



“This is a small legal community and word travels fast. The way you conduct yourself will create a reputation that will follow you and either be cause for you to hold your head high, or will haunt you in the future.”

Young Lawyers

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Let Character Guide Your Actions & Decisions; You’re Too Smart to Go Down Any “Not-So-Good-Street”

In recent discussions with young lawyers I have been surprised to learn of some of their unpleasant encounters with other lawyers in everyday practice. One young lawyer told me of a veteran attorney actually referring to her as “princess” in a recent deposition. Other young lawyers have explained that seasoned attorneys with a “scorch the earth” litigation style routinely yell at them in the course of interacting on a case. Most of us must wonder what these individuals (whom I still believe are in the minority in our legal community) believe they are accomplishing with such antics and whether they truly believe they are serving their clients’ best interests or appropriately conducting themselves as officers of the court. You will notice they rarely (if ever) act like this in front of the judges, likely because they know the behavior would not be tolerated. They also do not want judges to view them in a bad light. For some strange reason, perhaps short-sightedness, they do not seem to care what young lawyers might think of them or what reputation they might be creating for themselves.

The good news is, we have many wonderful seasoned lawyers and judges out there to serve as mentors and to offer sage advice about how to best deal with lawyers who often display very little civility. Here, I offer you a few tips collected from discussions with a number of reputable lawyers in our community.

First, sometimes the ugliest conduct seems to arise when the difficult opposing counsel does not have a good case. With bad facts and/or unfavorable law, perhaps they believe they are left with nothing but their ability to try to create “sideshows” and distractions through their unpleasant behavior. They may be rude to you in an attempt to evoke a response and to divert your focus from the task at hand. You will develop your own style and approach for dealing

with this, but just remember to stay focused, stay professional and stand your ground. Be diligent in discovering the facts necessary to your case and in knowing your case and the law. With these tools, you will be well armed to best serve your client’s interests and to be a zealous but professional advocate. Always take the high road. Be firm and be confident but always be professional. Compromising your principles and your integrity will always cost you too much in the long run. In the famous words of Dr. Seuss, “You’ll look up and down streets. Look ‘em over with care. About some you will say, ‘I don’t choose to go there.’ With your head full of brains and your shoes full of feet, you’re too smart to go down any not-so-good street.”

Second, try not to let the badly-behaved attorneys’ bad behavior get to you. Rattling you appears to be part of their game. If you fall prey to it, they have succeeded in some small sense and you have perhaps even encouraged them to continue their improper behavior. Ignore the distractions, overcome the obstacles and stay focused on your objectives. At the end of the day, you can be satisfied with your performance and professionalism, and the knowledge that you are building a good, solid reputation for yourself. This is a small legal community and word travels fast. The way you conduct yourself will create a reputation that will follow you and either be cause for you to hold your head high, or will haunt you in the future.

Third, stay calm. This is a slight deviation to the second tip but an important one. Some of you might notice the continuing trend of applying parenting skills to any childish behavior with which you are confronted.

Fourth, try to find the humor in the badly-behaved person’s conduct. Admittedly, in the “heat of battle”



it can often be difficult to do this. But, really, step back for a moment and look at that person and see how ridiculous their behavior appears. Can you imagine them acting this way in front of a judge? I suspect not. You might be amazed that the things they say and do so often closely resemble the behavior of an ill-mannered teenager. Rather than responding with anger, perhaps it is more appropriate to pity them for not having any better sense than to act as silly as they do. The consensus among our community seems to be that attorneys who have reasonable confidence in their legal skills and in the cases they are arguing find no benefit in rude and obnoxious conduct.

Fifth, if they underestimate your ability, work that to your advantage. Your diligence and hard work to serve your client's best interests will always pay dividends in the long run. Remember that you have talent, energy, a fresh perspective and the motivation and stick-to-itiveness to work the case and serve your client well. If they do not give you enough credit for your abilities simply because you have not been practicing for 35 or more years, they may just regret it in the end.

Finally, talk to your mentor, vent and seek a second opinion as to how to handle things if necessary. Call upon the judge to enforce the rules of civil procedure. Do not try to air grievances regarding all of your opponent's misconduct to the judge, who likely does not want to hear about petty squabbles. You do not need to tell all, because judges have a way of knowing these things and learning who the abusers are in the community. But do call upon the decision-maker when necessary to keep your case moving forward and to compel proper responses from opposing counsel.

Good luck out there. Overall, we have a wonderful group in our statewide legal community, with lots of talent and willing mentors who want to continue to build a strong, reputable legal community and who will help you and treat you with due respect. Do not let the few who act in a less-than-professional manner ruin your love for the practice of law. Do not let adversity steal your dream; instead use it to find your deepest, strongest inner resources – resources you may not even realize you have. Look at your experiences with the difficult ones as experience to grow on and remember to always keep your head up. ■