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Commentary and notes by a
Pennsylvania divorce & family law
attorney

On being a lawyer of good reputation, and why that matters

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There's an old joke about two friends wandering a cemetery. As they stroll, reading the headstones, they encounter an interesting epitaph: *Here lies a lawyer and a good man*. Neither of them can figure out why anyone would bury two people in the same grave.

Contrary to popular belief, lawyers really are human, most of them *are* good men and women, and you will find among them the same diversity of personality types and skill sets as you might encounter in any other field of human endeavor. The kind of person a lawyer is matters, and will go a long way toward defining the relationship he has with his clients. What a lawyer *does*, though, and how he approaches his work, is what defines him before his colleagues and before the court. Lawyers talk, judges talk, and for better or worse a lawyer's reputation will spread: *this* lawyer turns everything into a fight and refuses to settle because he knows he makes more money that way, and *that* lawyer won't allege anything she can't back up with fifty pages of documentation, so don't waste time and effort second-guessing her. Reputation accumulates, and it remains.

**A lawyer's reputation among his colleagues**

As an elementary school student I went on a field trip to a courtroom, to watch a trial in progress. The lawyers for each side spoke to us afterward, and I was surprised to learn that not only didn't they dislike each other, they were friends who often went out to lunch together. The world of the practicing lawyer, especially one whose discipline (like mine) is largely confined to one area of practice, is a fairly small one. We encounter the same opponents time and again, and the same judges. We get to know each other, and we share information (and sometimes, gossip!) about our colleagues, and about our own experiences with them.

A lawyer with a good reputation is simply more effective on behalf of his clients than a lawyer with a bad one. If my colleagues already know that I don't bluster and will follow through on a threat, they are more likely to compromise. If they know that I will advise my clients to conduct themselves sensibly, they are more likely to advise their own clients to do the same. If they know that I don't fight just for the sake of fighting, they are more likely to work with me to reduce the scope of a dispute. The net result for the client can include more effective representation, a greater likelihood of settlement, and substantial cost savings.

Follow

A lawyer's reputation before the court: an unexpected lesson

I received a powerful lesson several years ago about just how much my own professional reputation matters, when I was called to handle an especially tragic case. A fourteen year-old young lady had been living with her father for two or three years with little or no contact from her mother (who had a history of drug use as well as other personal issues). All was well until her father suffered a heart attack that killed him within two days. The girl's aunt and uncle came to Pittsburgh from Texas to care for her, and asked her if she wanted to come to Texas to live with them. She agreed.

Meanwhile, the girl's mother (who was unemployed, and who showed at trial that she needed help even to balance her own checkbook) decided that it was time for her daughter to move in with her, so she brought a motion before the court asking for custody. I opposed it on behalf of the girl's aunt and uncle, and the judge turned the matter into an impromptu shelter hearing.

The judge listened to the mother as she explained why she believed that she should have custody of her daughter despite the years that had passed since their last contact. Then, it was my turn. I began by pointing out to the judge that at least one of the facts alleged in the mother's petition was incorrect: she had checked the box alleging that child protective services had never been involved in the case, when in fact they had been involved extensively some years before. Having heard no more than that, having seen none of the documents I was prepared to offer as proof, the judge suddenly turned to the mother and said with anger, "Ma'am, you're a liar." You won't be surprised to learn that the bereaved young lady left for Texas the next day.

The shock of the judge's sudden response, favorable to me though it was, remains fresh within me all these years later, along with the realization that had I not been able to back up my statement, my reputation before the court (and with it, my career!) would have been dead, dead, dead.

That is what a lawyer with a good reputation can offer his client. Abraham Lincoln once said, "A lawyer's time and advice are his stock in trade." That is certainly true, but when it comes to successful representation, a lawyer's good reputation can add substantial authority to his efforts and a bad one can torpedo them utterly.

A second lesson

Some time afterward I found myself in court before a new family law judge, arguing against a former wife's motion to open a divorce decree to allow her to file economic claims against my client that otherwise would be unavailable to her. The judge was not only new to the bench, he was new to family law. To educate himself as he worked to decide the case, the judge asked me to explain to him how a no-fault divorce is processed in Pennsylvania.

Lawyers are not just counselors and advocates; we are also Officers of the Court, with an affirmative responsibility to disclose accurately to the court the law that applies to the case the court must decide. As I explained divorce law and procedure to the judge (and, as it turned out, won the case), the thought foremost in my mind was: *if I do a good job of explaining the law he will remember me, and if I don't... he will remember me.* No pressure!

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A closing thought

In my experience, the lawyer who cares about his reputation is also likely to be someone who cares enough about those he represents to make sure that his actions are about his clients instead of being mainly about *him*. We are all in this business to make a living, of course, but it seems to me that one of the things that a lawyer must do to justify being called a “professional” is to subscribe to a basic humility in his approach to his practice, that demonstrates his overall concern and commitment to the welfare of his clients.

After all, word gets around.

*If you need legal assistance with your divorce or family law matter in Southwestern Pennsylvania, call me to set up a personal consultation. This blog will feature regular updates. **Consider subscribing!** Please do not post anonymously, and do not post anything that you consider confidential. I try to be responsive to commentary and questions, but know that posting here will not create an attorney/client relationship and that I will not offer legal advice via the Internet. In addition to this blog, you will find helpful articles and information on my web page at <http://www.spousealouse.com/>*

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About Michael B. Greenstein

I am a divorce and family law sole-practitioner attorney working in the Pittsburgh, Pennsylvania area, handling matters such as divorce, child support, spousal support, property distribution and child custody. If your spouse is a louse or if you need other family law assistance, give me a call.

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