



# APPEARANCES DO MATTER

By David S. Wolf

**I**n a very funny scene from Larry David's HBO comedy series "Curb Your Enthusiasm," Ed Asner walks into his new lawyer's office to discuss his vast estate when the lawyer greets him, warmly, wearing jeans and a polo shirt. Asner's character is taken aback by the lawyer's outfit, asking if he is going to a "Halloween party." The lawyer attempts to put Asner at ease, advising him that it is "casual Friday." Asner responds by telling the lawyer that he looks like a "f—cowboy." The lawyer's efforts to put the prospective client at ease, assuring him that his estate would not be handled "casually," fall on deaf ears, and Asner, outraged, leaves in a huff, large retainer in hand.

When I served as a law clerk in the early 1980s to a Philadelphia Court of Common Pleas judge, I was forbidden to walk out of chambers without wearing my suit jacket and tie, despite the frequent breakdown of City Hall's air conditioning system. When I worked for an in-house insurance firm, I was required to wear a suit and tie, even if my day was to be spent in solitude behind a desk.

Yes, "dressing up" has become something of a bygone practice. We now have "dress down Friday," "casual days" and

\$5 donations to various charities in exchange for "jeans day." While I appreciate the charitable aspect of these initiatives, I am afraid this overall attempt at morale boosting has encroached into legal events, especially at civil depositions, where some of my colleagues have taken this relaxed dress code to the extreme.

Decorum, generally, at depositions is not what it used to be. YouTube is full of clips of lawyers behaving badly. We have all seen lawyers become distracted or even bored at depositions

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– the secretive checking of the mobile device has become much more open and acceptable. I have even had canines rub against my leg in some lawyers’ “homestyle” offices. And do not get me started on the lack of civility – that is an entirely different article (Can we please stop yelling at each other, and will you stop pointing at me with your threat to call the judge? As a judge recently said to the parties who were getting a bit vociferous in his courtroom, “It’s only money folks. Nobody’s going to jail.”).

What I am talking about, however, is a different and, in my view, very troubling trend – the failure of lawyers to invest in a mirror. What is with the jeans and polo shirts at depositions? No folks, a deposition is not a Sunday barbeque or a stroll down Main Street in Manayunk. When I last checked my rules of civil procedure, a deposition was an important event in the discovery process, which, as a matter of practice, often serves as a key moment in determining the outcome of a case. Let us also remember who are often present at depositions – opposing counsel, plaintiff, defendant, lay witnesses, expert witnesses, a court reporter and, yes, sometimes the event is even captured on video for posterity.

Karen Kaufman, an expert in the field of impression and relationship management, notes that there is nothing casual about business: “an impression is always made before we have a relationship with someone.” She says that it takes under seven seconds to make an impression, and 7-10 different experiences to overcome that first impression. She notes that “when people are hiring attorneys, they expect them to act and be professional. A ‘well-pressed’ attorney recreates the look and feel of the courtroom. Dress is a non-verbal signal that people equate with credibility.” Kaufman emphasizes that you should never underestimate the power of looking the part for both its internal and external effect. In fact, many firms have reversed their dress-down policies for this very reason.

Our profession has taken enough hits in recent years. Let us not fall prey to the urge to dumb down our dress to appeal to the everyman. The lawyer is not an everyman. Our profession can only stand as a great and noble calling if we stand apart – and look the part. Now put on that tie. ■

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