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Lawyer Sings Praises of His Practice: What a Wonderful Word

By Nathaniel Bruno

The worst day of my life recurred about twice a year from fifth-grade through college. The day that some English or history teacher of mine would saunter to the front of the classroom and smugly proclaim, “Your term paper is due in two weeks — start picking a topic.”

Term papers were my arch nemeses. Research: daunting. Collecting information: tedious. Outlining: boring. Actually writing: torture. And no plagiarism! Seemingly impossible. But no matter. I could suffer through such biannual scholarly rites of passage because I always knew one thing: I wanted to be a lawyer. And lawyers don’t have to write... right?

Everybody knows (well, everyone who watches “Law & Order” and “The Practice”) that lawyers spend their days delivering stirring oral arguments and cross examinations within the thrilling, tension-filled atmospheres of cosmopolitan courtrooms, or playing private investigators in their ample spare time while digging up concealed evidence and surprise witnesses to drop like stealth paratroopers at trial. Ever seen a lawyer on TV do any writing? Didn’t think so.

I still managed to avoid getting the idea in law school at Hastings, where I actually had to take a first-year course entitled “Legal Research and Writing.” Happy though naive, I spent my afternoons hanging out in the Superior Courts and

District Courts in San Francisco, observing attorneys practicing their primary craft (or so I thought).

So imagine my dismay upon realizing a startling fact about two years into my career as a civil litigator — my life has become one perpetual term paper. Between the motions to compel discovery, preliminary injunction and summary judgment filings, and every kind of Rule 12-esque motion known to man, I do little of anything BUT research and writing.

Finally grasping the enormous pre-trial settlement rate of commercial civil cases, I’ve come to the realization that I’m a trial lawyer who may never even see the light of trial. Appearances in court? Once every two or three months, perhaps with nothing more profound than a “Thank you, your Honor.” I should be miserable.

But the truth is, I’ve never been more content. Somewhere along the way, I developed a surprising passion — a love for words. Rather than thinking of my life as a torturous term paper, I somehow see it as a quest for that one erudite descriptor, or that elusive wonderful phrase.

Words are, in many ways, a lawyer’s life. We can confuse or clarify, confound or elucidate, poignantly preach or subtly persuade. We are warriors of vernacular, armed with only keyboards (or, for the more seasoned intellectual soldiers, pencils and notepads), a client’s fondest hope, and a command of language.

Each argument requires a different tact.

Each sentence, a separate syntax. Each point, the perfectly selected adjective. And writing provides an opportunity to craft and hone words that oral argument sacrifices because of unpredictability.

Of course, the immense value of writing to a civil litigator cannot be underestimated — common experience teaches that at least 90 percent of motions are decided on the papers. And we all know that words have power. Just ask those touched by Dr. Martin Luther King Jr.

Moreover, whoever coined the phrase that “sticks and stones may break my bones but words will never hurt me” was either a liar or a fool. Words can hurt. But they can also encourage, or inspire, or convince, or clarify. With this sort of irresistible force at our fingertips, what more meaningful sport than legal writing can there be?

It is especially hopeful to think how the skills we develop as civil litigators can be applied on behalf of pro bono clients and causes that are likely to be the reasons most of us became interested in law in the first place.

So take heart, civil litigators. Choose words carefully and with a sense of grateful purpose. In so doing, we can all find the joy of embracing our calling to be zealous but respectful advocates through the use of language. I give you my word.

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