

March 2012

## What It Means to be a Good Lawyer

Emily Brantley

Follow this and additional works at: <https://readingroom.law.gsu.edu/gsulr>

 Part of the [Law Commons](#)

---

### Recommended Citation

Emily Brantley, *What It Means to be a Good Lawyer*, 7 GA. ST. U. L. REV. (2012).  
Available at: <https://readingroom.law.gsu.edu/gsulr/vol7/iss2/9>

This Article is brought to you for free and open access by the Publications at Reading Room. It has been accepted for inclusion in Georgia State University Law Review by an authorized editor of Reading Room. For more information, please contact [mbutler@gsu.edu](mailto:mbutler@gsu.edu).

## WHAT IT MEANS TO BE A GOOD LAWYER

I quickly decided, in my early years of life, exactly what I wanted to do when I became an adult. While my playmates spoke of being movie stars, astronauts, or famous athletes, I talked about being a good lawyer. My childhood best friend had a terrific dad, and he was a lawyer. I thought Mr. Griffin was the most intelligent and honest man I had ever known, besides my dad. Because my father suffered from poor health at an early age, I tried not to disturb him with my problems. Instead, I sought solutions from Mr. Griffin. I thought he had all the answers to life's secrets. He always knew the right things to say and had a way of making me feel better.

Lawyers ranked high on my childhood list of heroes. I think I kept that notion in place until February 1989, the spring semester of my second year in law school. It was during this particular period of my life that my entire world, as I knew it, ceased to exist, and a whole new world was introduced to me—one not as pretty and kind as my old one. Included in this ugliness was my new perception of lawyers.

I was not able to go directly into law school after college graduation. I was employed part-time during my four years of college, but my earnings did not cover all my costs. Scholarships helped, but I was also forced to obtain several loans. My substantial debt forced a temporary postponement of law school.

When I began my first year at Georgia State College of Law, I maintained a full-time job in the corporate security and inventory control department of a large department store. From my first day in class, I knew law was my calling. I would be a good lawyer: trusted, respected, and loved. My parents would be proud of me, and more importantly, I would be proud of myself.

Nothing could have made this period of my life sweeter. I was happily married, and my husband and I learned that we were going to have a baby. I remember daydreaming about how my child would grow up to be proud of its mother because she was an achiever, a good person, and a lawyer. Then February 28, 1989, arrived. This day should have been the happiest day of my life, for this was the day my baby was due. Instead, this day quickly became not only the worst day of my life, but the beginning of a long nightmare.

I awoke around midnight to discover that our baby was on its way. I excitedly called my doctor and began gathering my things for the hospital. Then something went terribly wrong. I began to hemorrhage severely. We immediately jumped into the car and rushed to the hospital.

Eleven minutes after I entered the hospital, and forty-one minutes after I began to bleed, I gave birth to our daughter. She was not breathing and had no heartbeat. The doctors worked with her, pumping oxygen into her small body and doing cardiopulmonary resuscitation. After twenty-two minutes, the doctors pronounced her dead, called the chaplain, and went out to break the news to my husband. While my husband was hearing the devastating news, our baby gasped for breath and began to breathe. She was rushed to the emergency unit of the neonatology section, where she remained for the following three months. We named her Alexandria, Allie for short.

Allie's first few weeks of life were not pleasant, for she had numerous problems, including heart failure and kidney failure, and she could breathe only with the aid of a ventilator. But she beat most of the odds and was able to function without the help of any machines by the third week of her life. Still, her prognosis was not bright; my husband and I were told that Allie would never know her parents and would never see, hear, cry, suck a bottle, or eat. The portion of her brain that controls these bodily functions was completely destroyed because she had been deprived of oxygen for such a long period of time. Allie would remain in a comatose state all of her life.

The day Allie was released from the hospital, she was admitted to the hospital unit of Georgia Retardation Center in Dunwoody, Georgia. It was the collective opinion of those who knew and cared for Allie that she would not live to her first birthday. Miraculously, Allie learned to suck a bottle and eat baby food like any other healthy baby. Her body movements are very limited, but she receives physical therapy every day and is steadily improving. She can hear and has developed a great love for music. She can also cry and recently has begun to make baby sounds. There have been no signs that Allie can see, but we never give up hope and continue our prayers.

Allie, with her many accomplishments, is still severely handicapped and can never live with us. She has her own special home, however, where many wonderful people love her, and where we visit daily.

Even now, two years after Allie's birth, I cannot adequately describe the deep pain and the struggle this experience has been for me. Initially, it took all my strength to make it through each day. My husband and I never looked at tomorrow, for it was too painful. It was at this time, when I was at my lowest and had to remind myself each day of reasons to continue living, that I received nine telephone calls that forever changed my opinion of lawyers and challenged me to form the basis of what I now believe makes a good lawyer.

