

21 Steps

How to Succeed as a Lawyer

By ROLAND BOYD of McKinney

Dear Son:

You are now in your senior year in law school. Maybe a few things I have learned in thirty years in the law practice will be helpful. Law school is teaching you things which will be good for your clients; the following will be good for you. You cannot have professional happiness unless you are financially successful.

One of the greatest pleasures in life is achievement. In my judgment, if you will remember the following 21 things, you will have a long, happy, and successful career.

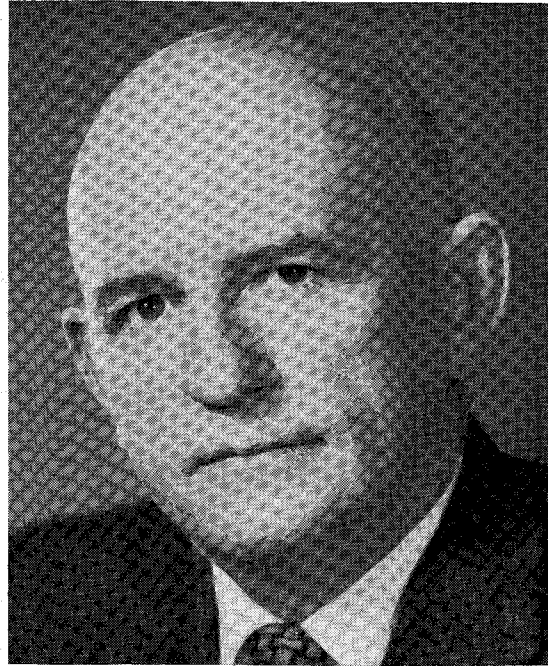
1. Remember, the rule of nine:

It works this way—nine people out of ten are good, honest, intelligent, decent, and fair-minded people. Therefore, if you want to have the odds, nine to one, in your favor, get on the right side of the issue. In the legal profession the right side of the issue is the side that helps society. In other words, don't injure your fellow man. In the courtroom the rule of nine works the same way. *Nine times out of ten the right side wins at the courthouse.* Bub, I believe that the lawyers in the smaller county seat cities engaging in the general practice of civil law are more convinced that the rule of nine really works, than the *average* city lawyers.

2. Remember, a lawyer's integrity is of vital concern to the community.

If the butcher, the baker and the candlestick maker are not honest, this is not a major catastrophe, but on the other hand the lawyer plays such a vital role in the lives of his fellow men that if he is not honest, it *is* a major catastrophe. Let me give you some examples of vital roles a lawyer is called on to play:

(a) A few years ago, shortly after noon in July the door to my private office opened; there stood a man, a little past



WHEN HE WROTE his son, Roland Boyd had no idea his letter would be published. Fellow lawyers convinced him other students should have the privilege of reading it, too.

middle age. I had represented him for many years; he was a successful farmer; he was very pale, was trembling all over as he said, "I have just made the worst mistake a man can possibly make, I have killed a man, I knew a second after it was done how terrible it was. For God's sake help me."

(b) About ten years ago three members of a family, two others of which had just had visited upon them one of the most horrible crimes that had ever occurred in Texas, came to my office. This family was face to face with stark unnatural tragedy. The spokesman said, "At a family meeting this morning we all agreed that we wanted you as special prosecutor, to help us see

ROLAND BOYD

Mr. Boyd, a 1933 graduate of Southern Methodist University Law School, is a member of the McKinney law firm of Boyd, Veigel & Gay.

He is a former county attorney of Collin County and is currently serving as a member of the American Bar Association's Condemnation Committee.

that justice is done."

(c) A few weeks ago an elderly retired farmer, a good, sound citizen, came to the office bringing with him a smartly and attractively dressed daughter, apparently about 35 years old. He told me a story of the daughter's marriage to an energetic, handsome, well-educated, dynamic young man, how well he was doing in business, how the family began growing, then embezzlement, then divorce, then a new life, then remarriage, then robbery with firearms and murder, now a death penalty in just a day or so. "We need your help."

(d) Several months ago, on Saturday afternoon, while I was in the office with the outside doors locked, a telephone call from a middle-aged man I had represented for years, as well as his father before him, in a distressed voice, said, "I am downstairs, your door was locked, I was just praying that you were in. I must talk to you." When he arrived, he showed me several daily newspapers that he had just gotten out of the Post Office from a distant city. The headlines and front-page articles told a story of a liquor store stickup with the owner being murdered when he tried to reach for a gun, the capture by police blockade, the laboratory reports proving conclusively who had fired the shot that killed the owner. His son, crying like a baby, the man said: "Help me. What can I do?"

(e) You might be employed by the State Bar of Texas to investigate, brief, file and try a fellow lawyer in a disbarment proceeding. This assignment cannot be taken lightly.

