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Sometimes you have to laugh at the law

By **NICOLE BLACK**
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I hope you enjoyed the Thanksgiving holiday; now I offer you the following humorous tidbits, parsed from my Legal Antics blog at nylaw-bog.typepad.com/legalantics. I hope they'll tide you over until the December holidays.

First, as this quote from a recent California Court of Appeals case shows, while some lawyers may believe their legal arguments are fascinating, their captive audience is not always as enthusiastic: "Appellate counsel for both sides have done an outstanding job, resulting in briefs that have been more than ordinarily helpful to the court. The fact remains that the issues are far from enthralling; they demand an almost microscopic examination of dry, lengthy contract documents. As we embark on the resolution of these issues, then, we think it only fair to suggest that the reader might want to be sitting in a comfortable chair, with a cup of strong coffee nearby."



American Guarantee and Liability Ins. Co. v. ADP Marshall Inc. (CA4/2, Dec. 4, 2007) no. E041182 (Richli, J.).

Fortunately, not all lawyers are as dry and boring, as evidenced by Kevin A Gliwa's attorney biography, found on the Web site of the Otten Johnson law firm (www.ojrn.com/members/index.cfm?fuseaction=attorneyDetail&userID=84): "Kevin, a Shareholder practicing in Otten Johnson's real estate group, was raised by penguins following a childhood boating accident. He graduated *magna cum laude* from Colby College, where he learned that not all issues can be reduced to black or white. He received his law degree from Boston University, which he attended on a full football scholarship through an administrative error. Thereafter, he worked for four years as an associate at a large law firm in New York, where he once rode an elevator to the top of the Empire State Building. He lectures frequently to his children on a variety of subjects. He enjoys swimming and fishing, despite the painful memories."

In the years since Kevin's bio was published at Otten Johnson's predecessor Web site, he has received many bemused queries, often

pertaining to the state of his health. To limit future inquiry, here are his answers to some of the more frequently asked questions:

- (a) Emperor, not King.
- (b) Yes it was cold, but I had a sweater.
- (c) Sushi.

Of course, no matter how funny we are, not everyone likes us, as can be gleaned from this lawyer joke, one of my favorites: "Two physicians boarded a flight out of Seattle. One sat in the window seat, the other sat in the middle seat. Just before takeoff, an attorney got on and took the aisle seat next to the two physicians. The attorney kicked off his shoes, wiggled his toes and was settling in when the physician in the window seat said, 'I think I'll get up and get a Coke.'

"No problem,' said the attorney, 'I'll get it for you.'

"While he was gone, one of the physicians picked up the attorney's shoe and put a thumbtack in it. When he returned with the Coke, the other physician said, 'That looks good, I think I'll have one too.'

"Again, the attorney obligingly went to fetch it and while he was gone, the other physician picked up the other shoe and put a tack in it. The attorney returned and they all sat back and enjoyed the flight.

"As the plane was landing, the attorney slipped his feet into his shoes and knew immediately what had happened.

"How long must this go on?' he asked. 'This fighting between our professions? This hatred? This animosity? This putting tacks in shoes and spitting in Cokes?'"

So, I suppose the lessons to be learned this week are that wise lawyers ensure their legal briefs and Web site biographies are interesting and never let their shoes out of sight.

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