

Disparagement

BY MIKE SUTTON

I had reason to go to court the other day, an activity that is at best generally a lose-lose situation. While there, an incident in an elevator reminded me of why an old lesson is still valuable.

I was going to the sixth floor of the Rockville, Md., courthouse. The elevator car stopped and a distinguished man who appeared to be in his late 50s or early 60s joined the four of us already onboard. Apparently, the others in the elevator were attorneys. I say this because they all addressed the newcomer as “judge.”

The judge acknowledged two of them by name and one of the lawyers introduced a woman as a new counselor. The man then went on to tell the judge that the day before the young attorney had suffered a bad decision by a circuit court judge.

“Oh,” the judge said. “You’ll get used to that! Judge X makes a lot of mistakes.”

The two more experienced lawyers seemed to agree with the judge. At least they were nodding. Of course their concurrence may have only been a prudent case of “don’t disagree with the judge.”

The judge had no idea who I was, but that didn’t seem to restrain or concern him in the least. Something else he didn’t know was that the case I was there for was being heard by Judge X. Needless to say, my confidence was shot down by the judge’s comment.

The elevator arrived at my floor and I got off. As I walked toward the people I was supposed to meet and their attorney, I made a conscious decision to keep my mouth shut until after the hearing. No sense in worrying them any more than they already were.

A half an hour later we walked into the courtroom and took our positions. I sat in the gallery while the others took seats at the plaintiffs’ table. There was a knock at the judge’s chamber door, a sign for

all of us to rise. Judge X entered and went to the bench.

He took several minutes to outline how the hearing would proceed. Then he said he had spent time in chambers with the two opposing lawyers earlier in the day, felt he understood the case and, based on what the attorneys had already presented, that he would probably have to rule in the plaintiffs’ favor if the evidence presented proved the plaintiffs’ case.

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I remember thinking, “Wow! I like the sound of that!” Judge X went on to say that he felt the two parties should take a few minutes to try to resolve this situation between themselves. Then, in the event they couldn’t come to an agreement, he would hear the evidence and render a ruling.

All the players trooped out of the courtroom and into two conference rooms. After several minutes, the defendant’s attorney came to us and said that they wanted to present their evidence. I guess after hearing Judge X’s opening comments, they felt they had nothing to lose by going forward.

Back in the courtroom, the plaintiffs’ attorney told the judge that there was no possibility of an agreement, and the case proceeded. Since the defendant really had no defense, the judge ruled in the plaintiffs’ favor after what I thought was a very articulate presentation of his decision.

Leaving the courtroom, I mentioned the conversation I’d heard in the elevator. The winning lawyer just shook his head.

When I was just a young pup in the IS industry, the first publication I received was a copy of IBM’s “Business Conduct Guidelines.” In it, listed prominently, was the following: “Do not disparage the competition.” That was a good rule then and it continues to be today. If a product or service is exemplary, that fact will become obvious based on its features and functions. If it is not, no amount of hype will do much good. Sometimes, people don’t so much sell their “widget” as put down the competition. When someone tells me that Brand X is no good before they extol the virtues of their own product or service — and that includes their personal work — I’m immediately suspect.

I’m certainly no jurist, but Judge X presented a very professional image that day. I didn’t get the impression that he had an ego that deserved its own orbit, and most important, he patiently offered both sides in the dispute the opportunity to present their complicated evidence.

On the negative side, I lost a lot of respect for court systems. I guess I’d naively placed judges above that sort of unprofessional behavior by virtue of their positions of importance. I was truly disappointed.

My wife has a great saying that certainly seems to apply to this situation. Carol says, “The only reason people disappoint us is because we’ve overestimated them.” **ts**

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