



WORKING WELL

Focus on What is Within Your Power

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As lawyers, we tend to think we control a lot of things we really don't. People pay us to get results, and expect us to deliver. But what do we really control in the process? You can prepare a client and witnesses as best as you can, but you ultimately cannot control how they will look, sound or act in front of a jury. Nor can you control how a judge will rule in any given case, or what the jury will decide. When I focus on preparing for what I can actually control, and not obsessing over the rest, I find the tension begin to ease in any legal battle.

I find it is also better to focus on achieving my personal best, and not thinking about the financial rewards of winning the case, or the glory in overtaking a challenging adversary. Focusing on financial incentives or 'the fight' only increases the pressure, ramps up the tension, and distracts me from the real goal—doing the best I can do to win the case. This is really the only thing I can control.

When I feel I am getting too emotionally invested in a case, I remind myself that what I am worrying about won't be terribly important in the grand scheme of things. I once heard one great way to reframe this point, which I use from time to time. I tell myself, "Anthony, when they write the history of the world, this won't be in it!" For me, that immediately helps to diminish the tension of the situation, and brings me back to a more realistic place.



WRITER'S CORNER

The Thoughtful Lawyer is a Better Writer

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Law firm content databases for use in related matters foster efficiency but also can lead to missed opportunities to write better. Consider the directive to a newly minted lawyer to prepare a draft letter to the court for a partner's signature. A high-value associate will no doubt search the firm's database for a copy of a letter directed to the same court and penned by that partner. Unfortunately, as a result, while more efficient than writing anew, much of the perfunctory language in that letter will be carried to the next one, leaving some poorly conceived (or inaccurate) language. Step back and think about whether it makes sense to edit.

Here are some tips:

- One of the best legal writers I was exposed to early in my career pointed out the redundancy in the phrase 'above-referenced.' Here is how it is regularly used in letters to the court: "We write on behalf of plaintiff in the above-referenced action..." It is redundant (and not necessary) if the case name and docket is already in the 're' line after an address. Instead of writing 'above-referenced,' consider using 'we write on behalf of plaintiff...'
- I continue to receive communications directed to 'Sir' or 'Gentlemen.' To be sure, if they are from a vendor, my interest has already been lost, and if I'm copied on an email directed to 'Gentlemen,' I'm left to wonder—if I'm not meant to read the content, why have I been copied? The fix? If you do not know the identity of the person you are addressing, or expect everyone on an email to read the email, use 'Madam/Sir' or some other inclusive variation of same.
- There once was something called a 'carbon copy.' Find one in your law office, and you can ignore this paragraph. If you cannot (and if you do not even know what it is), why are you using 'cc' at the bottom of letters to show that you've copied someone. A more accurate option today is to use 'c.'