

Hobbit Lawyering- a Birthday Tangent

We had a party this week at the Levison Towers. I was touched to see the cake with the word “anniversary” scraped off and “birthday” iced over it. My name was at the bottom, amidst flowers and hearts. I wish Kevin and Margaret well after their many years together. I trust they were the ones who ate the missing corner piece of the cake.

Yes, I had a threshold birthday this past week and, like many who hit milestones, I took time to reflect. Twenty years ago I would have thought that at this age, I am old. Now I see things a little differently. I realize that I have spent more than one-third of my life in the study and practice of law, and over two-thirds of my life wanting to be a lawyer. There are days when I wonder about that choice, but not too many.

I had some time to share Tolkien’s “Lord of the Rings” with my children during my birthday. At his birthday party, Bilbo Baggins takes the illogical step of giving away gifts rather than accepting them. I now see the brilliance of this idea. (Experience the less brilliant ballad of Bilbo Baggins, sung by Leonard Nimoy, at <http://homepage.mac.com/evanbaumgardner/iMovieTheater6.html>). I am doing a little bit of hobbit lawyer thinking.

What should I give away for my birthday? There are very few things that I truly need. In fact, most of my income (the small portion which is not solicited by politicians or children) is spent paying for necessities and replacing those things which I have already acquired. I can’t think of a material thing that I need. The resource that is in the shortest supply is time, not any material thing, and I have yet to find a discount house for that. No manner of time saving device puts time away for later, either.

Should I give away my law license? I must admit that I am a bit more jaded about the practice of law than I was two decades ago. Civility in the profession is not what it once was. Volumes can and have been written on discovery abuse. Frivolous lawsuits abound, with corporate and individual plaintiffs. Folks who couldn't dump water out of a boot if you wrote the directions on the heel make millions practicing law.

While Thomas Moore spun in his grave, the highest ranking attorney in our nation decided that the law does not apply to our government if it chose to torture prisoners. He later refused to produce documents under a subpoena from the Senate, leaving them to shake their collective heads.

Hypocrites come from all walks of life and no profession is better represented than the law. I used to maintain a list on my firm's website of those who had benefited from the tort system as either litigant or attorney and later sought to deny the rights of others to sue. A combination of the sheer weight of the endeavor and disgust made me stop the updates. We know that Lady Justice wears a blindfold. Sometimes we think she might also want to hold her nose.

Back to my strained metaphor- the law as the ring. The ring which Bilbo Baggins gave away took control of Frodo. It made Gollum more than a little creepy, and we all know creepy lawyers. The whole of middle Earth took up arms over the ring. It totally possessed the lives of those "possessing" the ring. The law does that. It keeps us at the office till the wee hours of the morning thinking, talking and reading. It haunts us when we lose a point, and compels us to find a way to win.

The law invades our free thoughts, at work, rest or even in the shower. Have a conversation on the most remote topic with a non-lawyer, and see how long it takes

before she says “Spoken like a lawyer.” The law invades our analysis of problems and makes some of us safety inspectors in spite of ourselves. Who among us hasn’t read the fine print in a car rental agreement, or all of the words in a simple “wet floor” placard?

Whew! Baggins would give away his law library about now. Why don’t I? Lots of reasons. The client who smiles and says “thank you” after their case is over. The client who is unbowed, even after losing. The weeping, unbelieving client, after a jury has said “we believe you” with their verdict. Appellate opinions that change the law in the client’s favor. The clients whose lives I touch, and who touch mine, keep me practicing.

I am doubtful that my law life is a story that will span three volumes, three movies and a couple of video games, ala Lord of the Rings. I do know that I am older. That even a second hand cake is sweet. And that practicing law, with all of its flaws and foibles, is, well, somewhere between a ring and second hand cake.

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