

Mind Your Ps and Qs

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In the spirit of that old exhortation, this month's column will highlight some Ps:

Procrastination—A character trait (or ingrained habit) that is irritating to parents, teachers and spouses, but devastating to a law practice. Bar Counsel Barbara Ann Williams can cite chapter and verse of otherwise well-intentioned attorneys who ran afoul of this tendency—missed deadlines, lapsed statutes of limitation, dismissed lawsuits with unanswered telephone messages and unread mail. Procrastination causes practices to fail and bar licenses to be suspended or revoked. Moreover, clients' lives can be ruined by losing the right to bring suit for damages in an injury case, or ending up with a jail sentence that can no longer be appealed.

A few simple disciplines can help avoid such dire consequences: set up a regular telephone hour at the beginning, middle or end of the day when clients know they can reach you, and don't make appointments or schedule staff conferences during that hour. Establish a tickler system for deadlines, court dates, filing of discovery responses and deadlines. Add client reminders to this tickler system to remind them to send information to meet discovery responses, develop defenses and obtain helpful witness lists.

Separate mail into piles—one needing immediate attention, one needing attention within a week or ten days and one for journals and newspapers. However, if the "when I have time" pile grows to the size of mine and is in sight in your office, take it home so that it doesn't give the public a bad impression of you and your office.

Last but not least, write your will, a general power of attorney and an advance medical directive; encourage your clients to do the same even if you do not practice in that area.

Above all, arrange for the orderly closing of your law practice if you should become seriously ill or die. Find a colleague who will agree to wind it up for you, and then leave instructions, updating them from time to time. Your surviving spouse will be grate-

ful. Both a power of attorney and an agreement between you and such a willing colleague can be found on the Senior Lawyers Conference Web site at www.vsbar.org/slc/attorney/index.html.

Pay Attention—While it is important to take notes at depositions, trial, preliminary hearings, appointments with clients, conferences with opposing parties and their counsel, also pay attention to body language. The best investigators, prosecutors and trial lawyers have either acquired or have an inborn knack for picking up subtle signs from people. They watch their eyes and their entire bodies. They listen for changes in the voices of subjects, and note when there are areas people skirt or avoid entirely. Once, in a deposition, I noticed that a party became fidgety and noticeably anxious, continually looking at his counsel for help in answering questions in a particular area, and I guessed the party was giving the answers his counsel had directed him to make—not ones he would have made had he not been so instructed. This indicated an untapped mine of valuable material to be further excavated.

Prioritize—Decide what is most important to you—and be honest. Is it more important to make lots of money? Is it more important to establish a great reputation as a trial lawyer? Does your family come first? Does personal "down time" for hobbies and reading, stand high on your list? Do you wish to be respected by colleagues, clients and the public? Do you want to become a judge? Set your goals and decide how best to work toward them. If you are near the end of your practice years, plan an interesting, fulfilling retirement for you and your family. If you know yourself well enough to know you can never simply stop working abruptly, arrange part-time hours for a while. Or possibly take advantage of the proposed *emeritus* class of attorneys that would enable retired attorneys to do *pro bono* work under the supervision of an attorney with a non-profit group without paying bar dues. An *emeritus* attorney, however, must fulfill CLE requirements, under the proposal.

Proper planning can make the difference between a comfortable, active, happy retirement and one that is tiresome and depressing. ♪