Felonies, Misdemeanors, Other Offenses and Bad Acts–A Defendant's Guide to Impeach Credibility in New York Personal Injury Cases

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A powerful tool in the arsenal of the defense litigator in civil actions for personal injuries pending in New York State Courts is to attack the credibility of the plaintiff or other material witness with evidence of a prior criminal conviction or other bad act. Such impeachment evidence can often be the turning point in the case that results in a defense verdict or provides the impetus to a reasonable settlement.

However, once such evidence is brought to light, the plaintiff's counsel undoubtedly will do everything in her or his power to prevent such evidence from being considered, including but not limited to instructing the plaintiff not to answer questions about the prior conviction or bad act during a deposition, and making a motion to preclude the evidence from being introduced at trial. Even if the defense attorney successfully introduces the evidence of a witness's prior criminal conviction or other bad act, the plaintiff's counsel will surely seek to marginalize the evidence after it is presented.

Therefore, it is incumbent upon the defense litigator to be prepared to handle all aspects of the witness's prior criminal conviction or other bad act. This article provides a broad overview of some of the common issues that arise in personal injury actions pending in New York State Courts with regard to introducing prior convictions and other bad acts to impeach credibility.[1]

I. FELONIES AND MISDEMEANORS

The statute that provides the starting point for handling a witness's prior conviction in a civil action pending in New York State Court is CPLR § 4513, entitled "Competency of person convicted of crime," which states the following:

> A person who has been convicted of a crime is a competent witness; but the conviction may be proved, for the purpose of affecting the weight of his testimony, either by cross-examination, upon which he shall be required to answer any relevant question, or by the record. The party cross-examining is not concluded by such person's answer.[2]

The Rule was put into effect to change the common law rule that a person convicted of a crime was not a competent witness.[3] The theory underlying the Rule is that a conviction indicates that a bad act was done which not have been done except by a person with a serious character defect, and a person with a serious character defect would be substantially less likely to tell the truth than a person without a conviction.[4] Consequently, any witness who testifies at a civil proceeding may be impeached by proof of a conviction of a crime.[5]

But what is a "crime" within the meaning of CPLR § 4513? Penal Law § 10.00(6), defines "crime" as a "misdemeanor or a felony."[6] A "misdemeanor" is an offense, other than a traffic violation for which a sentence to a term of imprisonment in excess of fifteen days may be imposed, but for which a sentence to a term of imprisonment in excess of one year cannot be imposed.[7] Some examples of misdemeanors in New York include petit larceny, unauthorized use of a computer, and forgery in the third degree.[8]

A "felony" is an offense for which a sentence to a term of imprisonment in excess of one year may be imposed. Some examples of felonies in New York include murder in the first degree, manslaughter in the first degree, and criminal solicitation in the first degree.[9]

Clearly, when a witness has a prior conviction for a misdemeanor or felony in New York State, CPLR § 4513 permits introduction of the conviction by questioning on cross-examination or by the record of the conviction. Therefore, even if the witness denies that he or she was convicted of the crime, evidence of the conviction can be used to impeach the

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witness. Furthermore, the questioning is not limited to person's answer. Evidence of the circumstances of the offense may be permitted if there is a reasonable basis to do so, such as transcripts of proceedings, indictments, plea deals, etc.[10]

II. OTHER OFFENSES AND BAD ACTS

However, there are certain offenses in New York that do not rise to the level of misdemeanors or felonies, such as traffic infractions and violations. There may are also be evidence of other immoral or vicious acts that a witness may have committed for which there are no convictions. CPLR § 4513 cannot be used to introduce evidence of these types of convictions or prior bad acts to impeach the credibility of the witness. But that does not mean that a defense litigator should refrain from attempting to introduce evidence regarding these other convictions and prior bad acts.

