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Message from the President

Frank Flaherty, Esq., State Bar of Nevada President



ATTORNEY AND COUNSELOR AT LAW: HOW MUCH COMPASSION IS ENOUGH?

"I firmly believe that, as attorneys and counselors at law, we have a professional obligation to give it to our clients straight."

We recently had a very disturbing, tragic experience at my office, one that left a wake of mixed emotions, including relief, compassion and anger; but, in the case of that last emotion, it was fleeting, and soon replaced by profound sorrow. An individual we had been working with on an employment-related matter committed suicide just outside the front door of our office, literally on our front steps. No one in the office saw it, but it happened just outside the window of one of my partners, who heard the shot. One of our paralegals, standing in our lobby conversing with a client, also heard what she thought was a loud or unusual noise and, looking out the front door in the direction of the sound, thought she saw someone slip on our front steps; she went out to help, but when she opened the door, she was confronted with a sight that she will likely never forget.

The victim – he was a victim of mental illness – did leave a note (described by one of my partners, based on its length, as more of a “composition”). As is often the case in legal matters, outcomes can be very disappointing and, for some individuals, even overwhelming. When such individuals are suffering from mental illness, tragic consequences may follow. This note was particularly difficult for one of my partners, who was singled out in its contents, but we handle most matters in our office with a team approach and, as we really are a small, family-like firm, the note hit all of us, including myself, pretty hard.

There was also some solace to be found in the note. The detectives who responded to the scene said it was very clear from his writing that this gentleman had never intended to physically harm anyone in our building, or even to enter it. Rather, it was his

intention to commit suicide on our front steps and leave his note, which is exactly what he did. Of course, that is only modest comfort because, inevitably, the “what ifs” follow. For example, I was on my way back to the office when it happened. What if I had returned sooner and approached our front door just as he was taking out his gun? Or what if our letter carrier or one of our clients had inadvertently interfered with his plans by arriving on the scene at the same moment? What if it had happened after school and...?

The chaplain from the sheriff’s office spent some time with us later in the day, and we all had a chance to express our feelings. I acknowledged that my primary emotions, like everyone else’s, were relief that nobody else had been hurt, but also sadness that a life had ended so abruptly and unnaturally, and in such proximity to our place of work. For me, moving beyond those primary emotions left me struggling with a tension that most, or many, lawyers have experienced. It was not a new struggle for me, only especially fierce in the wake of the suicide on my front steps.

At one inescapable, fundamental level, the practice of law is a business and, as observed by Abraham Lincoln, “a lawyer’s time is his stock in trade.” Many of us have had the experience of explaining, or trying to explain, something that is both complicated and disappointing to an individual who really does not want to hear it or, even more problematic, does not want to accept it. Sometimes our clients and others we work with cannot understand that just because something seems so manifestly “unfair” does not mean it is “unlawful.”

I firmly believe that, as attorneys and counselors at law, we have a professional obligation to give it to our clients straight. Our clients pay us, not just for our knowledge of the law, our advocacy and our other problem-solving skills, but also, importantly, for our objectivity; we are not supposed to get emotional. However, it cannot be gainsaid that, as lawyers, we should be patient and compassionate in explaining such matters; but let’s be blunt, we have probably all worked with individuals who have pushed our capacity for patience and compassion to what seems our utmost limit.

And that is my struggle in the wake of the suicide on my front steps: Do I try hard enough? Should I take that third or fourth phone call this week, knowing it is going to take at least 45 minutes, during which I am going to cover the same ground over and over again, knowing that I cannot think of a clearer, more simple or

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different way of explaining the unhappy situation, and knowing that I will again be blamed for that situation? What about my other clients? And, yes, I will say it; what about my other clients who are so much better about paying their bills?

If any of you smart, compassionate Nevada lawyers it is currently my privilege to lead can answer these questions, please let me know, and I will lobby the editorial board of this journal to ensure that you have ample space to share with us all. In the meantime, as the tragedy of what transpired on my front steps gradually recedes, I will make a conscious effort to hold on to one part of it: that part that makes me struggle with the question, how much compassion is enough? ■

