



By Daniel J. Canon

All I Need to Know About Being a Lawyer I Learned From Star Trek: An Open Letter to New Attorneys

Dear New Lawyer:

By now, you've graduated law school, passed the bar and been sworn in. Congratulations. You're ready to settle into your cushy firm job. There, you can live the American dream: work 200 hours a week, never see your family, make gobs and gobs of money and die of a heart attack before age 50. Yes, you've finally made it. Right?

Right?

Hold on there, space cadet. By now, you've probably discovered that big firm jobs—or *any* jobs—aren't exactly guaranteed to new graduates.¹ In fact, you might have discovered that your law school sold you a bill of goods.² As a result, thousands of newly minted lawyers hit the streets each year with no jobs, no client base and no mentoring. Many of you have no choice but to hang a shingle, squeeze the bank (or your parents, or whomever) for a small business loan, buy a bus ad and hope for the best.

Okay, but how do you learn to *practice law*? By now, you probably know that law school did not prepare you for solo practice. You don't know what the hell you're doing. You don't even know how to figure out what the hell you're doing. Is there an answer for you lost souls?

Not really.

But take heart, young lawyer! There are some principles that may be applied to your practice — principles that may be derived from the single greatest moral authority of our era: *Star Trek*. Let's get started.

Don't take on more than you can realistically handle.

Let me just start by saying that for me, there is no Star Trek without Captain Kirk. And when I say "Captain Kirk," I mean William Shatner, not that new pretty one. If you're into brooding and overanalyzing, Picard's your captain. But for getting stuff done without all that rational thought getting in the way, Shatner is the man. And a big part of getting stuff done is knowing your limitations.



Incidentally, Shatner's limitations are few. Shakespearean actor, starship captain, cop, crazy attorney, poet laureate—he does it all. But you, my dear young lawyer? You must not try to do it all. If you do, you will find yourself up a *&* galaxy without a dilithium crystal. This is a mistake a lot of us make, especially those who try to hang a shingle right out of law school. You cannot successfully learn to practice personal

injury, employment, tax, bankruptcy, worker's compensation and criminal defense all at the same time. Don't try. Focus on building a practice area and (ideally) developing a niche within that area. (And non-lawyers: if an attorney tells you he or she practices every kind of law imaginable, beware.)

A prime example of what I mean is in the classic episode "The Trouble with Tribbles."³ Too many furry creatures to feed? Blast 'em into space. They're someone else's problem. Kirk understands that despite his best intentions, he can't save all the living critters in the universe.

The product of emotion is often greater than the product of logic.

Like Mr. Spock, lawyers are creatures obsessed with logic, rationality and methodical analysis. After years of conditioning, it's tough to talk to the average Joe about legal issues. But that's precisely what a trial lawyer has to do. Kirk *knows* that "we humans are full of unpredictable emotions that logic cannot solve."⁴ After a bit of seasoning, even Spock recognized that "logic is the beginning of wisdom ... not the end." It's one of the major themes of the whole Star Trek universe. In the lawyer universe, the lesson is: just because the law is on your side doesn't mean the jury will be. This is especially important to recognize when trying to decide whether to take a case in the first place. Even if liability is crystal clear and a potential case looks like a slam dunk on paper, an unsavory client can earn you a big fat zero (or less than zero if you factor in lost time and expenses).

There is rarely such thing as a no-win situation.

Starfleet's Kobayashi Maru test is referenced throughout the Star Trek movies.⁵ The idea behind the test is

that cadets are faced with a no-win situation to see how they perform. Do they die with dignity? Or crack under the pressure?

The fact of the matter is, you are faced with seemingly hopeless situations a lot when you're a lawyer. When you first start out, there's a tendency to go into red-alert mode right away. However, after a while you'll find there are actually very few situations where you just can't win.

Some jerk on the other side starts haphazardly threatening to seek Rule 11 sanctions. A client gets bent out of shape because her case isn't going the way she expected. It turns out halfway through discovery that your case is not nearly as strong as you thought. It keeps you up at night. You think about backing out. You think about dropping the case, withdrawing from representation, turning in your law license, etc.