A. People v. Sandoval

In a landmark criminal decision, the Court of Appeals held in *People v. Sandoval* that:

> Evidence of specific criminal, vicious or immoral conduct should be admitted if the nature of such conduct or the circumstances in which it occurred bear logically and reasonably on the issue of credibility. Lapse of time, however, will affect the materiality if not the relevance of the previous conduct. The commission of an act of impulsive violence, particularly if remote in time, will seldom have any logical bearing on the defendant's [or witness's] credibility, veracity or honesty at the time of trial. To the extent, however, that the prior commission of a particular crime of calculated violence or of specified vicious or immoral acts significantly revealed a willingness or disposition on the part of the particular defendant [to] voluntarily place the advancement of his individual self-interest ahead of principle or of the interests of society, proof thereof may be relevant to suggest his readiness to do so again on the witness stand. A demonstrated determination to deliberately further self-interest at the expense of society or in derogation of the interests of others goes to the heart of honesty and integrity.[11]

The Court of Appeals also made it clear in *People v. Sandoval* commission of perjury or other offenses involving dishonesty or untrustworthiness such as theft, fraud, bribery, or acts of deceit, cheating and breach of trust will "usually have a very material relevance, whenever committed." [12]

Therefore, if a witness has prior conviction that does not rise to the level of a misdemeanor or felony, or you are in possession of evidence of a prior bad act, questions to the witness may still be permitted regarding the conviction as evidence of vicious or immoral conduct to impeach the credibility of the witness. However, if the witness denies the conviction or other bad act, it is likely that collateral evidence may not be introduced solely to contradict a witness's testimony regarding the prior conviction or bad act.[13]

B. Collateral Evidence Rule

As indicated above, the Court of Appeals' decision in *People v. Sandoval* arose out of a criminal case. In another landmark decision, *Badr v. Hogan*, the Court of Appeals addressed the scope of an inquiry and the admissible evidence of prior bad act that was not a conviction of a "crime" in a civil proceeding. In response to a direct question by defense counsel, the plaintiff in *Badr* denied improperly receiving funds from the Social Services Department.[14] Rather than continue to question the witness regarding the prior conduct, the defense counsel immediately produced extrinsic evidence of the conduct, a confession of judgment signed by the plaintiff. The plaintiff identified and admitted signing the confession of judgment. The Court held that matter was unquestionably collateral, and it was error to admit extrinsic proof for the sole purpose of contradicting testimony on a collateral issue.[15] However, the Court did not preclude the attempt to refresh the witness's recollection by continuing to ask questions related to the bad act.

It must be noted that Courts have held that *People v. Sandoval* and its progeny do not apply to cross-examining a witness pursuant to CPLR § 4513 in a civil matter. Consequently, Courts have held that the lapse of time regarding a conviction for a felony or misdemeanor is not a basis to preclude the evidence of the conviction.[16] Furthermore,

CPLR § 4513 does not prohibit extrinsic proof of the conviction of a felony or misdemeanor, nor does it place any limits on the number of convictions that can be offered to impeach the witness.[17] Consequently, a defense litigator must consider the exact nature of the offense or bad act when deciding whether to use CPLR § 4513 or *People v. Sandoval* to introduce the evidence.

C. Traffic Infractions

A "traffic infraction" is defined as "any law, ordinance, order, rule or regulation regulating traffic which is not declared by this chapter or any other law of this state to be a misdemeanor or felony. A traffic infraction is not a crime …" Some examples of traffic infractions include operating a motor vehicle in excess of the maximum speed limits, and failing to stop at an intersection with a stop sign.[19]

Since a traffic infraction is not a "crime," a defense attorney cannot rely upon CPLR § 4513 to introduce evidence of the prior traffic infraction. Furthermore, the Court of Appeals held in *People v. Sandoval* that "questions as to traffic violations should rarely, if ever, be permitted." Therefore, do not expect the Court to allow any questions or evidence to be presented regarding a witness's prior speeding tickets, or the failure to pay parking tickets unless these infractions have some direct bearing on the issues of the case. However, if one of the issues in the case is that the plaintiff received a ticket for speeding in the subject accident, and the plaintiff has several past speeding tickets, a Judge may find that although the infractions have a direct bearing on the issues of the case, the prejudicial effect introducing the prior speeding tickets outweighs the probative value.

There are also certain offenses involving the use of a motor vehicle that are not "traffic infractions," but in fact are misdemeanors and felonies. Some examples of these crimes include the unlawful fleeing a police officer in the third degree, unauthorized use of a motor vehicle in the first degree, and vehicular manslaughter in the first degree. [20] CPLR § 4513 clearly provides the basis for introducing evidence of these types of convictions involving the use of a vehicle.

