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A Parade of Proverbs

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[On St. Patrick's Day, Irish aphorisms can shed light on law](#)

With the St. Patrick's Day celebration of all things Irish comes to mind many famous Irish proverbs. As the Irish have noted, "Proverbs can not be contradicted." Applying Irish proverbs to the practice of law can be enlightening for as Irish playwright John Millington Synge once noted, "There is no language like the Irish for soothing and quieting."

A Closed Mouth – a Wise Head.

Although the Irish are known for the gift of gab, they also recognize that sometimes, the less said the better. This can be seen in the practice of law in judicial opinions where judges write concisely in an effort to streamline their opinion on the issues presented and avoid the possibility of inadvertently raising appellate issues. Litigators may benefit from speaking concisely when addressing the court or a jury. Another Irish instruction is to "Say little, but say it well." For example, it is often recommended that trial counsel keep objections to a minimum so as not to irk the trial judge or appear as if one is attempting to hide something of importance from a jury. As the Irish also say, "A silent mouth never did any harm."

Conversely, another wise Irish proverb is that "A loud voice can make even the truth sound foolish." Bombastic and arrogant presentations by attorneys cause the immediate perception that what is being said is either devoid of merit or, at best, suspect. Efforts at tempering one's argument in accordance with the applicable law and avoiding personal attacks on opposing counsel will only serve to add credibility to the position being advocated.

A Good Beginning Is Half the Work

Whether it be the first words spoken to a judge or jury or the opening sentences of a brief, the beginning of one's presentation can make or break a case. Overworked judges reading hundreds of briefs and bored jurors will appreciate the fresh notion of arguments that quickly get to the point and remain there.

In terms of oral presentation to a judge or jury, first impressions last forever. The crux of an argument or the theory of the case should comprise the first words out of an attorney's mouth. A concise description of the dispute presented and why fairness dictates a ruling in favor of one's client should be forcefully advocated from the get-go.

With brief writing, the typical generic opening paragraphs providing a boring statement of the facts should be eschewed in favor of a more pointed story comprised of the impact facts crucial to the issue presented followed by a concise recitation of the reasons why the court should rule in one's client's favor. The goal of the initial paragraphs of a brief should be to grab the attention of the reader and direct it immediately to the position advocated. Simply put, interesting writing is persuasive writing.

If a Rogue Deceives Me Once, Shame on Him If He Deceives Me Twice, Shame on Me

Unfortunately, at various times in one's practice, attorneys have to deal with another attorney that, to use the Irish vernacular, can be described no better terms than as a scoundrel.

When dealing with such attorneys for the first time, one may make a mistake or let their guard down providing an opportunity for the other attorney to take an untoward advantage in the case. But as Irish novelist James Joyce once noted, "Mistakes are the portals of discovery." Once it is discovered through a

mistake that opposing counsel cannot be trusted to play by the rules or act with professional courtesy, one can take steps to prevent the situation from occurring again.

It is unfortunate that attorneys cannot always rely upon the courts for relief from vexatious and dilatory tactics of a recalcitrant opposing counsel. While such weasel-like attorneys may treat opposing counsel in a reprehensible fashion, they are usually wise enough to appear before the court in the character of Eddie Haskell, the bully from the old Leave It To Beaver television show, who always took on an oily obsequious manner whenever faced with an authority figure in order to stay out of trouble.

Judges have to be even-handed when dealing with such disputes and may not always be in a position to properly address the tactics of such an opposing counsel. One should rest assured, however, that these types of attorneys routinely appear before the court on repetitive and petty issues such that their reputation for vexatiousness becomes engrained and, hopefully acknowledged and punished.

What this Irish proverb suggests is that an attorney should keep negative tactics of a particular opposing counsel in the memory bank and share such information with other attorneys so as to limit the ability of the attorney to engage in improper or unnecessary behavior.

As sung by legendary Irish rocker Bono of U2 in the song "Acrobat," "Don't let the bastards grind you down."

Remember, Even If You Lose All, Keep Your Good Name, for if You Lose That, You are Worthless.

