

Some say the practice of law teaches greed, subterfuge, and cynicism. They are right. Life's experiences may, depending on predilection and resolve, work either godly or ungodly effects on us.<sup>1</sup> Indeed, contradictory interpretations of the law are the predicate for Satan's leading us "away carefully down to hell"<sup>2</sup> on the one hand, and the Savior's "pleading [our] cause"<sup>3</sup> with the Father on the other. So it is not surprising that the practice of law shapes not only Korihor and Cain<sup>4</sup> but also Howard W. Hunter, Marion G. Romney, J. Reuben Clark, Jr., and Abraham Lincoln. ○ For those of us practitioners struggling in the right direction, I submit the following interim report on the teachings of law practice.

BY RALPH R. MABEY

1 Human justice is imperfect justice.

While it is our job to improve it, human justice may fail. After all, those despitely used are not promised treble damages. So deal with it.

As Elder Neal A. Maxwell has penned:

*Help me in my duress  
To endure it well enough  
And to say, . . .  
"Nevertheless."*<sup>5</sup>

The greatest test of honesty ever devised is the billable hour.

The test includes: Was the time expended? Was it necessary? What if I miss the bogey? What if I miss the piano recital?

3 A lawyer who files a responsive pleading a day early is a lawyer who miscounted.

Given this endemic problem, maybe the best we lawyers can hope for is to learn the "six" habits of highly effective people.<sup>6</sup>

4 Yesterday's victory is good for getting clients, but not for keeping them.

A client is proud of your good record, until *her* trial begins. "No other success can compensate for failure in her own."

5 Lawyers are an insecure lot: either their practice is too busy and they fear malpractice, or too slow and they fear unemployment.

Perhaps a law practice breeds insecurity because outcomes and opportunities are sometimes hard to predict. (See Teachings Nos. 1 and 4.)

Life is too short to work for clients you can't trust.

Unless appointed by the court or otherwise acting in the public interest, it's better to be unemployed.

7 In commerce, wise counsel must include legal counsel.

Otherwise, even the honest and well-intentioned may offend the law.



2

8 Discovery may reveal more about the opposing lawyer than about her case.

The means a lawyer employs will define her, personally and professionally, at least as much as the results obtained.

9 Scheduling a law practice is as difficult as scheduling the weather: it is going to snow at the wrong time.

If you can't change the weather, enjoy it. Snow can be pretty and sometimes pretty exciting.

10 Good people who want a mean-spirited pit bull for their lawyer risk becoming one.

When your lawyer gnaws on your opponent's leg and devours the bait when you take him fishing, remember: from a moral perspective, you are what your lawyer eats.

11 If your client thinks you know more than you do, you face the second greatest test of a lawyer's honesty.

When your client overestimates you, it's hard not to play the expert—especially at our hourly rates.

12 The Constitution only recites our freedoms; the lawyer earns them.

We must earn the benefits of the law for our clients by, among other things, study,<sup>7</sup> importuning,<sup>8</sup> and advocacy.<sup>9</sup>

13 A lawyer's rhetoric is more likely to sway himself than anybody else.

It just sounds so clever when we say it ourselves.

14 An arrogant lawyer is a loaded revolver; a humble lawyer is a problem solver.

Pride obscures judgment and weakens our ability to analyze and assess. Humility sharpens

The Geneva Convention protects a prisoner of war against questioning better than we protect a deponent. And where else does etiquette allow you to plead inconsistent defenses with a straight face?

16 Lawyer jokes and humor intersect occasionally.

However, I can't recall an example offhand.



our observations, strengthens our judgment, and gets our egos out of the way. Believe it or not, even lawyers grow stronger and stronger through humility.<sup>10</sup>

15 Legal etiquette is to etiquette as holy war is to holy.

17 Acting and lawyering have one principal difference: nobody applauds lawyers.

On the other hand, there seems to be work for more lawyers than actors.

18 Preparation beats pretension.

In other words, the best lawsuit is not determined by the lawyer's best suit. Victory doesn't go to the best dressed but to the best redressed.

19 A lawyer's fear of leaving a dollar on the table usually costs the client more than that dollar.

As a result, to measure your success by your opponent's failure is a double negative: his and yours.

20 In summary, practicing law is like fasting: it can be good for the soul—until it kills you.

Balance is the point. It's better to avoid too much of even this good thing.

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<sup>1</sup>Cf., 2 Corinthians 7:8–10.

<sup>2</sup>Nephi 28:21.

<sup>3</sup>D&C 45:3–5.

<sup>4</sup>Moses 5:18–21; Alma 30:52–53.

<sup>5</sup>From the poem "Submission," by Neal A. Maxwell, contained in the epilogue of his book *If Thou Endure It Well* (Bookcraft, 1996).

<sup>6</sup>Cf., Stephen R. Covey, *The Seven Habits of Highly Effective People* (Simon & Schuster, 1990), (particularly Habit 3).

<sup>7</sup>D&C 93:53.

<sup>8</sup>D&C 101:76.

<sup>9</sup>D&C 134:11.

<sup>10</sup>Cf., Helaman 3:35.