The first telephone call came from a lawyer who wanted to discuss representing me in a malpractice action against my gynecologist and the hospital. I do not remember anything I said because I was horrified. When I finally hung up the telephone, I was physically ill. Although I had a reasonable chance of prevailing in a medical malpractice suit, I could hardly believe a lawyer would use my pain to his advantage. From the voice on the other end of the telephone line, I detected no sympathy or understanding of my pain; I heard only sounds of greed.

Eight more calls followed that first call. I was surprised at how quickly the legal community learned of my misfortune, and I am still horrified that nine lawyers approached me unsolicited. My shock, disappointment, and anger that these lawyers could be so insensitive and unprofessional are engraved in my memory. The same thought rolled through my head as I politely spoke with each of them: "They do not care what happened to my family. They called because they want to gain from my misfortune." I tried to justify those nine telephone calls, but I could not formulate a reason that would explain the behavior of these lawyers.

My family and friends encouraged me to return to school right away, believing this would force me not to think about Allie so much. I knew that I could not drop any further behind in my classes, with exams just a few weeks away. The thought of returning to law school sickened me. I no longer wanted to be a lawyer. I had finally learned what being a lawyer was all about. I was angry at myself for being so wrong about my career choice, and I felt I had lived an ostrich life with my head in the sand.

Although I did return to school, I still have many unanswered questions about Allie and about being a lawyer. I have spent endless days asking why this had to happen. Recently, I realized that I probably will never know why Allie's plight was put upon

us and her. But after a long search for truth and understanding, I have crystallized my concept of a good lawyer into four main attributes that represent my current stand.

The first attribute is *communication*. For a relationship to work smoothly and benefit both parties, open, continuous, and honest communication must exist. It cannot be over-stressed in the lawyer-client relationship. A good lawyer must establish the ground rules for the legal arena, since she is the guardian of the rules. She must fully explain every rule and its purpose. Understanding the rules makes the lawyer-client relationship easier for the client and for the lawyer. A client should always know exactly where he stands in his legal action, with each step of the procedure carefully explained by the lawyer. This gives the client a sense of control and reminds the lawyer who has that control. The suit belongs to the client; the lawyer is the instrument who puts life into this action. The decisions on how, when, how long, and for how much should be made by the client.

The second attribute of a good lawyer is *awareness*. A good lawyer does not wear tinted glasses or blinders to narrow her view. She looks at the total picture and is aware of all the surrounding circumstances in selecting the most appropriate representation for her client. Too often, otherwise intelligent, capable lawyers give inadequate advice to their clients because they omit one important element: old-fashioned common sense. Common sense and life experiences should not be left outside the office door when a lawyer speaks to a client.

Common sense is the foundation upon which our legal system was built. We bring a jury, twelve representatives of life, into our technical world and ask them to interject common sense gained from life's experiences. Some lawyers assume a client expects them to use legal-sounding words or to expound complex legal theories, but a client really needs someone who can relate his legal problems to common, everyday experiences.

Again and again in law school, professors proclaim that in the world of law, one must think with one's head and not with one's heart. Certainly, following one's heart can be dangerous if it is the solo path, but a good lawyer should combine awareness of both her heart and her mind.

The third attribute is *respect*—for the goal of the client. The client must always participate in defining the goal, while the lawyer defines the means to achieve the goal. This is the area

that disappointed me most in my experience with lawyers. Those with whom I spoke appeared more interested in discussing damages than in learning my goals. They were disrespectful of my needs, and I pictured conversations with cash registers rather than lawyers.

Had I chosen to pursue a malpractice suit, my goal would not have been money. When I tried to explain this, the lawyers with whom I spoke seemed not to care; they made no effort to determine my goal. This personal experience led me to feel that respect for a client's goal is a trait that must be found in every good lawyer.

The last attribute is *empathy*. Empathy requires the lawyer to identify with the various reasons for the client's suit. Some clients want disputes settled, others want revenge, and some just want to make life a little better. Many clients would prefer to take home a smaller settlement than to go through a long trial. Many people do not want confrontation. A good lawyer must be able to identify what is important to her client and to act accordingly. A client and a lawyer may have different concepts of winning. Thus, a lawyer who is not empathetic to the needs of her client may win a substantial award and still have a dissatisfied client. When a client is dissatisfied with the judgment or the results of his legal service, the lawyer has a shallow victory.

These four attributes, communication, awareness, respect, and empathy, are not intended to represent all the elements of a good lawyer, for there are many others. These attributes simply form a foundation from which I can build. Through my attempts to understand the events that led to my personal pain, I have realized something very important to me. I watch my beautiful little girl struggle to do the things that most of us take for granted; she becomes tired after eating because it takes so much effort. I want to see something good arise from Allie's misfortune and to know that her suffering is not in vain.

I am realizing my search is over, for the good I seek is not something that can be found, but a treasure that must be created. I can make that good happen by living a richer life, by appreciating all that life has to offer, and by being a good lawyer.

*Through all the tears and deep pain  
There has been such a great joy!*

*Emily Brantley*

