

from whence they came...redux

BY ED WALTERS

New rules

As lawyers, we are all proud of the Baton Rouge legal community. We have many of the finest lawyers and judges in America right here in our city, including the current president of the Louisiana State Bar Association, Mike Patterson. Some of the most important assets of the Baton Rouge legal community are the trust and respect that most of us have for one another, the camaraderie amongst adversaries, and the gentlemanly and ladylike manner in which we treat one another. This greatly enhances our quality of life in the practice of law.

In 1987, the influx of new lawyers and new law firms into the Baton Rouge area with less than desirable professional manners led me to put together some rules of thumb for courteous Baton Rouge law practice for the new lawyers who were not familiar with how we do it here (and as a refresher for those who had forgotten). After calling around to a few lawyers, I came up with a non-exhaustive list of the rules of thumb for practicing law in Baton Rouge. The list was published in *Around the Bar* under the title "From Whence They Came." Because 2010 marks the 25th Anniversary of *Around the Bar*, Scott Andrews, the president of the Wex Malone Inn of Court, asked me to resurrect the "rules of thumb" and present them not only to the Wex Malone Inn of Court, but also to the Baton Rouge Bar Association, as a friendly reminder of what the practice of law should be like here (*see box on right for a list of updated rules*).

In 1987, the very staid Baton Rouge legal community was in a state of flux. Lawyers from other cities were moving into Baton Rouge and competing with our home-town law firms. Aside from the obvious fear of out-of-town firms stealing our home-town law firms' business, we were also fearful that the way we practice would be lost and the culture of lawyers from other cities would become ours.

The reason the article was written was because I had had a small discovery skirmish with an out-of-town lawyer, and he was clearly unreasonable. The lawyer asked for my client's tax returns and, immediately upon receiving the request, I asked my client to get them for me. He didn't have them, so I wrote to the IRS to get copies. Well, they were not forthcoming within the 30 days allotted for me to respond, so, on the 31st day, without even a phone call, this lawyer filed a motion to compel against me. I explained the situation, but the lawyer refused to pass the hearing date. At the hearing, our Baton Rouge judge found his tactics to be reprehensible and denied his motion to compel. I was furious at what he had done (we would

UPDATED VERSION OF ED'S RULES

1. Baton Rouge lawyers don't lie to each other or to the court.
2. A Baton Rouge lawyer will not default another lawyer when he has been notified that the other lawyer will be representing a party in a case.
3. A Baton Rouge lawyer does not set up depositions without first coordinating the times and dates with the calendars of all other attorneys involved in the case.
4. A Baton Rouge lawyer will not file a motion to compel without first notifying the other lawyer that he is going to do so and without allowing the offending lawyer a chance to respond after being so notified.
5. Baton Rouge lawyers do not engage in *ex parte* conversations with the court.
6. When a Baton Rouge lawyer says he is going to do something or send you something, he does.
7. No written motions are required if a Baton Rouge lawyer gives you an extension of time, unless, of course, some official court rule requires it.
8. Baton Rouge lawyers are considerate to other lawyers, judges, their paralegals, secretaries, law clerks and staff.
9. Baton Rouge lawyers realize that a lawyer's client is very precious to him and, as such, do not try to entice another lawyer's clients away.
10. Baton Rouge lawyers do not file unnecessary pleadings just for the purpose of generating an attorney's fee.
11. Baton Rouge lawyers always return phone calls and e-mails from other Baton Rouge lawyers (maybe late, but eventually).
12. Baton Rouge lawyers do not use the threat of sanctions as a litigation tactic.
13. Baton Rouge lawyers do not engage in personal attacks on other lawyers or witnesses.
14. Baton Rouge lawyers don't hide behind electronic communications to say something to another lawyer that they wouldn't say to his or her face.
15. Baton Rouge lawyers think about that nasty e-mail they just typed before they hit the "Send" button.

NEVER do that to each other), and, if this is what was looming on the horizon, I wanted no part of it.

So I wrote an article, setting forth a primer on how we do things here, in case anyone was interested, and to remind those of us who may have forgotten. The article was very well received, and I believe it helped lead to the adoption in 1992 of the Code of Professionalism.

So now it is 2010, some 23 years later. What has transpired? Well, it is my opinion that the lawyers in the Baton Rouge legal community have CONVERTED the lawyers who came here from other communities to our way of practicing law. Who woulda thunk it? Yes, the lawyers who engaged in scorched-earth tactics elsewhere, when practicing in Baton Rouge, didn't.

The lawyers from other parts of the state and nation got fully assimilated into the Baton Rouge legal culture. In my opinion, they adopted and adapted to the way we do things here. They started to act like us. Their practice did not become our practice – ours became theirs. Why is that?

Well, in preparation for this article I asked that same question to a few lawyers who are in old Baton Rouge firms and a few lawyers who are in firms with headquarters in another city or state who have offices in Baton Rouge. What my crude research revealed was that many, if not most, of the non-Baton Rouge law firms that opened offices in Baton Rouge, at least in the beginning, usually

hired lawyers from Baton Rouge who had been mentored by lawyers from Baton Rouge. As a result, they knew how we did things here, and, not only did they act accordingly, the new lawyers they later hired were mentored and trained by them in our way of practice.

Not that all's well today in the Baton Rouge legal community. We still have lots of problems, and there are still many of us who don't practice the way we would like them to practice, so it may be time to republish and update the rules from 1987. After all, in 1987 there was no Internet and, of course, no e-mailing, texting, tweeting, Facebooking or blogging.

In closing, do not take for granted the gift of the friendly nature of the law practice we enjoy in Baton Rouge. We must all continue to play an active role in attempting to preserve it so that we can ensure the continuing viability of our quality of life as lawyers.

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