

# PRESIDENT'S MESSAGE

## War Stories: The Power of Our Example

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**One of the most striking things about the period we now refer to as the “COVID Era” is that it caused a radical rethinking of how lawyers do what they do and why. As someone who has practiced law for a while, I can say that the ideas of court-approved, remote Zoom court appearances and work-from-home policies were unthinkable just a few years ago. Yet here we are.**

Of course, I see the logic of these trends, since the savings in attorneys’ fees and hourly time that come from permitting virtual appearances are as profound as they are obvious. And, in an era when attorney wellness is now considered an important component of successful legal practice, many think that giving attorneys the flexibility to work from home some or all of the time is a way to ensure job satisfaction and, as a consequence, job longevity and productivity.

However, as with any trend that is embraced, change often brings unintended consequences. With this in mind, I wanted to focus on one such casualty: the simple, yet critical concept of spending time in the office with one’s fellow attorneys. As a young attorney, I can honestly say that I learned as much from the senior counsel at my firm through freewheeling conversations after work hours as I did through formal instruction on brief writing

and motion practice. Simply put, the “war stories” I heard have stayed with me and have made me a more insightful lawyer. Don’t get me wrong – these insights were not valuable because they offered finer points of litigating a discovery dispute or how to authenticate evidence for a summary judgment motion.

The small, human parts of these stories offered the most value – such as the unforgettable quirks of attorneys and judges who have long retired, the rare but humorous incidents that caused seasoned litigators to giggle unexpectedly in the midst of hard-fought arguments, the motions that were lost when all expected victory, and the arguments that were won when all logic said otherwise. This practical wisdom had more to do with human nature than legal acumen.

One lesson is something nearly all experienced litigators are likely to agree with: *If a judge is finding fault with your opponent’s position or criticizing them in some way, keep your mouth shut and don’t try to pile on.* This concept has less to do with the finer points of law than it does with common sense and one’s ability to read a room. For me, the vivid stories of those who chose to violate this maxim and the unpleasant consequences that followed drove home this lesson in the clearest possible terms. My point is that “war stories” are more than mere idle chit-chat. If you pay attention, the nuggets of valuable knowledge are there to be mined. You just must be open to the experience.

For me, such stories and interactions are valuable in another sense. I have

realized that a fair amount of the wisdom that experienced attorneys pass to new attorneys happens through what can only be described as oral histories. The impact of an attorney on their communities and the particular disciplines in which they practice is more than just the sum of a win/loss record or the size of the verdicts they may have achieved during their career. The measure of an attorney may also be seen in their reputation (or lack of reputation) for ethical conduct, the courtesies and kindnesses they displayed, the fights they chose to undertake, and the quality of their advocacy (i.e., speaking clearly, writing well, being unflappable under fire, and whether their word was truly their bond.)

In this sense, the value of such oral histories is twofold – in the telling as well as in the listening. I believe that more experienced attorneys who know these histories have a general obligation to pass along what they know. This tradition also has the extra added benefit of keeping older attorneys connected to our community and recognizing the value of their lived experience. I say all this because, in so doing, our bar’s storytellers keep this crucial knowledge alive and provide examples to younger attorneys of what they should be aspiring to, rather than the sole pursuit of financial prosperity or power for its own sake.

I suggest that “war stories” have much more to offer us than just an idle laugh or a way to pass the time between drafting briefs. To be clear, I have nothing against work-from-home policies that keep our attorneys centered, grounded, and connected to their families. But, as with so many things, the devil is in the details, and I think there are good arguments for balance in this area. At my firm, Fennemore, we encourage our attorneys to be in the office at least three out of five days per week, with greater emphasis on working in the office for those who were admitted to the bar more recently.

So, as we all grapple to strike the right balance, please consider this column to be an attempt to focus on the side less praised and less appreciated – the viewpoint that we owe it to our younger attorneys to pass along what we’ve learned, through our “war stories,” so that they may benefit, even in subtle ways, from the power of our example.