

Conviction

A competent lawyer is convinced of the “right” of his client he’s hired to represent, and if he is not convinced, he’s the “wrong” lawyer.

Nobody puts his heart and soul into a thing unless his heart and soul are in it. People do their best work when they’re convicted and convinced the work is worth doing, that it’s right, that it’s good, that it’s the “thing to do”, something they’re willing to stand for and stand behind.

In my practice I’ve encountered countless lawyers who didn’t believe in their clients’ cases. It was obvious from the way they handled the case. Some were slovenly, lazy, doing only the minimum necessary to get paid ... and getting paid was their only motive for handling the case. I’ve even encountered lawyers who *knew* from the outset that they could not win! They dragged their clients through hell, draining their pockets and their life savings of all they could get, only to announce at the conclusion of the case, when the judge rendered her verdict against their clients, “There was no way we could have known this was going to happen,” when I’d known for months they could not win and knew for that same length of time that the losing lawyers also knew ... but refused to tell their clients because, of course, that would mean the money would stop flowing!

If the lawyer you consult isn’t convinced of the “rightness” of your case, he isn’t the “right lawyer” for you.

Beware of sheep in wolves’ clothing. Lawsuits are a battle. You need a fighter who believes in what he’s fighting for, because if two combatants come head-to-head, one with conviction in his cause and the other lackadaisical about the whole matter, the one convinced of his cause will fight *harder* when the chips are on the table ... and that’s what you *must* have, if you’re going to hire a lawyer. You *need* a wolf to fight the fight for you. If the lawyer you consult only *seems* to be a wolf, hiding a fluffy, fearful, and flimsy will within his seemingly aggressive exterior, move on!

And, there is more to this than you might imagine, since you may not realize that all lawyers (at least in Florida where I practice) take an oath to be *zealous advocates* of their clients’ causes. It’s a matter of professional responsibility. Lawyers in Florida (and many other states) are required by law to be zealous, to fight for their clients, to stand in

the gap for them, and to go the limit! It's not just a matter of being a good lawyer. It's required!

As a wise retired lawyer advised me when I consulted him about a tactic I intended to use against an insurance company, "Lawsuits are axe fights. Don't forget your axe!"

If you must hire a lawyer. If there's no way to get out of hiring a lawyer. If you cannot negotiate with the other side and come to some agreement by which you might avoid going to court. If you *need* a lawyer to represent you. Make sure he has an axe and is willing to use it for *you!*

If a lawyer doesn't believe in your case and the other side comes at him with axes, he's going to fold ... and you may never know what happened "behind the scenes".

Lawyers talk to each other. Most lawyers, especially in small communities, know each other on a social basis. They have lunch. They sit with each other at the local coffee shop for breakfast, read their newspapers, talk about sports and, occasionally, discuss your case. If *your* lawyer isn't certain he can win. If he doesn't *believe* in your cause (no matter what he may tell you to the contrary while you're sitting in his office) he may go to the other lawyer and "make a deal".

It happens.

Don't be hoodwinked into believing everything your lawyer says is true. If his lips are moving you're on dangerous ground. Self-interest is not unknown to members of my profession. If they can settle a case they don't believe in, they spare themselves the public embarrassment of losing in front of judge and jury ... and they will come to you one day in the midst of all your struggles to keep their invoices paid to tell you, "I think we can settle."

That is *not* the kind of lawyer you need.

Now, this is not to say an otherwise competent lawyer cannot win your case but, rather, that the likelihood of winning is directly proportional to his zeal, i.e., to the degree with which he *believes* in your cause. Convicted lawyers don't quit or compromise.

Keep in mind that a lawyer who has a reputation for winning may have his reputation for winning because he *believed* in the cases he won. Legal skill and technical

ability may not be all your lawyer needs to win your case, if he doesn't believe in it, i.e., if he's not convinced of the "rightness" of your case and the moral need to win it for you.

Human nature applies to lawyers, too!

Ask the lawyer questions during your interview. He's not interviewing you. You're interviewing him. Ask about his family, his hobbies, his work in the community, and the things he holds most dear. See what convictions he holds about other things. You'll be surprised how different lawyers feel about different issues.

For example, if you need a lawyer to represent you in a lawsuit where you've been sued by a neighbor whose cat drowned in your swimming pool, you wouldn't want a lawyer who's a cat lover and belongs to the SPCA¹. If you don't ask, you won't know.

And, of course, you need to ask *before* you tell the lawyer what your case is about.

Finally, though this is too obvious to mention, you need to make certain there is no conflict of interest. Does the lawyer know the party on the other side? Does the lawyer have a business similar to the party on the other side? Has the lawyer been involved in business of any kind with the other side at any time? Explore these possibilities.

Anyone can say, "I believe in your case."

What you need is someone who's *convinced* about the need to win for you.

Accept no substitutes.

¹ Society for Prevention of Cruelty to Animals