

The Dance { JOHN D. SPOONER }

ON SAGE

Wise words from my favorite lawyer



Law,
shucks

'ALL LIFE IS RELATIONSHIPS." That's my number-one principle for getting ahead in a career and for managing personal journeys. But we live in an increasingly anonymous society and are often forced to be our own advocates in the key areas of our lives: medical, financial and legal. It's vital to build your own team of professionals on whom you can rely.

On the legal side of things, there's Bill Eisen, a smart lawyer with a fastball who specializes in wills, estates and trusts. He offers practical counsel that's grounded in knowledge of how things work in the real world, not in the land of make believe. One of my prejudices is that I like people with common sense—street smarts, if you will. I also admire people who work both sides of the brain, the practical and the creative sides. Eisen is both. For instance, he assembled a list called "Stop Living Like a Stupid Person: 250 Common Mistakes Even You Can Avoid," which includes gems like: "Never go out on the roof to do the job yourself," "Don't move to Buffalo for a better job," and, "Don't ask your father about his sex life."

Eisen teaches a course at the Harvard Extension School called "Legal Reasoning," but it's really about language and thinking. "I understand that I'm in the entertainment business here," he says. "I can't teach you anything unless I interest you. And I can't interest you unless I can entertain." So he starts off telling me about the fox and the rabbit.

"Law is my conveyance to teach you to think," says Eisen. "Every legal problem is a disguised human problem. I see a rabbit running. But I want to talk about the fox that I can't see chasing that rabbit. Try to think about what is not immediately apparent." He illustrates this point: "A young client of mine committed himself to a mental facility. Then he wanted out, but the laws prevented his release. His parents were frantic, and no one seemed to have any answers for this. I thought about the problem, called the hospital and told the administrators, 'You say you won't release my client. Fine. We will never pay any of your bills.' They let him go the next morning."

Eisen is keen on knowing his characters. "People are normal in inverse proportion to how long you know them," he says. In other words, the better you know a person, the less normal they appear. "A governor of a New

England state called me some time ago and said that he had identified a perfect person to fill a key cabinet post," says Eisen. But the candidate hadn't filed tax returns for some time. Even so, the governor said, "He's just brilliant, and I need him."

"I'll bet that the police have been to his house in the last three months," Eisen said to the governor.

"Why would you say that?"

"Because non-filers always have something else going on, things they're hiding."

"But I went to law school with the guy. That's impossible."

"You never really know another person," countered Eisen. He was right. The prospective cabinet member had lost his driver's license for being intoxicated at the wheel, and his wife had a restraining order against him. He never got the job.

Character is everything. "I'll bet you I can go to a Red Sox game with a prospective client, never talk about the law for nine innings, and then write his estate plan," observes Eisen. "You learn so much about people in a nine-inning game. Or during a golf game. You need a lawyer who is happy with his life. It's OK to have a doctor in a bad marriage do a colonoscopy on you. It's a very short-term relationship. But lawyers can be in your lives forever."

Eisen seems like a sly, provocative elf as he teaches. "If your lawyer advises you to litigate without really trying to settle first, he or she is giving you very bad advice. Why? Because more people come home winners from Vegas than win by litigating. You will get as far litigating as by arguing with the police, or your idiot nephew."

If the law is clear and straightforward, he asks, how come Justices Stephen Breyer and Clarence Thomas always vote differently? "Judges earn their living making it appear that their opinions are mandated by the law, when in fact the reasons they offer are somewhere between self-serving justifications and mere excuses."

Another Eisen tidbit that's both street smart and practical: "The President of the United States is considering whom to appoint to the Supreme Court. He asks you how to predict the way a potential justice will vote. What do you advise him? (After all, a lot of presidents have been disappointed—Eisenhower appointed Earl Warren!) Don't read the applicant's law review articles or judicial opinions from the lower court. Visit his house. Look at his library. See the books he has read. Go to his old neighborhood. Interview the people who knew him when he grew up."

Insightful words. For more of them, I've decided to audit Eisen's class in the fall. ***

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