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ABA General Practice, Solo & Small Firm Division



Volume 3, Number 4 • September 2005

[Profile: Scott C. LaBarre, Esquire](#)

Find out what makes "the best blind lawyer you'll ever meet" a great advocate.

[You Weren't Mean Enough](#)

Think you've got what it takes to be a litigator? Think again.

[Arguing Before the Supreme Court of the United States or Lesser Courts](#)

Seven tips to help you analyze your case.

[How to Capture and Keep Clients](#)

The Division offers a new, practical book.

[The Old Man's Words of Wisdom](#)

On developing keen observation.

[Choose Your Words Wisely](#)

Effective word use is vital for anyone active in the law: the lawyer arguing a case or preparing a brief; a jurist writing an opinion; or the law student struggling on an assignment. Words provide the power to make a point. But what if a word is too critical—or too favorable—for what you want to convey? Then, it's time to consult a thesaurus

[Dear Mike](#)

Should I become a paralegal before I become a lawyer?

Justice consists not in being neutral between right and wrong, but in finding out the right and upholding it, wherever found, against the wrong.
—Theodore Roosevelt
(1858–1919)

[Advocational Vocab](#)

To be taken seriously, check your vocabulary on our vocab page, then test your colleagues. Check it out.

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Practice Tip

The most common complaint clients make about lawyers is failure to return telephone calls or to answer letters. Establish an office policy that all client communications will be answered within 24–48 hours, preferably in the same mode in which it is received. The duty to respond to communications can be delegated to staff, but lawyers and staff alike should get in the habit of documenting telephone calls with at least a brief file memo.

**—Disciplinary Board of
Pennsylvania Supreme
Court**

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Profile: Scott C. LaBarre, Esquire

By Jason Zac Christman

He “reads” faster and is the “the best blind lawyer you’ll ever meet, and not bad looking either.”

Scott C. LaBarre was born blind and reads only Braille. However, his use of JAWS for Windows allows him to hear what is on his computer screen and effectively read faster than those among us who can see. LaBarre has accomplished much while dealing with what many would consider a disability.



Being blind has given him a unique marketing edge. Neither potential clients nor referral counsel forget meeting the cheerful and able blind attorney. This fact and technology have allowed him to capitalize on what is still recognized as a disability.

LaBarre first took advantage of lawyers with sight while at the University of Minnesota Law School. He and approximately ten other blind individuals that he accompanied to an amusement park in Minnesota were not allowed on the rides, because they were blind. LaBarre filed a complaint against the amusement park. Although the complaint was successfully prosecuted by the assistant attorney general for the Minnesota Department of Human Rights, the young LaBarre represented himself when defending his own deposition. As has happened many times since during other cases, LaBarre’s display of ability and zeal at the deposition made the case easy for the assistant attorney general.

Since then LaBarre has been active in the Young Lawyers Division and the GPSolo

Division of the American Bar Association, even becoming a certified off-road Land Rover Driver at a Vermont Young Lawyers Retreat. (If this news makes you leery of oncoming Land Rovers, rest assured he does not drive on public roadways.) LaBarre worked at the National Federation of the Blind of Colorado after receiving his juris doctorate and became general counsel before launching his own firm in 1998.

LaBarre employs no special litigation techniques, prepares the same form of pleadings, and conducts the same type of depositions that any other lawyer would. However, his “disability” helps get the message across and occasionally impresses opposing counsel to the point of conceding significant settlements to his clients. One of his brighter moments came during a discrimination case against the federal government involving auditors that had become blind gradually. The auditors sought work at their government positions and were denied this. After going a few short rounds, opposing counsel offered a large settlement with the comment that he was “afraid you would be Exhibit A against me.” As a more than competent blind attorney, LaBarre himself readily proves that blindness can be overcome, and, though it is a disability, it need not be disabling.

LaBarre is the Chairman of the ABA Commission on Mental and Physical Disability Law, among other positions with the ABA. In addition to his bar organization efforts and achievements, he has a prospering practice in employment law, with a focus on employment discrimination, disability law, and Social Security law. He has recently branched into business law and related practice areas.

