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LITIGATION

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'The Devil Made Me Do It'

[Avoiding the 'Seven Deadly Sins' in the practice of law](#)

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The Seven Deadly Sins – Pride, Greed, Envy, Wrath, Lust, Gluttony, and Sloth – all have the ability to wreak havoc on all parts of our lives, including our work lives in the practice of law. Recognizing the approaching signs of these potential sins may enable one to avoid the consequent pitfalls and negative repercussions almost certain to result.

Pride

Pride is defined as an overly high opinion of one's self or an excessive belief in one's own abilities. The sin of Pride, or arrogance, is usually considered the most serious of all of the Seven Deadly Sins and even the ultimate source from which all of the other sins spring.

This deadly sin is depicted in the movie *Devil's Advocate*, in which Al Pacino plays the part of the Devil personified in the arrogant form of John Milton, Esq., a big city attorney. In his efforts to seduce a successful young attorney with promises of even greater professional success and all its trappings, Attorney Milton proclaims, "Vanity, definitely my favorite sin."

Although the vain and arrogant lawyer may sometimes be considered by the public as the prototypical lawyer, the bench and bar know otherwise. The arrogant lawyer is, in reality, encumbered with various personal insecurities and may be lacking in important qualities such as competence, patience, and credibility. The prideful attorney may therefore resort to vexatious litigation to hide or distract attention from these shortcomings. And while these types of lawyers believe their vexatious manner of practicing law benefits their clients, in the long run, the attorney's pride usually only serves to delay, or even inhibit, the full recovery possible for the client.

In the adversarial world of the practice of law, Pride can otherwise be recognized as an erroneous and foolish underestimation of one's opponent. If one is consumed with Pride, or arrogance, important details may be overlooked or ignored that could serve to make or break a client's particular case. The sin of Pride can be avoided in the practice of law by always preparing for the worse case scenario in any task whether it be writing a motion or brief, preparing for a routine deposition, or crafting an effective cross-examination. By fully preparing one's self to face the task at hand and not being over-confident, it is less likely that something will be overlooked or forgotten to the client's detriment.

It should also be kept in mind that the Pennsylvania Code of Civility requires that the "conduct of lawyers and judges should be characterized at all times by professional integrity and personal courtesy in the fullest sense of those terms."

Greed

Greed has been defined as the overwhelming desire for material wealth or gain in excess of what one really requires or deserves. In the Reagan 80's, corporate raider Gordon Gekko (Michael Douglas), the antagonist

from the movie *Wall Street*, proclaimed that, "Greed...is good" before his eventual downfall. As history has proven, greed has, at least in part, also led to the quick downfall of other fictional and non-fictional figures such as Tony Montana in the *Scarface* movie, John DeLorean, the automobile tycoon, and, more recently, the opulent dictator, Saddam Hussein, just to name a few. Greed in the practice of law can be avoided by focusing on the clients' needs and wishes. Counsel should also focus on pursuing efforts that best serve the client as opposed to the potential monetary result for the attorney in the end.

One can also avoid gaining a reputation for avarice by giving back to the bar and the community through charitable donations, volunteering one's valuable time, and taking on pro bono cases.

Envy

Envy is the resentful desire for other's traits, status, abilities, or situation. It is almost human nature to want the success one may see others having in the practice of law. Engaging in the sin of envy is wasted energy and does not do anything whatsoever to further one's own reputation or practice. Instead, worrying about one's self and one's own practice may result in better representation for clients. This, in turn, can serve to lead to better results for the clients and, over time, an improved reputation for attorney.

According to an old English proverb, "Envy shoots at others and wounds itself." Avoid this sin by keeping in mind that each attorney personally has something to offer to the bar and the community that perhaps no other attorney has to offer.

Wrath

The sin of Wrath is manifested in the individual in the form of uncontrolled feelings of hatred or anger.

Obviously, negative personal emotions have no valid place in the business world. As Michael Corleone advised in *The Godfather — Part III*, "Never hate your enemies — It affects your judgment." Similarly in the world of litigation, counsel should never let personal feelings get in the way of an efficient resolution of the claim presented. As difficult as it may be, it is important to prevent anger at an opposing counsel, a judge, or even the own client from clouding over one's true and fair assessment of the case presented.

Rather than lashing out at adversaries in anger, it may be wise to write out a responsive letter to the opponent that you know will never be mailed in a purposeful effort to vent the anger festering within. Another way to deal with an anger-causing adversary or issue is to put the file aside for a day or two to allow things to cool off before responding in a calm, cool, and collected manner.

As such, regardless of how poorly opposing counsel may act in a case, the controlled, professional response is to continue to act as one would wish to be treated by the adversary. By continually responding in a non-retaliatory manner towards opponents (to the extent possible without a detriment to one's client), it necessarily becomes more and more difficult for the opponent to continue in a vexatious manner.

Once the opponent realizes that he is unable to provoke any retaliation, he may be appeased and the gap in the attorney relations may be bridged. As Abraham Lincoln once said, "Am I not destroying my enemies when I make friends of them?"

Lust

While the sin of Lust is usually thought of as an inordinate craving for the pleasures of the body, it can also be manifested as an overwhelming craving for some other object of desire, such as power, prestige, or money.

Thus, the application of this sin to the practice of law obviously brings to mind the Rules of Professional conduct against relations with client found at Rule 1.8 (j). Under that rule, a "lawyer shall not have sexual relations with a client unless a consensual relationship existed between them when the client-lawyer relationship commenced."

Lust can also rear its ugly head in other relations with clients. The Rules of Professional Conduct also prohibits attorneys from lusting after or preying upon other business interests of their clients. Under the same Rule 1.8, at subsection (a), attorneys are precluded from entering into any business transactions that would be adverse to the interests of the attorney's client. This sin can obviously be avoided by practicing restraint and always treating clients in a professional and objective manner.

Gluttony

The sin of Gluttony involves an inordinate desire to consume more than one requires.

Attorneys are typically guilty of this sin by sometimes taking on more cases that are only of questionable merit or value or that they otherwise do not have the capacity to properly handle. While it is sometimes difficult to turn away business in this day and age of a glut of attorneys, one's overall reputation in the legal community may be tarnished by taking on too many cases that could aptly be described as "dogs."

The sin of Gluttony may be avoided by counsel being more selective in accepting new cases. Efforts to fully explore the background and history leading up to a potential case and client will benefit the practice as a whole by weeding out those cases that may not be worthy of pursuing.

Sloth

Sloth is the avoidance of work, and can otherwise be defined as laziness. The prohibition against attorney laziness has been codified at various places in the Rules of Professional Conduct. In subparagraph [4] of the Preamble and Scope to the Rules it is written that "[i]n all professional functions, a lawyer should be competent, prompt and diligent."

Additionally, under Rule of Professional Conduct 1.1, "Competence," it is mandated that a "lawyer shall provide competent representation to a client." Competent representation, in turn, is defined in the same Rule as requiring "the legal knowledge, skill, thoroughness, and preparation reasonably necessary for the representation."

Thus, the sin of Sloth can be avoided by adequate preparation of various aspects of the file, monthly reviews of each file to determine its status and plan of action, and regular updates and communication with the client. Adhering to a reputation for thoroughness and hard work, will also serve to positively enhance one's standing in the eyes of opposing counsel and the judiciary.

In addition to attempting to improve one's practice by avoiding the Seven Deadly Sins, counsel may also take positive steps to practice the corresponding and contrary virtues: humility against pride, generosity against greed, kindness against envy, patience against wrath, chastity against lust, restraint against gluttony, and due diligence and competence against sloth. In the end, not only will the clients benefit, but the practice as a whole. n