

Thursday, July 17, 2008

**What keeps a lawyer practicing law?**

What keeps me practicing law, and enjoying it? Law school was not sufficient to keep me practicing law and enjoying it, with the exception that I benefited tremendously spiritually, intellectually, and growth-wise from the immigration law clinic, through which I first-chaired the first two trials of my life. I had too much trouble separating the good I learned at law school from the many professors who were too aloof and the one who resisted even discussing the results of a final exam to enable learning from the experience ("Can you come back to me near the end of the semester on that?"), and had no interest for liking the law merely for the law's sake, rather than using it as a vehicle to obtain real justice. It was not my first legal job, as a law clerk at the then-named Federal Home Loan Bank Board -- which later became the Office of Thrift Supervision, in the Treasury Department -- where although I obtained unparalleled learning in how to research, analyze, and try to influence federal regulating, and interacted with some wonderful people, much of the tenor there seemed too lifeless. It was not my first lawyer job, where, although I got great litigation and business and regulatory law experience with some very talented people, including two who kindly took me under their wing, I felt like I anticipated I would: I was fortunately avoiding doing any work that would harm society (except for doing some otherwise very interesting legal analysis and writing defending an employment discrimination case, for the management side), but I did not feel like I was contributing anything much to society either, although with mortgage banking clients included in the mix, even a greedy goal of doing mortgage banking still contributed to more widespread home ownership and empowerment of ordinary people, including through such programs as FHA- and VA-insured home loans. Becoming a public defender lawyer two years out of law school enabled me to break out of the preceding doldrums, and what kept me going during the doldrums was keeping alive the ideals that brought me to law school in the first place, which was to find a way to do justice with my legal training, rather than settling for a job doing nothing more than helping corporations maximize and keep as much of their profits as possible. I already did the corporate profit protection stint during my year before law school as a financial auditor with a Wall Street bank, in the hope that there would be a way to earn good income while giving back to society (which is possible, but I just did not find any kindred spirits at my company, other than that it had a very generous charitable donation matching program, which was probably inspired more by the competition than anything else). By sticking to what I feel is a calling to focus on defending justice -- now primarily representing criminal defendants and Constitutional rights, with some student discipline defense in the mix, which usually is tremendously enjoyable in standing up to and persuading the principals' and deans' offices -- that is all I need to keep me going and to keep the adrenaline rushing. Helping the adrenaline all the more is having found so many kindred spirits -- after long stretches of not finding many of them before moving to criminal defense -- including so many who are willing to drop what they are doing to help out. That is all the more important when I am the only criminal defense lawyer at my firm, that I can just pick up the phone or the email mouse, and get a rapid response from some of my most talented and effective colleagues. Among the most generous things a colleague ever has done for me was to join me in visiting a client jailed pretrial for a very serious felony, to add my friend's perspective to the brainstorming in seeking the best outcome for my client, and also to help reassure my client that my views on getting his feet planted on the ground were shared by another highly experienced criminal defense lawyer. On numerous occasions, several local lawyers have dropped what they ordinarily would have done on a weekend morning to join me for a trial/psychodrama workshop -- sometimes including my particular client's presence -- to find a way towards victory by, in part, reducing the obstacle of apparent reality. As my brother lawyer Marc Randazza says, there are some debts that can never be repaid, and we can only reduce the debt by paying it back again and again and again, which I try my best to put into practice with helping my colleagues in need. What also keeps me going is the many lawyers who remain humans first and lawyers as a part of their humanity, rather than the excessive number of lawyers and law students who let the law consume them so much (it is okay to put in long hours practicing the law without being swallowed up by it) that they become more like humanoids than the more caring and feeling people they were before entering law school. One lawyer who inspires me to keep on loving the practice of law while maintaining the very human perspective that is critical along the way, is Charles Abourezk, whom I got to know a bit, through email, by our both having attended the Trial Lawyers College. Check out Warrior Charlie's fascinating website. Among the many interesting items there is that beyond his law practice, Charlie has long fought for American Indian rights (as a lawyer and before that), makes films, is a writer, and is a justice of the Rosebud Sioux Tribe Supreme Court and a retired justice of the Oglala Sioux Nation Supreme Court. I either represent civil plaintiffs or criminal defendants and that I do not represent or work for insurance companies or business corporations or entities, or for local, state or federal prosecutors? Charlie co-directed and co-wrote A Tattoo On My Heart: The Warriors of Wounded Knee 1973, <http://www.filmbaby.com/films/308>. Check out Charlie's writings, including: "The Use of Psychodrama in Depositions, Direct and Cross-Examination", "Constructing Reality 2001", and "Unpopular Clients, Unpopular Causes." Then, again, with the first two articles, will you heed Charlie's command to confirm that "I started seeing lawyers coming alive the most when I joined and started attending gatherings of the National Association of Criminal Defense

Lawyers and the Maryland Criminal Defense Attorneys Association even before I had defended my first criminal case. That snowballed into feeling the very human presence, touch and caring of so many attendees at the National Criminal Defense College's Trial Practice Institute followed by the Trial Lawyers College. When other lawyers talk about how to market their services, for me, the key to doing that starts with the basics underlined by the NCDC and Trial Lawyers College, which is to care 100% about our clients at all times and to bridge that caring with the best skills and persuasive arguments that we can put forth and improve. Unless the potential client wants nothing more than a lawyer who "knows the prosecutors, to get a better deal" or who charges little to walk the client through a guilty plea rather than pursuing the possibility of victory, clients know when a lawyer really cares about them, just as a patient knows when a doctor truly cares, or just feels imprisoned in the profession of a doctor, lest switching jobs will bring financial downfall. One of the best things about the Trial Lawyers College is the instant connection even among those who have never been in touch before. Not having been in a college frat, maybe that is a similar connection to what frat members feel, aside from episodes of drinking mass quantities of beer and being obnoxious (I hope I exaggerate). When a Trial Lawyers College grad calls me or I call them, invariably it is an instant human-to-human conversation, skipping the lawyer-to-lawyer-ese. Boiled down to its very essence, then, what ultimately keeps me going and inspired and energized as a lawyer is the positive human touch, compassion and helping with my clients, with my colleagues who share my same vision and caring and who remain the same person throughout the day rather than putting on their lawyer hats when leaving the home and taking them off upon returning home, and with the many other people with whom I connect along the way, who share with me and who teach me. What and who inspire you? Jon Katz.

Posted by Jon Katz in Persuasion at 00:00

Lawyers are more than smart. If they are not working that means they are more dangerous because they are consternating on what to reply to win the case.

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peter  
Addiction Recovery Missouri  
Anonymous on Jul 17 2008, 12:57