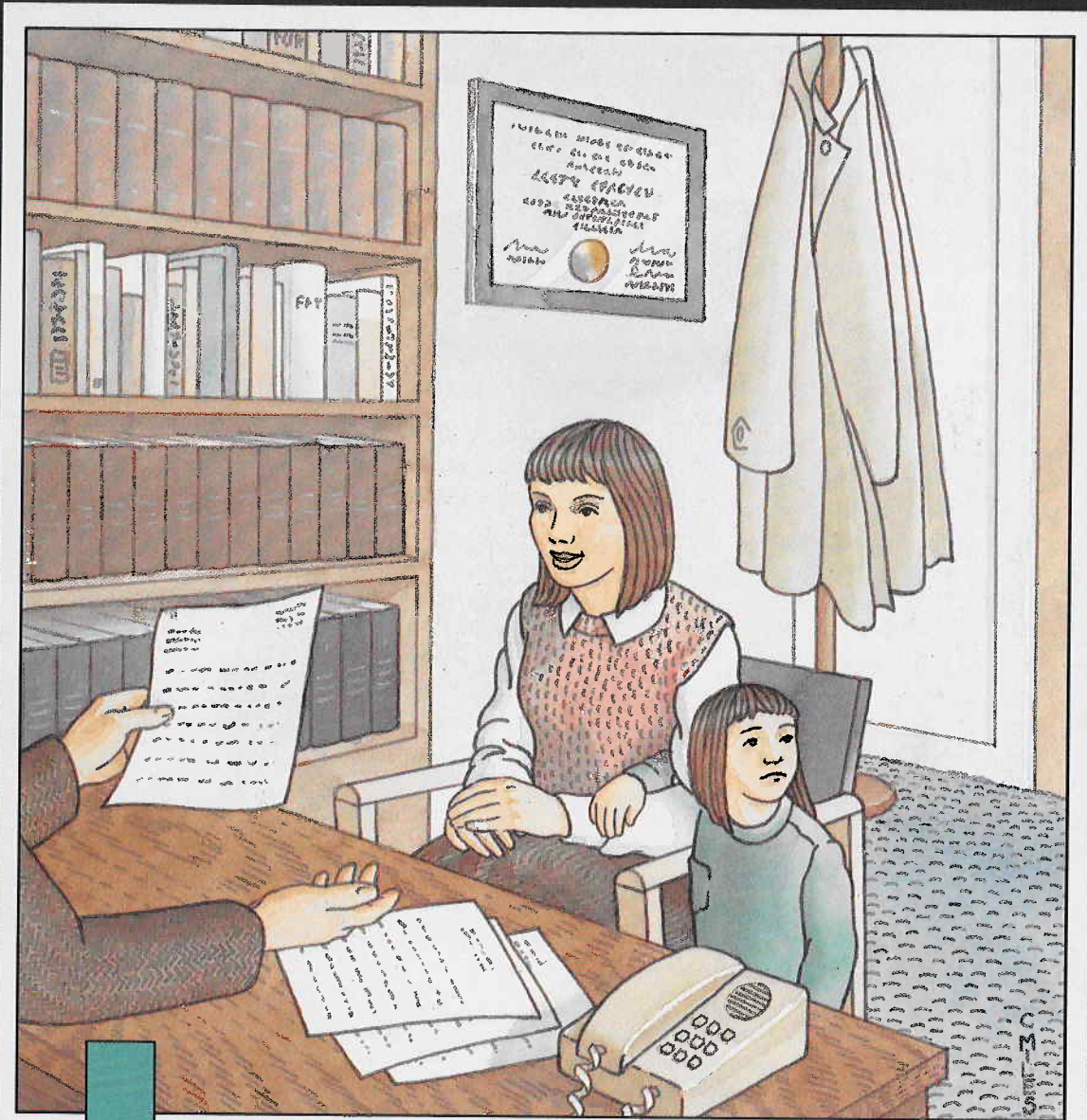


UTAH BAR JOURNAL

Vol. 2, No. 5

May 1989



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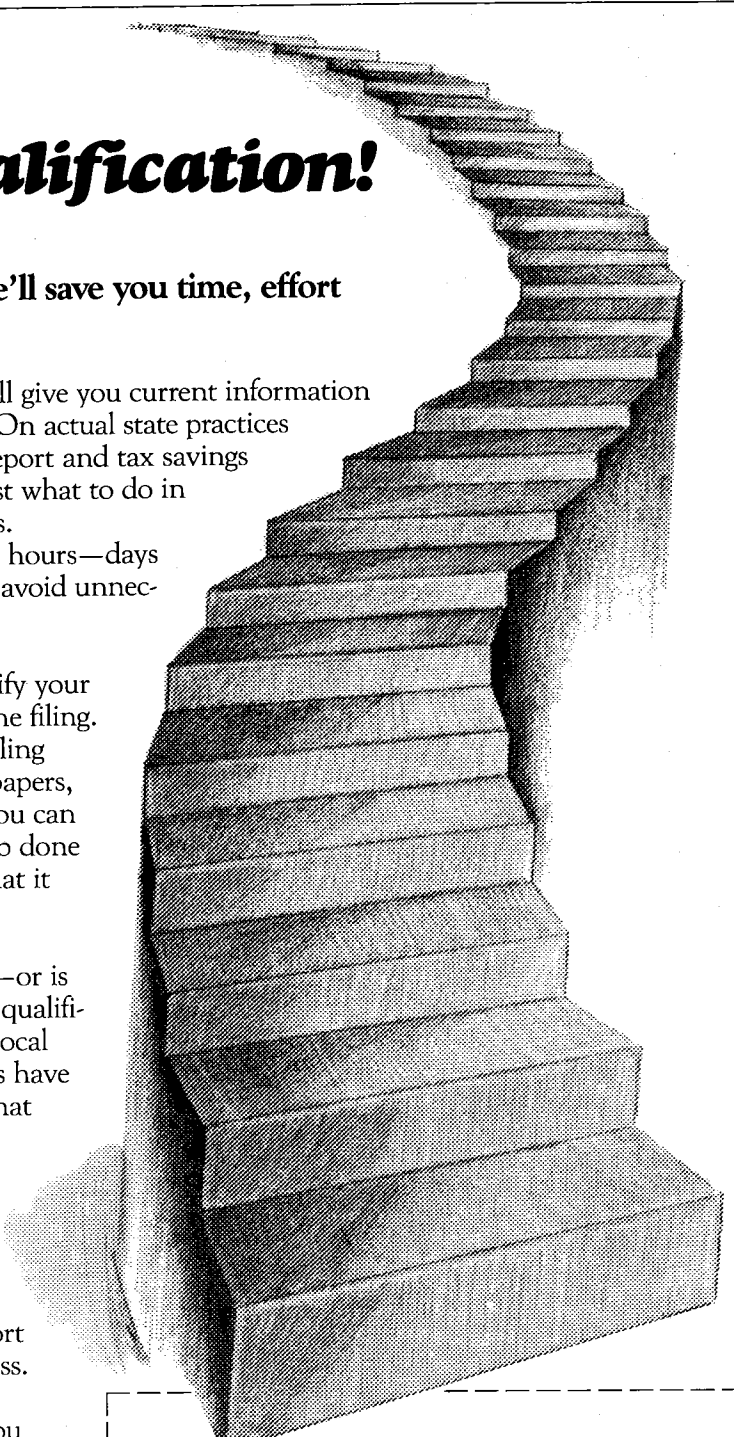


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COVER: Our thanks again to Chris Miles, an art major at the University of Utah, for this month's cover art work (he also provided the artwork for the February 1989 issue). The cover illustrates an experience between a lawyer and pro bono client.

The Utah Bar Journal is published monthly, except July and August, by the Utah State Bar. One copy of each issue is furnished to members as part of their State Bar dues. Subscription price to others, \$20; Single copies, \$2.50; second-class postage paid at Salt Lake City, Utah. For information on advertising rates and space reservation, call or write Utah State Bar offices.

Statements or opinions expressed by contributors are not necessarily those of the Utah State Bar, and publication of advertisements is not to be considered an endorsement of the product or service advertised.

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Submission Requirements and Deadlines

Questions about deadlines and submission of materials for the *Journal* are regularly received by the *Journal* staff. The answers to those types of questions are discussed below.

DEADLINES IN GENERAL

Each issue of the *Utah Bar Journal* usually hits the stands (so to speak) the first part of the month. However, the articles, materials and ads in that issue were in the office from five to six weeks earlier. The period between the deadline for materials and their appearance in print is unfortunately, but unavoidably, long and has created some confusion among our readers.

In order for material to appear in the *Utah Bar Journal*, the deadlines must be met. It should also be remembered that the *Journal* is not published in July or August.

ARTICLES, LETTERS

The deadline for articles, stories, letters, pictures, etc., is six weeks before the beginning of the month of publication. For example, articles and other stories for the September issue should be in the hands of the *Journal* staff by the 15th of July.

