

If opposing counsel's behavior becomes unmanageable, don't hesitate to make a call to the discovery commissioner or the judge in the case. Maintaining your cool and your focus does not mean taking endless abuse from opposing counsel.

Professional Courtesy is Not Weakness

Rule of Professional Conduct 3.2 provides:

- (a) A lawyer shall make reasonable efforts to expedite litigation consistent with the interests of the client.
- (b) The duty stated in paragraph (a) does not preclude a lawyer from granting a reasonable request from opposing counsel for an accommodation, such as an extension of time, or from disagreeing with a client's wishes on administrative and tactical matters, such as scheduling depositions, the number of depositions to be taken, and the frequency and use of written discovery requests.

In sum, pick your battles. Successful litigation does not have to be scorched-earth. Choose the battles that must be fought. Litigation is stressful and expensive. Maintaining a good working relationship with opposing counsel helps your client by reducing fees and the emotional capital wasted on meritless fights that do not further your clients' ultimate goals.

Maintain Your Credibility

During your career you will represent many clients and you may work with this particular opposing counsel a number of times. Resist your client's desire to burn all bridges, fight dirty and win at all costs. Destroying your credibility by waging such a campaign will not only cost your client, but it will cost every client you will have in the future when dealing with the same opposing counsel and those he or she knows. ■