look.

Fourth — lawyers, are driven to win. We tout our track records to existing and prospective clients alike and feel a great sense of achievement when we score a victory for clients. But that success can come with certain downsides.

Do not get me wrong: I love winning. But this unrelenting need to succeed can be stressful and draining. In my studio, however, I may not end up “*winning*”: I may make fewer items that I wanted, or I might melt the item because I applied too much heat when I soldering it or the piece ends up nothing like what I imagined, or I may simply not like what I made. Over time, I have learned to give myself grace on the days my studio work is less than perfect. It is a precious gift which I may not be able to give myself in in my practice.

Which brings me to my fifth point. As lawyers, making mistakes can have dire consequences for our clients and our careers. This is obviously one of the reasons why our jobs are so stressful. We are all overachievers who seek and demand perfection in ourselves and in those who work with/for us. Embracing one’s creativity can provide one with a safe space to make mistakes. In fact, I have come to appreciate my mistakes, and I have learned to embrace them (for the most part) in the studio.

Some of the most interesting and beautiful things that you can create will be a product of your mistakes. For example, in the case of this necklace that I am wearing, each of these centers were formed from items I inadvertently melted and threw into my bins, where I store my mistakes.

When I decided to make this piece of jewelry, I melted the silver together to create molten balls. The balls form the centers of each these flowers around my neck and help anchor the petals in this piece. Thus, I transformed my mistakes into crucial components that provided the foundation for this work. I was able to transform a negative into a positive and believe that this creative mindset has helped me accept that mistakes can sometimes happen. Sometimes, I may even rejoice in those mistakes when they turn out differently that what I had imagined. Thus, instead of dwelling on them or amplifying them, I try to figure out how to avoid them next time—or, better yet, glean something positive from an otherwise negative situation.

Sixth, embracing my creativity has made me more authentic. When I began my legal practice, I looked quite differently than what you see today, and I am *not* talking about how

The Case for Creativity

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March 2025

much younger I looked. I wanted to “look the part” of a lawyer, so I bought grey, black and navy blue suits, and wore my hair straight.

But as I took class after class at different art schools and met a variety of creative individuals, my creativity began to seep into in every aspect of my life, including how I dressed. I became more authentic in how I presented myself to the world, and, eventually, became known for having a unique style of dress –a style that became part of my personal brand as IP lawyer.

I stopped being the person who I thought others wanted me to be and started revealing the person I am. This authenticity has, in turn, enabled me to forge better connections with my clients and friends—including with many of you in this room. Obviously, this approach may not work in every instance or for every client, but I promise you that when you grow more comfortable with who you are, others will feel more comfortable being *themselves* with *you*. You will develop stronger relationships with clients and colleagues, which will help you grow your practice.

Additionally, authenticity can also bring you more fulfillment in your life and chosen career. I am certainly happier now than I have ever been (even when life continues to throw its many curves at me and it does, all the time).

Finally, you only live your life once. Often people will say that they do not have time for creative pursuits because their life is too intense, or their work is too demanding, or because they simply do not have time. Perhaps, they believe they will have time to pursue a hobby or creative pursuit in the future. Others may say that they are simply not creative.

But I do not believe that these excuses hold water. You can spend as much or as little time on your creative endeavor as you wish. Some weeks, I may spend a couple of hours doing something creative. Other weeks, I can spend hours or days.

Life is fleeting. There is no guarantee that you will reach retirement, when you think you will have all the time in the world for creative pursuits. (For the record, I hope you all live a long life.)

So, take advantage of the benefits of your creativity. Do it now! You will not ever get this moment back.

And with that I would like to end by dedicating this speech to Kay Uwe Jonas, my dear friend and a friend to many, Cory Joshua Germaine Alleyne (who you know as Joshua) and my mother, Abebetech Gobena (the fifth anniversary of her passing is today). Three remarkable

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people who left this earth way too soon. Live your life fully, imaginatively and without regret and, in the process, you might learn some things and end up finding joy. Thank you.

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