

Thoughts from the Board



Attorneys Dealing with Conflict

Every day we are inundated with news reports of conflict; either political conflict in our capitol, (state or federal) or internationally between nations. Anytime people interact there will be conflicts; be it family, business associates, police, building inspectors, and on and on. Conflicts are easy to get into but difficult to resolve, consider the issue in the Ukraine. I have learned that if we have the courage to face them early, conflicts are easier to resolve. We as attorneys are intimately familiar with conflict. As a matter of fact our entire professional lives are involved with conflict, either working to represent one side or the other in a conflict or drafting documents in the hope of eliminating, or at least minimizing, conflict in the future.

This constant handling of conflict can create a heightened sense of conflict in our day to day lives. If we are not careful it can roll over into our personnel lives and create stress levels not only unhealthy but impact our ability to be effective in our representation. Most of us have dealt with counsel on the opposing side who has “blown up” in the filings over a perceived injustice and resorted to vindictive and angry arguments. I recall an attorney who in his reply to a case characterized those who he opposed and who were unwilling to accept his demands as “Nazis”. Such a response was not helpful in resolving the conflict nor created a ground for future negotiations. When I called the attorney, after I had time to cool, to discuss the matter, he almost immediately began yelling at me and I listened for a moment then began laughing out loud. He was nonplussed and the line became quiet. I said, calling him by his first name, “This is not a case of negotiating a nuclear weapons treaty it is just a case between two people”. He then softly laughed, slightly embarrassed – I believe. We were then able to work out a resolution in a short time. I think he might have thought his bluster and anger was a way to gain an advantage, but when I didn’t bite and responded with a sense of humor it led to an agreement.

While we, as advocates for our clients, have an obligation to be dedicated to doing our best to represent our client’s interest, we should never reach the point that our client’s frustration or anger inhibits our ability to be rational in our representation. Strangely we often have as much of a task in controlling our clients as in working out a resolution to the conflict. The best way to calm our clients is often to help them see the situation from the opposing side. When the client feels he, or she, has been wronged in some way they are reluctant to see another viewpoint. They tend to see themselves as the victim and the other side as the cause of their problems and hurt. We can be caught up in the hurt and anger of our client as we hear the details of the situation from them. It is often hard to remember that, as my dear ole dad used to say, “No matter how thin the pancake, there are always two sides.” We must do our very best to get the facts and weigh the facts presented against the normal bias the client will impart to the situation. Frequently, we can get the other side of the story from opposing counsel if we are willing to sit down and discuss not only the proposed resolution presented by each side, but how the parties got to this point in their relationship, whether the relationship be business, domestic, or criminal.

Every case has a point that allows each party to feel they were treated fairly, even if they did not obtain all they were initially hoping to achieve. I feel our role as attorneys is to strive to find that “sweet spot”. Success then becomes a measure of combining legal work with a dose of social work and a shoulder to cry on. That is what we do as attorneys: we are, if we willing to make the effort, peacemakers. It is my hope the legal profession grows in that direction and we avoid the temptation to respond to vicious responses in like kind. Instead we develop the ability to utilize a small amount of humor and compassion in our replies so the road to a peaceful end can be achieved. Strive to be a peacemaker.

-- Joseph Bodine, Esq.