
ALL HAT AND NO COWBOY

It takes more than just bluster to make a great lawyer

It is not a compliment in West Texas to be referred to as "all hat and no cowboy". It is a term of derision used to indicate that a person has little real character beneath the thin veneer of appearance.

If you could analyze many politicians, you might find very large hats and that they are composed of five parts of ambition to just one part of substance.

Unfortunately, many people with law licenses are pretending to be real lawyers while lacking any concept of what it takes to be a lawyer.

When I was a young lawyer, Percy Foreman was in his prime. He was a large man and his manner was just as imposing as his body. He was bombastic and overpowering and often got his way through intimidation. When I looked past his public persona I saw a well prepared lawyer who relished the challenges of the courtroom. He turned out to be a whole lot more cowboy than hat.

Many of my older friends and relatives had suggested that if I was to be successful, I needed to pattern myself after Percy Foreman. When I saw him in action, it took me less than a minute to realize that I would make a terrible impersonation of Percy Foreman. If I had to try to clone him, I was doomed for failure.

Had I tried to be something that I was not by putting on the mask of a tough guy, I surely would have been all hat and no cowboy.

I am a peace maker by nature and have always done my best to mesh the interests of my clients with the interests of the parties on the other side. I found this to be my niche long before I ever heard of "win - win" negotiations and techniques. This is far more natural to me than the aggressive and combative personality exhibited by some of the "bomb throwers" in our profession.

I recently met a lawyer who had been in practice for more than sixteen years. He had spoken at an advanced program on estate planning and probate. His paper was well researched, clearly outlined, and well written and his presentation and delivery had been smooth as glass. He was self-assured but not swaggering and he was relaxed. It was obvious that he was comfortable with what he did and who he was.

As we visited, he told me that he had spent the first ten years of his practice trying to determine not only how to do the things a lawyer does but also trying to decide who he was. He had tried several approaches for handling legal work including a stint

at being hostile and hard to deal with in an effort to be regarded as a tough street fighter. He confessed that this charade had taken its toll on his personal life as well as on those around him and had cost him the respect of many of his fellow lawyers.

It did not take him forever to realize that he was not typecast as a gunslinger and that he needed to integrate his professional and personal lives so that he did not have to expend so much energy trying to be what he was not while losing touch with who he was. He had been focusing too much on the hat and not enough on the cowboy. As we continued our visit, I could tell that he had focused on the things that were important to him and his integration of those two lives was pretty successful.

From a song whose name I cannot recall comes the refrain "thank you for letting me be myself". That refrain says that being myself is very important but it also implies that someone must give me permission to be myself and without that permission I must always be a person who lives according to someone else's expectations.

Had I tried to emulate Percy Foreman I would not have been myself but would have been living according to someone else's expectations.

I did not develop my style as a lawyer overnight. It took quite awhile for me to sift through the possibilities. Some of my friends at the large firms were forced by the senior partner to wear hats as part of their professional uniforms. I looked funny and felt awkward in a hat and was glad that I did not have to wear one in order to live up to someone else's expectations. As a solo practitioner, I was free to do as I chose and to be what I could be.

Perhaps the greatest advantage and opportunity for all solo practitioners is the opportunity to be ourselves and to let our clients know us as individuals as well as professionals. It is when we are not able to be ourselves that we fail to reach our potential - as lawyers as well as individuals.

Clients appreciate our willingness to come out of the ivory tower to let them know we are human and that we have feelings and families and lives outside of the office. This humanizes us and helps to create a personal bond between lawyer and client, and as long as we are attentive to their affairs, this bonding will make them more accepting of the results when negotiations and trials do not go their way.

After all these years, I continue to search for who I am and how to conduct my practice. I try

hard to be myself and not be all hat and no cowboy.
I never came close to being like Percy Foreman, but
no one will judge my success or failure by how well
I imitated Percy Foreman. Ultimately I will be
judged by how well I was able to be Jimmy Brill.