

Is This “Remotely” Possible?

BY CLAUDE DUCLOUX

The opinions expressed in this article are those of the author and do not necessarily represent the views of the Austin Bar Association membership or the Austin Bar Association board of directors.

Consider the following three scenes:

SCENE ONE

Egypt, Giza Valley, Akehnaton’s apartment. 2500 BC. [A knock on the door, it’s Djoser, the chief stone architect of Pharaoh Khafre’s pyramid]

Djoser: Akeh? You there? You were supposed to meet me at the base today to learn stone design.

Akehnaton: Do I really have to go? My cat is sick.

Djoser: You have missed every single meeting with the architects and the stone bearers. How do you expect to become a chief stone architect? There’s lots to learn. You need to know angles, weights, slave strength, positions.

Akehnaton: Hey, no problem, I can see the guys from here.

Djoser: Akeh, you must learn in person. You do want the mathematicians and slide engineers to know you, right?

Akehnaton: But look out the window. I am so close that I can hear the slaves being crushed from here. Look, how about I come in every Tuesday?

Djoser: How about Mondays, Wednesdays, and Fridays.

Akehnaton: Will you provide lunch?

SCENE TWO

Rome: 150 AD. [Marcus Stultus is applying to be a gladiator.]

Procurator: Okay Mr. Stultus, I’m reviewing your resume... Hmm, I don’t see any fighting experience.

Stultus: Oh, I have plenty. I’ve fought at least 20 guys.

Procurator: Really? Names? Places?

Stultus: Well, they weren’t real



people, but really, really lifelike drawings of mean gladiators.

Procurator: So, you fought paper gladiators?

Stultus: Uh huh. And beat every one of them.

Procurator: Sir, how come you didn’t train at the Academia Disciplina Pugnati?

Stultus: Well, you know it was WAY across town, and the traffic here in Rome is really bad. And if the Circus Maximus is in town, you can’t get anywhere near the Colosseum.

SCENE THREE

Colorado Springs, 2025, Brooklyn Vonn, a niece of Lindsey Vonn, is being interviewed by the U.S. Olympic Ski Coach.

Coach: So, Miss Vonn, it says here that you want to be an Olympic ski racer. Can you tell me what you’ve done so far?

Vonn: I have spent hours and hours on skiing, learning techniques, observing others, and I’m pretty sure I’ve nailed it.

Coach: Okay, how many races have you won? And where?

Vonn: Well, none yet, but I’m sure I can... I betcha I’ve watched a thousand YouTube videos on how to ski. It looks pretty easy. I think I’ll be able to nail it.

Coach: You’ve never... actually... skied?

Vonn: No. I hate the snow. It’s cold. But I’m sure I’ll know what I’m doing when I get some skis. Are there any, like, summer competitions?

Sigh.

So, clearly, I am worried about our post-covid affection for working “at distance.” Thinking back on my own training and experience, nothing helped me more than the steady, daily guidance and exposure to other practitioners. They encouraged, explained, they gave me critical feedback, and mentored me to seek justice and find my place in a difficult profession. And my experience is not unique.

For centuries of human history, and across all cultures, tradesmen, merchants, artisans, painters, and craftsmen learned their respective arts under the tutelage of senior minds. Nomenclature for those who successfully completed their apprenticeships, training or servitude programs were created over centuries, and bestowed upon them to give the public confidence that their artisan, technician or skilled worker was competent to undertake the assigned task. Terms like “journeyman” “master” and “guildsman” gave way, after the development of formal educational programs, to terms

like “licensed” and “certified.”

It is no accident of history that these programs continued across continents and cultures in various formal and informal customs, primarily to pass on the hard-earned knowledge of older professionals to a newer generation. Apprenticeships were valued and required, with many professions forming international requirements for mentored study before joining the professional guild, often precipitated by an examination of sorts by other master professionals.

Doctors throughout the world still ascribe in large measure to the benefits of internship, residency, and prolonged training. But so do plumbers, painters, electricians, engineers and architects.

As applied to the legal profession, the United States remains one of the few democratic jurisdictions that has generally abandoned the wisdom of generations: that studying under a competent expert professional is the best way to ensure your own success in our profession.

England, as well as most European countries like Denmark, Germany, Switzerland, Austria and France, still maintain flourishing requirements for clerkships and legal apprenticeships. To become a Barrister in England and Wales

requires not only schooling but two full years of “QWE” – qualifying work experience. Switzerland, at present, requires one year study in the courts or law firms before they are allowed to take the bar examination.

Moreover, just because in America, you may not be absolutely required to do a clerkship or mentorship, doesn’t mean you shouldn’t. In fact, doing a clerkship, or having a ready and available mentor is the most important element in creating a smooth transition to a successful law practice.

Law, like medicine, is rife with unexpected opportunities to observe and learn. And inexperience is no defense from liability if we breach our fiduciary duty.

There are many ways to err in the legal profession. Flawed Contracts could be unenforceable, and missing one of the ubiquitous deadlines of our profession is treacherous. Acknowledging that, the newly minted lawyers at the very highest levels of our profession generally seek clerkships, both private and governmental. Time spent there will never be wasted: learning about a system from its current managers will always serve them well in the future.

Yes, I already hear your push-back: It gels into two responses: “But we do meet and discuss things over video technology. It’s just as good.” And “We are able to use Artificial Intelligence to draft our correspondence, pleadings and demand letters. So there!”

My replies: First, the benefits of practicing among other experienced professionals will be the thousands of little things you see, learn, and ask about that you never planned to encounter or discuss. Because you didn’t know those lessons existed.

Secondly, never become dependent upon any technology. Writing is an art, and it is hard work. But your profession depends on your ability to communicate, craft persuasion, and articulate stories and emotions, and precise expectations in a palette of words. Never expect A.I., which often simply steals the words of others, to be your mouthpiece. It will inevitably embarrass you. Your own skilled writing will not.

Keep the faith. **AL**

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