

THE DAILY RECORD

WESTERN NEW YORK'S SOURCE FOR LAW, REAL ESTATE, FINANCE AND GENERAL INTELLIGENCE SINCE 1908

Friends, the profession and the Academy

Normally I advise clients not to go into business with good friends.

The relationship can be fraught with many variables, some of which are not good. I have learned, happily, that I can live with one exception to that rule.

My partner Sheldon Boyce and I have been friends for decades. We have lectured at, led and served as co-chairmen of Continuing Legal Education seminars together for more than 20 years. Since I keep trying to lead my readers to believe I'm only 28 years old, I won't go into more specifics on just how that has occurred.

Even before we became partners, Shelly and I accepted referrals from other attorneys for various litigation matters, but primarily for personal injury cases. Now that we are partners in our firm, a great deal of our work still comes from other attorneys.

We are especially honored when attorneys hire us to represent them personally, or ask us to represent members of their family. That is true whether it's for personal injury, estates probate/planning or for estate litigation, but referrals really comprise the mainstay of our practice.

We always have lived by the philosophy that the client would remain the referring attorney's client, and we make sure that whether it's a personal injury case or an estate or estate litigation that the client knows there is no embarrassment in the fact that they always will be the referring attorney's client for any matter that attorney feels does not need to be handled by us.

In a time when firms are constantly tempted to give in to the "billboard" mentality with which we are surrounded, or the TV ads which make me cringe on a constant basis, it's reassuring to know how many attorneys turn to us directly.

Of course, a more selfish component also is at work. If attorneys retain us for advice and consultation, or to research and write appellate and trial briefs or motions for their files, we may remain invisible, and merely work directly for those firms. If the file is an outright referral, the referring attorney always should be assured that any firm they refer a file to will not sever their relationship with that client. That is especially true when we receive referrals in military law matters for Don Rehkopf. The intriguing thing about those cases is that we receive referrals from all over the world, sometimes for the largest firm on the planet. I get no credit for that, other than having Rehkopf work here. He didn't get a worldwide reputation because of me.

The concept of billboards, certain types of attorney advertising, and civility among attorneys is something I've discussed before in this space and on my radio show. I just had a long conversation this week with my friend Jerry O'Connor from Buffalo. We talked about how we cherish the way we treat each other, despite the fact that we are adversaries. We talked about the fact that we care about civility among attorneys.

I've alluded to the New York State Academy of trial lawyers for a long time, but I'm really not doing them justice in this column. It was only six years ago that the Academy's founders, in the words recounted by one, my good friend Robert Lahm — "sat together and shared ideas for an Academy of trial lawyers to include plaintiffs' and defendants' lawyers that would be a statewide association. ... And to provide quality continuing legal education free to our members and to change the image of trial lawyers and their clients."

It is now referred to as the largest growing bar association in the state of New York. Every member gets all CLE classes at no charge, and case summaries from each of the appellate divisions are e-mailed out, as well as daily e-clips.

After a decade of being the chief clerk of the Surrogate's Court, Bill Brongo joined us last year and this has, of course, allowed us to vastly expand our estate litigation probate practice. The work is a fair amount different than the estate work I began doing as a new lawyer.

Bill walked into my office a little while ago and explained that another attorney had called to retain us to assist on some estate work. Apparently he was quite happy to learn that he did not have to remove himself from the file in order for us to agree to work with him. It likely will be a straightforward probate, but the specter of litigation looms in the distance on many estates that one would otherwise not expect. The overall thrust of all of this is that civility should be maintained between brothers and sisters at the bar, whether they are adversaries or are helping each other achieve the best results possible for mutual clients.

Bill and I have known each other for while, and although we sometimes get into some major philosophical discussions, we've always agreed that it truly is an honor when members of our profession hire us personally or ask us to assist them on their own files.

Continued ...



By **ROBERT L. BRENN JR.**
Daily Record
Columnist

THE DAILY RECORD

WESTERN NEW YORK'S SOURCE FOR LAW, REAL ESTATE, FINANCE AND GENERAL INTELLIGENCE SINCE 1908

One of the reasons I was so honored to serve as president of the New York State Academy of Trial Lawyers is that we are not afraid to let the world know that we are trial lawyers. We are proud of our profession, and we are committed to enhancing the public's perception of our profession generally, and that of trial lawyers specifically.

We've taken the approach that we should educate the public on our true role in society, rather than shirk from the name "trial lawyer." We like the fact that both plaintiffs and defense attorneys are members, and we cherish the sponsors that help us to maintain an organization can provide free CLE for all members.

Most people do not realize that an entire firm can join for a mere \$1,200, and send 10 lawyers and an unlimited number of paralegals to CLE programs throughout the year. Municipal attorneys pay only \$75 per year, and private practitioners — old guys, like me — pay only \$250 annually. Younger attorneys pay even less.

In any event, I urge you to join, and I ask that you look at the website — www.trialacademy.org — or call our Executive Direc-

tor Michelle Stern at (518) 364-4044. Ask about our Deposition Banks, the services from Academy sponsors, the ability to network at social events with fellow attorneys, weekly department updates or any other questions you may have. You will be amazed at the summarized review and the hyperlinks to the court's most recent decisions in each of the Appellate Division updates. There's a bar association that cares enough to let the world know that we are trial lawyers — and has not eliminated the word "trial lawyers" from their name — because we are proud to serve our communities, our society, and to serve as officers of the court.

Robert L. Brenna Jr. is a partner in the Rochester law firm of Brenna, Brenna & Boyce PLLC, which his father founded. He is the past president of the New York State Academy of Trial Lawyers and hosts a Sunday morning radio program, "The Brenna & Brenna Law Forum," on WHAM 1180 AM at 8 a.m., online at www.wham1180.com.

Reprinted with permission of The Daily Record ©2010
