The Last WORD

By Edward J. Walters, Jr.

As we all now know, sadly, our good friend, Vince Fornias, late of “Lucid Intervals” fame, decided that he would no longer enrich us with his much-beloved Louisiana Bar Journal column.

After much pleading and cajoling, he has steadfastly refused to come back to the table, crayon in hand.

I cajoled, “Vince, even though you went to Jesuit, you’re a really smart, FUNNY guy. How hard can writing this column BE? There are endless war stories about humorous stuff that happens every day to lawyers. This column should write itself.”

Vince replied, “Don’t be too sure of that war story solution, Bunkie. For every decent one, there are 10 ‘you hadda be there’ clunkers, and many are prone to political incorrectness.”

I told Vince that I was asked to write the last page for this issue and I asked him for ideas. He said, “Just rant about a pet peeve lawyers can relate to.”

So I will.

**Pet Peeve No. 1:** You spend hours toiling over that brief. It’s perfect. You proudly sign it (with a flourish) and send it out. You feel good. Proud. It is a masterpiece. Weeks later, while preparing for your oral argument, you reread your perfect brief and find the following sentence: “Plaintiff suggests that their is no proof in the record to support defendant’s position.” Damn spell checker.

**Pet Peeve No. 2:** You are in litigation. Years pass. After all discovery is completed — depositions across the globe — your opponent files a two-foot-high motion for summary judgment, which, I am sure, took MONTHS to prepare. You have either eight days to respond or 21 days to respond. These are usually filed right before the Christmas holidays.

**Pet Peeve No. 3:** The non-uniform uniform rules. 20 pages of “Uniform Rules” and 225 pages of appendices. Try to find something in there.

**Pet Peeve No. 4:** The judge takes it under advisement. It’s still under advisement. It’s STILL under advisement. How do you politely break this logjam? You try: “Dear Judge, Please find enclosed a copy of the Jones v. Smith case which may assist you in deciding the above-captioned matter.” (Which has now been on your desk for 10 months.) Doesn’t work. What now?

**Pet Peeve No. 5:** You drive several hundred miles to attend a pretrial conference or status conference. Trial counsel MUST attend in person. The conference is held by the judge’s law clerk. No judge in sight.

**Pet Peeve No. 6:** You have to be in court at 9:30. The interstate looks like a parking lot. You break your neck and get there for 9:30. The judge takes the bench at 11:30.

**Pet Peeve No. 7:** You draft this compelling brief, clearly laying out why your position is the correct one and why your opponent’s position is ridiculous. You go to the hearing. It is obvious the judge hasn’t read it. Takes it under advisement. Same judge from Peves 4, 5 and 6.

**Pet Peeve No. 8:** You wake up in the middle of the night (November 14) and think, “Was the plaintiff’s accident on November 14 or December 14? You get in your car and drive to the office. It was December 14. Whew!

**Pet Peeve No. 9:** It’s 9:30. The judge has 43 motions on the docket — ALL set for 9:30. You are number 34. Shouldn’t SOME of these be set for 1:00?

**Pet Peeve No. 10:** Opening the Louisiana Bar Journal, going to the last page, and not finding Vince.

We all miss you, Vince.

Edward J. Walters, Jr., a partner in the Baton Rouge firm of Walters, Papillion, Thomas, Cullens, L.L.C., is a former Louisiana State Bar Association secretary and editor-in-chief of the Louisiana Bar Journal. He is a member of the Journal’s Editorial Board and the editor of the LSBA Senior Lawyers Division’s e-newsletter, Seasoning.