

Obstreperosity '17

[ripped from the headlines]

Johnny Myers
MMWR

Lisa Bloom, Lawyer Advising Harvey Weinstein, Resigns Amid Criticism From Board Members

10.7.17

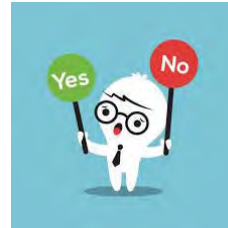


THE WEINSTEIN COMPANY

The Bloom Firm helps employees who are subject to sexual harassment as well as employers who have wrongly been accused of harassment. ...

PARPC 1.7 Comment 24

Ordinarily a lawyer may take inconsistent legal positions in different tribunals at different times on behalf of different clients. ...



...however, **if there is a significant risk that a lawyer's action on behalf of one client will materially limit the lawyer's effectiveness** in representing another client in a different case;...

If there is significant risk of material limitation, then absent informed consent of the affected clients, the lawyer must refuse one of the representations or withdraw from one or both matters.



OBSTREPEROSITY:

the short course



ob · strep · er · ous

1 : marked by unruly or aggressive noisiness

2 : stubbornly resistant to control

3: stubbornly defiant



Your Preliminary Exam:

[this is, after all for CLE credit]

1) Are you an obstreperous lawyer?





2. Have you ever:

Refused to stop

Snickered

Grimaced

Smirked

Condescended to a witness, client
or opponent

cursed



**3) Have you ever said this in a judicial or
recorded proceeding, or in communication
with a client or counter-party:**

*sshole - Bullsh*t - Jesus Christ - F*ck

Son of a B*tch - Jew - Crap - Damn

Intellectual dishonesty - Judicial Swindle -

Utterly irrational - Stupid





4) Following your question, the other attorney interjects:

"I object to this. What does it have to do with the case?"

What do you do?



Lawyer: I liked your article, but I didn't agree with everything you said.

Me: Like what?

Lawyer: well, *I'm* not obstreperous, for one.

Me: Never?



Lawyer: I liked your article, but I didn't agree with everything you said.

Me: Like what?



Lawyer: well, *I'm* not obstreperous, for one.

Me: Never?



Lawyer: **Only if the other side starts it.**

" This is a **LAWYER** problem,
not a **JUDGE** problem"



Are you

- 1. The lawyer whose conduct is in question?**
- 2. A Counter-Party complainer?**
- 3. A Judge?**
- 4. A client [or a supervisor]?**



lawyers

Suspended DA calls press conference to deny he committed perjury
1.18.17

Judge testifies that San Antonio DA threatened defense lawyers in her chambers
4.14.17

Court upholds \$10K sanction for lawyer's alleged 'maelstrom of misconduct' in his divorce
1.19.17

Former lawyer is sentenced for role in home invasion attack on managing partner
1.20.17

Public defenders allege prosecutor's office filing unwarranted charges against them
5.2.17

Former Brooklyn prosecutor is accused of forging judges' signatures to obtain wiretaps
3.28.17

[Knockoff Chinese Juicer Hits US Kitchens, Says Quinn Emanuel](#)
4.17

BigLaw firm scolded by federal judge for disregarding line-spacing orders
8.1.17

Bankruptcy judge slams Weil Gotshal for 'distinct lack of billing judgment'
5.12.17

Haverford man arrested in theft of
car with child inside
1.10.17

clients

Trump's voter fraud expert
registered in 3 states
1.30.17

Louisiana's public defender system
is understaffed by about 1,400
lawyers, ABA study finds
2.21.17

"But I just don't want to sit there
and have to figure out what I believe
is a truthful answer to whether or
not I'm opening a can of something
that my lawyers are scrambling."
5.16.17

Deutsche Bank will refuse to pay UK
and European law firms for work
done by junior attorneys
3.22.17

Harvard withdraws 10 acceptances for
'offensive' memes in private group chat
6.5.17



Best Bank Robber Photo Ever

Obstreperosity At its Worst



Insert
photo
here

Obstreperosity At its Best



Tianamen Square, Beijing, 1989

Rules...Schmules – the PaRPC [why we must care]

- 1.1 Competence
- 3.1 Meritorious claims and defenses
- 3.2 Expediting litigation
- 3.4 Fairness
- 3.5 Decorum
- 4.4 Respect for the rights of third persons
- 8.2 Statements concerning judges and others
- 8.4 Conduct prejudicial to the admin of justice





Lawyer denies brandishing his gun
during a deposition;
court reporter kept typing in tense situation
10.6.16

**"I always carry a gun because I'm an
attorney and people don't like me."**

http://www.abajournal.com/news/article/motion_claims_lawyer_pulled_out_a_gun_during_deposition_court_reporter_cont



D: Did you just call me a **dipshit?**"

P: "Yes. Dipshit. Yes.

Def.Lawyer: This depo is over.

...

D: You called me a dipshit, **mother f***er.**

P: Yeah. You're a **dipshit, f***er**

...

P: **F**k** you.

...

P: Are you ready for it?

...

D: I'm ready all day long.

***DL: No good—no good can come from
this.***



D: He's got a gun in his back pocket. The mother f***er comes to a deposition with a gun.

P: I have a CCW [concealed carry weapon] dumbass.

D: I don't give a f**k about a CCW. I'll own your f**king ass.



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Follow

Run them down.



