

Hiking Makes Me A Better Lawyer

By **Barbara Fiacco** (August 14, 2025)

In this Expert Analysis series, attorneys discuss how their unusual extracurricular activities enhance professional development, providing insights and pointers that translate to the office, courtroom and beyond. If you have a hobby you would like to write about, email expertanalysis@law360.com.

As a new associate at a big firm in Boston, I often worked long and unpredictable hours. When we could, my husband and I would get up early on a Saturday morning and drive north to the White Mountains for the day or sometimes the weekend.

Even though neither of us grew up hiking, it was a great way to spend time together and get the exercise we sometimes didn't get during the workweek. Early on, we set a goal of hiking all 48 of the 4,000-foot peaks in New Hampshire. We ended up hiking all 48 peaks in a year and have not stopped there.

Over the past 28 years, I have continued to hike while having three kids, making partner, and leading case teams from prefiling investigations through trial and appeal. On the trail, I have thought often about the parallels between hiking and high-stakes patent litigation — and the overlapping skills that can help ensure a successful and rewarding journey with each.



Barbara Fiacco

Have a strategy and be prepared for every contingency.

Deciding to climb a mountain is a great goal — and it is fun to look at a map and pick your route from the various options, depending on how steep, rocky or dry you would like the trail to be. Working on large and complex patent litigation cases, as I do, is not so different.

You develop an overall strategy from the beginning, devising your trial themes as you interview witnesses and look over your client's documents. It's critical to know how each decision you are making along the way is moving that long-term strategy forward — even when it might not always feel like you are making progress. Hiking the path of a crooked trail is not dissimilar.

With both hiking and patent litigation, you also need to be ready for things to not go exactly as you expected. There is an important aspect of hiking that requires planning for a worst-case scenario. That roll of duct tape I carried around for years came in handy when the sole of my hiking boot literally peeled off on my way up Mount Jackson. And that extra set of dry clothes was potentially lifesaving when it started sleeting and snowing while we were hiking a high ridge in Switzerland one August.

Likewise, in a big patent litigation, you have to prepare for the unexpected. It may be as simple as always having hard copies of documents and slides to hand up to the judge in the event the courtroom technology is not working at a hearing. Or, a late-breaking development in a case may require you to adjust your trial plan on short notice.

In one memorable example, our co-plaintiff, who was to present a key witness for both parties to open the trial, unexpectedly settled the night before trial. Within a day, our team was in court conducting the direct examination of that same witness. This "disaster planning" is an important skill for any litigator and helps to make you a better strategist.

Take it one step at a time and push through those moments of doubt.

Here's the thing about hiking — sometimes, you just need to put one foot in front of the other and keep walking, even when you feel like you aren't making progress or you're doubting whether you can make it to the summit. When you feel like you just want to plop down or even turn around, it helps to focus on smaller and more easily attainable goals, like getting over the next ledge or around the next corner.

There have been many times in my career when it helped to remember that a moment of self-doubt or feelings of overwhelm are completely natural. Everyone feels it in all aspects of life — the key is not to let it stop you from moving forward. When you break down the task (or the hike), it is much easier to get moving.

When preparing to examine a key expert witness in a complicated technology field, I start drafting the outline one module at a time, often beginning with what I think is going to be the easiest, just to get something on paper. When thinking about building my practice to make partner, I set goals for what I wanted to accomplish in the next 12 months, like arguing a dispositive motion, speaking at a conference and filing an amicus brief. As the years passed, I had strengthened my candidacy and built my practice in meaningful ways, one step at a time.

Find joy in the journey.

A patent litigation can take years — so you need to pace yourself and be prepared for the ups and downs of a case just as you need to be prepared for the ups and downs of hiking a mountain. Stop and take breaks when you can to celebrate small victories and milestones.

On a long hike, it's important to stop along the way and enjoy the view occasionally. Stand at the top of a steep slope you have just climbed and enjoy the panorama — don't just march onward to the top. You might meet some fellow hikers, see a bear or find some wild blueberries on the side of the trail.

And at work, it should be no different. Step back and find the fun in working as a team.

In the middle of large-scale document review, our team meetings include brainstorming ways we might use a "hot" document found in the other side's production. We'll make a friendly bet about how their witness will try to explain it away. While on a grueling travel schedule for depositions, we try to explore the city we are in, finding a Polish restaurant in Pittsburgh or going out for tea in Tokyo. And at the close of fact discovery or after filing a dispositive motion, we celebrate the milestone with a group lunch or drinks after work, sharing highlights of the process and a good laugh.

The practice of law, especially patent litigation, is intense and can feel all-consuming. We all are happier and do a much better job when we take care to ensure that our work together is fun and engaging.

Barbara Fiacco is a partner and co-chair of the patent litigation practice at Foley Hoag LLP.

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