Book Reviews

The Curmudgeon's Guide to Practicing Law

“If you ever come to work with the idea of billing some hours, rather than helping a client pursue its interests, just go home. The client does not need your help; we do not need your help.”

Earlier this year, I was asked by one of my college friends, Mark Herrmann, a partner in Jones Day’s Cleveland office, to review his book, The Curmudgeon’s Guide to Practicing Law (ABA Section of Litigation, 2006). While flattered, I also was skeptical as to how much guidance the Guide would provide to me, a card-carrying NABL member. After all, Mark (aka the Curmudgeon), who was a competitive debater in both high school and college, is someone whom I consider to be a cradle-to-grave litigator. Would I find the Guide to be incomplete without a “curmudgeonly” bond law appendix (and if so, which NABL member is sufficiently curmudgeonly to author a municipal bond law companion to the Guide)?

While it does delve into specific litigation activities such as depositions, briefs and preparations for trial, the Guide’s lessons cross practice areas and, in this reader’s opinion, it should be required reading for all associates, particularly those at large law firms. For example, in Chapter 2, “How to Fail as an Associate,” the Curmudgeon lists “The Ten Most Common Mistaken Assumptions Made By New Lawyers,” leading off with one of my pet peeves, “So long as it’s clearly marked ‘DRAFT,’ no one will care if it’s incomprehensible,” and including another of my bête noires, “Who needs books? This handy computer will give me a case on point.” Although the examples in each of the assumptions are aimed at litigators, the underlying messages of this chapter are ones which should be taken to heart by any associate: trust must be earned and you are responsible for making yourself valuable to your law firm.

Equally enjoyable are the chapters “The Curmudgeonly Secretary” (written by the Curmudgeon’s secretary) and “The Curmudgeon On Couth.” In this latter chapter, the Curmudgeon discusses voice-mail and e-mail etiquette. As one who often sees these used as if the users were in a high-tech game of “tag” rather than as efficient communication tools, I particularly enjoyed his fourth rule of voice-mail etiquette: “If you can advance the ball, then do…. [Y]ou are busy, and I am busy. So, if I leave a substantive message that tries to move us towards a decision, why can’t you?” I could not agree more. And as for BlackBerries and cell phones, the Curmudgeon is ruthless:

Whenever a group of people meets, two acts of rudeness now routinely occur. First, people not only receive, but take, and talk on, cell-phone calls. Second, BlackBerries buzz and people type responsive messages. We did not tolerate this flagrant disrespect in the past century, and we should not tolerate it in this one.

It was inevitable that I analogized many of the Curmudgeon’s experiences to mine in municipal bond law. Having just finished serving as Chair of the 2006 Fundamentals Seminar, I have seen the newest members of NABL learn the substantive law of our profession, but have wondered how many of them will learn how to apply that knowledge. I should have told them to read the Guide.

William L. Hirata
Parker Poe Adams & Bernstein LLP
Charlotte

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