



I was recently updating my State Bar profile when I noticed that my date of admittance was 1988. I'm not usually one to lament the passage of time, but this acknowledgement stopped me in my tracks—26 years. The next weekend, my son and some of his friends were in town. Two of them are in law school, so they asked me what advice I would give young lawyers. After thinking about it for a while, I decided to jot down a few of my “rules.”

### **1. Start at the end.**

Your career will be over before you know it. What do you want it to look like in 25 years? 35 years? Do you want to be known as a person of integrity, a person who keeps his or her word? A person who follows through? A person who looks out for his or her clients' best interests? Or do you want to be someone who takes shortcuts? Someone who pulls silly stunts? Someone who puts his or her interests above those of the client?

This applies to every matter you take on. Figure out the ultimate goal and write it down. “Settlement or verdict of X.” “Sole-managing conservatorship.” “Probation.” Make certain you have a clearly defined objective. Then make sure every effort is spent working toward that goal.

### **2. Preserve your ice sculpture.**

I stole this one from a law school classmate. He says he thinks of every case like a brand new ice sculpture just removed from the freezer. Beautiful and solid. But from that point forward it's going to melt. Your mission is to make certain you get a resolution before it turns to water. This is important for two distinct reasons.

First, you need to work fast. Don't delay. Don't hesitate. Don't waste time or resources.

Second, understand that your case is never as good as it is going to appear when your client comes to your office and tells you his or her story. On that first day you will take your ice sculpture from your client meeting and be proud to show it off. Then another lawyer will come along with a pick and a blow dryer and start chipping and melting away. Eventually an arm will fall off. Or you'll lose the head. But it's still your ice sculpture. Strap that sculpture in the front seat, turn the air conditioner as low as it will go, and get to the wedding reception as quick as possible. No detours.

### **3. Wait at least 24 hours before sending a letter that begins: “Dear Judge Imbecile.”**

When I was a young lawyer, I had a contentious case in front of an overbearing judge. One morning, I appeared at a hearing in front of this judge, who was rude and, in my opinion, flat-out wrong when he ruled against my client. I thought he needed to know. I went to my office, dictated an angry letter, and gave it to my legal assistant to send.

I slept rather fitfully that night, and when I arrived at the office the next morning, I told my legal assistant that I was starting to regret sending the letter. She reached into her desk drawer and pulled it out. She had the sense to

save me from my basest instincts. I have appeared in front of this same judge many times since. Some days he is smart; other days he is pretty dense. Either way, he'll never know what I really think.

#### **4. It's not always chess; usually it's just checkers.**

Let's face it. There's only so much strategy one can employ. Thankfully, the Rules of Civil Procedure have removed much of the game playing from litigation. In the end, preparation will trump strategy every time. Read the case law. Examine every document. Prepare for the deposition. Be thorough. Be diligent.

#### **5. Get in the bunker.**

What is just one of many files to you is the most important thing in the world to your client. It's what keeps them up at night. It occupies their every thought. They don't want just a lawyer. They don't even want a hero. They want a teammate.

If you take a case, your client wants you to climb in the bunker with them. Some of my most grateful clients are those for whom I failed to get a good result. But we fought their fight together—and that made all the difference.

#### **6. Don't let your clients' money get mad or stupid.**

Here's the one truth about litigation that lawyers often forget: It's only about money. Therefore, it typically comes down to a business decision. As a litigator, you should frequently assess the cost of your pursuit with the likelihood of your desired result. Caution your client from pursuing an agenda that is born of vindictiveness, revenge, or stupidity.

#### **7. Don't take it out on the staff—yours, theirs, or the court's.**

Everybody is doing a job. Just because they are not performing to your expectations doesn't mean they have it in for you. Everyone carries responsibilities, stresses, and baggage you know nothing about. Be kind.

#### **8. Don't take in stray cats.**

My legal assistant has a file cabinet filled with the detritus of "causes" I have chosen to undertake through the years. She calls it the "stray kitten" drawer.

Here's an example: I once represented a client who was about to have his house foreclosed. He was unemployed, had terrible credit. But he had two kids so I felt sorry for

him. He was extremely late for his first appointment, which is usually a harbinger of bad things. When he arrived, he convinced me of his good intentions, his hard luck, and his extreme need. So I took him in. We successfully postponed the foreclosure, but as we tried to work out a deal with the lender, the real story emerged. He had made only two payments the previous 18 months. He had been fired from his job for excessive absenteeism. His kids lived with his wife because he had a serious substance dependency problem. He was a mess. And, unfortunately, he was my mess.

He was one in a long line of stray cats I have taken in. So I have learned a few things about them. They will cry for attention, fight like hell when cornered, and gladly accept your generosity. But stray cats live outside because they choose to. They don't want to have rules.

#### **9. Don't take everything so personally.**

I handled a case one time that was just awful. My client was, well, difficult. The facts were, ahem, unfavorable. My better judgment told me to stay away, but I filed the case anyway. The lawyer for the defendant—a grizzled, crusty veteran of the defense bar—called and told me, in no uncertain terms, that my case was a joke. I got my back up and pursued the case longer than I should have, primarily because I was not going to be told what to do by my opponent. Sometimes you have to take off your rose-colored glasses and put on your bile-tinted monocle.

#### **10. Don't give up.**

I am always mystified by lawyers who will work up a case, hire experts, file motions, get to the courthouse steps ... and fold. Litigation is a full-contact sport. There will be times you think you can't lose, times you hope you'll be able to just keep your license, times you'll want to beat the table, and times you'll want to crawl under it. All of these can even occur in the same case. Fight through the urge to give up for the wrong reasons. Play to the whistle. Just hanging in can yield positive results.

So there you go. I'll end with one of the greatest rules I ever learned: Know when to shut up. But I'm afraid I won't be able to share its backstory. **TBJ**



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