What would Kirk do? When faced with the Kobayashi Maru test for the third time, Kirk simply reprogrammed it so he could win. He doesn't believe in no-win situations. And while truly hopeless scenarios are occasionally encountered in both law and space, remember that most crises are not worth panicking over; a creative solution usually exists. Get some distance between you and the perceived threat before you write off your crew as doomed. That said...

Know when to sacrifice the red shirts.

This is closely related to #1. By now, the "red shirt" meme has become so ingrained in pop culture that it hardly bears explanation. Without exception, real accomplishment requires real sacrifice. On the Enterprise, this means crew members in red who were unfortunate enough to accompany the main characters to the vampire samurai planet were the first ones to go.

But what does this mean for your practice? Two things. First, as discussed above, you can't take all the cases. Even if the potential case is right in your practice area, even if liability is clear, even if your potential client is the most sympathetic creature to have ever lived, there might still be a reason to reject a case. And you should heed your instincts on this. If something feels wrong, it probably is. Your resources are limited. You've got to apply your talents where they are needed most. That means focusing on your core crew (good cases) and sacrificing red shirts (crap cases) if need be. And there are a lot of red shirts, if you catch my drift. You don't see Kirk putting Spock in harm's way, because his value to the Enterprise is too great. So, even though he can kill a man just by putting a hand on his neck, he's not front and center when the crew is attacked by floating zombie monkey gods. The sacrificial red shirts keep the core crew alive, thereby saving the rest of the crew and the overall mission. Do your own utilitarian calculus and you'll see: "the needs of the many outweigh the needs of the few."⁶

Second, there will be sacrifices made from your pocketbook. When you settle your first case as a solo, it can feel like the only money you'll ever get in your professional life. Don't fall into that trap. Be prepared to turn that money around to pay expenses on an even better case, or to advertise or to pay a competent assistant.

Boldly go where no one has gone before.

Just because someone says it can't be done, doesn't mean it can't. And just because you think you know the outcome before it happens, doesn't mean you do. Without fail, every opinion I've ever gotten from a court has been a surprise in some way. Judges

are humans and therefore unpredictable. You never know what's going to resonate with a court, a legislature or the public. Listen to other lawyers. Listen to your clients. Listen to folks you trust, even if they have no idea what the law is or how it works. But at the end of the day, blaze your own trail. Be bold. Be creative. Seek out new laws, new rationalizations. Boldly go where no one has gone before.

Gene Roddenberry's utopian vision of a world dominated by robot workers seems to be coming true. As such, more and more jobs are becoming obsolete. But remember, young

lawyer, *Star Trek* has always been about hope for the future. As bad as the job market for your ilk may seem now, it is unlikely that your profession will ever become automated. There are a lot of things machines can do but the creativity, passion and willpower involved in the practice of law requires a human brain.⁷ Get out there and use yours.



— *Dan Canon practices civil rights and constitutional law with the Louisville firm of Clay Daniel Walton & Adams PLC. He may be reached at dan@dancanonlaw.com or (502) 561-2005 x216.*

- 1 <http://www.forbes.com/sites/kellyphilipserb/2013/12/22/attorney-offers-students-1000-reasons-to-skip-law-school/>
- 2 <http://www.businessinsider.com/is-law-school-worth-the-money-2013-12#ixzz2oGVYKxL3>
- 3 http://en.wikipedia.org/wiki/The_Trouble_with_Tribbles
- 4 <http://www.chakoteya.net/startrek/10.htm%20->
- 5 http://en.wikipedia.org/wiki/Kobayashi_Maru
- 6 <http://www.youtube.com/watch?v=Xa6c3OTr6yA>
- 7 This article assumes that Vulcans, Betazoids, Ferengi, and Benedict Cumberbatch are all fictional. If any of those creatures really exist, you may indeed be headed for obsolescence.