

Dealing With Opposing Counsel the Ted Lasso Way

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Most Friday nights, my wife Jennifer and I order takeout from the Tex-Mex restaurant down the street, settle onto the couch in the den, and see what's good on Netflix or Apple TV. One such Friday night not too long ago, we happened across Ted Lasso, watched the first episode, and were hooked. Ted Lasso is a heartwarming series—about to enter its third season—about an American college football coach who agrees to coach a professional soccer team in England ... although he knows nothing at all about the sport.

Jen and I enjoy the show for many reasons. The screenwriting is clever, the casting is spot-on, and the acting is wonderful. But mostly, we enjoy the show because of the unshakable optimism and unbridled positivity of Ted Lasso himself, the show's eponymous lead character. Even though he arrives in England to discover that his players mistrust him, the press skewers him, and the fans revile him, he eventually wins them all over with his upbeat and courteous manner and the folksy adages that he offers in every otherwise-tense situation.

As I've thought about it, I've realized that some of Lasso's adages, his "Lassoisms," have real application to how we regard and treat each other in the course of our legal practices. At times, it feels like civility and mutual respect are at an all-time low in our society and that it has begun to fray the edges of our own profession. So, allow me to offer my thoughts about how some of Ted's maxims serve as apt and timely reminders about how we should interact with our opposing counsel.

Practicing law can be very challenging, very trying, at times. The stakes for our clients are often high, and we owe them a duty to protect and advance their interests, usually in the face of vigorous opposition. In such times, clients sometimes want us to pursue tactics or engage in conduct that is inconsistent with the highest principles of our profession. It is important for us to remember

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that the Texas Lawyer's Creed instructs us to advise our clients that we will be courteous and civil with counsel; that we will not pursue conduct intended primarily to abuse, harass, or delay; and that we will not pursue a course of action that is without merit. Establishing this understanding with clients at the start of representation may help to avoid conflict down the road.

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. Mindful of the Golden Rule, we should set the tone early in our matters by agreeing to reasonable accommodations with opposing counsel and seeking common ground in an effort to resolve disagreements. I have found that, when I do so, my opponents most often respond likewise.

Sometimes, our matters become too personal, when the bad blood between the parties, our clients, boils our own blood. When that happens, there is often the urge to either lash out at opposing counsel or ignore them entirely. But such conduct is ultimately counterproductive. The problems at issue in our matters are our clients', not our own; our job is to pursue resolution of them. The Texas Lawyer's Creed reminds us that we are not to be influenced by any ill feeling between clients, that we are to avoid disparaging personal remarks and acrimony toward attorneys and their clients, and that we are to refrain from antagonistic or obnoxious behavior.

At the inception of a matter, we should reach out to our opposing counsel, establish the ground rules for our communication and interaction, and let them know that we will be prompt, civil, and professional in our dealings with them and that we hope for the same from them.

Once a matter is concluded, let it go and move on. But before you do, it's a good idea to lay down your sword and shield and cement or reaffirm your friendship with opposing counsel. After the dust settles, ask them to lunch or take them out for a beer after work, and then talk about anything and everything. Keep in mind that they are going to be your colleague in this profession far longer than they are going to be your opposing counsel. As the Texas Lawyer's Creed points out, we are members of a learned art, who pursue a common calling in the spirit of public service. Let that be our common bond with our opposing counsel, unbroken by the disparate positions that client engagements require us to take and unsullied by the manner in which we dispatch our responsibilities.

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For a different take on the application of Ted Lasso's axioms to the practice of law, I encourage you to read Heath Cheek's excellent article, "Be a Goldfish – The Wisdom of Ted Lasso for Lawyers," which you can find on *The Texas Lawbook*.

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