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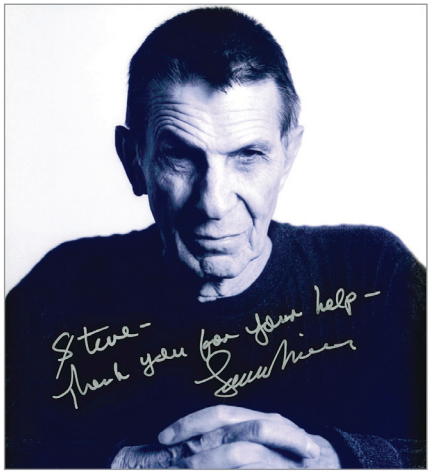

ABOVE: Leonard Nimoy. PHOTO COURTESY OF STEVE BENESH

Logical Suggestions for EVERY LEGAL ENTERPRISE

TEN YEARS AGO, IN FEBRUARY 2015, THE ONLY TRULY FAMOUS CLIENT I'VE EVER REPRESENTED passed away after living a long and prosperous life. His name was Leonard Nimoy, but most of us will always remember him as the Vulcan science officer Mr. Spock (the original one!).

Living in California, Leonard invested in real estate in Texas years ago upon the recommendation of a friend. When one of his investments veered off course, he was referred to me. After filing suit and engaging in discovery and motion practice, we resolved the dispute on favorable terms. Leonard was pleased with the outcome, and he mailed me the signed photo on the left of this page shortly thereafter. It hangs framed on the wall beside my desk, gazing down at me as I type these words.

When I was 5 years old, the Star Trek TV series debuted in the fall of 1966. For its three seasons, I absolutely ate it up. Like many, I was particularly drawn to Spock because of his entertaining and sometimes thought-provoking observations about the humanity of his crew mates, offered in bemusement or dismay from his perspective as a logical and emotionless alien. But, as I have reflected upon them, I believe that many of Spock's observations about human nature can serve as useful beacons to guide the path of our own enterprises as practicing lawyers.

"The needs of the many outweigh the needs of the few."[1] In representing our clients and pursuing their goals, it is always important to remember that our duty to our clients is only one of the three obligations we owe in all our legal matters. In addition to "ow[ing] to a client allegiance, learning, skill, and industry," the Texas Lawyer's Creed reminds us that an attorney also "owes to opposing counsel, in the conduct of legal transactions and the pursuit of litigation, courtesy, candor, cooperation, and scrupulous observance of all agreements and mutual understandings," and finally, "owes to the administration of justice personal dignity, integrity, and independence." We must never allow our attention to any one of these three obligations to obstruct our unwavering commitment to the other two.

"In critical moments, [people] sometimes see exactly what they wish to see."[2] As I discussed in a prior monthly column, perspective in the practice of law is vitally important. Doing our jobs well necessarily involves viewing our legal matters from different vantage points, including those of our clients, our opposing counsel, and our judges and juries, and helping others to have a clear view of our perspective on relevant issues. To do our jobs well, we must begin by investing the time and effort to clearly understand the goals and concerns of others in our legal matters.

"I have been and always shall be your friend."[3] Disagreements with opposing counsel are inevitable—even with lawyers who we knew and liked before the matter arose. As zealous advocates for our clients, we just butt heads sometimes. But the way we do so must be consistent with our professional principles. The Texas Lawyer's Creed instructs us that we are to disagree without being disagreeable, to refrain from quarreling over matters of form or style, and to agree to reasonable requests that don't adversely affect our clients' interests. Yet, often, there is a temptation in the heat of battle to oppose something merely because our opponent wants it. We must be vigilant to avoid that temptation, recognizing that such obstructionism often delays justice rather than serves it.

As we boldly go forth in representing our clients, let us all commit to fulfilling our obligations to our profession and each other, to fostering mutual understanding and perspective, and to treating each other with civility and respect at all times. It is not just the right thing to do; it is logical.

STEVE BENESH
President, 2024-2025
State Bar of Texas

NOTES

1. Star Trek II, "The Wrath of Khan," 1982.
2. Star Trek, Season 3, Episode 9, "The Tholian Web," 1968.
3. Star Trek II, "The Wrath of Khan," 1982.