

## Managing your dismissive and bully peers

By Paul Fisher and Juli Adelman

Attorney-to-attorney interactions often are a battleground of skill, knowledge and personalities. It is the personality component that can lead to the same dysfunctional relationship between the attorneys that the parties experience with each other. This is the first in a series of articles that explore these sometimes explosive relationships and provide effective tools for attorneys to manage the most difficult and possibly high conflict personality opposing attorney.

These high conflict lawyers will be referred to as “the Dismissive” and “the Bully.” The Dismissive has characteristics that our culture refers to as narcissistic and the Bully has characteristics described as sociopathic or antisocial. For these attorneys, the conflict is driven to some degree by life-long patterns of behavior rather than the issues. How these very difficult people are handled can cause the attorney-attorney relationship to either reach the abyss or be manageable.



Bully lawyers are very dominant and are easily identified by the amount of space they occupy in the room.

**Part 1 of a Monthly Series on  
Managing Dismissive & Bully Attorneys**

**The Dismissive Lawyer**

The Dismissive has enormous difficulty trusting others, which leads to be compulsive self reliance and an overestimation of their own value since they cannot depend on others. Often these lawyers make you feel as though you need to bullet proof your words. In actuality, this is how they feel they “gold plate” their performance to avoid being judged or attacked or making a mistake.

Renee, a litigator, has a daughter who is getting married and asks the opposing attorney to reschedule a deposition. The attorney refuses. Renee is stunned because she accommodated the attorney when he changed the date in the first place. Tim attempts to set a property inspection and the other lawyer evades him for weeks. These are all instances of reasonable requests met with lack of cooperation or outright aggression. One female attorney says she senses trouble on the horizon when the opposing counsel takes an unreasonable position on the phone or with body language, becoming abrupt, standoffish, condescending - even tossing documents at her over the counsel table.

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**Dismissive Lawyers**

- Can deal but can't feel
- Organize the world around them by linear thoughts and logic
- Incapable of empathy
- Untrusting
- Compulsively self-reliant
- Disengaged
- Look skeptically and critically towards you and your client
- Exhibit hostility
- Speech is psychologically distant — “them” or “those kinds of people” language.
- Tone of voice is cold, condescending
- Disrespectful of other's time

**Bully Lawyers**

- Openly aggressive and forceful
- Getting their way is extremely important to them
- Single minded
- No consideration for the welfare of others
- Inflated ego
- Need to dominate and exert power over others
- Misuse power
- Boastful and arrogant
- Use fear to motivate others
- Can be disrespectful to women and often act macho
- Need to convince others they are big shots
- Big risk takers

# Managing your dismissive and bully peers

These attorneys make a big deal of small things, ask for unnecessary information, drag out negotiations or turn common courtesies into bargaining chips. Other signs of lack of courtesy include refusing to get to know you personally, displaying no sense humor, ignoring phone calls and emails or snubbing you with, "I have to speak to my client," and never calling back.

Opposing attorneys who are unreasonable in negotiations, grinding on and on with every small detail, may be driven by pressure to keep billing, by fear of making mistakes, or by the need to keep an unnecessarily extensive record. Some show bad behavior when they don't get their way.

One attorney who represents plaintiffs in mass tort cases believes all defense attorneys are difficult to deal with (male or female, young or experienced). He believes their standard tactic is to fight mano-a-mano and to be nasty and uncooperative. These are just a few examples of how frustrating working with the Dismissive lawyer can be.

Dismissive lawyers often take excessive actions, such as sending a meet and confer letter when a phone call could resolve minor issues, asking for information that is tangential, irrelevant or unrelated to a case, or sending early extreme letters before discussing claims and contentions over the phone. This behavior stems from a desire to be perfect and gold plate their performance. In court, the opposing attorney may ask the judge for relief before giving notice or making a written demand, or may ask for an order to immediately produce a document when she has never asked for it before the hearing.

Extremely aggressive attorneys bombard you with inappropriate questions, initiate annoying fax letter campaigns or inform you that, "The judge will decide who is right."

## The Bully Lawyer

While some of the traits of the Dismissive overlap with the Bully, the Bully also has some unique traits. This type of lawyer was bullied and began to engage in these types of behaviors early in their life without consequences. This type of lawyer is aggressive in their interactions with the opposing counsel. They will do anything to win their case, of-

ten using intimidation, fear and verbal tactics. They are very dominant and they are easily identified by the amount of space they occupy in the room. You may hear the Bully communicate in a manner which includes a personal attack, is abrasive, insulting, condescending or makes the dispute personal; i.e., "You are a dumb ass, too stupid to live, and you are just wasting everyone's time. I'm smart and you are an idiot."

Even more outrageous is when the Bully asks, "Do you know who I am? You should look me up." Then he arrogantly belittles the other attorney who has less experience, citing his own Ivy League law school, years in practice, stellar trial experience, followed by a refusal to discuss the issues.

The Bully may say, "Notify your malpractice carrier," instead of attacking the facts, or may employ harsh actions for noncompliance, lose their temper or become sarcastic. Some of these tactics can be used to stop a line of questions at a deposition.

Sometimes older or more seasoned attorneys may intimidate young women lawyers by acting rude, nasty or demeaning, misstating the law or making unreasonable claims or threats, sending endless emails, calling them offensive names or refusing to listen while discussing a case. Their language suggests utter contempt and they attempt to make up rules, or serve their own financial needs rather than those of their clients.

When the Bully's client is the government or he has a God complex, he feels he can do whatever he wishes, seeing no risk and no exposure to client's bankruptcy, abusing his power by driving up costs for the plaintiff's attorney who is on a contingency and must advance costs.

## Destroying Trust

Much of what attorneys accomplish together is the result of trust built between them. Lack of trust damages relationships and undermines the possibility of a resolution. These behaviors are typical of some Dismissives and Bullies. They don't care what you think of their behavior. The following are examples of actions that destroy trust and relationships:

» Lying about basic facts (the date a deed was recorded) or making up facts.

» Agreeing to certain terms while on the phone then sending a document omitting agreed-upon terms, changing the terms or adding material terms never discussed.

» Denying previous agreements or attempting to weasel out of them with, "I don't remember saying that."

» Attempting to confirm in writing every detail discussed on the phone.

## Next Chapter

Tools that work in managing the Dismissive attorney and the Bully attorney (caging the tiger).

*This series of articles is the result of extensive interviews with almost 40 attorneys in Southern California. These attorneys are primarily litigators/trial attorneys and several transactional attorneys. The group has some diversity, male, female and gay, with a range of practice experience from seven to 40-plus years with the average of approximately 25.*



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