LaBarre has accomplished much as one of an estimated one percent of disabled lawyers in the United States, despite roughly one seventh to one fifth of the population being disabled. LaBarre welcomes the competition for the title “the best blind lawyer you’ll ever meet.” Even if he one day concedes that title, he will remain the proud husband of Anahit Galechyan and proud father of his son Alexander, 3 (about to be 4), and daughter Emily, nearly 1 year old.

Jason Zac Christman is an associate with William G. Schwab & Associates, a general practice firm in Lehigh, Pennsylvania. Christman focuses on bankruptcy and landlord tenant law.

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You Weren't Mean Enough

By Sara J. Seidle, 3L

After going through the somewhat grueling and often disheartening search for a summer job during my second year of law school, I ended up spending this summer working with the district attorney's office in a small, rural county in western Pennsylvania.



Although it wasn't exactly the position I envisioned as I was going through the on-campus interview process last fall, now that the summer is over I can say that I am happy I ended up where I did. Though I wouldn't say that I found my calling as a future prosecutor, my summer position with the district attorney's office was a valuable experience nonetheless. Looking back on my summer, one of the most poignant revelations that I have taken away from the experience is that I don't think I really want to be a trial lawyer.

During my last week of work at the DA's office, I was asked to help out with a mock trial

that was part of a children's summer camp program organized by local law enforcement. The office was short-staffed during the week of the camp for various reasons and the rest of the lawyers were busy with other matters, so I was called to fill in. Although I didn't know it when I agreed to help out, I would be acting as the defense attorney during the mock trial while the district attorney from a neighboring county would act as the prosecutor. Although I had zero courtroom experience before this, I thought, at the very least, it would be a good learning experience. What better way to practice my litigation skills than during a mock trial in front of a group of young teenagers that know very little about the law.

At first I was quite excited about the opportunity. I had been sitting at a desk all summer, writing brief after brief, which had started to get rather tedious. I sat in on a few trials as well and, by that point in the summer, was eager to do something more than research and write briefs. I had also really started to think that maybe I would like to enter the field of criminal law after graduation. It really is a very interesting and unique area of law. No matter how many DUI cases that came through the office this summer, they all seemed to have their own intricacies to keep things interesting. However, these thoughts of becoming a future prosecutor or defense attorney started to fade after my involvement in the mock trial. Even though it was just a mock trial, I wanted to take the experience somewhat seriously to get a feel for what being a trial attorney would really be like.

However, as the trial started and I watched the attorney I was working with give our opening argument to the twelve young campers acting as the jury, I looked around at the roomful of camp counselors, campers, and other spectators, and my nerves surprisingly started to get the best of me. Then, before I knew it, it was my turn to "act" like a real attorney. I approached the witness stand to cross-examine one of the camp kids who was acting as a witness. I had interviewed him earlier in the afternoon, and I knew he was on my side. We had already talked about everything he was going to say, so I thought it would be a breeze.

Then he answered my first question and, much to my surprise, his story had completely changed. My list of questions I had prepared no longer made any sense. All I could do was laugh and say "okay, that'll be all, thank you." The kid had stumped me. And when I sat back down, the attorney I was working with responded to my intimidation by a twelve-year-old by saying, "You weren't mean enough." Mean? Mean is not a word often used to describe me. Mild-mannered and soft spoken, yes, but mean, no. I didn't let all of this stop me, though. I questioned a couple more of the young witnesses and had a little more success. I even decided to try to make a closing argument. It was brief and to the point and, of course, I was nervous.

I have to admit, the whole experience was kind of fun. But I'm pretty sure I've decided to take my legal career in a direction that doesn't require too much trial time. A trial is certainly not something I would want to be facing every day. Of course, when I recount

this story to my family and friends, they tell me not to give up hope yet, remind me that it was just a mock trial and that learning to be a litigator takes practice. And, though I definitely understand their points, I also know myself. In being true to myself, I must admit that I am not cut out to be a litigator. It just didn't feel right. I'm good at many things, and I think I'll turn out to be a rather good lawyer someday, but I don't think the courtroom is the best place for me to exercise my legal talents.

