



President's Column

What Would You Tell Our New Lawyers?

BY BILL MATEJA

Adapted from my address to new lawyers as TYLA President at the 1997 New Lawyer Induction Ceremony at the University of Texas:

With Fall comes Bar results for most fresh-out-of-law school lawyers and the start of these lawyers promising and unwritten legal careers. What would you tell these new lawyers if you were passing on thoughts, wisdom or otherwise? Let me take a stab at it.

“Someday, You Will Be A Great Lawyer”

Believe it or not, this is a true story from my days in law school at Texas Tech. I was in the library studying with law student friends when we decided to head over to Chinese Kitchen, a reliable source of good Hunan and Szechuan. After dinner, we broke out the mandatory fortune cookies. One at a time, we read our fortunes. My friend, Barry Senterfitt, now an Austin lawyer, cracked open his cookie and read the fortune to himself while cracking a smile and chuckling under his breath. His fortune was prescient, and it was understandable why he'd be chuckling because his fortune was—“Someday you will be a great lawyer.” Again, this is a true story.

Barry is a great lawyer now and has been for quite some time. But it's not because of his coincidental fortune cookie. More experienced lawyers might naturally opine on how to become a **great** lawyer like Barry, but I believe the better question is how does one become a **successful lawyer** where success isn't gauged by money, reputation, power, and the like, but rather by **self-fulfillment**. In that vein, I'm not going to tell folks that one needs to work hard or prepare relentlessly. Or, that one needs to find a balance between work, family, faith, and service to others. Or, that one should be humble and not take oneself too seriously. People know these things intuitively.

Rather, I'm going to share with you one nugget that is essential to being a successful, self-fulfilled lawyer, one nugget that gets overlooked and one nugget that has kept me relatively sane.

That one nugget is—**Treat The Practice Of Law As A Profession First And A Business Second.**

That's not to say that you can treat the practice of law as a business first and a profession second and not have some modicum of success. But I've found that those who treat it as a profession first are generally terrific lawyers and, more importantly, they come to find law practice as their calling. They're satisfied as lawyers. They're happy practicing law. They consider themselves successful.

So, how does one put the profession of law first and the business of law second? Well, I've tried to distill a few rules that I think are helpful, inspired by my best friend, fellow Tech Law grad, hiking partner, and terrific Tarrant County personal injury attorney, **Greg McCarthy**. There should be 5, 10, or 15 rules because those numbers have a literary ring. But I'm a slug. I've got 8. And it's really only 6.

Rule 1 – The Customer Isn't Always Right

Borrowing from and adulterating Stanley Marcus' adage that the customer is always right, I'm here to tell you that your customer, the client, isn't always right. Unfortunately, you're the one who is going to have to break the news.

Some of you will have clients who absolutely despise their adversaries. If you're a litigator, you might be asked to bury this adversary in a mountain of paper—to file every motion to make life more difficult for the other side. Or you might have a client that you know is withholding responsive and damning discovery material who tells you that they are not going to let you produce such material. You've got to tell your client you won't do it. You've got to tell the customer, your client, that s/he's not right. It gets even more complicated the more experienced you get—where clients will ask you—tell you—to do things you know you shouldn't do. Don't. The client might perceive this advice as a lack of loyalty, fire-in-the-belly or jealousy. It might get you fired. You might lose money.

If this were just a business, if it was only about money, you'd tell the customer what s/he wants to hear.

Because this is a profession, you tell the customer what s/he needs to hear.

Rule 2 – Don't Kick 'Em When They're Down

Each one of you is going to come across a lawyer on the other side of a deal, transaction, or case where you catch 'em when they're down and out. Maybe the lawyer just finished a three-week trial and is behind the eight ball or the lawyer has problems at home. In any event, the lawyer has a problem and needs

your help. That help might be a continuance, an extension, a head's up, a listening ear—who knows what.

If this were just a business, you'd kick dirt in their face. You'd tell the lawyer 'tough luck, every person for themselves.' You'd take advantage of the situation.

Because this is a profession, you extend a helping hand—so long as it doesn't unduly prejudice your client. You help the lawyer knowing the day will undoubtedly come when you need the favor returned.

Rule 3 – This Isn't A Popularity Contest

I guarantee many of you who stick it out for any length of time, whether you're a trial attorney, corporate counsel, a government attorney, or an office practitioner, will be asked to represent a client, the zealous representation of which will not be popular to others.

