

(editor's note: This paper was transcribed from a handwritten cursive copy with various difficulties. For a perfect rendition, the reader might wish to consult the original, itself a copy, in the volume entitled *Literary Club Papers* 2, 1886 – 1887 June 5, '86 to May 21, '87)

## My First Client

It was years ago – so long ago that since then my hair has changed from dark to gray – that I met my first client. Before that to me eventful day, I had passed many a lonesome and anxious hour in my office waiting for him to appear. Several times my office door had been opened to persons whom I thought might prove to be clients, and with joy I had greeted them, but my expectations vanished when they returned my salutations with will you please tell me where lawyer A. or B. has his office, or will you subscribe for this book? One day the long expected client came. He stated to me his case. He had been sued before a justice of the peace in Fulton. After hearing his statement, I advised him, as young lawyers generally advise a client, that he had a good case; then in order to guard against contingencies, I quoted a remark I had often heard my preceptor make to clients, “justices generally decide for the plaintiff, and if we should lose the case before the justice we will appeal.”

At the appointed time my client and I appeared before his Honor. The plaintiff before (sic) a number of witnesses and his counsel were there before us, and I trembled lest my adversary might have taken advantage of my absence, and talked with the court about the case. The justice was a fat German. He mounted his chair and assumed an air of dignity and importance and told us to “go on with the case.”

I felt quite overpowered by the responsibility of my position, and when I noticed that the plaintiff had three or four witnesses, and that my client had only his own testimony to sustain him, I thought that I had but little prospect of success. However, I brought all the courage I had left to the surface and made as searching a cross examination of the plaintiff's witness as I was capable of. At the close of the plaintiff's testimony, it seemed to me that he had not made out his case, and I declined to put my client upon the stand. Of course the plaintiff's counsel made his speech to the court, and at its close I said to his Honor, that the plaintiff had failed to make out his case by his witnesses, and that the argument of his counsel had not changed my view of it. The justice scratched his head and looked wise – thought a moment, and then looking down to me said, in what he evidently thought was a judicial tone of voice –

“Young man – I tinks just likes you do now – but dis is a court of Equity – it wants to do just right between dees barties – and vishes all de light it can get on dees case, and it would like to hear from you, for you might say zometin dat vill make me change my mind.” I maintained a discreet silence. – Then the justice said “Vel, young man – if you vont say nothing I must give shudgment for your client” – and he did.

Some years after this I witnessed in one of our courts another illustration of the adage that “Silence, when nothing need be said, is the eloquence of discretion.” The case before the court was near its close and the plaintiff's attorney had risen to reply to the argument of his opponent. The judge informed him that it was not necessary for him to make any further remarks, but he persisted in having his say – his client was probably in court – and the judge seeing that he could not be suppressed permitted him to talk as long as he

wished. At the conclusion of the harangue, the judge quietly said to him “before you began your argument and reply, it seemed clear to me that you had made out your case, but in your last argument you have recalled to my mind points in the testimony which I had long forgotten, and have suggested a view of the case which had not before occurred to me, and I must now decide against you.”

I was last week told an anecdote of one of our present judges, which is in the same line as the experiences I have given. In the progress of a case before him, one of the attorneys had began (sic) an argument when the judge interrupted him with the remark that it was not necessary for him to continue as the court was with him, but the attorney insisted upon his right to make the argument, and the judge with a resigned air closed his eyes, leaned back in his chair and the lawyer talked on. After a while he paused for a few moments, and the judge leaned forward and calmly said – go on, the court is still with you.”

Herbert Jenny

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Greve Editor

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