D. Violations

A "violation" is defined by Penal Law § 10.00(3) as "an offense, other than a 'traffic infraction' for which a sentence to a term of imprisonment in excess of fifteen days cannot be imposed."[21] Some examples of violations include disorderly conduct, loitering, appearance in public under the influence of narcotics or a drug other than alcohol, and unlawful prevention of public access to records.[22]

Since a violation is not a "crime", the defense litigator cannot expect to introduce evidence of the conviction for a "violation" pursuant to CPLR § 4513. However, the "violation" conviction may be relevant and admissible as evidence of vicious and immoral conduct. But do not expect the Court to allow extrinsic proof of conviction for the sole purpose of contradicting a witness's testimony that he or she was not convicted of a violation.

E. Arrests and Indictments Are Not Convictions

The Courts have made it clear that CPLR § 4513 does not provide allow for questioning a witness regarding an arrest or an indictment without a conviction. Impeachment based on an arrest or indictment alone is improper because they involve mere accusations of guilt.[23] However, if a witness is arrested or indicted and pleads guilty to a lesser misdemeanor or felony, questions regarding the charges that were not dismissed on the merits are a proper subject of inquiry.[24] Furthermore, the underlying facts of the arrest or indictment may be properly introduced as evidence of a prior bad act.[25]

F. Youthful Offender and Juvenile Delinquency Adjudications

The Court of Appeals has held that it is impermissible to use a conviction under the Juvenile Delinquency Act or a New York Youthful Offender adjudication as an impeachment weapon because these adjudications are not convictions of a crime.[26] Therefore, the Court will not allow a defense litigator to rely upon CPLR §4513 to introduce evidence of a youthful offender or juvenile delinquency adjudication "conviction" to impeach a witness under these circumstances. However, inquiry into the actual nature of the acts constituting the basis

for the youthful offender or juvenile delinquency adjudication may be permitted as prior bad acts.[27]

Cross-examination is permissible for a criminal conviction under the Federal Youth Corrections Act and such evidence may be used to attack credibility in a later proceeding.[28]

G. Out of State Convictions

A criminal conviction in a foreign jurisdiction may be used against a witness testifying in New York if the act or acts constituted a crime in that jurisdiction.[29] Consequently, if an offense constituted a "crime" when committed in any foreign State, the conviction can be used to impeach the witness in a New York proceeding. CPLR § 4513 may apply and allow introduction of extrinsic evidence of the conviction to be introduced if the crime rises to the level of a felony or misdemeanor.

H. Disciplinary Actions Against Physician

Another bad act that may be used to impeach a witness's credibility is a disciplinary finding against a physician. However, the underlying findings and determinations must be probative on the issue of credibility and outweigh the possibility of prejudice .[30]

III. DISCOVERING THE PRIOR CONVICTION

Against the basic framework described above, a defense litigator should discover and obtain evidence of the prior convictions and other bad acts. There are several different avenues for discovering a prior criminal conviction. Preferably, this should be done at the outset of the case and before any depositions are held. However, that is not always possible, particularly in situations where a plaintiff has changed his or her name and refuses to produce a Social Security number.

In any event, a cost-effective way to start an inquiry as to whether a witness has any prior criminal convictions or other bad acts is to use the internet to perform a background search. By simply typing the name of the witness into a search engine such as Google, you may be lead to websites that reflect that the plaintiff was convicted of a crime or prior bad act, such as news articles or professional license/disciplinary decisions. Most states, including New York, have websites for their respective departments of correction that include a feature to perform a search as to whether a person has served time in a correctional facility. The Federal Bureau of Prisons also has a website that includes a feature to search for past and present inmates.[31] New York State also has a website that allows a defense litigator to search for any pending criminal proceedings involving a witness.[32] Legal research sites, such as Westlaw and Lexis/Nexis, also have features that allow for a search of criminal records databases. However, please note that any printouts or reproductions of search results are probably inadmissible evidence. A recommended practice is to obtain certified copies of the convictions and public records regarding the prior conviction from the issuing Court to ensure that you have the best chance of getting the prior conviction introduced at trial.

One of the methods most often used is to determine if a witness has any prior criminal convictions is to hire an investigator to perform a criminal background search. Typically, the search will document any prior criminal convictions in any State. In order to ensure the best chance of introducing extrinsic evidence of the conviction, it is recommended that a certified copy of the criminal conviction and any public records from the Court proceedings be obtained.