Sara J. Seidle is a 3L at Duquesne University School of Law in Pittsburgh, Pennsylvania.

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Arguing Before the Supreme Court of the United States or Lesser Courts

When lawyers are first faced with an argument before the Supreme Court or any type of argument before any court dealing with the interpretation of a statute, they should organize their thoughts as to how the courts in the past have indicated how they wish to interpret the statutes.



1. *Textual or Plain Meaning.* When first arguing before a court, you will first start out by

looking at the textual or plain meaning of the statute. What does the statute actually say? Is there any ambiguity? Can a plain meaning control without perverting the law or the result?

2. *Contextual*. If the plain meaning does not reach where the court wishes it to go, courts then look at the section of a statute in relation to other sections of the same part of the statute to explain its meaning. In short, does something else in the same law lend a definition or allow it to be interpreted to make sense?

3. *Historical Analysis*. If textual and contextual analyses do not help, the next type of analysis is one that looks at the historical aspects of the law.

4. *Political Arguments*. You can also examine the policy arguments that define the certain way a Court may feel about the general policy of the country or of the law.

5. *Consequential Arguments*. In short, can the court handle ruling if it ruled in a certain way? Would the court be overburdened with litigation? Is it efficient to decide the case a certain way? Or would it create more protracted litigation or make more work for the Courts?

6. *Justice or Equity Argument*. Is it fair? This is often actually considered by the court.

7. *Relationship Argument*. Would a certain decision disrupt the structural relationship among the federal government, state government, and Congress and courts?

Based on a presentation given by G. Eric Brunstad Jr. of Bingham McCutchen LLP, Hartford, Connecticut, eric.brunstad@bingham.com, to the National Association of Bankruptcy Trustees, August 2005. Mr. Brunstad has argued two cases before the Supreme Court of the United States and has participated as cocounsel on several other cases before the Court.

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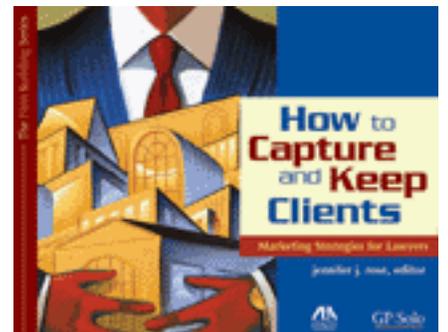
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How to Capture and Keep Clients

Try to run a law firm without clients. Your first job as a lawyer is to capture and keep your client.

The GPSolo Division has now published an in-depth book, [*How to Capture and Keep Clients*](#), where the best and most innovative solo and small firm lawyers give you their secrets, approaches, and strategies to the age-old puzzle of growing your firm.



Using its savvy advice, you will learn how to ask for business, attract and keep clients, network, partner with other lawyers, build a virtual law firm, market your specialty or boutique practice, use technology and client development, and brand your law firm just like the big firms do.

The step-by-step how-to guide is easy to use, and you don't even have to read the chapters in consecutive order to get the full benefit. If you like, you can read the chapters that seem the most important to you right now and implement those techniques. What is not so important today may have greater meaning in a few months. For members of the GPSolo Division, the cost is \$64.95.

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The Old Man's Words of Wisdom



I had just gotten on the plane, and it hadn't taken off yet. I looked across the aisle, and I saw a man who seemed very familiar. Being the type of person that I am, I tried to place him, and the only thing that I kept coming up with is that I thought perhaps he was a flight attendant on one of the many flights I had taken.

So I asked him if he was a flight attendant. He smiled and he said, no, he was actually a pilot. As we talked a bit more, it became apparent that at least twice a month I regularly flew the route that he piloted, Philadelphia to Allentown or vice versa, and must have seen him in the cockpit getting on or off.

The more I thought about it, the more I thought that in fact I was practicing a legal skill that is frequently underrated—the skill of observation. Without thinking, I recognized someone I had seen in a cockpit apparently several times. This is a legal skill I think we all should work on and develop. We don't know as lawyers what is going to be important when we first look at case. When we inspect premises for a construction case or personal injury, we should be looking at everything. We should be observing what looks right and

what doesn't. This talent is not something that is innate in any of us, but is something that a good lawyer must develop.

