

Climbing the Ladder > column



By Seth E. Darmstadter

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Let's play two

Laboring through one of those weeks that makes me wonder whether I should have turned left at that fork in the road where I actually turned right (right into law school), I decided to reward myself with a night off and I jumped on the Red Line to watch my beloved Cubbies.

Due in no small part to the generosity of a dear friend who now works in the organization's front office, a last minute pair of tickets was awaiting my arrival. I grabbed the tickets, walked through the glass doors labeled Administrative Offices and was greeted by my friend who offered to show me around. What followed was one of those totally unexpected lifetime thrills that erases all of the stress and pressure associated with being a litigator. I walked into my friend's office and sitting in a chair, dressed in a navy blue suit and a matching fedora was none other than "Mr. Cub" — Ernie Banks!

I looked at him, he looked at me and before anyone had the chance to make an introduction I blurted out, "Oh, my God, Mr. Banks, my name is Seth, it's such a privilege to meet you." I was a blubbing, 8-year old boy and he was the consummate gentleman.

We shook hands, he told me it was nice to meet me as well and he shot me the trademark smile that endears him to generations of baseball fans in Chicago.

My friend then told Mr. Banks that I was a lawyer and he smiled again and said, "Everyone needs a lawyer" — and then he lowered his voice and asked whether by any chance I was a criminal lawyer — he seemed disappointed when I said, "no," but then repeated several more times throughout the conversation, the mantra that everyone needs a lawyer.

I suppose the part of the story that struck me is that this 80-year-old living legend first

ballot Hall of Famer, two-time MVP, member of Major League Baseball's All Century Team who played his entire 19-year major-league baseball career for the Chicago Cubs after becoming the team's first black player in 1953 seemed equally impressed to talk to a young lawyer as I was to talk to this sports hero. He asked me some questions about the types of cases I handle and the types of clients I represent. He seemed genuinely interested in my story.

Two days after meeting Mr. Banks, I participated in an oral argument on a motion to dismiss at the Daley Center.

In fairness, I was there to play a supporting role for the senior partner who had the leading role in the argument.

This was one of those Goliath v. Goliath moments where two powerhouses went toe-to-toe.

It may as well have been a master class of state court practice. Three things jumped out at me as I reflected on the argument once it was over: First, the deference and respect that the two lead attorneys showed one another; second, the passion with which they advocated for their respective positions; and third, just how much I still have to learn and just how lucky I am to have good people willing to teach me.

The deference was astounding to me. Although the two lead attorneys did not interact prior to the argument, neither underestimated his opponent.

They approached the bench, introduced themselves and took their turns speaking to the judge.

In more than 30 minutes of argument, not a voice was raised. Neither attorney dared interrupt the other and each point made was an attack of a legal argument or a part of

the factual record — never an attack on the opposing attorney.

Deference, however, took nothing away from the passion the two men had for their respective positions; instead, it enhanced it. The unmistakable passion was never expressed through fist pumping or a raised voice or attacking the methods of the other attorneys involved in the case. Respect for the law was demonstrated by the zealous representation of their clients. It was shown to the court through the type of well-reasoned arguments that result from dogged preparation. Further proof that passion often is most effectively expressed in the absence of a red face and a raised voice.

When the argument concluded all of the attorneys stepped out into the hallway and the two lead lawyers shook hands and complimented one another. Not something you see every day at the Daley Center. It was more than just a symbolic gesture of respect, it was two teachers demonstrating to their respective students (my counterpart and me) exactly how they expected us to treat one another. Whether or not that message was being sent consciously, it was received.

Teachable moments like this remind me of just how much I still have to learn in this apprenticeship that is practicing law. Like Mr. Banks said, "Everyone needs a lawyer." Every day we get to make a decision of what kind of lawyer we want to be. On the day of this compelling argument, I did not wonder whether I had chosen the right profession, I wondered when I would get my next chance to put into practice the lessons that I had just learned.

I distinctly remember thinking to myself, "It's a beautiful day for a ball game. ... Let's play two." ■

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