



BEING CIVIL: IT'S NOT JUST THE RIGHT THING TO DO, IT'S GOOD BUSINESS!

by Joann F. Rezzo

Some people think the only way to be a good advocate is to be a pugnacious bulldog. After 25 years as a trial attorney and four years as a mediator, I can unequivocally attest that the opposite is true: You'll be a better advocate, enjoy your career more, and get more business by being professional and courteous with opposing counsel.

Civility helps you build a better reputation.

During my first legal job (an externship with U.S. District Court Judge John S. Rhodes), I learned many lessons, but one that really stuck with me was a comment he made over lunch: "Your reputation is your stock-in-trade as an attorney. Never do anything to compromise it because you will never be able to repair the damage." If you develop a reputation as a bombastic, boorish attorney who thinks they can bully others, that will follow you and erode your career. If, on the other hand, you develop a reputation as a courteous, informed, thoughtful, and cooperative attorney, that reputation will stick with you and enhance your career.

Civility results in referrals from an unlikely source.

Civility is good business, too! One of the biggest surprises of my career was when I started getting

regular referrals from opposing counsel who gave out my number when a friend or family member had a legal issue they needed help with. Now, as a mediator, I enjoy settling many cases for former opposing counsel. In fact, an attorney I was opposite on several cases recently hired me to mediate a case for a client of his I actually sued years ago (apparently I did not burn any bridges with opposing counsel or in-house counsel who was still at the company). And . . . we got it settled! Another opposing counsel recently invited me to co-present with him at an Employment Law retreat. That wonderful opportunity would never have come my way if I'd been a bridge-burner.

Civility makes you a better advocate (and judges appreciate it).

You'll be in a better position to advance your client's position with opposing counsel when you've built a good relationship with them. Also, judges love seeing positive, healthy relationships between attorneys. Judges see who greets opposing counsel with a handshake and a smile and who glares across the courtroom at opposing counsel. If you consistently maintain good relationships with opposing counsel, the judges will soon see that the common denominator is YOU. This gives you added credibility in the courtroom and will pay off during

trial when you need a favor from opposing counsel or the judge.

Civility promotes emotional health and career satisfaction.

Burnout is a problem for attorneys; keeping things civil helps stave off that problem. As a trial attorney, I truly loved my career and never felt the burnout I observed in colleagues. Working in a large firm, I noticed many attorneys seemed fed up with practicing law. This was particularly true for pugnacious attorneys whose blood pressure rose every time they spoke with opposing counsel. Building healthy relationships with opposing counsel makes life easier and will help ensure that you actually enjoy going to work each day.

Here are a few tips I found particularly useful over the years:

Pick up the phone. At the start of a case, when working with a new attorney, the first thing I would do is call and introduce myself. I'd explain that I typically enjoyed cordial relationships with opposing counsel and that I hoped to do so with them. I asked that, if I ever did something that upset or bothered them, they would call and bring it to my attention so we could address it professionally. Those conversations set the tone for the rest of the litigation.

Take opposing counsel to lunch. When faced with a discovery dispute, I often invited opposing counsel to lunch. I avoided bringing up the discovery dispute during lunch, directing the conversation instead to personal topics (travel, family, etc.). After we enjoyed a meal together, I'd turn the conversation to the discovery at issue. Nine out of ten times, we'd resolve the issues right in the restaurant. If you cannot coordinate lunch, at least pick up the phone and speak with opposing counsel. It's 100 times more effective than a letter.

Never attack opposing counsel. Whether in the courtroom or in a brief, I always avoided saying "counsel argues" and instead attributed the position to the opposing party. Avoiding personal attacks on

other lawyers helps maintain a healthy relationship with them and avoids piquing the ire of judges (who uniformly hate it when attorneys attack one another).

If you blow your top or do something wrong, apologize. Just like in personal relationships, hard feelings fester among attorneys. The ability to own up to having made a mistake and apologize for having done so is a growth opportunity and a bridge-building tool. Use that tool!

From more than 25 years in practice, I have learned that establishing good, healthy relationships with opposing counsel is not just the right thing to do, it's good business.



Joann F. Rezzo is a mediator with Signature Resolution. She has over 25 years of experience as a trial attorney. Her background of having represented both plaintiffs and defendants gives her a unique, balanced perspective that helps get both sides to the all-important "Yes" in mediations.