

## Lessons from a Corsican Mouse on the Practice of Law

I have had one lesson, taught twice, that was very important to my career and life, and rather than subject any of you to the abject humiliation of the experience, share it with you openly.

The first installment came during my training as a martial artist, which I pursued ardently for more than 20 years. It had to do with developing the skill of the "eye of the crab," used both for recognizing danger early and scuttling out of its way, but also intrinsically radiating the message, without being confrontational, that their taking a piece out of you was not a worthwhile exchange for the piece you would take out of them...and thus, they pass you by. That all sounds great coming from a wise and ancient gung fu master, but it was not within the real world of experience that is so much better a teacher...if only we survive it!

The second installment came a few years later when, as a black belt and thoroughly self impressed 20-year-old, I was crewing on a sailing yacht in the Mediterranean for a summer. My berth was at the base of the stair ladder to the cockpit, next to the radio and navigational units. We were tied up in "stern to" fashion at a quay in Calvi, a port in northern Sardinia. It was hot and I was sleeping on top of the sheets wearing bathing trunks.

I felt the little cold feet of a mouse, which had come up the hawser, along the deck, down the stairs, and across my forehead, cheek, chest and belly, as he worked his way towards the galley that was two compartments forward. The shock of realizing I was a rodent highway on the road to dinner caused me to sit bolt upright, except the berth was tucked beneath the deck so I did not have enough headroom to sit upright, or anything remotely close to that, and proceeded to smash my head into the underside of the deck. Hard.

Spluttering in pain and with a heart filled with vengeance, I rolled out of the berth with the intent of causing mayhem and death to the trespasser, and pursued him down the passage forward. Seeing my clumsy pursuit, the mouse bypassed the galley and its goodies, and kept moving forward towards the focsle. Of course, I thought this was great. The most forward location was the sail locker, which had no windows, a roof top hatch through which the sails were passed, and mahogany bulkheads four and a half feet high, completely impossible for the little guy to ascend or leap on top. "Gotcha" seemed to be the operative description of the tactical dynamic.

The mouse got to the end of his course, ran in a circle three or four times quickly, and sizing up that he was trapped and had no way out, turned to face me, rose up on his little hind feet, stuck out his front arms and showed his tiny claws like a grizzly bear, opened up his mouth to fully bare his little rodent incisor fangs, and gave a mousy, but audible, grunt. The message was clear: "maybe you will kill me, but I am going to take as much of you with me first as I can."

Harvard man in his bare feet confronts two ounce mouse, with God knows how many exotic transmittable diseases; a split second of hesitation to reflect on consequences of trade off to stomping on the food bandit, in exchange for being bitten. In that split second, the initiative of decision making, choice and action shifted to our little Italian "Mickey." He zoomed forward between my legs, down the passage, up the ladder, out the hatch, across the deck, down the hawser, onto the dock, and into the night.

Totally outplayed by a Corsican Mouse. And the invaluable lesson of course? That irrespective of one's

position of power and ability to wreak great havoc and harm upon the other's position, the operative issue is not necessarily what you can do, but what can and will they do to you, and are you prepared to accept that for the exercise of what you can do to them. Forget the relative weighting of the pain! Forget what you thought was a "win." Rarely is another prepared to give up their life, or anything close to it, for the privilege of taking yours! And when the roles are reversed, neither will you be so prepared. Think about it before you commit too much money and foolishness in the pursuit of something you are not going to ultimately be prepared to do.

It has led to some very good advice to clients from time to time. And saved me from some nasty bites too.

**EDWIN B. REESER** is a business lawyer in Pasadena specializing in structuring, negotiating and documenting complex real estate and business transactions for international and domestic corporations and individuals. He has served on the executive committees and as an office managing partner of firms ranging from 25 to over 800 lawyers in size.