

How Do You Tell a Colleague They're Wrong?

Good morning Firm,

Happily, people in my area know me well enough that I occasionally get questions from other attorneys regarding their cases. Usually they are on the right track and just want a second pair of eyes on the motion or schedule they are filing. The key is, they usually expect to be right. The problem is, they aren't always right. How do you (nicely, and in such a way that they know they can come back to you for other assistance later on) tell them they are wrong?

I don't worry so much about the attorneys I've known for a long time, because most of us have thick skins, but I don't want a newbie to feel bad if I just send back an e-mail with "Not gonna fly" in it.

When I was a baby lawyer, I worked for attorneys who were liberal with the red pen/marker. I appreciated every single correction/edit/suggestion they made. I would hope the same is true for today's newbies.

Jeena R. Belil, New York

I think Dan Akroyd's method works best:
<http://www.youtube.com/watch?v=k80nW6AOhTs>

Scott I. Barer, California

It depends on how the message is conveyed. Personally, I don't mind being told that I am incorrect in my application or interpretation of the law, so long as it is done in a friendly unpretentious manner. Empathy goes a long way as well, as it is sometimes clear why someone would incorrectly interpret or apply the law. Additionally, I think it is also very important to recognize that even when I think I am 100% correct, there is the off chance that I am not, and I should act accordingly when conveying an "opinion" on any subject.

Hope that helps.

Best regards,
Joseph D. Kamenshchik, New York

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If your entire response is "Not gonna fly", then I would be angry and probably not call you again for help or refer work to you.

On the other hand, if you pick up the phone (which I find easier than composing a lengthy email), and explain why you think the lawyer is going down the wrong path, and/or suggest some improvements, then, I would be grateful, and would happily refer work to you.

Michael A. Blake, Connecticut

Haha - Thanks Michael,

Yes, I would write more than "not gonna fly," though I do believe I once said that to one of my friends. She's still talking to me, so it must have been appropriate in the circumstances, or she's more forgiving than I am.
Corrine

Corrine Bielejeski, California

I agree that you maybe should use the term "not gonna fly" but rather ask the attorney why they settled on that line of defense/reasoning/thinking. Then from there advise what you have seen in your experience. With this approach you can allow them to discuss their strategy, offer guidance based on where in their research/strategy they may have veered into the incorrect approach, and then advise based on your experience. I think it is important to help the attorney understand fundamentally where they made the wrong choice.

In addition, the benevolent nature of mentoring someone as well as "teaching them to fish" rather than just giving them a yes/no answer would relay your effectiveness as an attorney and I would send clients your way as often as possible.

Adrian Hoppes

I had one who printed out an email I sent him, red-lined and told me "this is how you should write emails so that *I* will actually read it."

Ricky S. Shah, California

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And along with the teach them to fish, I recommend you support your right answer with caselaw, statute, etc. which should also confirm their wrong answer ans opposed to just saying your right and their wrong.

Richard J. Pinette, California
