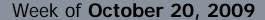
## LawBiz°TPS



## Are you the dominant lawyer?

This has been an interesting week. At the beginning, I spent several days in study with a group of worldclass consultants. We helped and learned from one another during an incredible week of mental growth, as I expanded to be better able to coach my clients.

Then, at the end of the week, I took Bandit to a dog training class; not sure who is getting trained, me or Bandit. But, Bandit seemed to enjoy himself and we both learned more. Bandit, a young dog continues to improve his skills of obedience. Later that same day, thinking he needed more exercise than I could provide by merely walking, we went to a local dog park. Two dogs, one of which was Bandit, got into a vicious fight; somehow, the social skills of the two dogs as related to one another were lacking. They ultimately locked into each other's throats, causing injury to each. Aside from drawing a bit of blood, each is fine. While I was attempting to gain control over Bandit, the other dog (an Airedale Terrier) bit my hand. The veterinarian and the emergency hospital did not seem to be at a loss for customers.

But, this experience raises an interesting question for lawyers: Have you learned the social skills needed to be an effective advocate in the presentation of your client's position? Or, must you be the dominant lawyer irrespective of the validity of your client's interest? Must you be the heavy hammer or can you be the silk glove? During my 25 years of practicing law, one of my greatest frustrations was opposing a lawyer who would not spend time to research the facts of his/her case in the beginning. This type of lawyer was the "courthouse steps" kind of lawyer. He was never prepared to ascertain whether a settlement was available, unless of course the terms were totally outrageous and beyond the scope of reality. Instead, the lawyer would posture, seeking an image of dominance until the time of trial, at which time a settlement was usually created in form and substance much as it could have been had a discussion taken



Small Firm Logistics: Turning Your Practice into a Business

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place in the beginning. The net result was substantially increased and unnecessary cost http://www.jdsupra.parties.

The dogs were acting out of animal instinct. What is the reason for lawyers not being civil, not acting in the best interests of the client, including financial interest, and not taking the time at the intake to understand and create a strategy for the case... one which would include early settlement discussions?

Best wishes,

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