I know in my general practice many of my clients are surprised how much I've observed about little things about their business when I've come to visit. I recommend to new lawyers that when you go out to a client's place of business, observe the area generally, but then take time to observe the smaller items, such as the fresh flowers on the receptionist's desk, the pictures on the client's desk of their children or grandchildren, an old baseball or football that may be floating around. It is the little things that count, and it is also the little things that help win cases.

If you are going to be a lawyer, be the best you can. This can mean noticing how a witness dressed and talked, observing what tone he or she used, paying attention to his or her likes and dislikes, and being aware of what sort of eye contact he or she used.

It is the little things that count, and keen observation will help you make use of those things.

—William G. Schwab, learning the practice of law for 28 years

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Choose Your Words Wisely

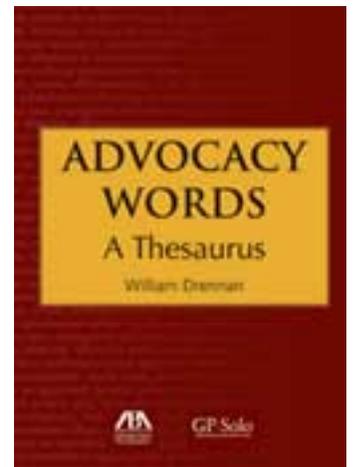
A thesaurus can assist legal professionals in making word choices more effective. For instance, the following words are arranged in two groups—critical-favorable and favorable-critical, and can help you determine what “verbal picture” you want to convey.

Favorable

exclusive
protagonist
protective custody
protest, demonstration
introspective
speak softly/whisper

Critical

monopoly
hatchetman
imprisonment
mob scene, riot
moody
mumble



From *Advocacy Words: A Thesaurus*
By William Drennan
ABA General Practice, Solo, and Small Firm Division

[Click here to learn more or purchase this book.](#)

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Dear Mike



By Mike McBride

I'm 42 and ready to go back to work after a "family break." I've always wanted to be a lawyer, and have worked in corporate, regulatory, and policy roles most of my career.

Cash flow being in limited supply, I want to start earning my way as I go through a law degree course. Would it make sense to become a paralegal first, then start law school? Do paralegal courses count toward a law degree?

Thanks for any help you can be.

— "Lawless in Seattle"

Dear "Lawless in Seattle":

Congratulations on completing your family break and pursuing your dream to become a

lawyer. Your corporate, regulatory, and policy experiences will serve you very well. Unfortunately, paralegal courses will not count toward a law degree. If you desire to go directly to law school and become a lawyer, I recommend that you take the appropriate steps, including preparing for the Law School Admissions Test and applying to an American Bar Association-accredited law school.

Given the limited supply of money, I recommend applying for scholarships. It might make sense to land a job at a law firm or a government or regulatory agency so you can have some practical experience while you attend law school part-time. It will also give you an excellent preview of various career fields, and potentially, a leg up on a job when you graduate.

D. Michael McBride III directs the Indian and gaming law practice group at SNEED LANG, P.C. in Tulsa. McBride is a Director of the ABA General Practice, Solo and Small Firm Division and serves on the ABA Standing Committee for Judicial Independence. He is past chair of Oklahoma Bar Association's Indian Law Section and is a member of the International Masters of Gaming Law. McBride represents tribes and tribal entities as well as entities and individuals doing business with tribes. Additionally, he serves as a justice on the Pawnee Nation Supreme Court. He can be reached at mmcbride@sneedlang.com, (918) 583-3145.

Got a question for Mike?

Email D. Michael McBride III at D.Michael.McBride.III@abanet.org

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Advocational Vocab

Test your vocabulary.

Do you notice the differences among the following?



access	anyway
excess	any way

Answers:

access —(n.) admittance	anyway —(adv.) in any case
excess —(n.) surplus	any way —(phrase) any method

Now test your friends and colleagues.

