ABA BAR LEADERSHIP INSTITUTE

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COMMUNICATIONS WORKSHOP 2A & B

MESSAGE IN A BOTTLE:
WRITING MEMORABLE PRESIDENTS’ PAGES

PRESENTED BY:
DAVID S. HOUGHTON - MODERATOR
CHRISTINE CENDAGORTA
RAYMOND T. (TOM) ELLIGETT, JR.

PURDUE/WISCONSIN, 6TH FLOOR
Tom Eligett

President's Pages

Words are the attorney's stock in trade. Why then do so many bar leaders dread writing the president's column? Here is a guaranteed formula for writing spellbinding president's pages and enjoying it. Well, that may be bit of an exaggeration, but that leads to the first point.

President's pages don't have to be boring. You have freedom. You don't have to cover a specific substantive topic, like tax law changes. Pick a subject that interests you and that you think will interest your association members.

Start with a title or anecdote or both to grab your readers' attention. Given the subjectivity of humor, be wary of jokes. But a short story can often convey a point, even if all readers don't find it humorous.

One column titled "Leather Pants & Bar Programs" started with an anecdote about how the president's wife had expressed an interest in upgrading from fabric to leather seats in her new car because she preferred the feel of leather.

When the president learned the cost of the "leather package," he suggested that she buy leather pants instead; and noted that way she could enjoy the feel of leather in any car.

This true story introduced the president's point that the association would be looking carefully at new expenditures, and at cutting programs that did not justify their cost. And it probably enticed more readers than a "budget tightening" headline would have.

Movies and songs can provide titles for articles, and lead to a theme. Likely more than one column has used the classic film "It's a Wonderful Life" to introduce how fortunate lawyers are to be granted the privilege to practice law, and to be able to help their clients. Or how much different our society would be without the improvements and protections secured by lawyers.

Sources of ideas for articles include your association's upcoming events, NCBP's coverage of hot topics, and other president's pages. It is hard to imagine a lawyer who would not be flattered to have another president borrow his or her idea (with appropriate credit, of course).

As the most visible representative of the association, make your columns upbeat. There may be times when you have to address serious topics. Those present opportunities to emphasize how lawyers can improve or are improving the situation.

The president's page should consider lead time when addressing upcoming events. Most publications come out monthly or quarterly, and may have deadlines several weeks ahead. That leads to another frequently made, and ignored, recommendation. Plan or write your columns ahead of when they are due. As your term
approaches, you may want to consider a list of topics for the year. Having one or two columns "in the can" for a month when you just cannot find the time to write one can be a blessing.

Writing style and format are important. You are not writing a brief. Again, it does not have to be dull.

Write in short sentences and short paragraphs. Look at your local newspaper or People Magazine. Short paragraphs are less formidable to the reader.

Some editors take their editing function more seriously than others. Have someone read your draft article. This requires writing it before it is due. It also provides time to edit it yourself.

Run a picture that goes with the article: a picture beyond the presidential headshot. A picture of something in addition to the president's likeness may pique the readers' interest.
Mentoring Professionals or Jerks
Raymond T. (Tom) Eligett, Jr.

My wife took our grandson to a theme park that has a children's area, where he was playing by a little girl. When asked how old she was, the girl held up three fingers, and said "but two when we come here." The park admitted children two and under free.

This caused me to think if children learn by example, is this an early lesson in dishonesty? Not a major falsehood, but will these parents wonder later where their child learned to lie to them.

Just as children learn from their parents, teachers and other mentors, so do young lawyers learn from other lawyers. One of profession's core values is truthfulness. If associates hear their partners lie to opposing counsel or be less than completely candid with the court, they learn that's the way it's done. If they hear their partner counsel a client to withhold information, it teaches that behavior for their future client interactions.

Associates will learn by example how to deal with requests for extensions or other courtesies. They will observe if partners allow clients to dictate that the attorney engage in unprofessional behavior, or if the partner tells the client we don't practice that way (and explains the advantages of professionalism).

In many law firms, the extent of mentoring is the assigning lawyer's editing of the associate's written work. The associates will learn by example what tone to use, both from the editing their work undergoes, and by reading what the more senior lawyer has written.