IV. HANDLING THE DEPOSITION

Armed with the knowledge that a plaintiff or other witness has a prior criminal conviction or has committed a prior bad act, a defense attorney should be prepared to question the witness regarding the conviction at a deposition. The scope of permissible questioning at a deposition is governed by the Uniform Rules for the Conduct of Depositions, which states the following in relevant part:

> A deponent shall answer all questions at a deposition, except (i) to preserve a privilege or right of confidentiality, (ii) to enforce a limitation set forth in an order of a court or (ii) when the question is plainly improper and would, if answered, cause significant prejudice to any person. An attorney shall not direct a deponent

> not to answer except as provided in CPLR Rule 3115 or this subdivision. Any refusal to answer or direction not to answer shall be accompanied by a succinct and clear statement of the basis therefor. If the deponent does not answer a question the examining party shall have the right to complete the remainder of the question.[33]

When applying this rule to questioning a witness at a deposition regarding a prior conviction for a felony or misdemeanor pursuant to CPLR § 4513, it is apparent that the witness must answer each and every single question regarding the prior conviction. This can include questions about the underlying facts of the criminal acts, all charges brought against the witness, any plea deals, etc.[34]

When applying the rule to questioning a witness at a deposition regarding a prior conviction that is not a felony or misdemeanor, or is a prior bad act without a conviction pursuant to *People v. Sandoval,* a question that attempts to introduce extrinsic evidence for the sole purpose of contradicting a witness's testimony that he or she was not convicted of a lesser offense, or did not commit a prior bad act may not be allowed. However, that should not stop the defense litigator from attempting to introduce the evidence to refresh the recollection of the witness during the deposition.

A defense attorney should be prepared to deal with objections made by the plaintiff's counsel and instructions to the witness not to answer questions regarding the conviction. A recommended practice would be to fully complete the question and contact the assigned Judge for a ruling as to whether the witness is required to answer. Preferably, defense counsel will want to direct the Judge to the relevant statutory and case law. In the event the assigned Judge is not available, the defense attorney should have the question marked for a ruling, reserve the right to a further deposition of the witness to include the blocked question, and upon receipt of the transcript, immediately file and serve a motion to compel the plaintiff to appear for a continued deposition and answer the blocked question.

V. MOTIONS FOR SUMMARY JUDGMENT

After depositions and other discovery have been completed, a plaintiff may move for summary judgment on the issue of liability. Summary judgment is drastic remedy which requires that the party opposing the motion be accorded every favorable inference and issues of credibility may not be determined o the motion but must await the trial.[35] Therefore, it would seem that evidence of a conviction or other bad act to support that there is a question as to the plaintiff's credibility that prevents a Court from awarding summary judgment if the plaintiff is the only witness to the occurrence. However, at least one court has held that a plaintiff's criminal conviction by itself is insufficient to raise an issue of fact as to credibility when the plaintiff is the sole witness to an accident.[36] Therefore, it is probably preferable to use the conviction or other bad act as a supplement to other existing issues of fact when attempting to defeat a plaintiff's motion for summary judgment.

IV. INTRODUCING THE PRIOR CONVICTION AT TRIAL

Assuming the prior convictions or other bad acts of the plaintiff or the plaintiff's other potential witnesses do not provide the impetus to a reasonable settlement or the case has not otherwise been dismissed, the case will proceed to trial and the defense attorney should be prepared to offer evidence of the prior conviction or other bad act into evidence. However, the scope of evidence that is admissible at trial may more limited than the testimony and evidence elicited at a deposition.

When offering evidence of a prior conviction of a felony or misdemeanor to impeach the credibility of the plaintiff or other witness, Courts have interpreted CPLR § 4513 broadly, and that the statute provides the trial Court with no discretion to exclude a particular conviction.[37] Other Courts have held that the trial Court may not even place limits on the number of convictions that may be admitted. Furthermore, even if a certificate of relief or pardon has been issued, evidence of a prior conviction for a felony or misdemeanor may be admitted.[38] Furthermore, Courts have held that cross-examination may inquire as to the facts underlying the arrest, an indictment, or an adjournment in contemplation of dismissal.[39] However, some Courts have applied CPLR § 4513

to only permit an inquiry to a conviction that shows some tendency of moral turpitude in order to be relevant to credibility.[40] Therefore, the scope of cross-examination pursuant to CPLR § 4513 undertaken by defense counsel should be broad, but thoughtfully tailored to achieve the objective of impeaching the credibility of the plaintiff without negatively affecting the jury's perception of the overall defense; i.e. the defense should not rely solely upon the prior conviction.

