

The Last WORD

By Edward J. Walters, Jr.

IPSE DIXIT: THINGS I WISH I LEARNED...

Here are a few things I wish I had learned in law school.

In order to solve a problem, you must first identify the problem.

Your character and integrity are your most valuable assets.

There are four kinds of tasks: important and urgent; important and non-urgent; unimportant and urgent; and unimportant and non-urgent. If not important, don't let the apparent urgency of the task draw you away from those tasks that are truly important.

Attention to detail is the most important trait of a good lawyer. Preparation beats talent 99 times out of 100 (and the one time it didn't, talent just got lucky).

Appreciate challenges. They make you a better and stronger person.

Appreciate losses. They make you wiser and also make you a better and stronger person.

Appreciate victories. They hold you up between the challenges and losses.

Don't be afraid of the big megafirms. Some of the people there are not that smart.

Don't underestimate the intelligence of that small-town bumpkin lawyer. He may be much smarter than you are.

When evaluating the merits of a case either for the plaintiff or the defense, recognize that the case will look its best the day it first comes in — it's all downhill from there.

Whenever possible, visit the scene and take pictures if necessary. Whether you are dealing with a personal injury case or a commercial dispute, being there gives you insights that you can never get from reading about it.

There is no such thing as dicta, what they told you in law school notwithstanding. If it appears in a relevant opinion, be prepared to deal with it substantively or lose.

Break projects down into manageable, bite-sized pieces, then just take on one piece at a time.

Take time just to sit, alone, and think about your cases. You'll be surprised by the ideas you get.

Pick your battles. You don't have to fight every issue in every case. If you fight too many issues, your important ones will get lost.

You decide what case you want to try, not your opponent. If they choose what case you will try, you will not like it.

Be yourself. Don't try to act like that other lawyer with whom you were really impressed. You're not that good an actor.

Never turn in the first, second or third draft of a brief, and, when a senior lawyer asks you for a "draft," he or she means your very best final product.

Proofread everything at least twice. Many people (including judges and opposing counsel) will form their first impression of you based upon your written work product. If your paperwork is sloppy, you will be perceived as unprepared and sloppy in all that you do.

When preparing a case, don't become so focused on liability that you forget about damages. A clear liability case with zero proof of damages is worth . . . zero.

When preparing a case, don't become so focused on damages that you forget about liability. A \$10,000,000 case with zero liability is worth . . . zero.

In oral argument or at trial, treat opposing counsel as you would treat your grandfather. Sharp remarks, even when deserved, will make you seem petty and detract from the force or substance of your argument.

Never refuse opposing counsel a favor when it is within your ability to grant it, and granting the favor will not cost you

or your client anything. You will quickly build up a bank of trust and credibility with other lawyers.

When you learn a neat new trick, share it with others.

Laugh when something funny happens, either in the office, in a deposition, or in the courtroom. Keep your sense of humor.

Whether arguing to a judge or a jury, speak slower than you think you need to, and don't be afraid to pause and think before answering questions.

Remember that until a witness does something to turn the jury against him or her, the jury likes the witness more than they like you. Handle the witness with that in mind.

Don't ever stop being nervous the minutes before a hearing, deposition or trial. Adrenaline is just your brain's way of getting you pumped up and ready to go.

Listen to the war stories that old(er) lawyers tell. You can learn a lot from other people's experiences (mistakes).

Nothing is as simple as it seems, and nothing is as complex, either.

You never know unless you try.

If you think you can't, you're right.

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The Louisiana Bar Journal is looking for authors and ideas for future "The Last Word" articles. Humorous articles will always be welcomed, but the scope has broadened to include "feel-good" pieces, personal reflections, human interest articles or other stories of interest. If you have an idea you'd like to pitch, email LSBA Publications Coordinator Darlene M. LaBranche at dlabranche@lsba.org.