

COMMENTARY

COLUMN: The practice of law

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There is nothing in the world more noble, more civilized, or more indicative of progress with a capital P, than the law.

So it must follow as the night follows a good long happy hour at a cheap bar with two-for-one drinks, that there is nothing more noble, more civilized or more indicative of progress with a capital P, than the practice of law.

You can't have one without the other. After all, what's law if somebody isn't practicing it?

So it must follow as the winter follows the spring (eventually) and a DUI often follows a good long happy hour (almost immediately), that those who practice law are really the purveyors of the noble, the civilized and the progressive.

In Lee County these days there are 781 men and women licensed by the Florida BAR to purvey the noble, the civilized and the progressive, I learned early this week, including 79 judges. A judge is defined by H.L. Menken as "a law student who marks his own examination papers."

If that's true, then what is a lawyer, of whom there are 702 in Lee County? A lawyer is someone who wants to help mark *your* examination papers up, but only if he or she gets paid handsomely for it, I suppose.

Which is why I was truly inspired to discover that the famous Colorado law firm, Whyte, Lipt & Trembling, had come to town last week for its "National Convention of Real Bastards," also known as the NCRB.

In our culture, of late, the term "bastard" has been used an estimated 4.2 trillion times between 1950 and 2008, in English alone, as

euphemism for lawyer. But in reality, the word has been generally understood to describe a "love child," the offspring of an unofficial union — a union outside the laws of marriage, in other words. That is a condition not illegal in the United States.

For those of you horrified by the use of the word "bastard" even in reference to lawyers (and let me digress here, although I doubt there are many of you), I offer the trivia-library.com analysis of the word:

"Bastard — Of disputed origin, the term is probably a combination of the Old French *bast*, "packsaddle," and the pejorative ending *ard*. His packsaddle was a muleteer's pillow, not infrequently shared, while on the road. Like terms include the French *coitart*, or "quilt-child"; the German *Bankling*, or "bench-child"; the low German *Mantelkind*, or "cloak-child"; and the Old Norse *hrisungr*, or "brushwood-child." The later "love child" was simply a Victorian euphemism. In legal terminology, *bastard* was the word applied to the illegitimate but acknowledged son of a prince or nobleman; William the Bastard was a common epithet, no insult intended, for William the Conqueror."

Okay?

Now, it is also not illegal in the United States simply to state the truth, vulgarly but honestly — unless, of course, you're talking about any of the main issues of the day, such as race, sex, national character, or title of new business, for which you can be sued by a purveyor of what is noble, civilized and progressive for saying what you think, or at the very least slandered. But never mind that now.

Here is what WLT's business card says, word-for-word (and I did not make up these words), which I think is a real breakthrough and probably an example of bell-ringing honesty that ought to be taught in all law schools,

and introduced in short career seminars at all law firms:

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CALL US. WE DON'T (TRUCK) AROUND.

Now, I hesitate to give you the number to WLT, because I'm afraid you might use it.

But the good folks at WLT, a firm headed by an individual whose initials are J.C. (and again, I'm not making that up), obviously recognize a few truths about law and its practice that we ought to remind ourselves of occasionally. Especially when we ask, Who are lawyers and What were their parents like? (After all, if there are 702 lawyers, there were 1404 parents who created them, so I think it's a good question.)

At the convention last week, members of WLT, drinks in their hands (both hands), kicked around the following ideas by famous thinkers. I offer some of their commentary along with the actual quotes, edited for brevity and obscenity, to show you how some tell-it-like-it-is lawyers are thinking these.

• "The law isn't justice. It's a very imperfect mechanism. If you press exactly the right buttons and are also lucky, justice may show up in the answer. A mechanism is all the law was ever intended to be." — Raymond Chandler

(WLT: Raise a glass to the mechanics, ladies and gentlemen! The law might be imperfect, but the American greenback isn't!)

• "This is New York, and there's no law

against being annoying." — William Kunstler
(WLT: It's all New York, fellas, every last square mile of it, even this backwater known as Lee County, Florida. That's how we want you to think of it!)"

• "When the severity of the law is to be softened, let pity, not bribes, be the motive." — Miguel de Cervantes

(WLT: Mikey, baby, where you been? We gotta let pity PLUS bribes be the motive. Why not, huh, pally?)

• "No man is above the law and no man is below it: nor do we ask any man's permission when we ask him to obey it." — Theodore Roosevelt

(WLT: We don't ask any man's permission to practice mitigation, litigation, consternation and castration, either, although when it comes to women, we might have to ask some things.)

• The precepts of the law are these: to live honestly, to injure no one, and to give everyone else his due. — Marcus Tullius Cicero

(WLT: "Yeah, right. What a bunch of paties, those Romans.")

• There are not enough jails, not enough police, not enough courts to enforce a law not supported by the people. — Hubert H. Humphrey

(WLT: "Hubert, you have no idea what you're talking about.")

• "And of course we are familiar with the English common law rule of thumb that said a man could in fact use a stick no bigger than his thumb to discipline his wife and family." — Patricia Ireland

(WLT: The Brits had it easy, Patti, the Brits had it easy. Nowadays men can use knives, pistols, baseball bats and tightly clenched fists to beat our women and children, instead of this wimpy stick stuff. Just hire a good lawyer and you're home free!

And are we good lawyers? Let me answer that for you.

At Whyte, Lipt & Trembling, We're the BEST lawyers.) ■

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