When offering evidence of a prior bad act or a conviction that is not a felony or misdemeanor, CPLR § 4513 does not apply, and the holding in *People v. Sandoval* controls. In those situations, the Courts have held that evidence of specific vicious or immoral conduct should be admitted if the nature of such conduct or the circumstances in which it occurred bear logically and reasonably on the issue of credibility.[41] A trial Court may exclude the evidence entirely, or limit the inquiry to the fact that there has been a prior bad act by weighing the probative value of the evidence against the prejudicial effect. A witness may even deny committing the prior bad act and the defense attorney may be precluded from offering extrinsic proof of the act. The trial Court has discretion to the control the manner of presentation of proof, especially when dealing with matters affecting a witness' credibility and accuracy. It is unlikely that a trial Court's ruling in will be overturned on appeal, unless there is an abuse of discretion.

Regardless of how the conviction or other bad act is going to be offered into evidence, the defense attorney should anticipate receiving a *motion in limine* to preclude the evidence of the prior convictions or other bad acts, and be prepared with relevant statutes and case law to defeat the motion.

Assuming the witness's prior conviction has been successfully introduced into evidence and the credibility of the witness (either the plaintiff or a witness supporting the plaintiff's case) has been impeached, the defense attorney can expect the plaintiff's attorney to attempt to marginalize the conviction to the trier of fact. The witness may seek to rehabilitate himself by explaining the conviction or showing extenuating circumstances, and may also introduce proof of his or her "general good character for truth and veracity" by character witnesses.[42] Each case is factually unique and will present its own set of circumstances. Typically however, the plaintiff's attorney will argue that the prior conviction does not have any bearing on the facts of the plaintiff's case, and that there is no reason to doubt the otherwise credible witness. The defense litigator should craft her or his arguments to emphasize that the plaintiff or other witness lacks credibility due to the prior conviction and tie in the lack of credibility to the overall defense strategy in the case in a meaningful way. For example, the defense attorney can argue the description of an accident given by a plaintiff completely lacks credibility, and then bolster the plaintiff's lack of credibility by arguing that his prior criminal conviction demonstrates that he advances his self-interest at the expense of others.

VI. CONCLUSION

Applying the basic framework of obtaining and introducing prior convictions and bad acts to the specific factual circumstances of each case will provide defense attorney with the opportunity to assert powerful arguments to impeach the credibility of the plaintiff's case. Each case is unique and careful consideration should be given to the overall strategy. If successful, the use of a prior conviction or other bad act to impeach credibility can often "turn the tide" in a personal injury case to the defendant's favor resulting in a defense verdict or provide the impetus to a reasonable settlement.

(Endnotes)

1 The author would like to thank Lindsay Bethea for her assistance in researching the statutes and case law discussed in this article, and Alan Russo for his assistance and guidance in preparing this article.

2 N.Y. C.P.L.R. § 4513 (McKinney 2014)

3 See Weinstein Korn & Miller, New York Civil Practice, CPLR P 4513.01

4 Id.

5 In Re: B. Children, 23 Misc.3d 1119(A), 886 N.Y.S.2d 70 (Fam. Ct. Kings County 2009)

6 N.Y. Penal Law § 10.00(6) (McKinney 2014)

7 N.Y. Penal Law § 10.00(4) (McKinney 2014)

8 N.Y. Penal Law §§ 155.25, 156.05, 170.05 (McKinney 2014)

9 N.Y. Penal Law § 100.13, 125.20, 125.27 (McKinney 2014)

10 See Dance v. Town of Southampton, 95 A.D.2d 442, 453,

Felonies, Misdemeanors, Other Offenses and Bad Acts – A Defendant's Guide to Impeach Credibility in New York Personal Injury Cases

467 N.Y.S.2d 203 (2nd Dep't 1983)

[11] People v. Sandoval, 34 N.Y.2d 371, 377, 314 N.E.2d 413, 357 N.Y.S.2d 849 (1974)

[12] Id.

[13] People v. Sorge 391 N.Y. 198, 201, 93 N.E.2d 637 (1950)

[14] Badr v. Hogan, 75 N.Y.2d 629, 635 554 N.E.2d 890, 555 N.Y.S.2d 249 (1990)

[15] Id. 75 N.Y.2d at 635-636

[16] See Reiner v. City of New York, 2011 N.Y. Slip Op 30149(U) (Sup. Ct. N.Y. County 2011)

[17] See Able Cycle Engines, Inc. v. Allstate Ins. Co., 84 A.D.2d 140, 142-143, 445 N.Y.S.2d 469 (2nd Dep't 1981), lv. denied 57 N.Y.2d 607 (1982); see also Vernon v. New York City Health and Hospitals Corp., 167 A.D.2d 252, 561 N.Y.S.2d 751 (1st Dep't 1990); see also In Re: B. Children, supra.