Anyone who is planning to submit an article, however, should keep in mind that submission by the deadline does not guarantee publication. *Journal* staff members often discuss upcoming articles several months in advance and may not have space for an unexpected (but welcome) submission on the 15th. Therefore, anyone planning to submit an article for which timing of publication is critical should discuss it with the editor (Cal Thorpe) or one of the articles editors (Leland S. McCullough Jr. or Glen W. Roberts).

CLASSIFIED ADS

Classified ads should be submitted at least four weeks before the month of publication. Taking the example of the September issue again: the deadline for classified ads would be the end of July.

Classified ads should be submitted to Paige Holtry, Utah State Bar Office, 645 S. 200 E., Salt Lake City, UT 84111. Ms. Holtry should also be contacted for rate information.

DISPLAY ADS, LAW FIRM ANNOUNCEMENTS

Space reservations for ads that are camera ready must be made by the 5th of the month prior to the month of publication (August 5 for the September issue, for example). If the ad is not camera ready, the deadline is five days earlier, the 1st of that month.

For rate and additional deadline information about lawyer and law firm announcements, please contact Paige Holtry at the Bar Office, (801) 531-9077. Shelley Bauder should be contacted for rate and deadline information about display ads. She may be reached at 2232 Foothill Drive, #F205, Salt Lake City, Utah 84109; phone, (801) 328-4102.

SUBMISSION OF ARTICLES

The *Bar Journal* is always anxious to receive articles from readers. All articles submitted will receive serious consideration for publication.

Articles should be on topics of general interest. Because the staff works on issues several months in advance, as pointed out above, authors are encouraged to discuss their work with the editor and/or the articles editors to make sure it would not be a duplication of something already submitted or planned.

Manuscripts should be typed, double spaced and accompanied by brief biographical information and a photograph of the author (preferably 3-by-5-inch, black and white). The length of articles must be reasonable and appropriate for the topic. Brief articles, as well as humorous ones, are welcome. Articles may be cut by the *Journal* editors, but cuts that are substantial or which could affect the overall impact of the article will not be made before the author is consulted. Punctuation, spelling and style will be edited by the *Journal* staff as needed.

If an article has been previously published elsewhere, the submission must be accompanied by a statement that includes the name and type of publication it was in, when it was published and any other information that would affect the editor's decision concerning publication in the *Utah Bar Journal*.

LETTERS TO THE EDITOR

The Bar Commissioners have adopted a policy concerning publication of letters to the editor.

In brief, the policy requires letters to be typed, double spaced, signed by the author and not more than 200 words in length. Letters may not be obscene, defamatory, advocate or oppose a candidate for office, solicit business or subject the Bar to civil or criminal liability. Letters will be published in the order in which they are received. No one person shall have more than one letter published every six months.

The policy was published in its entirety in the August/September 1988 issue of the *Journal*. Additional information is also available from the Bar office or the *Journal* editor.

COVER ART

Journal readers are also invited to submit artwork for *Journal* covers. Both photographs and drawings will be considered.

Submission of work that has intrinsic value or is one-of-a-kind should be discussed with the editor prior to submission.

By Nann Novinski-Durando

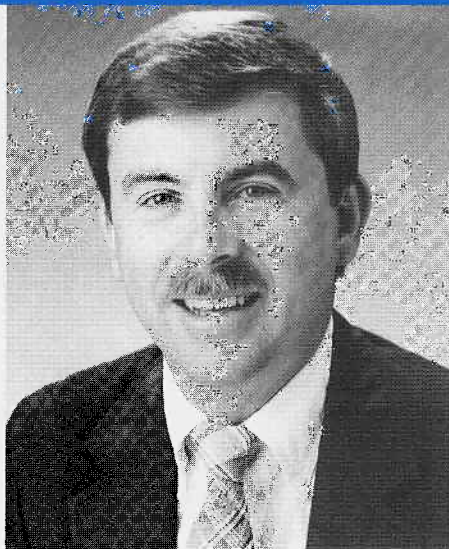
Are We Having Fun Yet?

Now days I am hearing more than ever, lawyers who are saying "the practice of law just isn't any fun anymore"; or "it's getting harder to practice law these days"; or "the practice of law is a lot less fun now than when I started"; or "I'll get that miserable *#@"; or "I sure wish I was doing something else"; or "I sure am glad I am getting close to retirement, I can't take this anymore."