(f) In 30 years of practicing law I have felt that my professional duty required me to ask a jury to take a man's life on three different occasions. In two cases the jury complied with my request; in the third the defendant took his own life the day he was sentenced for life. Under these conditions the only reward life provides is a clear conscience. No profession can be more vital than one which makes such re-

quirements on its members. Therefore, the integrity of its members is certainly of major concern to society.

3. Remember, always be nice to people regardless of their social status, educational level, or financial rating, because:

(a) That boy who is now "jerking soda" at the drug store, 25 years from now *might* be president of the Investment Bankers Association of America and be calling you about an important matter in New York.

(b) That boy who is now picking up scrap metal in the alleys and selling it to get spending money, 20 years hence *might* be employing you to examine titles to ranch lands he is buying in other states.

(c) That boy, who, on graduation from high school, said, "I am not going to college because I already have all the education I need," *might* many years hence, by being elected chairman of the board of directors of a major manufacturing concern, prove the truth of his statement.

(d) Some successful people in business can neither read nor write.

4. Remember, in the practice of law under a democratic form of government there are no secrets.

Therefore, don't ever be a party to anything, don't put anything in a letter, don't say anything in conference or on the telephone that you would mind (except for your client's interest) seeing on the front page of a newspaper, on TV, or hearing from the witness stand, or on the radio.

5. Remember, the best way to disarm your enemies is to do what is just under the circumstances.

It absolutely drives them crazy. Often it will throw them into such confusion that they become helpless. Ordinarily their "double dealing" will "backfire" if you don't resort to the same tactics.

6. Remember, no people have ever developed a better method for settling disputes among men, than our judicial system.

It was developed by the legal profession, it has been through fire, millions of times; although not perfect, it is still the "best" there is. The "jury" is the heart of the system. Always defend the system. When

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sponsibilities to work under a system of law and to support the rule of law.

This leads to particular stress upon one aspect of the support for the rule of law which we lawyers must give. This is in the area just mentioned—the preservation of liberty. Justice Brandeis said: “The greatest dangers to liberty lurk in insidious encroachment by mean of zeal, well-meaning but without understanding.”⁵ It is the responsibility of lawyers to convey this understanding. As we defend the rule of law we defend liberty. This is that curious paradox of which Cardozo⁶ and so many others have spoken. Control by law frees us, gives us our liberty.

Here again, especially, is the work of the lawyer not yet done. We as lawyers must have the strength and courage to sell a concerned and sometimes frightened people on our system of freedom for the highest and lowest among us, for the conventional and the unorthodox, for all races, religions, and shades of opinion.

And even in the definition of liberty there is no final analysis. Liberty, as applied to specific problems, and in its particular manifestations, is not something that is set once and needs no further evaluation. The attacks upon liberty come in uniquely new situations and uniquely disguised. They have in every generation, and they will continue to do so. Justice Jackson stated the nature of the demands of liberty in most effective fashion when he said:

“There is no such thing as an achieved liberty; like electricity, there can be no substantial storage, and it must be generated as it is enjoyed, or the lights go out.”⁷

There is no final analysis. Your profession lays a great and continuing claim upon you, the law graduates—a call to undergird and preserve the vitality of our liberties and the rule of Law. The law school faculties and the entire profession eagerly convey their most sincere wishes for your success, well-being, and prosperity as you enter upon this task.

1. Coleridge, *Table Talks: Duties and Needs of an Advocate*, in Ashe (ed.), *The Table Talk and Ominia of Samuel Taylor Coleridge* 141 (George Bell & Sons, 1884).

2. *Barwell v. Brooks*, 7 Doug. 371, 373, 99 Eng. Rep. 702, 703 (K. B., 1784).

3. *McCulloch v. Maryland*, 4 Wheat. 316, 415 (1819).

4. *Home Bldg. & Loan Ass'n. v. Blaisdell*, 290

U.S. 398, 442 (1934).

5. *Olmstead v. U.S.*, 277 U.S. 438, 479 (1928) (dissenting opinion).

6. Cardozo, *The Paradoxes of Legal Science* 94 (1928).

7. Jackson, *The Task of Maintaining Our Liberties: The Role of the Judiciary*, 39 A.B.A.J. 961, 962 (1953).

How to Succeed

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you lose a lawsuit, don't try to tear the courthouse down.

7. Remember, the important thing, so far as getting legal business is concerned is what your homefolks think about you.

Everything on earth connects on to your town and then your block. As to how high you go in your profession depends on who employs you. The important employment I have had in many different matters which has necessitated my being out of the state much of my time can be traced back to someone *very close to home*. So it is what your neighbors say about you that counts.

