

“Govern Yourself Accordingly”

OMG, I seriously want to use it in a letter. As in, "this outrageous and meritless claim - entirely bereft of any supporting factual basis - is clearly intended solely to harass and extort [my client], and any further attempt to pursue it will be met with a request for sanctions against all parties involved, and their counsel. Govern yourself accordingly."

Would this be appropriate? Do I need talking down from this ledge?

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Maybe add "please" or "kindly" before govern yourself accordingly. :-)

Deb Matthews, Virginia

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That phrase was mocked when used by the infamous (and, in some cases, disbarred and criminally prosecuted) Prenda Law copyright troll lawyers.

Govern yourself accordingly.

James S. Tyre, California

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Cynthia,

Many years ago when I was dealing with super aggressive counsel, I would see that they used this threat in their correspondence. I then used it, but only when responding to those that introduced me to the term. I have never used it since. I would not use it unless you are 100% certain you would act if provoked.

Steve Sherman, California

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I would say - "Perhaps you should try flavored coffee?"

Walter D. James III, Texas

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I always saw that phrase as so much flotsam (or is it jetsam?).

What do you expect opposing counsel to do if you include that phrase, that they would not do if you omitted it?

Besides that, in my opinion, it always comes off as a bit pompous. Think it's more likely to get the recipient's hackles up than to change their actual behavior.

Brian H. Cole, California

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I wouldn't. Threats like that rarely work out in your favor. Pissing off OC just forces him to get his back up. If he's filed a truly meritless claim, call him up. Talked to him. Tell him you don't understand the claim. Is he a newbie lawyer? Or is this something he does routinely with numerous other defendants? Act like you're helping him get rid of a losing case. If he's going to lose, he probably doesn't want to pursue it beyond a certain point. If he's taken it on a contingency fee basis, then he really needs to be educated. He doesn't want some albatross around his neck that he can't get out of, can't win, and drains all of his time.

Or he could be entirely unreasonable jerk, in which case, your phrase might be more appropriate.

Sterling L. DeRamus, Alabama

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Gack! My father used to use that on us all the time. Gets a negative reaction from me, all right.

Miriam Jacobson, Pennsylvania

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Thanks all. I have reconsidered. While the claim is \*truly\* beyond the pale, absolutely warrants the threat of sanctions, and I am most certainly going to follow through (I have never seen a claim that is so patently ridiculous, and I used to work for a court and review LOTS of inmate and pro se 'ramblings' and truly tinfoil-hat-style claims), I am not going to use "govern yourself accordingly." It goes without saying.

But I totally thought of y'all 'Sezzers when I was trying to come up with a closing, and it seemed appropriate late last night (the reason why I let things like this stew overnight before sending them). Thanks for talking me down.

Cynthia Hannah-White, Hawaii

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It's similar to "pleased be advised" from opposing counsel. I think the way it works is that I advise my client, and OC advises his/hers.

Flann Lippincott, New Jersey

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In case no one has said this:

Correspondence Rules:

1. Proofread
2. Spell check
3. Assume this letter will be read by a judge at some future date.
4. Govern yourself or others will govern you
5. You are not the boss of me (said a small child)

Roger M. Rosen, California

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I much prefer "better watch yourself fool!"

Eugene Lee, California

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My understanding is that this is a local custom in some places. Someone sent me a letter that said that. I had never seen it before, but I recall being told that it was a custom in some places. I shall govern myself any way my wife tells me to!

Jonathan Stein, California

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If it was a demand letter, you might reply with I received your amusing letter dated XXX. Thank you for sharing with us.

If they filed a complaint, go ahead and serve discovery.

Duke Drouillard, Nebraska

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"If it was a demand letter, you might reply with I received your amusing letter dated XXX."

I don't remember the details (calling Jim Tyre!), but I have a vague recollection of a lawyer for a professional sports team (Cleveland Browns, maybe?) who wrote an idiotic demand letter. The response that came back said something to the effect of "someone has stolen your letterhead and is writing letters that purport to me from you."

Brian H. Cole

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Mr. Tyre is no doubt doing something important and I'm not, so I'll answer:

<http://tinyurl.com/ybwdabtd>

Roger A. Bartlett, Texas

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As one of the few maritime lawyers on the list, I'll answer this.

Flotsam is wreckage from a ship or cargo that is floating on the ocean.

Jetsam is part of a ship or cargo that is thrown overboard in an effort to save the ship.

Jetsam may become flotsam if it floats.

Andy Simpson, U.S. Virgin Islands

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You, Sir, rock, and I am forever in your debt for scratching that particular mental itch.

I come to law after years working in psychiatric hospitals. There's a thing in therapy where folks will say, "But then they'll get away with it!!!" It always stumped me, until I read a bit of "The Common Law" by Justice Holmes, and came to understand the phrase seems to be from maritime law where in the reality if matters are not settled before the tide turns a ship will sail and get away with whatever the "it" in question might be.

Cheers and thanks!

Robert Link, California