

A Tribute to the Portuguese

By Kelly Addy, Civil Deputy City Attorney, Billings, Montana

I confess at the outset that I love Elizabeth Barrett Browning and her *Sonnets From the Portuguese* too much. If that is too obvious by the time you finish reading this, my apologies, to you and Ms. Browning. Let us begin.

O, ListServ, how do I love thee?
Let me count the ways.
I love thee to the depth and breadth
and height My weary mind can reach,
when feeling out of sight For the ends
of being and ideal grace.

It is easy to think you are the only one who has a problem when you practice municipal law, but even more so when that practice is in a remote, sparsely-populated corner of a great country. In Montana, we look to larger states for persuasive authority on many issues because 'something like that has never happened here before.'

But Montana is not California, no matter how much we think that would be a good thing for them. It's likely that whatever I am wrestling with has happened there, and there is probably a case on it, but a lot of stuff we have never thought about has happened there, too.

Where can we turn for guidance as we try to guide our clients between our duty to Protect and Defend and a Taking? How can we translate a distant court's holding in a megalopolis to our cultural setting? The facts are the same, but they don't mean the same thing here. Justice in one community may not fit another.

That is why it is invaluable to talk to people all over the country as the issues pop up here, to see if they have confronted this, or dealt with that, or ever had to come up with a solution to our knotty problem. Somewhere in our 800-member cadre of well-intentioned do-gooders, someone has seen it, dealt with it, and can tell you whether you might want to try one thing or avoid something else.

Our friends from there understand the holding in a case, but they also have an idea which fact, which statute or which judge made it turn out that way. The court's opinion is only a snapshot of justice in that state; I have friends who know why the face in the picture is smiling or scowling or looking away. You convey an organic sense of the task we have and put us on the alert for crucial things we would have overlooked.

I love thee to the level of every day's
Most quiet need, by sun and candle-light.

Friends on the ListServ comfort and stand by each other. But they are also able to speak to each other in a way that cuts through the fog of predilections and tell me what I need to hold onto and what I need to let go of.

No one is always right, but that's the target, and filling in the blind spots is what friends can do for each other. Opposing counsel can't or won't. It's hard for me to hear them when they try.

It took Grandma Addy to teach me how to sort my laundry so my underwear wouldn't turn out pink. Anybody else would have been meddling, but not her. I had to hear it from her.

The credibility of friendship shakes away our dearest hopes and reveals the situation for what it is. There is never just one way to solve a problem. Sometimes it's not a matter of finding better law, but doing things a better way. More than once, I have posted, 'Thanks. I needed that.' I did, too.

I love thee freely, as honest lawyers strive
for right; I love thee purely, as they turn from praise.

Elizabeth wins my heart with that 'honest lawyers strive for right' stuff. A client in private practice managed to be charged with an offense by telling the arresting officer what had really happened just before the police arrived.

I asked them why they had blabbed. They said, 'I was already in so much trouble I figured the truth was only way out!' Happily, we were able to negotiate a deferred prosecution, because they blabbed.

In my municipal practice I sometimes feel like that client. I remember the lesson they gave to me that day. I know from the postings how lonely and overwhelming it can feel to be in a case that is as likely to be decided on the basis of a morning editorial as controlling precedent.

But as we share our challenges, we see we are not alone. This is not just happening to me. We have a role to play that does not include knowing what the outcome might be.

We tell the truth *anyway*, because it is the only thing that can bring an honest and lasting resolution. A tip of the hat here to friends who have responded quickly in emergencies and to others who have whispered their wisdom off-list at challenging times.

In Montana, we refer to it as 'herd immunity'. When enough of us have been vaccinated by raw experience and survived because we didn't blink when we didn't have better facts, we all can hope the danger *du jour* will not prove fatal. We might even find the grace to laugh at it.

I love thee with the passion put to use
In my old griefs, and with my childhood's faith.

We can remind each other better than we can convince our own selves that people call us when they don't know what to do because Trouble is what we handle. Then we can saddle up to do the next right thing in an honorable way and call it a day's work for a day's pay.

I love thee with a love I seemed to lose
With my lost saints. I love thee with the breath,
Smiles, tears, of all my life; and, if God choose,
I shall but love thee better after death.

The ListServ helps us in another way. When we read of a problem someone else has and we can speak to their issues out of our experience the way others have spoken to us, we realize that we know something of real value.

We don't just have problems. We have solutions, too. We don't just need help. We are help, too. Each day becomes brighter than the last, because we all are here. ML