They will learn by watching the way the experienced lawyers present argument before the court in hearings or other settings. They will learn to be respectful and responsive—or not.

Newer lawyers will learn by the partner's analysis of whether a potentially adverse decision must be disclosed under a fair analysis—as opposed to rationalizing the case does not apply because it happened on a different day of the week.

The association of attorneys will observe their partners' attitude. Do they let matters get personal with the opposing counsel or opposing client, or do they strive to remain professional to advance the best interests of the partners' clients. Do they treat opposing witnesses with courtesy in depositions and at trial?

Does the partner treat the firm's legal assistants and other employees with respect? How does he or she treat court reporters, court personnel and the opposition's legal assistant?

Associates will learn their time keeping and billing practices from what their more senior lawyers do, as opposed to what they say to do.

They will learn how to keep the client informed and how to timely respond to requests from the client or opposing counsel. They will learn how to prepare for a hearing.

They will learn how to evaluate potential conflicts and to evaluate settlement offers.

Children and new lawyers learn by example. They will do as you do and not as you say. You are empowered to mentor professionals or jerks.

Tom Eligett is a Master in the Justice William Glenn Terrell AIC in Tampa, Florida, and president of the Inn for the 2003-2004 year.

The author with his grandson, Christopher.
'Tis The Season

Even if today's practice really is more hectic, more competitive and more stressful, there may be a more fundamental cause for the disaffection. Are today's attorneys getting a feeling of satisfaction from helping their clients?

Those who are just going through the motions to earn a paycheck are missing the personal satisfaction that comes from serving their clients.

The transactional lawyer who helps the client consummate a deal — or avoid a "bad" deal — should have a feeling of accomplishment.

Many plaintiffs' lawyers feel they are helping their clients, whether individuals or companies, by obtaining compensation for an injury or breach of contract. Defense counsel can feel good about protecting their clients' assets.

It is usually difficult to deliver bad news. But sometimes the best service a lawyer can provide is a candid evaluation of a client's case which may call for a resolution before more expenses are incurred. While initially they may be disappointed, most clients will appreciate this candor.

Criminal attorneys aren't excluded from a rewarding practice. Prosecutors can strive to protect society. Criminal defense counsel can protect the innocent, and protect the rights of the accused.

Lawyers possess specialized knowledge and skills the general public lacks. Each area of the law offers an opportunity for the practitioner to help those served.

As we discussed last month, there are many opportunities for rewarding service through pro bono work. You may find that children and others who cannot afford counsel are the most appreciative of your services.

It may be that the practice of law has not changed so dramatically. Maybe some lawyers have forgotten — or never learned — that a significant part of the practice is how the lawyer feels about the services that lawyer is providing.

Perhaps it is the season to remember what made us want to go to law school, if one of those reasons was to help others. If the only original motivation was monetary, perhaps it is time to re-think if the practice can offer more.

Each lawyer needs to decide if this holiday season and the days that follow will bring feelings of joy and helping others. It is the season that each of us makes it.

ENDNOTES
(NOT) PAST THE POINT OF RESCUE

President’s Message

by Raymond T. (Tom) Eligett, Jr.

Hal Ketchum’s poignant song ponders if the singer is past the point of rescue. This month brings the third installment of suggestions culled from numerous sources to help lawyers cope with stress — before they feel they have gone beyond the point of rescue:

19. Make sure you have a comfortable work environment: a good chair; a pleasant work space with pictures, etc.; sufficient, but not glaring lighting; a phone ringer volume that doesn’t stop your heart.

20. Find favorite music, books, vacation photos or movies that relax you and use as necessary when you get home.

21. Don’t rush; leave yourself an extra five minutes to get there. Thanks to Mike Hooker for this excellent suggestion. You’ll arrive at appointments a little ahead of time, rather than in a disarrayed frenzy.

22. Don’t worry about things you can’t control. Like your college sports team losing to a school from a state where they allow family members to marry.

23. Don’t over-plan. As noted earlier, being organized can reduce stress. But one can overdo planning. Don’t be like the fellow my dad describes as spending ten minutes thinking about how to make a five-minute job easier.

