

(PROFESSIONALISM from page 1)

days to file an answer. Should you grant it? After an extended deadline passes, nothing is served or filed. Should you seek a default (even though you know a judge will vacate it)? Weeks pass and discovery finally proceeds in earnest. Another one of WidgetTech's attorneys calls you. She asks you for an additional 60 days to respond to interrogatories and document requests which are fairly routine and straightforward. What should you tell her?

In the discussion of professionalism, very little has been said about *clients*. Clients are important. We are engaged and paid as lawyers to represent their interests. If they are smart, clients will refuse to be relegated to mere props in a game played by their lawyers. Our firm's clients are telling us certain things about the subject of professionalism. (By way of background, 90% of them are businesses and 60% of this group are from out of town. More than half of the contact persons are lawyers themselves.) Here's what they are saying:

1. *Please use the rules.* If you feel you know the lawyers you are dealing with, we will follow your advice and instincts. If you are in doubt about them, please stay close to the procedural rules. Frankly, our experience at Upstart is that Pittsburgh practitioners are pretty much like lawyers in New York City, Sioux City, or anywhere else. Upstart knows that some lawyers at times transform advocacy and professional zeal into inclinations toward discovery abuse and dishonesty. On extremely rare occasions, a lawyer will even hide a document, or get a witness to lie. If you are unclear about the opposition, use the rules.
2. *If you can develop an amicable working relationship with opposing counsel, please do so.* If you can do this, it will save us time, money and goodwill with his or her client. This is also true of your relationship with government attorneys in regulatory matters.
3. *Please move this matter along.* At first, please use the deadlines in the procedural rules. If someone asks you for a two-week extension in discovery, and you believe all he or she needs is an extra week to produce the information or witness requested, tell opposing counsel that a week is enough time. Upstart has an interest in resolving this matter without undue delays.

4. *Be timely and substantive.* Try to provide timely and good responses to opposing counsel's discovery requests and other deadlines. Do this whether or not opposing counsel does it.
5. *If opposing counsel has animosity toward you for following the procedural rules, that is tough.* Upstart hired you to represent it. It would like you to get this done.
6. *Conduct your discussions with opposing counsel as if we were listening.* No, this does not mean Upstart wants you to posture, or fight tooth-and-nail over every point. However, if it is in our interest to reduce a request for an extension of time from 45 days to 15 days, please do so. If Upstart is a plaintiff in commercial litigation, we would like to secure our remedies as soon as possible. When Upstart is a defendant, we would like you to obtain information about the plaintiff's case as soon as you can, determine our exposure and resolve it.
7. *Please do not "milk" the case.* It is very obvious to all litigants and attorneys when attorneys protract the case. If you do this, we won't mention it to you. Upstart will, however, think twice before we engage you again.
8. *If you have followed these rules and opposing counsel start making noises about "professionalism" and "courtesy", please refer to Rule #1.* Occasionally, a lawyer may attempt to turn "professionalism" into a sword. This is nonsense. If you have followed the rules, and opposing counsel cries "hard ball tactics", you are doing a good job for Upstart. Don't let opposing counsel turn your adherence to the rules into a red herring. If in doubt, please use the rules. ♦

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