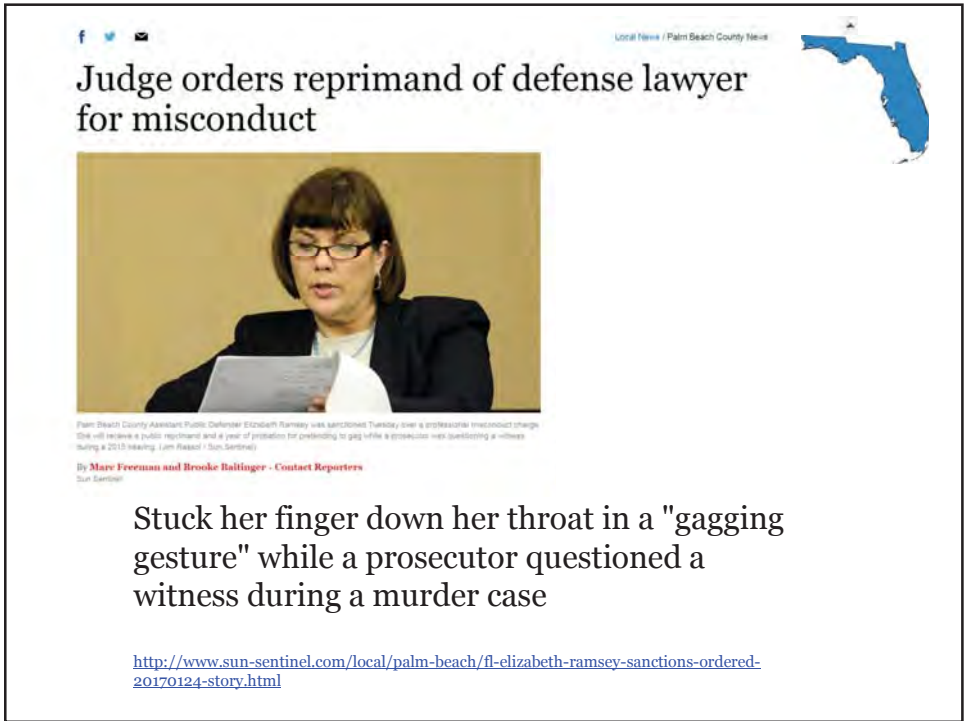
WBTV News @WBTV_News
LIVE NOW: Protesters on I-277 stopping traffic and surrounding vehicles. AVOID. Watch live » 3wb.tv/1TGw8DS
#KeithLamontScott

RETWEETS
48

LIKES
55




8:51 PM - 21 Sep 2016




f t e Local News / Palm Beach County News

Judge orders reprimand of defense lawyer for misconduct



"Tomorrow I will be back to my desk, I will continue to do what I do."
[gaaagh!@#]
...inger down her throat in a "gagging gesture" while a prosecutor questioned a witness during a murder case

<http://www.sun-sentinel.com/local/palm-beach/fl-elizabeth-ramsey-sanctions-ordered-20170124-story.html>



[she]maintained she merely slammed the coffee on the table, causing a coffee spill.

Her lawyer: [she] “did not maintain control of the cup. It bounced across the table after she slammed it down.”

http://www.abajournal.com/news/article/lawyer_is_sanctioned_250_for_flinging_coffee_toward_opposing_counsel_during



[she]maintained she merely slammed
the coffee on the table, causing
spill.

**“As a national figure recently exhorted, ‘When they
go low, we go high.’”**

...did not maintain
the cup. It bounced across
the table after she slammed it down.”

http://www.abajournal.com/news/article/lawyer_is_sanctioned_250_for_flinging_coffee_toward_opposing_counsel_during



**...I apologize... if I offended her by
referring to her as a ‘woman’
instead of as an ‘attorney,’**

**Lawyer sanctioned for telling
opposing counsel it's 'not becoming
of a woman' to raise her voice**

1.14.16

http://www.abajournal.com/news/article/lawyer_sanctioned_for_not_becoming_of_a_woman_remark_discovery_conduct

Susman Godfrey is sanctioned for wrong line spacing in brief

4/17

“The flouting of this Court’s Individual Rules was a deliberate choice by counsel for Amazon to gain some slight advantage in this litigation. “

\$1,048.09

http://www.abajournal.com/news/article/susman_godfrey_is_sanctioned_for_wrong_line_spacing_in_brief

Double spaced

U.S. Federal District Judge Victor Marrero said in his order that the attorneys’ 24-point spaced filing was intentional, allowing Amazon to sneak through a “substantially longer” brief than the prescribed double-spaced 25 pages.

“The flouting of this court’s individual rules was a deliberate choice by counsel for Amazon to gain some slight advantage in this litigation,” the court said.

24 point spacing

U.S. Federal District Judge Victor Marrero said in his order that the attorneys’ 24-point spaced filing was intentional, allowing Amazon to sneak through a “substantially longer” brief than the prescribed double-spaced 25 pages.

“The flouting of this court’s individual rules was a deliberate choice by counsel for Amazon to gain some slight advantage in this litigation,” the court said.



“over **750** statements from [defendants' counsel] appear in the record, including over **600** objections across **84%** of the examination's pages.”



Alabama chief justice orders probate judges not to marry gay couples;

2.9.15

...ordered the ...[state] judges not to issue marriage licenses ...

...federal court opinions serve only as “persuasive authority” and don't bind Alabama state courts

... “ a George Wallace move,”

http://www.abajournal.com/news/article/alabama_chief_justice_orders_probate_judges_not_to_marry_gay_couples_is_it