8. Remember, no profession makes it possible for its members to enjoy a longer professional life than law.

So long as a lawyer lives he can practice law. So long as he keeps his health and mind he can do it successfully. Our neighbor, the late Senator, demonstrated this fact; he practiced law for 70 years.

9. Remember, there is no ceiling on success in the legal profession.

The only limit on the amount of success you can achieve is your *time* and *energy*. And the thought that will give strength to finish when the hour gets late and going gets rough, is that irrespective of how it might look to others, you know you are fighting according to the accepted rules of the game.

10. Remember, the end does not justify the means.

Two wrongs do not make a right. It is better to lose than not to fight according to the rules. It is extremely easy for a young lawyer to violate these rules. If you have a growing family to support on a meager income, there is a strong temptation to become lax on your professional

morals. Many times it might appear necessary to "fudge" a little. You will profit financially if you don't do it. The magnitude of responsibility entrusted to you is in direct proportion to the confidence people have in you. No one can destroy the confidence of other people in you, except you. Integrity is to the lawyer what virtue is to the woman; therefore, you must not only be honest, but also you must maintain the appearance of honesty.

11. Remember, to be a good lawyer you must first be a good man.

Your sole ambition should be to be a good husband, a good father, a good neighbor, a good citizen, and a good lawyer. If you achieve this, you will have achieved all the success there is. The pressure of life in the space age is such that it is very easy for a young man to get the idea that he must be a dynamic individual, he must break all records, he must set the world on fire. If he gets this idea, he starts life with a handicap. The papers are full of such cases at this time.

12. Remember, don't ever put your interest in the fee ahead of your interest in the case.

Your future depends more on the manner in which you handle the case than on the amount of the fee you collect.

13. Remember, the primary purpose of the legal profession is to find, recognize, interpret, and preserve the truth.

The quicker you can learn the truth about any situation, the better off you will be. After you learn it, don't join issue against it.

14. Remember, your clients subconsciously make you the guardian of their morals.

As inconspicuously as possible you should assume this responsibility. If you do, and discharge it properly, it will help you build a good law practice:

(a) Many years ago a client who lived in a nearby city came to the office and said, "That case you are representing me in, I got to thinking, that property represents 90% of my life's work. If you lose that case, I am ruined. A man told me if I would go to so and so and pay him \$10,000, then my property would be re-appraised at a high figure and I could settle without

a trial. I have about decided to do it that way. What do you think?" I told him in my opinion he would be making the greatest mistake he had ever made; that he had always been honest and I couldn't see any reason for him to change this late in life. He reluctantly agreed. A few months later he was well pleased with the outcome of his case, and told me many times, that I kept him from ruining a happy and successful life, and he consulted me on every important matter for the balance of his life.

(b) A few years ago about mid-morning, I got a call from a local citizen who was then in a distant city. He made an appointment as soon as he could drive. That afternoon when he arrived, he explained that he had been low bidder on a big construction contract, that the second bidder had approached him on the proposition that if he did not qualify, the second bidder would be awarded the contract, then he would let him do the work and they would split the difference in the two bids. He wanted me to write a contract that would bind both parties. After explaining why no lawyer could write that contract without committing a felony, he decided to qualify and perform, which he did. He and his entire family have been my clients since then.

15. Remember, the courtroom is where the showdown comes.

This is where the lawyer must "put up or shut up." This is the arena in which you must meet your adversary. There is a large segment of the profession who avoid the courtroom in every possible manner. This is a mistake. Of course, the courtroom is strictly the last resort, but I never had any luck in handling matters in negotiation until I got the situation in good shape for the courtroom. If you have a good case and are well prepared, nine times out of ten you don't have to try it. If you are not well prepared, you will either lose the case or coerce your client into an unfair settlement. Trial work is essential for the general practitioner; until you have a fair estimate of what you can or can't do at the courthouse, you have no true standard by which to measure your case. The trial lawyer is to the legal profession what the surgeon is to the medical profession. An office lawyer who never goes into the courtroom never knows whether he is rendering the right kind of

service to his clients. To be a good "trial lawyer" you must know why, where, when, and how, people "tick." The highest compliment that can be paid a lawyer is to say "He is a good trial lawyer."

16. Remember, there is no sure way to bind men together and keep them bound by any written instrument.

The only thing that binds men together is the fact that under all circumstances most men, without knowing what the other will do, will reach for the golden rope of justice, truth, decency, and fairness and thereby bind themselves to every other person who grasps the same rope. This is the only combine that will endure.

17. Remember, to live for your fiftieth birthday.

Soon after I graduated and opened my office, one of the service clubs had as guest speaker an evangelist who was holding a revival in a big tent on the trade lot. In his talk he said: "I don't care what your life's work is; if you are a young man just beginning, I am going to tell you what to expect from life. If from now until your fiftieth birthday you will make every decision in your business or profession in such a way as you think helps society, from your fiftieth birthday on, for the balance of your life, the pleasure you get from your life's work will double every twelve months. On the other hand, if your decisions are against society, your disappointments and your miseries will double every twelve months." I am now three years past my fiftieth birthday. I believe the man was right.

