

11-12-1982

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Recommended Citation

Denham, Bryan E., "Law Firms Play Rambo to Beef Image" (1982). *Bryant Garth (1986-1987 Acting; 1987-1990)*. Paper 14.
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Law firms play Rambo to beef image

By Bryan E. Denham

Indiana Daily Student 9/12/82

It has been said some people worry so much about their reputation that they lose their character.

Because of stiff competition for clients, some lawyers are using "Rambo tactics" to gain a reputation of winning cases, said Bryant Garth, dean of the School of Law.

"I think we can conduct litigation in a much more civilized way (than current standards)," Garth said.

"Rambo tactics" means using outrageous and abrasive behavior in the courtroom to try and influence a jury or intimidate a witness on the stand. Similar tactics are sometimes used out of the courtroom to force a side to agree to an unfair settlement.

"When there is a dispute, people want a lawyer to fight for them in any way, whatever the law permits," Garth said. "It would be nice if trial lawyer's tactics were not to basically beat someone up in order to get a generous settlement.

"What I'm suggesting is that a settlement's value is often determined by the (questionable) actions of the attorney," Garth said.

But Alexander Tanford, associate professor of law, has different opinions.

"Diversity is something inherent in American society," he said. "There is no process by which we can limit the practice of law to people whose personalities we like. It isn't something we can

or should do."

Even if there were a set of guidelines for attorneys, human nature would prevent success as some attorneys would ignore the rules, Tanford said.

An important issue is determining proper conduct among attorneys.

"We live in a pluralist society," Tanford said. "Everyone has a different notion of what is right. For that majority of lawyers who do comply with social customs, how do we define what proper conduct is?"

Rules of lawyer conduct are always changing, reflecting the standards of the lawyers in the profession and of generations that came before them, Tanford said.

"Contemporary lawyers reflect the greed and selfishness of modern society," he said. "You can't change society."

In an age where client loyalties no longer exist, law firms also are hiring large numbers of associates to claim having the biggest firm, to win the most cases and to attract the most clients.

When involved in a dispute, clients often seek the largest firm in the state for representation, believing this will give them the best chance of winning the case, Garth said.

"Law firms have to get big to prosper economically," Garth said. "There is so much competition that many law firms are running scared. They think if they don't grow quickly, they will collapse.

"Some firms around the country are hiring up

to 90 associates each year," he said. "It is now much easier to get a job in a big law firm."

Attorneys on the local level are less likely to run up their clients' costs, unless the client has a lot at stake and wants the attorney to do whatever is necessary to win the case, Garth said.

Carl Lamb, a local attorney, said lawyers must be aware at the start of a case what to expect financially.

Lamb agreed with Garth about attorneys on the local level being less likely to use "Rambo tactics" in resolving a case. "It depends on the attorney," Lamb said. "Most of the local attorneys are not of that vein."

Large law firms often are better equipped to do endless hours of research because they pay associates a set salary to do so, Lamb said. Lawyers locally seldom deal in the million dollar settlements of large law firms and often don't have cause to spend so much time on a case, he said.

"Any attorney wants to get a good settlement," Lamb said.

Garth is optimistic that some steps are being taken to help curtail what has become in many instances an unruly legal profession. "We're seeing judges taking over during the pre-trial, and that is encouraging. It makes lawyers handle the dispute in more economical terms."

Another way of limiting questionable tactics is through education — making law students aware of acceptable conduct in and out of the courtroom.