I spoke to a great Lubbock lawyer and former State Bar President many years ago—**Travis Shelton**—who told me he'd represented the wife in a highly publicized divorce. The wife's reputation was well known and less than sterling. Travis had friends who couldn't believe he planned on representing the wife and refused to speak to him thereafter. At the time Travis told me about this, 20 years after his representation, these former friends still didn't speak to him.

If this were just a business, you might not take the case or distance yourself from the client. You wouldn't want to hurt your pocketbook or jeopardize personal and business relationships.

Because this is a profession, you don't think twice about taking the case because you're a lawyer who is in the business of helping others; you don't worry about what others might think or the “guilt by association” attribution.

Rule 4 – Help Those Who Can't Help Themselves

There are many people in this State and the DFW community who can't afford adequate legal services. Trust me, if we don't provide legal services to them, no one will. As lawyers, we are part of a unique community and have not only a community responsibility to provide pro bono services, but also what I submit is a moral duty as well.

If this were just a business, you'd be inclined to say: “Let someone else deal with the problem. I don't have the time, and even if I did, that time could be better used billing.”

Because this is a profession, you pitch in knowing the only way people with limited means will get legal help is if you and I do it. And because we as lawyers are part of a fraternity, we know we can't just say: “Let some other lawyer deal with it, it's not my problem.” Not to mention that, and as our Dallas Volunteer Attorney Program frequently reminds lawyers—“Pro bono: it's like billable hours for your soul.”

Rule 5 – A Lawyer's Word Is His/Her Bond

This is the one rule that I've seen erode the most over my 38 years as a lawyer. It seems handshakes have been replaced by confirmatory letters that confirm emails and phone calls. Isn't this rule a dinosaur? Am I just talking pie in the sky?

When I practiced in Lubbock from 1991-2002, coupled with frequent business trips back to the Hub City ever since, I learned this rule is alive and well. With few exceptions, if a Lubbock lawyer tells you that you've got a deal, it's a deal—consider it done. If Lubbock lawyers can do it, any lawyer in any city can do it.

If this were just a business, you'd honor handshakes when it suited you and dishonor 'em when it didn't.

Because this is a profession, a deal is a deal is a deal—all because you gave your word. Your word is your bond—it means something. As former DBA President **Frank Stevenson** said: “The world breaks neatly into two groups—the ones for whom words matter and the ones for whom they don't. There are no great lawyers in the second group.” Trust is everything in the practice law.

Rule 6 – Police the Profession

We live in a society where government and its regulations permeate every facet of business. Not so in the case of our profession. We, as Texas lawyers, have been given the power to regulate ourselves. That's what the State Bar is all about. The State Bar, under the supervision of the Texas Supreme Court, a court made up of our brethren, is the master of its destiny. I don't know about you, but I like the fact that if a question is raised about my legal work, I'll be judged by my peers, using a process designed by my peers, as opposed to being judged by a governmental agency, using a process designed by regulators who know no more about



HEADNOTES

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DBA Past President Jerry Lastelick Passes Away

STAFF REPORT

The Dallas Bar Association lost its 74th President on September 24, 2024, at the age of 91. **Jerry Lastelick** was President of the DBA in 1983.

Mr. Lastelick earned a B.B.A. in accounting in 1953 from Texas A&M University, where he was also a member of the Aggie baseball team. After graduating, he served as a lieutenant in the U.S. Army from 1953 to 1955. Upon his return to Dallas, he worked as an accountant and took evening classes at Southern Methodist University, receiving his J.D. degree in 1958, and then going into private practice.

Mr. Lastelick and wife his, Bettye Jo Guthrie, were married in 1959 and had a long and happy marriage of 60 years; they had three children.

A founding partner of Lastelick,

Anderson & Arneson, Mr. Lastelick was also a founder and chairman of First Texas Bank, which is now part of Bank of Texas. While Mr. Lastelick was primarily a business attorney and litigator, he also became one of the first entertainment lawyers in Dallas and represented country singer Charley Pride for many years.

During his year as DBA President, the Environmental Law Section was created, At-Large positions were created on the DBA Board of Directors, and the Stephen Philbin Awards Luncheon began.