I am hearing those statements so often that I am starting to wonder whether or not the complexion, makeup and character of our profession has deteriorated to a level that the only thing we now have to look forward to is sleepless nights; fights with our opponents, partners, associates, clients, judges and spouses; and nice paychecks that we don't have the time to spend or enjoy because we're at the office 12 hours a day, six days a week.

If by chance you have had similar feelings, let's do some serious soul searching. Have we as lawyers and judges lost our focus as to what the legal profession is about? Have we gotten out of balance? Are we too wrapped up in the billable hours that we forget that to be a good lawyer, we not only have to use our legal skills to serve clients and make a living, but we also have to make certain that we have adequate time in our daily schedules to spend with our family, to devote to civic, Bar and charitable work and also have a little time left each day for us to do whatever in our sole discretion we may want to do?

In my humble opinion, the best lawyers in our profession have not been the ones who have won every case and use whatever tactics are necessary to come out on top, but rather they are those lawyers who have worked hard to achieve a balance in their personal and professional lives. That balance has then allowed them to be meaningfully involved in a variety of activities which focus on the overall improvement and advancement of our profession and society. In striking that balance and striving to maintain it, I believe it is those lawyers and judges who are looked upon as leaders. Throughout history, lawyers always have been considered leaders of society. Leaders not only because of their educational skills and talents, but because traditionally lawyers have been able to deal with almost



Kent Kasting

every type of situation with which they are confronted in a reasonable, objective and dignified manner. Again, in my humble opinion, one truly cannot be a leader unless he or she is a well-balanced individual capable at all times of seeing *and* understanding "the big picture."

Enough pontificating. Now back to the original question I started with—Are we having any fun yet? If your answer to that question is an honest "no," then I have some suggestions that might change that for you.

First, let's not take ourselves so seriously. By that I mean I think it is fair to say that we are all pretty equal in talent and ability, and that we take the facts that are given to us and do the best we can with those facts and the applicable law to solve our client's problems. Do we really have to make a federal case out of every matter that we're involved in? I say no! As Robert Heinlein once said, "Take your job seriously, but not yourself." If we do not follow that advice, the "fun level" of practicing law is not going to be very high.

Second, let's not lose our senses of humor. A good story or a joke can do much to break the ice before dealing with a difficult question. Likewise, ending serious negotiations on a lighter note can do much to settle the dust and keep relationships with your opposition friendly, cordial and long lasting.

Third, by all means socialize with other lawyers and judges. We are members of a wonderful, decent, caring profession. Remember, Shakespeare's perceptive comment about good lawyers when he said "adversaries in law strive mightily but eat and drink as friends." It's no crime to go to lunch with a lawyer who is not in your firm or who may even be your opponent on a

case. Further, it might even be fun to play a round of golf with him or her, or do any other thing you might have a common interest in outside the practice of law. Who knows, there may even be an opportunity to discuss with your opponent possible ways of resolving the dispute in which you are both involved. Too often I see lawyers making enemies of other lawyers by unnecessarily taking hard line positions, by making derogatory and sometimes untruthful statements about the integrity of an opponent and by simply being obnoxious. There should be no room for that type of behavior in our profession and it certainly makes practicing law not very much fun for those who have to deal with that type of lawyer. Gentility and civility do much to maintain and improve professionalism whereas hostility does much to disable and destroy it.

Fourth, give your time and talent freely to your profession. By that I mean get involved in Bar activities—both committee work and socializing. Have you ever been to an Annual or Mid-Year meeting? Have you ever worked on a Bar committee? If not, why not? Sure, those things take time away from the office, but they also mean the opportunity to meet and become friends with other lawyers and judges and to experience a change of pace and perhaps a bit of rest and relaxation. Who knows, you might find those activities to be a welcome diversion from the day to day grind of the busy law practice.

Fifth, I don't think there's anything wrong with simply being friendly. Are you the type that doesn't speak unless spoken to? Do you go out of your way to say hello to other members of the Bar; to engage in casual conversation with other members of your profession? If you don't, that may be one of the reasons why you might not be having any fun practicing law these days.

I suppose there are any number of other things we as lawyers and judges can work on to achieve a better balance in our professional lives. But the real fact is, if we simply continue to complain about the rigors of the profession and fail to take affirmative action along some of the lines I've suggested, I can guarantee that we won't have very much fun practicing law.

Admittedly, the practice of law is not getting any easier these days, but I believe there is much each of us can do as stewards of the legal profession to make the experience of practicing law a bit more pleasant and a little less stressful.

Are you having fun yet? If not, why not?

