

# Nebraska

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## Young Lawyers Section

Submissions to the Young Lawyers Section Page from young attorneys across the state are always welcome. If you're interested in writing, please contact Amy Prenda, Editor, at [aprenda@nebar.com](mailto:aprenda@nebar.com).

### Road House for Young Lawyers

by Jon Blumenthal

Lawyers love movies. Almost any lawyer can name a movie or television show that has inspired him or her . . . *L.A. Law*, *A Few Good Men*, *To Kill a Mockingbird*, and *Legally Blonde*. Lawyers of every ilk romanticize the movies. It is possible that there is no greater movie to teach life lessons, including the practice of law, than *Road House*.

In 2015, the *New York Post* reported the New York City Police Department was requiring its officers to view a scene from the movie *Road House* in which a bouncer, played by Patrick Swayze, instructs his staff to “be nice, until it’s time not to be nice” (*New York Post*, February 24, 2015). Apparently, this was, maybe still is, one of the tactics the NYPD was taking in response to the events surrounding the death of Eric Garner, a man who was allegedly held in a chokehold and died as police tried to arrest him.

If you’ve seen *Road House* (and if you haven’t, you need to), you know the story. Dalton, the undersized bouncer with a philosophy degree from NYU and the heart of gold, heads to small-town Missouri to clean up the Double Deuce, a seedy bar with potential in Jasper, Missouri. Jasper, of course, is “controlled” by the sinister Brad Wesley. Dalton and Wesley battle for the soul of the Double Deuce and the town of Jasper. Pure gold.

When you get right down to it, *Road House* should serve as a primer for every graduating law student and new lawyer. Established lawyers can learn a thing or two from Dalton, too.

Some practice lessons from *Road House*:

#### • “Never Underestimate Your Opponent. Expect the Unexpected.”

After Dalton takes some time to observe the Double Deuce, he unleashes his rules of bouncing to the crew at the Deuce. Any primer for young lawyers must start with those rules. The first: “Never Underestimate Your Opponent. Expect the Unexpected.” Truer words for a lawyer were never spoken. Whether it’s a case, a lawyer, or even a judge, never underestimate your opponent. You may work for a silk-stock-ing firm. You may dress in hand-tailored suits and \$150 ties. You may eat at better restaurants and have more victories. But never underestimate your opponent.

#### • “Pain don’t hurt.”

“Pain don’t hurt” remains perhaps the classic line from *Road House*. Dalton, after being attacked by rowdy bargoers, needs stitches in the local emergency room. The gorgeous doctor, played convincingly by Kelly Lynch, asks Dalton if he wants an anesthetic. Dalton’s response: “Pain don’t hurt.”

The practice of law can be tough under the best of circumstances. There are long hours and difficult clients. Tough cases are sometimes lost. Confrontation can be a daily part of a law practice. To thrive, any lawyer needs to suffer the inevitable pain, and keep a positive attitude. During the especially tough times—for instance—preparing for and during a trial or a big closing, it is vitally important to remember the line of legendary “cooler” Wade Garrett (played by Sam Elliott): “I’ll get all the sleep I need when I’m dead.”

#### • “Don’t steal from the till.”

Soon after arriving at the Double Deuce, Dalton eyes Wesley’s nephew, Pat, generously helping himself to cash from the register. It should go without saying, but bears repeating, the easiest way to get disbarred is to mishandle client funds. Always be sure to follow the rules of ethics when handling client funds and maintain a proper trust account when accepting client funds.

#### • “Be nice until it’s time to not be nice.”

This is obviously at the heart of the New York Police Department’s training program, but it is an important lesson for all lawyers. Civility and collegiality are rapidly declining assets in a practice that used to be marked by professionalism. Now, a “win at all costs” mentality can run rampant in some people’s practices.

I will never forget a lesson I learned from my mentor in my first week of practicing law. I was asked to write a demand letter on behalf of a client. I thought I had done a great job of writing the letter, but instead the senior partner asked me, “Why are you being such a \*&^%?” Honestly, it never dawned on me not to be. After all, I was a lawyer. Wasn’t my job to roll up my sleeves and win the battle?

We all need to advocate tirelessly for our clients, and there are times when we need to win at most (not all) costs.



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However, we can still do so with collegiality and often, even with friendliness. There is a reason that the saying “it’s easier to catch flies with honey than vinegar” exists—it’s because it is often true—even in the practice of law.

### • “I got married to an ugly woman. Don’t ever do that. It just takes the energy right out of you.”

This is sage advice from Dalton’s landlord, Emmet. Whether you’re a man or a woman, it doesn’t matter what your spouse looks like, but for a lawyer, it helps to have a spouse who is supportive, understanding, and willing to be an active part of your professional life. The practice of law is hard. Choosing a good spouse can make it a lot easier.

### • “Nobody ever wins a fight” and “It will get worse before it gets better.”

When Doc asks Dalton if he ever wins a fight, Dalton wisely answers, “Nobody ever wins a fight.” While we get paid to win (and it’s important to win), don’t underestimate, many times it can be helpful to avoid disputes and achieve common ground. Mediation is an underutilized tactic which can bring good results without going to war.

Of course, when Dalton goes to war to save the Double Deuce, he tells the bar’s owner, “It will get worse before it gets better.” When “going to war” in a lawsuit, the same advice often applies for your client. Lawyers need to provide clients with a roadmap, strategy, and ballpark cost estimate for litigation, so that clients can understand that litigation is costly and time-consuming—even long before a trial.

### • “It ain’t the money you understand, but if I don’t charge you something, the Presbyterians around here are likely to pray for my ruination.”


This is Emmet’s reply to Dalton when he rents Dalton a quaint barn in which to reside in Jasper. This is also good advice for young lawyers. Be careful of giving away your ser-

vices or undercharging for your services. It is important to provide pro bono advice. But for clients who can afford to pay for (and should be paying for) your services, it can be a dangerous habit to habitually be afraid to bill or to undercharge. Set a fair rate, clearly state your rate to your client in the form of a written engagement letter and be sure to implement proper billing and collection procedures.

### • “You’ve got insurance, don’t you?”

When Wesley destroys the local car dealership to take out his wrath on Dalton, Red asks the owner this question. Any practicing lawyer needs to make sure they have the proper amount of malpractice coverage and should review their coverage with a professional on a periodic basis. Lawyers make mistakes. The best lawyers admit their mistakes, correct them if possible, and carry proper insurance for a rainy day.

### • “There’s always barber college.”

This is Dalton’s advice to a fired bouncer with a poor disposition for the job. Similarly, the practice of law is not for everybody. If you are in law school or a new lawyer, be sure you are willing to put in the hard work and dedication it takes to succeed. The practice of law is a very rewarding profession for those willing to work hard and advocate for their clients. But life is too short to do something you don’t love. 

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Contact Mike Kinney at [mkinney@ctagd.com](mailto:mkinney@ctagd.com) and/or Liz Neeley at [lneeley@nebar.com](mailto:lneeley@nebar.com) for more information.

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