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What I Learned In My 1st Year: Lessons From Willy Wonka

By **Thomas Ciarlone Jr.**

Law360, New York (August 17, 2017, 1:07 PM EDT) -- *This article is the first in a series featuring attorneys' true-life tales from the earliest days of their legal careers.*

Here, Thomas G. Ciarlone Jr. of Kane Russell Coleman Logan PC recounts how his youthful assessment that a case was unwinnable elicited a memorable and "Wonka-esque" response from a senior partner that changed his outlook on the legal profession.



Thomas Ciarlone Jr.

Sophisticated corporate clients never hire outside counsel to grapple with simple problems. They have large cadres of in-house lawyers who can capably put straightforward issues to bed. Nevertheless, as a newly minted associate, when faced with an especially vexing set of facts, cast against the backdrop of unfavorable case law, I confidently reported to a senior trial partner that there was no way for us to prevail.

At first, he said nothing. Instead, he swiveled round and round in his big, tufted-leather chair, his tortoise-shell reading glasses perched precariously atop a well-coiffed mane of lustrous gray. I was somehow reminded of Willy Wonka's wondrous boat ride — the one in which his rattled passengers fear for their lives while Gene Wilder as Mr. Wonka hypnotically chants that "there's no earthly way of knowing, which direction we are going!"

When my boss came to rest after what had seemed like an eternity of dizzying rotations, he locked his eyes on mine and finally spoke. His question — a rhetorical one that he would later insist I answer — has stuck with me ever since: "There is no way, or you" — he jabbed an accusatory finger at me from across his desk for extra emphasis — "found no way?"



WHAT I LEARNED IN MY FIRST YEAR

In that moment I was instantly — and, I suspect, visibly — deflated like a popped birthday balloon. Less than an hour earlier, I had been heartily congratulating myself for a job well done, for my thorough research and the long litany of scrupulously Bluebooked citations and explanatory parentheticals I had assembled.

All of this would telegraph my objectivity and candor to the clients and, according to the story I had sold myself, convince them to raise the white flag and negotiate a settlement before they sunk any deeper into the swamp. This was close to twenty years ago, but I still seem to recall that my memorandum closed with an all-too-glib expression, something like “there are battles to be won, but unfortunately this is not one of them.”

In my left hand I held — perhaps clutched, by this point — that very memorandum, suddenly no more valuable than the air I was sucking in. My heart was racing. Part of me was convinced Mr. Wonka could hear it thumping and extrapolate my fear from its furious pace. Another part of me wondered how I would account for a full week spent scrivening away, my 2,000-hour billable goal and annual bonus now both in serious jeopardy, I feared.

“Is my career already over, before it has even begun?” I asked myself, while clasping my hands behind my back — a maneuver intended to put the memorandum out of sight and out of mind. Apparently my stealthy ways were no match for the all-seeing, all-knowing Mr. Wonka.

He flicked his spectacles down to the ready position. “What have you got there? Is that your magnum opus?”

He didn’t wait for me to respond.

“Give it here,” he said, and I reluctantly surrendered my work product, in all its exhibit-tabbed glory.

Then I waited. Sitting was not an option. I stood at attention while Mr. Wonka read my entire memorandum, in silence. I was reminded of my first day of law school, when one of my fellow 1Ls had unsuccessfully tempted fate by reporting to class without having read any of the assigned cases. The professor, an ancient curmudgeon fond of reminding us that “God is in the details,” was notorious for his ruthless invocation of the Socratic method. After he called on the student who had read nothing and she admitted as much, the professor was undeterred.

“Normally,” he announced, “I would bench you. But I’m going to do you a favor today and keep you in the game. So we’ll all wait patiently while you do the reading. Just let us know when you’re done.” To say that you could hear a pin drop in that lecture hall would be a profound understatement. When the professor’s victim raised her hand about ten minutes later to indicate that she was “ready,” a massacre predictably ensued.

It was this kind of depthless quiet that had taken hold of Mr. Wonka’s corner office as I awaited my sentencing. Eventually he set my memorandum aside and repeated his question, softer this time, one corner of his mouth raised in a half smile: “There is no way, or you found no way?” It should come as no surprise that I conceded it was probably the latter.

I learned a hard lesson that day: while we must always be candid with our clients about the strengths and weaknesses of their positions — to empower them to make informed decisions about how to proceed, with eyes wide open — it is a rare occasion when we cannot formulate options for them other than capitulating under pressure in difficult circumstances.

Clients do not mistake us for miracle workers, mind you, but neither do they seek our counsel just to be told that their situation is hopeless. Rather, clients legitimately expect us to pound the pavement for innovative strategies in challenging environments and for a principled assessment of the associated risks, costs and benefits. If we cannot come up with options other than equal parts doom and gloom, then as lawyers we bring nothing new or valuable to the table.

“Invention, my dear friends,” Willy Wonka aptly observed for Mrs. Teavee, whose golden-ticket-winning son famously did nothing except watch television, “is 93 percent perspiration, 6 percent electricity, 4 percent evaporation and 2 percent butterscotch ripple.” But “that’s 105 percent!” exclaimed the confused schoolteacher in response. Of course, even though his numbers did not add

up, Mr. Wonka was exactly right.

The practice of law at its highest levels is about giving it your all and going the extra mile. That means more than just putting in the effort — perspiration is a required element, but alone it is not nearly enough. We must also think creatively, outside the box, when the problems are difficult and the answers elusive — this is the secret ingredient, the butterscotch ripple, that keeps clients satisfied and coming back for more.

Thomas G. Ciarlone Jr. is a director at Kane Russell Coleman Logan PC, where he focuses his practice on oil and gas litigation and general commercial litigation and dispute resolution. He has played a significant role in litigating and ultimately settling many nationwide class actions, including matters involving allegations of securities and consumer fraud at Big Four auditing and accounting firms and at a wide range of publicly traded companies.

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