

Ipse Dixit:
Ruminations on a
Career at Law

Edward J. Walters Jr.

Full Court Press

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*For Norma, Eddie, John, Caroline,
Luke, Miles, and Drew*

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Foreword

While back, Ed Walters asked me to read his proposed book and consider giving its future readers my honest appraisal. A few preliminary points should be made.

First, I did not “read” Ed’s book. I actually “re-read” it, as I had over many years already devoured and digested almost every word Ed had written for publication. And renewing my acquaintance with his past work was truly a labor of love.

Second, you must know that I consider Ed a close friend and trusted advisor. We have known each other, both personally and professionally, since (oh, my gosh) the Jimmy Carter administration and the rise of the Bee Gees. I have done my best not to be influenced by my deep esteem for him in penning my evaluation. But it’s really hard to do so. Very hard.

Lastly, even if he were not a friend, you should know that Ed sits on a pedestal with me and many others. He is the personification of what our (or any) profession is supposed to represent. In every professional contact with him, never—and I mean never—has he been anything but reasonable, prepared, zealous, and a model of integrity and fair play. At the risk of using this overused designation, Ed has always been “a lawyer’s lawyer.”

These matters out of the way, I will report that this compilation of Ed’s past writings is a joy to read. Many were written while Ed donned not only his lawyer’s hat but also his hats as both founding editor of *Around the Bar* (later *The Baton Rouge Lawyer*) and briefly of the *Louisiana Bar Journal* and also a frequent contributor to these and other publications. Ed has always been a master of brevity. He was taught well, and does not waste a paragraph when a well-expressed sentence or phrase will often do the job with better effect. His signature *Ipse Dixit* pieces are widely read and celebrated. Of all of these, my favorite has always been “From Whence They Came . . .,” which fittingly is placed first in this collection. Its charge to Baton Rouge lawyers simply defines Ed’s own values and work ethic. I once wrote a piece entitled “A Plaque On Your House,” relating (tongue firmly in cheek) to suggested messages that should be etched on various lawyers’ front doors. Ed’s twelve tenets announced in “From Whence” should be inscribed on every single courthouse in the land.

Ed and his editor have done an able job of arranging his work into logical and concise sections. They amply display the author’s humor, his devotion to

a job well done, and his keen sensitivity to the matters in life that too often go overlooked in our daily practice.

I can only hope that this valuable collection is not Ed's valediction to his readers. His clear messages and sterling legacy are needed today, perhaps more than ever before. So enjoy.

Vincent P. Fornias
December 1, 2021

Preface

When I was asked to compile all of these articles by my son, Ed Walters, CEO of Fastcase and Full Court Press, which published this tome, I responded that I did not want to do such a thing ... and who would be interested enough to read it, anyway?

He convinced me.

Many of the articles require some context, so several are prefaced with a short comment.

I use the “kicker” *Ipse Dixit* above the headline of most of my articles. *Ipse Dixit* is a Latin term that was often used by Professor George W. Pugh at the Louisiana State University Law School. *Black’s Law Dictionary* defines *Ipse Dixit* as “He himself said it; a bare assertion resting on the authority of an individual.” As a legal term it is usually used to criticize arguments not backed by any proof. I always suggest that it means, “It is so because I say it is so.”

Using the Socratic Method—teaching by asking questions—Professor Pugh would ask us the question, listen to the answer and then ask us to tell everyone the *basis* for our answer. When we were unable to do so, he would say, in his inimitable slow Southern drawl, “Well, what is it ... *Ipse Dixit*?” A great opening kicker for my articles through the years. Thank you, Professor Pugh.

Caveat: These articles and musings are from a 45-plus-year career of plowing the fields in courtrooms across America. As any lawyer knows, the law is very fluid and—unfortunately—changes at the whim of every session of Congress and State Legislatures.

Please remember this while reading.

Thanks to the Louisiana State Bar Association the Baton Rouge Bar Association for allowing me to share my thoughts in their excellent publications.

I hope you enjoy reading these articles as much as I enjoyed writing them.

If the cover looks familiar to you, you have probably read my favorite book *The Catcher in the Rye* by J.D. Salinger. I read this book in high school and I have read it many, many times since. It had a big impact on me.

When I took the Louisiana Bar Exam in 1976, in order to preserve anonymity, we were required to use a fictitious name. Mine was Holden Caulfield, the protagonist in that book.

Baton Rouge, Louisiana, 2021

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Moments

Ipse Dixit: From Whence They Came ...

Context: I wrote this after being compelled to a useless discovery motion hearing by an unethical and unprofessional lawyer from another city with a reputation, at that time, of fostering unethical and unprofessional lawyers. There was absolutely no reason for the hearing and I basically wrote this article while sitting in the courtroom waiting for the hearing to start.

As lawyers, we should all be proud of the Baton Rouge legal community. We have many of the finest lawyers and judges in America right here in our city. One of the most important assets of the Baton Rouge legal community is the way that our lawyers have trust and respect for each other. This makes our quality of life in the practice of law far superior to that in other cities because lawyers treat each other as gentlemen and ladies.

But, of late, with the influx of new lawyers and new firms, trained to practice law in what may be the proper manner in another city, the gentlemanly nature of our law practice is eroding, and there is a serious threat in the way that we have always done business in this city. I don't mean to single out any particular lawyers or firms but everyone knows who they are and from whence they came.

So, in order to set forth for these newcomers the *custom legem* in the Baton Rouge area I called around to a few lawyers and got a non-exhaustive list of "rules of thumb" for courteous Baton Rouge law practice for the people who are not familiar with how we do it here (and as a refresher for those of us who have forgotten).

