

Shakespeare, the Law & Me

By William B. Stock

It was many years ago that I had a choice of going to graduate school in English literature or studying law. I chose the latter, largely because I was assured by my best friend who already had his Ph.D. that there were no jobs to be had in teaching.

Nevertheless, I seemed to have unconsciously mixed my love of literature—especially Shakespeare—with the law throughout my career, and I feel it has made me a better lawyer. If nothing else, it gave me a unique way to approach judges and other lawyers. I even at one point had the nickname “The Shakespeare lawyer” in some circles.

Here is an example of how it worked.

It was back in 80s (I mention the era only because technology plays a role in the tale) when I came back from lunch to my first legal position. We were a defense firm in midtown, and I was looking forward to a quiet afternoon doing work at my desk. But before I could sit down, the office manager ran up to me.

“You’re the first one back,” she said, completely out of breath. “Great. You’ve got to run down to Supreme New York and get an adjournment. We just got a call from Judge _____’s part. We had an appearance on today and we didn’t know it. (This was years before e-law and e-courts.)

“But what’s it on for? Can’t I look at the file for a minute?”

“We can’t find the file,” she said. “But you can’t tell them that. Look, what are you waiting for? Go now!”

Twenty minutes later, panting from running, I found myself in New York Supreme in front of an angry judge at his desk and beside an even angrier opposing counsel. “Sit down,” the judge directed. Then he turned to my adversary and asked him to explain the case.

It turned out that what was on that day was a motion for sanctions for delaying in discovery. The other attorney talked on and on, explaining that defense firms represented a lower order of life and that my firm in particular compared unfavorably to one-celled animals. He then described his version of the case which made my firm look very bad indeed.

When he concluded, the judge turned to me and asked me to explain how my firm had handled the case. I could hardly say that I never heard of the case until 30 minutes ago and I knew nothing about it, so I used what every attorney does in a similar situation: righteous indignation. I explained that my adversary was completely exaggerating the facts and that my firm was no better and no worse than any other law firm in New York. I implied

that my opponent should lie down until he felt better but did not stress this argument. However, I knew that specific questions would be coming in a moment and I would have no way to answer them. What to do?

But then a miracle happened. Sticking out of my adversary’s file at an angle was part of a letter with a postscript I could read. I knew the time had come for desperate remedies so I grabbed the letter with a flourish and said to the judge, “I’ll show you how he’s exaggerating.”

The letter, which was directed to my firm, was a fairly long one filled with insults. It concluded with a P.S. that read, “The lady doth protest too much methinks. (*Hamlet*, Act II, scene iii).¹

After I read it, I turned to the other attorney and said, “You like *Hamlet*, here’s more: ‘Use every man after his worth and who shall escape whipping?’” Then I leaned in closely and added, “I’ll get you the line cite if you need it.”

The judge chuckled and I began to sense a change in the wind. But the other attorney was not done yet. He reached into his file and pulled out a time-flow chart showing how we had delayed in discovery. I must admit there were long gaps between the time items were demanded and the time they were received. But I was on a roll now.

“Your Honor,” I said, “that is prejudicial visual evidence. I never saw it before. It wasn’t exchanged and I had no chance to prepare a response. However, (here I reached into my briefcase and pulled out a book I had been reading, Dickens’ *Hard Times*) here is *my* visual evidence. And all I can tell you is we do practical today a lot better than they did in his time and you know what he said about lawyers.”

Now the judge broke into a big smile and said in a happy voice, “Hey, I know that book. It’s great!” Then he



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really lost it. He put his head down on his desk, folded his arms and laughed. When he was finished, he picked his head up and happily said, "Both of you get out of here." Then he went back to laughing.

I ran down the hallway as fast as I could but the other lawyer caught up with me. I expected a tongue lashing but instead he said to me in a very polite voice: "Counselor, I want you to know I'm impressed. It took my secretary all afternoon to find that quote; you just knew it."

Shakespeare, Dickens and the like have helped me throughout my career: usually they come to my assistance when I cannot find a particular way to say something in a motion or brief. If I want a poetic flourish, I turn to the authors I just mentioned. When I want to express myself with crystal clarity, I turn for inspiration to someone like George Orwell. (If you haven't read his famous essay, "Politics and the English Language," do so at once.) If I want both poetry and precision in my writing I turn to Cardozo.

Why Cardozo, you ask? The three words I most remember from my first year of law school are "danger invites rescue." These three words convey an idea that might take the average lawyer a paragraph to equal in meaning, but in economy of expression and sheer beauty of execution they have no peer.

I have published several articles in the *New York Law Journal* on appellate practice, but of my legal writings the ones I am most proud of are three articles in the *New York State Bar Journal*: two were on Shakespeare and the law and one was on Dickens's *Bleak House*. These last three articles could not have been written if I did not have strong interests besides the law.

My love of literature has had a practical side as well. Last year I was downsized from a firm where I had worked for more than fifteen years. I then started my own practice concentrating in research and writing and I can honestly say that two of my best clients were acquired with at least some connection to Shakespeare-tinted networking.

We are all unique and have our own ways of approaching the law and life, but I have found that if you combine something that is beautiful to you with the law, you will be enriching yourself, those around you, and the law itself.

Endnote

1. Reader, please don't hold me to this cite. I don't have the play at hand.

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