In addition to serving as President of the Dallas Bar Association, Mr. Lastelick also served as Chair of the Board of the State Bar of Texas, and President of the Dallas, Texas, and National Bar Foundations. He was also President of the Texas Aggie Bar Association, the

Leukemia Association of North Central Texas, St. Rita Parish Council, and the St. Thomas More Society. He received the 1991 Distinguished Alumnus Award from Jesuit, was inducted into the Jesuit Sports Hall of Fame in 2002, and served as Chairman of the Jesuit Board of Trustees for several years.

He is survived by his daughter Karen (Marie) Lastelick Higginbotham and her husband, Tim Higginbotham, and his son, Joseph Jerome (JJ) Lastelick, and his grandchildren, Knox Higginbotham and wife, Casey, Hattie Higginbotham, Tanner Lastelick, Trevor Lastelick, Luke Lastelick, and Ryan Lastelick.

In lieu of flowers, memorials may be made to the Jerry & Bettye Jo Lastelick Family Faculty Fund at Jesuit College Preparatory, 12345 Inwood Road, Dallas, TX 75244, or to the charity of your choice. **HN**



Jerry Lastelick

What Would You Tell Our New Lawyers?

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the profession than the man in the moon.

This power and privilege comes with a price. It means we must police our own. If we don't, no one will. And if no one will, the day will undoubtedly come when the government says enough and steps in to regulate our profession. This means you must be on the lookout for lawyers who take advantage of their clients, have substance abuse problems, misapply client funds, and the like. You must take action even though the easy thing to do is look the other way.

If this were just a business, you'd look to government to do the policing. Quite

frankly, if this were just a business, you'd have no choice, we'd already be regulated by the government.

Because this is a profession, you must see to it that we police ourselves, lest we lose the power and privilege of self-governance forever.

Rule 7 – Clients Are Family

*We are family,
I got all my sisters with me ...*
—Sister Sledge

By and large, I think most people love their families—or at least their chosen families—and show up for those families. No questions asked.

Wearing our lawyer hats, consider treat-

ing clients like you would family. Given the import of your legal advice, why would you ever treat a client any less than you would a family member. In my world, I routinely counsel people on staying out of jail—to insure their liberty interests. Others counsel on things that are incredibly important such as family law, immigration, personal injury, and the list goes on. And even though many lawyers provide advice and counsel on business and financial matters, saying that it's only about money, doesn't do justice to the import of such advice and counsel.

If this were just a business, a client would be just like any other person.

Because this is a profession, you treat clients like, as Sister Sledge put it, "We Are Family!"

Rule 8 – Treat Others Like You Want To Be Treated

I've included the Golden Rule amongst these 8 rules because the hustle and bustle of the practice makes it easy to lose sight of this simple rule, especially when money drives so much of what lawyers do. This rule doesn't mean you can't compete for clients, you can't try to work harder than the lawyer on the other side or you can't try to win. All it means is that

you play fair, be above board, and be nice.

If this were just a business . . . well, you get the picture.

THE BOTTOM LINE

It's up to you. Do you want to be part of a profession marked by civility, honor, and tradition? Do you want to be part of a profession that is allowed to police itself and called upon, matter of factly, to make decisions that impact and change lives? Or do you just want to be part of a business? If you want to be part of a profession, perceive and act in a manner that puts the profession first and business second. Think about and live out these 8 rules. If you do, not only will you become a member of a profession, but you will also receive the benefits and privileges that come with it, which, from my personal experience, are worth all the effort.

Good luck congratulations and welcome to the practice of law!

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DBA Annual Meeting

The Annual Meeting is Thursday, November 7, in the Pavilion. A reception for Emeritus Members begins at 3:00 p.m., member reception at 3:30 p.m., and the Meeting starts promptly at 4:00 p.m.

If you have prior DBA service and wish to run for a position, please contact Alicia Hernandez (ahernandez@dallasbar.org (214) 220-7401), no later than Tuesday, November 5, at 5:00 p.m. to receive information about service on the Board. You are required to complete a biographical form prior to the meeting.

Following the meeting all DBA resident members with an e-mail address on file will receive an online ballot. If you wish to vote online, please make sure the DBA has your e-mail address by visiting the DBA website at www.dallasbar.org, or call Membership at (214) 220-7414 before **5:00 p.m. on Tuesday, November 5, 2024.**

Please update your spam software to allow the e-mail ballot to enter your inbox from noreply@ballotboxonline.com.