



## TEN COMMANDMENTS FOR TRIAL LAWYERS

1. Never lie to or mislead another lawyer.
2. Don't make a practice of practicing by default, or of taking advantage of opposing counsel on technicalities. There are cases in which a client's interest may be the overriding consideration, but all too often the phrase, "I have to protect my client's rights", is used to justify unprofessional action. This guideline is particularly applicable where whatever advantage you are seeking can be corrected by opposing counsel with a motion and hearing before a judge.
3. Never force the opposing counsel to do something the hard way, such as requiring the filing of a superfluous Court order.
4. Promptly return all telephone calls of other lawyers.
5. Try to accommodate an opposing lawyer's schedule as far as reasonably possible.
6. On discovery matters, call opposing counsel and try to work out problems rather than precipitously resorting to motion practice and applications for sanctions. Remember, motions to compel discovery are sometimes absolutely necessary, but are unsatisfactory a great percentage of time -- and judges don't like them.
7. Practice law so that you need few favors from opposing counsel, but also practice law so that when you need a favor, opposing counsel will not refuse you.
8. Avoid brash and militant stances. Being militant tends to give opposing counsel extra incentive to come after you, and reduces the likelihood of compromise. A corollary of this guideline is to avoid unnecessarily abrasive letters. Too many lawyers believe a nasty letter will gain an advantage when, in fact, all it does is squelch civilized communication. When you write a letter, consider for a moment what effect it will have.
9. Don't bad-mouth other lawyers.
10. Always be willing to give advice to other lawyers upon request.

-- George C. Dalthorp, Esq., Montana (1986)