1. Baton Rouge lawyers don't lie to each other or to the Court.
2. A Baton Rouge lawyer will not default another lawyer when he has been notified by telephone that the other lawyer will be representing a party in a case.

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3. A Baton Rouge lawyer does not set up depositions without first coordinating the times and dates with the calendars of all other attorneys involved in the case.
4. A Baton Rouge lawyer will not file a Motion to Compel Discovery without first notifying the other lawyer that he is going to do so and without allowing the offending lawyer a chance to respond after being so notified.
5. Baton Rouge lawyers do not engage in *ex parte* conversations with the Court.
6. When a Baton Rouge lawyer says he is going to do something or send you something, he does.
7. No written motions are required if a Baton Rouge lawyer gives you an extension of time (unless, of course, some official court rule it requires it).
8. Baton Rouge lawyers are considerate to other lawyers, judges, their secretaries, law clerks, court reporters, and staff.
9. Baton Rouge lawyers realize that a lawyer's client is very precious to him and, as such, do not try to entice another lawyer's client away.
10. In Baton Rouge, unless otherwise stipulated, the defendants pay the court costs on settlements.
11. Baton Rouge lawyers do not file unnecessary pleadings just for the purpose of generating an attorney's fee.
12. Baton Rouge lawyers always return phone calls from other Baton Rouge lawyers (maybe late, but eventually).

The reason I have listed many of these "rules" is that in talking to other lawyers it appears that the art of verbal communication is disappearing.

While in some cases and with some lawyers there is often a need to do everything in writing, there is also a lot that can be done if we just attempt to communicate with each other in person or over the telephone. When it gets close to a trial date and the lawyers are actually communicating with each other, most cases settle. The reason is that the lawyers, in all probability, first started talking to each other at that point.

The friendly nature of law practice in the Baton Rouge area is a gift we all take for granted because it has been here for such a long time. But under present conditions if we don't play an active role in attempting to preserve it, it will be gone and our quality of life as lawyers will deteriorate.

Daddy! Daddy!

An Observation

Context: I was sitting in the airport headed to another city for a deposition when this occurred. He was a very well-known lawyer coming home from federal prison on a furlough. His family was very happy to see him.

The scene is very familiar to the lawyer.

He sits in the airport waiting for his flight—watching the other people. He looks into their faces, trying to guess why they are there.

A plane arrives.

A mother cries when she sees her daughter and grandchild who have been away for so long. A wife hugs her husband, home from another business trip.

One small group paces impatiently—young and old, parents, wives, children.

Then his face turns the corner and the concourse is awash in cries of, “Daddy! Daddy!”

Everyone in the airport looks up to see who this “Daddy” is.

The kids rush up to be the first ones to touch him. They reach to him before he gets past all the other passengers—they just can’t wait. This little family is happy to see their son, husband, daddy come home.

He bravely smiles and tries to act like he just came home from a business trip—like he used to do when he was a lawyer.

But he’s not coming home from a business trip—he’s home on a furlough from federal prison. His sadness is visible—except to his eager family who are so glad to see him.

They walk away hugging him and each other all along the way. They’ll no doubt be hugging him all the way home. They look like that kind of family.

He looks like that kind of daddy.

So much of what we do as lawyers impacts our families permanently and irrevocably. It was obvious that they loved him just the same.

I only recite this as an observation of how we as lawyers lose sight of what is important in our lives.

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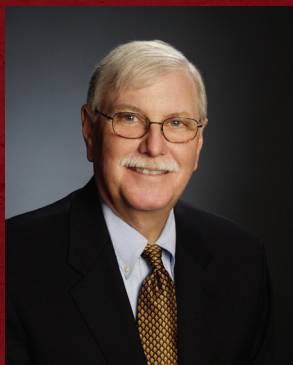
We may feel that our practice, our clients, our partners, and our “good friends” are of paramount importance—but in the end, when it really mattered, it was only his family in the airport yelling, “Daddy! Daddy!”

Not just a book for lawyers. Why do lawyers do what they do? What's it like to be a lawyer? What's right about lawyers? What's wrong with lawyers? What does it take to win? Why do they lose? And why do they call it a profession?

Written throughout a long career in the courtroom, this collection allows the reader to take a deep look inside the legal profession and many of its prominent members. This book is not only relevant to lawyers and judges, regardless of where they practice, but it is also relevant to non-lawyers interested in what lawyers do, people who aspire to be lawyers, and people who have lawyers in their family and have to deal with them. Contained herein are many moving moments that may bring a tear to your eye, many humorous moments that may make you laugh, and pieces of advice, designed for lawyers, but applicable to all of us.



About the Author



Edward J. Walters Jr. has been representing individuals in personal injury cases for over 45 years. He is Board Certified in the field of Civil Trial Advocacy by the National Board of Trial Advocacy. He is a fellow of the American College of Trial Lawyers and the International Academy of Trial Lawyers. He received a statewide honor being named the “Distinguished Attorney” for 2009 by the Louisiana Bar Foundation and was chosen as the L.S.U. Law Center’s 2015 Distinguished Alumnus of the year. He has served as

Adjunct Professor of Law at the L.S.U. Law Center for in excess of 25 years, teaching a trial skills course entitled “Advanced Trial and Evidence,” which he and Baton Rouge attorney Michael Patterson developed. He has been a member of the faculty of the law school’s yearly Trial Advocacy program since its inception 25 years ago. He served as a member of the Judiciary Commission of Louisiana from 2017 to 2021. He was the Chair of the Commission for 2020. Mr. Walters was born in New Orleans. He is a graduate of St. Aloysius High School in New Orleans, Louisiana State University (B.S., 1969), and the Louisiana State University Law Center (J.D., 1975) where he is a member of its Hall of Fame.

