

THE MARGE O'LAUGHLIN RULE OF 1969... AND TODAY

By Charles T. Richardson



When I was in active practice with my old law firm, the guiding principles for our practice group were embodied in what was referred to as the Ten Commandments of Client Responsiveness. One of the most important tenets was the client was always right. That approach dictated if there were any disagreements between a client and one of us lawyers, we lawyers were to swallow our pride, stifle our defenses, admit any errors, and immediately set about making things right. An ounce of early prevention is worth a pound of later cure. That approach came to be known among some of us in my group as the Marge O'Laughlin Rule. Here's how that came to be:

Marge O'Laughlin was not always the iconic, influential, unforgettable character she became by the time she reached the end of her extraordinary career in public service on behalf of the citizens of Indiana. Many are familiar with the details of her distinguished history.

Marjorie H. O'Laughlin was the Indianapolis City Clerk (first elected with Richard Green Lugar in 1967

and reelected in 1971), Indiana Clerk of Courts (elected in 1978 and reelected in 1982), Indiana State Treasurer (elected in 1986 and reelected in 1990), and Treasurer of the Marion County Health & Hospital Corporation after she finished two terms as Indiana Treasurer. Groundbreaking political/policy leader and elected official, brilliant financial strategist, principled public servant and force for good, and mentor/example to hundreds of women and men in Indiana. How many of you were sworn in as brand-new lawyers by Mrs. O'Laughlin when she was Indiana Clerk of Courts? And every lawyer reading this account who took the lawyer's oath from her will no doubt recall the impressive manner in which she would recite those stirring words and phrases from memory, requiring nary a note or a prompt, guiding each new lawyer's entry into the profession.

As I said, Mrs. O'Laughlin's public service began when she was elected City Clerk, and her office was down the hall from Mayor Lugar's suite in the City-County Building. This was in 1969. I and six other college students had all managed to land summer

jobs with the mayor. We were long on eagerness and energy, but short on experience and discretion. Mitch Daniels and Paul Mannweiler were two of these upstarts, men whose names are easily recognized today because of the ways in which they managed to turn their lives around and ultimately make significant contributions to our city and state. At the time, though, their potential was less clearly in view. We were kids.

The clerk's conference room was on the Mayor's Suite on the 25th floor of the City-County Building, and all the college interns went into the conference room for an impromptu meeting the first week of the summer. Nothing nefarious. Nothing kinky. Or so we thought.

But after a few minutes, the door burst open and Mrs. O'Laughlin swooped into the room and exploded at us for being in her conference room without permission. I can still hear the door crashing against the wall, followed by her piercing voice. All of us were stunned and all ran out of the room like lemmings — save one. Me. Probably because I was at the far end of the conference room and completely paralyzed in

the face of a raging public official, a future in prison flashing in front of my eyes. I thought I was going to pass out.

So, I stayed. I listened. And then I apologized. Took responsibility even though another intern was supposed to have signed up for the conference room and groveled as no person has groveled in all of human history, as Mrs. O'Laughlin, with her words, beat *me* like you beat whipped cream over persimmon pudding. I went home that night and vomited uncontrollably for three straight hours.

The next day, there was a note in my message box when I walked into the office. Mayor Lugar wanted to see me at 9 a.m., I was sure it was to send me back to Bedford and end my hope of a successful law school career at Michigan. I counted the minutes and knocked on the Mayor's personal office door at exactly 9 a.m. To my surprise, there was Mrs. O'Laughlin *with* the mayor — saying she wanted to apologize and to compliment my professionalism directly to both me *and* the mayor. Again, I almost passed out, but this time from relief.

Sixteen years later, Marge O'Laughlin was elected Treasurer of the State of Indiana. During the transition, she met with our senior partner and told him she wanted our firm to be her counsel in dealing with a state board she was required to chair, but *only* if Charlie Richardson was her assigned lawyer. And she repeated the story of how I apologized on the spot and took responsibility in 1969.

Taking responsibility is so important. Marge O'Laughlin knew that. And she taught me by her example in the meeting with Mayor Lugar.

But let me give you another example, this one also involving Indianapolis' best, Charles Whistler. Whistler Plaza in downtown Indianapolis commemorates Chuck's immeasurable contributions to our city before his untimely death in 1981. We lost so much so soon.

Chuck was representing a plaintiff who was seeking both compensatory and punitive damages against five defendants. I had been helping on the case and actually took the deposition of one of the lesser defendants. When it came time for trial, Chuck had me do that defendant's examination in the same City-County Building where I had stumbled in 1969. The questioning went something like this:



Isn't it true, Mr. Defendant, that you and the other defendants are liable for my client's loss? Answer: Yes.

Isn't it true, Mr. Flagrantly Guilty Defendant, that you hurt my client bad, really bad? Answer: Absolutely.

Isn't it true, Mr. Helplessly Culpable, At-My-Mercy Defendant, that you were reckless, negligent, and oblivious to what you were doing to my client? Answer: I couldn't have said it better.

So how does that burden of complete legal responsibility make you feel, Mr. Liable Defendant? Answer: Like I should die. Worse probably than how your poor client must feel. I am so sorry for what we have done, and I *am* completely responsible.

At that point the judge called a recess. I stood up, puffed out my chest, turned to Chuck and proudly said, "Did you see what I just did — he admitted everything! Can't you just make me a partner right now since I am obviously *so* spectacularly Perry Mason?"

Chuck turned to me and said: "You dip weed. Don't you realize the jury will never give us punitive damages? No one *EVER* punishes someone who takes responsibility like he did."

Chuck was right. We got the minimal compensatory damages against that defendant, and I didn't make partner until later.

Every lawyer remembers times when he or she has inadvertently stumbled or made matters worse or injected unwelcome complications into an already knotty set of problems. Perfection, of course, is always the goal, but only that — a goal, since there is no strategy known to humankind that can promise such a result every time. When you find you have messed up, I recommend you follow the examples of these two wise Hoosier leaders — Marjorie O'Laughlin and Charles Whistler — by taking responsibility, admitting the error, owning it, and fixing it — as soon as possible. In the words of American author and businessman, Arnold Glasow, "A good leader takes a little more than her share of the blame, a little less than her share of the credit." 