[18] N.Y. Penal Law § 10.00(2) (McKinney 2014); N.Y. Vehicle and Traffic Law § 155 (McKinney 2014)

[19] N.Y Vehicle and Traffic Law §§ 1180-a, 1142 (McKinney 2014)

[20] N.Y. Penal Law §§ 125.13, 165.08, 270.25 (McKinney 014)

[21] N.Y. Penal Law § 10.00(3) (McKinney 2014)

[22] N.Y. Penal law §§ 240.20, 240.35, 240.40, 240.65 (McKinney 2014)

[23] Dance, supra.

[24] Murphy v. Estate of Vece, 173 A.D.2d 445, 447, 570 N.Y.S.2d 71 (2nd Dep't 1991); People v. Flowers, 273 A.D.2d 938, 939, 710 N.Y.S.2d 295 (4th Dep't 2000)

[25] Dance, supra.

[26] People v. Gray, 84 N.Y.2d 709, 712, 646 N.E.2d 444, 622 N.Y.S.2d 223 (1995)

[27] Id.

[28] People v. Rivera, 100 A.D.2d 914, 915, 474 N.Y.S.2d 573 (2nd Dep't 1984)

[29] See People v. Gray, supra 84 N.Y.2d at 713-714, People v. Rivera, supra. 100 A.D.2d at 915, 474 N.Y.S.2d 573 (2nd Dep't 1984); See also People v. Brown, 2 A.D.2d 202, 203, 153 N.Y.S.2d 744 (4th Dep't 1956)

[30] See Cipriano v. Ho, 29 Misc.3d 952, 908 N.Y.S.2d 552, 557-559 (Sup. Ct. Kings County 2010); Torres v. Ashmawy, 24 Misc.3d 506, 875 N.Y.S.2d 781, 785-787 (Sup. Ct. Orange County 2009)

[31] Federal Bureau of Prisons, <http://www.bop.gov/inmateloc/> (visited: Jan. 9, 2015)

[32] New York State Unified Court System, E-courts: Webcrims, <https://iapps.courts.state.ny.us/webcrim_attorney/AttorneyWelcome> (visited: Jan. 9, 2015)

[33] N.Y. CLS Unif Rules, Trial Cts § 221.2 (McKinney 2014)

[34] See Reiner, supra.

[35] Vega v. Restani Construction Corp., 18 N.Y.3d 499, 503, 965 N.E.2d 240, 942 N.Y.S.2d 13 (2012)

[36] Marrero v. 2075 Holding Co. LLC, 106 A.D.3d 408, 410, 964 N.Y.S.2d 144 (1st Dep't 2013)

[37] See Guarisco v. E.J. Milk Farms, 90 Misc.2d 81, 393 N.Y.S.2d 883 (Civ. Ct. Queens County 1977); see also In Re: B. Children, supra.

[38] Able Cycle Engines, Inc., supra.

[39] See In Re: Jessica Y., 206 A.D.2d 598, 599, 613 N.Y.S.2d 1008 (3rd Dep't 1994)

[40] Torres, supra.

[41] People v. Smith, 18 N.Y.3d 588, 593, 965 N.E.2d 232, 942 N.Y.S.2d 5 (2012); People v. Sandoval, supra.

[42] See Derrick v. Wallace, 217 N.Y. 520, 525, 112 N.E. 440 (1916)

10 Timeless Rules For A Defense Practice

Continued from page 40

always said his most profitable client was one who had quoted him the lowest rate. Get the first file, prove yourself with outstanding legal work and then worry about the rate later. Tough advice to follow in these difficult times but has it always served us well.

Rule 9 - "Do the right thing"

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The last time we saw John Morris was when he left the office after the buyout and he told us as the new owners of the firm, "Come in everyday even if you come in late and leave early, come in everyday. They've got to see your face".

Mr. Morris passed on to us these 10 basic rules to run a defense law firm. We think of him often when we come across situations both during trials and trying to run a defense practice in these challenging economic times.