24. Leave at least a day a week unscheduled. This will allow you to feel less hurried, to catch up when unexpected calls, etc. bump planned projects, and maybe to preserve some of your weekend.

25. Book your pleasure time. Buy tickets in advance to sports and cultural events and attend them with family and friends (if it turns out you really can’t use them, donate them to the HCBA ticket bank). Make dinner reservations.

26. Take a workday break. If the daily Al Ward noon run is not for you, get lunch or “run an errand” (apparently a euphemism someone use for shopping).

27. Get up and move around when you start to feel stressed or frustrated.


29. Prepare for presentations, hear-...ings, oral arguments. Outline what you will say, anticipate questions, and formulate responses (you need to know your file or record). The better prepared you are, the more relaxed you will be.

30. View mistakes and criticism as learning opportunities. Lawyers often remark they learn more from their losses than from their victories.

31. Clarify your professional and personal goals.

32. Consider talking with a secular or religious counselor.

33. Approach change with an open mind. It is normal to want to resist change, but change is inevitable, and often beneficial. How many people really long for the days of carbon paper and 78 rpm records?

34. Analyze the people or things that cause you stress and develop methods to deal with them, or to avoid them, if possible.

35. Accept that work or life may not always seem fair, and you won’t always get what you want. Work on improving what you can.

36. Be cognizant of when you place demands on yourself or others, and appreciate that such demands can cause stress.

37. Don’t demand approval. It’s nice to get an “attaboy,” but no law requires your co-worker, the boss or the judge to comment on a job well done. Don’t get upset if no one seems to notice. They probably did.

38. The flip side to the foregoing: compliment a job well done, etc. As long as you’re sincere, the recipient will appreciate it and you’ll feel better.

39. Appreciate relaxing things around you: scenery, sunsets, trees. Even in the city you can focus on greenery and the sky.

40. Put things in perspective. Realize that everything will not always be perfect in your professional or personal life, but appreciate how fortunate we are to enjoy the privilege of practicing law.

Hal Ketchum and fan
IT'S A WONDERFUL LIFE

President's Message by Raymond T. (Tom) Elligett, Jr.

Stress nearly leads Jimmy Stewart's character in "It's A Wonderful Life" to jump off a bridge before his angel shows him what life would be like in his town without his impact. As the vast majority of thinking people know, life in the United States is also much better because of lawyers.

Life would be much different in our country without the positive impact lawyers have made since even before its founding.

Without lawyers, we might still be a colony. A lawyer, Thomas Jefferson, wrote the Declaration of Independence. Over half those who risked their lives by signing the Declaration were lawyers.

Another lawyer, James Madison, drafted the United States Constitution, with help from other lawyers in the writing and ratification. Key decisions from the John Marshall-led Supreme Court established the strength of our federal government and independent judiciary.

Abraham Lincoln, a trial lawyer, led our country during its most difficult internal conflict, and issued the Emancipation Proclamation over 150 years ago.

Lawyers, working for individuals, and sitting as judges, ensured that the rights of individuals were protected under labor laws. Lawyers and judges ensured that small businesses received the protections guaranteed under antitrust laws.

It is ironic that many businesses which now want to be insulated from "unfair" suits would not even exist if not for lawyers — larger companies would have put them out of business with "unfair" competition.

The late Justice Thurgood Marshall and his legal team guaranteed the right to equal education in Brown v. Board of Education.

Lawyers are responsible for the removal of exploding cars and numerous other unsafe products from the market. They also deter those who would sell dangerous products, but for the threat of being held responsible.

Lawyers and our independent judiciary ensure that those without political power will have access to protection through the court system. Lawyers protect those who would otherwise be discriminated against because of their age, sex, religion, race or disability.

The next time you hear someone tell a degrading lawyer joke, ask who they would call if a defective product injured their spouse, or if their medical insurer denied coverage for an operation their child needed. Would they like to call a comedian for the latest lawyer joke?

Without lawyers, our country would be a Potemkin, or worse. Lawyers contributed significantly to our country's greatness and continue to do so. We should be proud and grateful. While life is not perfect, by comparison to what it might be without our legal system, it's a wonderful life.

HCBA Holiday Open House

December 4, 1997, 5:00-7:00 p.m.

HCBA Offices & Conference Room