18. Remember, money loses most of its importance when you get sufficient food, clothing, and shelter for you and your family.

And at this point with most people the pleasure diminishes as the amount increases. People who have nothing but money have very little.

19. Remember, that the happiest man on earth is the man who has to work for a living.

20. Remember, that many of your thrills, excitement, unusual experiences, etc., will come in peculiar fashion and at unexpected times:

(a) A call from an undertaker saying the funeral has started, that he is calling for one of the mourners who asked that you not accept employment from anyone else until he could get to your office after the funeral.

(b) While walking to the office just at sun-up during the middle of a long, vicious trial, on coming to an intersection, seeing a man standing in the middle of the walk, with no other human being in sight, who three days before said he was going to whip you, on account of your role in the trial.

(c) The woman who drove 20 miles, rushed into your office and said, "I just heard you died of a heart attack. Thank God it wasn't true."

(d) On driving up to a filling station, the owner whom you don't remember ever having seen before, saying to a child: "Honey, go get your mother; this man talked us out of getting a divorce many years ago. We both want to thank him."

(e) Clients who send more than their fee, and say you didn't charge them enough (this doesn't happen often, but it

EDITORS—

IF YOU

- are a lawyer or law school graduate**
- enjoy research**
- can write clearly**
- want economic security**

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gives you a thrill when it does).

(f) Thank you letters from distant heirs that you have never met.

(g) People coming to your office as new clients, whom you have previously sued.

21. Remember, that the people who stay hitched the longest usually fare the best.

I believe you have the ability to succeed in medicine, engineering, business, or almost anything you might want to undertake, but you don't have the time. To become thoroughly qualified, to establish yourself and to succeed in any line requires an entire lifetime. So the people who chart a course early in life and stay with it are usually the ones who enjoy the greatest success. In the legal profession this same principle applies to location. Many times each month people come to my office as a result of some association with them or other members of the family several years ago. If you don't stay put in one spot, you lose this advantage.

I believe that after you have practiced law for thirty years, you too, will know that law is the greatest profession there is.

Sincerely,
Your Father

Hickman Memorial

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"I would say that his outstanding characteristic was his integrity," Morrow said. "He was warm, kind, sympathetic, but always held high the true concept of his duty under the law."

District Judge Herman Jones of Austin spoke of Judge Hickman as a churchman. "This man learned early in life what many of us never learn; he learned Who was Creator and who was creature . . . The life of Judge Hickman denied that some tasks are sacred, others secular, if they served God and man."

His death, said Judge Jones, marked the passing of an era in Texas Methodism. "He was unwilling to divide his life into the time he spent at work and the time he spent in serving God. Rather, he served God in his work."

Associate Justice Joe Greenhill, who came to know the judge while serving as

a law clerk to the court over which Judge Hickman was to preside, characterized him as a judge "uncommonly blessed with common sense, which he combined with a profound knowledge of the law." He had the ability to "cut deep into the heart of the controversy to write only on the controlling issues," Judge Greenhill said.

Austin attorney Ireland Graves, in his summation remarks, said the rarest of Judge Hickman's qualities was "the intangible one known as judicial temperament."

"There are lawyers who have attained high excellence who do not possess this quality," he continued, "but it is the *sine qua non* to an able judge, and his owning it gave Judge Hickman, beyond question, the confidence of the lawyer who practiced in his Court."

Judge Hickman began his career as an appellate judge on the Eastland Court of Civil Appeals in 1927 after practicing law 15 years. He was appointed to the Supreme Court commission of appeals in 1935 and became an associate justice when the court's membership was increased to nine in 1945. He presided as chief justice from 1948 until his retirement.

Judicial Conference

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the Peace Corps volunteers throughout the world means that democracy is on the offensive, using peaceful and decent means to demonstrate the basic values of our society . . . this is a fact the communists can never refute."

Judge James R. Norvell of the Supreme Court presided over the memorial service, which was dedicated to the 12 members who died during the past 12 months.

New members were introduced by Judge Homer Stephenson of Beaumont. Meade F. Griffin, associate justice of the Supreme Court, recognized those judges who have had 20 years or more service on the bench.

Named to the seven-man executive committee were Judges Phil Peden, Houston; Harold Craik, Fort Worth; Victor Lindsey, Lubbock; Herman Jones, Austin; Fidencia Guerra, McAllen; Clyde E. Smith, Austin; and Frank M. Wilson, Waco.

Brownsville was chosen as the 1963 conference city.