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Legal Trivia

Question:

What was the first case argued in the Marble Palace (the current home of the Supreme Court of the United States)?

Answer:

Douglas v. Willcuts , argued October 14, 1935.

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Division News

We Are a Division!

The General Practice, Solo and Small Firm Section is now the General Practice, Solo and Small Firm **Division!**

Recognizing that most of America's lawyers practice in a solo or small firm setting, the American Bar Association is committing itself to offer more and better service to America's Main Street lawyers as they build their practices and serve their clients.



Read [President Greco's letter on GP|Solo's transformation to a Division.](#)

Hurricane Katrina Disaster Relief

The ABA and GP|Solo are assembling resources to aid victims of Katrina, including help in moving a law firm, technology assistance, and help from our primary sponsor West. Find information about how to receive or participate in [Katrina relief efforts](#) by GP|Solo, the ABA and others.

Difference Makers

Seaport Hotel, Boston
Friday, September 30
Cocktails at 6 p.m.
Dinner at 7 p.m.
Ticketed \$65

The Difference Maker Award dinner honors the hard work of several local attorneys whose dedication has changed the profession of law for the better. The awards ceremony and dinner will be followed by live music and dancing in the beautiful World Trade Center overlooking the harbor.

This year's winners:

- **Diversity and Professional Achievement** — Honorable Sandra L. Lynch, First Circuit Court of Appeals
- **Lifetime Achievement** — Honorable William T. Hogan, Jr. (ret.) (a Boston lawyer, former counsel to Governor, former Commissioner of Corrections, former Commissioner Mass. Health and Human Services; former Mass. state court judge)
- **Professional Achievement** — Michael S. Greco, ABA President

[Visit our Fall Meeting pages to register.](#)

Honor Roll

GP|Solo has been recognized as an Honor Roll recipient by the [Commission on Mental and Physical Disability Law](#) for its commitment to increasing the diversity of lawyers in our leadership.

- [View the certificate in PDF;](#)
- [Download the entire report in PDF.](#)

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The ABA General Practice, Solo and Small Firm Division provides many career-building opportunities

- **Award-winning periodicals**

Look to **GPSolo** magazine for the latest trends and legal developments. Special issues include the **Technology & Practice Guides**, loaded with essential software and technology reviews, and **Best of ABA Sections**, featuring articles selected for you from other top ABA publications.

Our quick-read newsletter, **Solo**, provides practical answers to your practice questions.

Up-to-date e-publications to supplement **GPSolo** and **Solo**:

- **Law Trends & Practice e-newsletter** — Compliments the Sections' substantive practice areas.
- **GPSolo New Lawyer** — Offers career and practice tips.
- **GPSolo Technology eReport** — Gives answers to your technology questions.

- **Savings that exceed the cost of your membership!**

Special member discounts on all GP|Solo books and sample forms on disk, which provide essential tips for profitably managing your practice and serving your clients well.

- **Corporate sponsor discounts**

- **WestCLE** — Up to 30%–50% discount on GP programs.
- **Casesoft** — \$340 discount on bundled software.
- **Lawyers Weekly** — Live web news feed on GP website.

- **Free access to specialized information from GP|Solo Committees**

As a free benefit of your GP|Solo membership, join up to three substantive committees to receive even more specialized information that may not be available anywhere else. In addition, you have the option to give your input on relevant topics and timely issues, and contribute articles or suggestions to Section publications.

- **Continuing legal education**

You have access to a full schedule of seminars, national institutes, and other educational offerings at Section meetings.

- **Networking opportunities**

Meet attorneys from across the country who share your professional interests. Members enjoy a unique opportunity to debate, analyze, and learn from one another while shaping the work of the profession and forming invaluable relationships.

- **Leadership opportunities**

GP|Solo gives its members the opportunity to participate in the governance of the Section. Committee participation allows members to pursue their specific areas of interest, and also provides valuable opportunities to meet and work with colleagues from across the country and abroad. We welcome the participation of lawyer, associate, and law student members, including special opportunities through our Diversity Fellows Program.

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