An oft indicated principle or truth is that an attorney's word is his bond. The Irish also proverbially quip that "A promise is a debt." Developing a reputation for being good for one's word and keeping promises is a virtue that can carry an attorney through his career above all else in terms of relations with the court and opposing counsel.

Without a doubt, a lawyer's reputation precedes his interactions with all in the practice. When picking up new files, lawyers will typically first look to see who is on the other side and if that person is unknown, efforts will be made to ascertain the reputation of that attorney and how he or she handles cases.

Day in and day out, thoroughness and integrity in preparation and presentation along with punctuality and professional courtesy are the important building blocks of a solid reputation in the practice of law. Adherence to these standards will not only enhance one's stature among fellow members of the bar and the judiciary but may also allow one to secure an even more favorable result for one's client.

If You Lie Down With Dogs, You'll Rise With Fleas

Poor cases are often referred to in the practice as "dogs." In developing one's practice, while it may be understandable that an attorney may take on a few cases having difficult liability hurdles or questionable damages, it may be wise for counsel to avoid a proliferation of these cases such that one's office turns into a dog pound.

Taking on too many troublesome cases can affect one's reputation and the fleas from the dog cases might not only leech onto the attorney but may even possibly carry over and affect the value of the other more profitable cases in the office. As the great Irish poet William Butler Yeats once wrote, "But was there ever dog that praised his fleas."

Accordingly, care should be taken in accepting new clients. As the Irish also say, "If you put a silk dress on a goat, he is still a goat." In other words, even the best of attorneys may not have the skills to put the shine on a tarnished case of little or no value. Attorneys may be wise to protect their reputations by refusing such cases in the first instance, or at the very least, referring them out for others to handle.

Never Put Off 'Til Tomorrow What You Can Do Today

As a catalyst for unnecessary stress, procrastination may be the worse enemy of an attorney. By continually putting off job tasks until the last moment, attorneys may be forced to scramble to complete a work product, such as a brief, and the end result is usually sub-par.

In keeping with the best possible service the client is entitled to by virtue of their entrusting their cause to an attorney, the better practice may be to look ahead to the following months deadlines and, wherever possible, immediately beginning the first drafts of any briefs, discovery requests or responses, or other written materials. In this manner, the work product can be started with sufficient time left to repeatedly revise the work product so as to strive to put out the best effort on behalf of the client.

If You Dig a Grave for Others, You Might Fall Into It Yourself

Stated otherwise, what goes around, comes around. The practice of law as a whole is better served by attorneys who assist one another and provide heads ups to one another of potential pitfalls.

The Rules of Professional Conduct, the Code of Civility and the PBA Working Rules of Professionalism are replete with instructions on professional courtesy. Periodic review of, and adherence to, these rules of professional conduct and courtesy can only serve to improve one's reputation and benefit the practice as a whole.

Obviously, efforts should always be made to treat others with the respect, kindness and courtesy we would hope for in return. As the Irish also warn, "Be kind to those you meet as you rise, you may pass them again as you fall."

A Light Heart Lives Long

As overwhelming as the practice of law can be, with files and clients on one's mind essentially 24 hours a day and seven days a week, it is important to attempt to maintain a balance between one's work life and one's life outside of work. The stress of the practice can weigh heavily on the heart over the years.

Directing all of one's energy towards the practice of law and neglecting other aspects of life outside of the practice can quickly lead to a burnout or a disillusionment with the profession.

The great Irish dramatist George Bernard Shaw was once quoted as saying, "A day's work is a day's work, neither more nor less, and the man who does it needs a day's sustenance, a night's repose and due leisure, whether he be a painter or ploughman."

Periodically getting away from the practice of law by vacationing or otherwise for periods of rejuvenation and a rediscovery of one's sense of self and personal interests will inevitably make life more enjoyable and provide for a fuller existence. An attorney with a more balanced life may have a better physical and mental status and thereby be in a position to better serve his or her clients.

As this old Irish proverb proves, quality time spent with family, reconnecting with old friends, exercising, or engaging in long lost hobbies may not only add life to one's years but also years to one's life. May you live as long as you want, and never want as long as you live. •