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Takes Time - II

I was recently approached by a client who had consulted with me. She called saying, “Oh, this’ll just take an hour or two. I can afford to pay you for an hour or two.”

Predicting the time to do a legal task is more complicated than that. Of course if you take a look at a finished document, it might look like it should have taken barely any time at all. You read a letter and it sounds simple and smooth, and makes the case cleanly and articulately. It seems just so easy. How long could that take?

It’s, therefore, ironic that the cleaner and simpler a finished writing seems, the more time it likely will have taken. That’s because making writing clear and easy-to-understand requires the time and devotion to plan, organize, draft, revise and redrafting.

Anyone can throw a bunch of groceries into a bag, but it takes time and talent to convert those same groceries into a gourmet meal. Anyone can dump a bunch of facts into a document. And anyone can type out a stream-of-consciousness document that seems smooth and reads easily, but also contains subtle (perhaps implicit) internal inconsistencies and won’t stand up to detailed scrutiny. (This is particularly prevalent in today’s internet world, where many claim the expertise and knowledge that come from an internet connection.)

Writing precisely, but also so that the information is clear and easy to understand, takes time, skill, patience and dedication.

The same concept also applies to mastering the case.

A person recently approached me with the mindset that if you show up to a lawyer with a unique problem (okay, to be fair, the issue itself is not unique; it is an issue that comes up in most cases; however, the circumstances and surrounding facts of these people’s particular lives are unique and, therefore, make the application of the common issue and its rules to their situation unique) the lawyer should be able to just reach up on a shelf and drop the answer down on the table.

If the practice of law were that simple then you wouldn’t need lawyers, Google would suffice.

The application of any rule to your individual facts and circumstances requires, not only knowledge of the law in the general area (something you are entitled to expect from a seasoned practitioner in that area) but also knowledge of the precise sub-topic that is involved (which the lawyer may or may not have readily at their fingertips). Moreover, it requires an analysis of your particular circumstances and how that might determine which rule of law applies to your situation.

Often, wrapping one's head around a problem requires time. Whenever I assign a legal task to a junior lawyer, I'll ask that they come back after they've had time to think about the issue. That might be hours or it might be days, depending on the size, scope and nature of the task. Often, the junior lawyer will have wandered ever so slightly from the precise area I wished they'd focused on—as I say it, because all of the law is connected to every other law, they're seduced by the siren song of the mermaid of the sea—and I'd have to reorient them.

It's often true for me too. As I think deeply about an issue and wrap my head around it, I gain clarity and insight, and see aspects I didn't recognize or wasn't sensitive to before.

I'm struck by the analogy of reading political news analysis. Often you don't learn more facts about the situation, but you do walk away with a deeper, more comprehensive understanding of it. In litigation, this deeper knowledge and, often is, crucial. It makes for a more <<[link to: Holistic Litigation Strategy](#)>>. See also, <<[link to: Theory of the Case](#)>>.

So "getting" and mastering the facts and circumstances of the case *vis a vie* its legal implications takes time.

Often, too, discussing it provides clarity. So please understand that when we lawyers take the time to discuss your matter with you, it's as much to gain clarity and depth into your matter as it is to keep you informed so that you can make the decisions you think is best <<[link to: Takes Time-I](#)>> after understanding all of the issues and legal ramifications of your circumstances, and the likely result of each course of action.

It Takes Time

You know how filling out your tax return takes time. "*Now how hard can it be to put one number into each of eighty boxes or so? That should be easy, right?*"

Of course not! The reason that it's hard is not the filling out itself, it's all the preparation and work that must go into getting ready to fill it out. You must assemble all of the underlying documents, determine classifications, combine certain numbers into totals. Only then can you fill out the return. So, while you might be able to write number 1 through 80 in a matter of moments, it might take you hours to correctly fill out a return from scratch.

So too with controversy or litigation. While the actual mechanics of a task may be simple, assembling the underlying facts takes time.

Thus, sometimes writing a relatively short letter, if it's to be effective, can take some time. Each fact must be checked by looking at the underlying documents to ensure that it's precisely correct. Each phrase and word must be chosen to precisely convey, not only your thought, but the emphasis and emotional resonance that you want to convey. (I am convinced that my 20-minute selection of a certain word in a document, resulted in our settling a complicated case.)

I am now in the midst of preparing for a trial. Though I knew the case well before I started by trial preparation this week, the depth of my knowledge has increased several fold. I now

plan to make arguments that last week I didn't imagine could be made successfully.

But I am struck by how much time it takes, and the sacrifices I had to make to devote this time to the client's matter.

I've spent days (and the better part of a holiday weekend) preparing so that we'll be ready in time.

Like with the tax return, every relevant document had to be reviewed. The relevant portions had to be extracted and organized into the category it was relevant to. Once done, each category had to be reviewed and so that insights and patterns could be gleaned from it. Obviously, the size of this task depends on the amount of documents and how many issues are involved in the case. Writing this now, I feel sheepish that three days of intense work can be summarized in a mere four sentences. I write this to impress that, as Doctor Joy Brown says about many things, "It might be simple, but it's not easy!"