

# Serving As A Sheriff's Deputy Made Me A Better Lawyer

By **Michael Friedland** (April 2, 2024)

*In this Expert Analysis series, attorneys discuss how their unusual extracurricular activities enhance professional development, providing insights and pointers that translate to the office, courtroom and beyond. If you have a hobby you would like to write about, email [expertanalysis@law360.com](mailto:expertanalysis@law360.com).*

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For 16 years, when I wasn't at my full-time job practicing as a partner at a large intellectual property law firm, I wore a badge and carried a gun. On weekends, I worked as a reserve deputy for the Orange County Sheriff's Department.

Some shifts, I wore a uniform and drove a black and white. Other shifts, I wore business clothing and worked as an investigator. I responded to homicides, domestic violence incidents and wildfires.

There were days when I got to give stickers to happy kids, and nights when I was confronted with situations involving people going through the worst moments of their lives. Every shift that I worked was challenging, rewarding and energizing.



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I had always been fascinated with law enforcement and had even considered it as a career. But I was more interested in being a lawyer.

I chose law school, joined a large firm, litigated IP cases and advanced within the partnership. About 15 years into practice, I wondered if it wasn't too late to give law enforcement a try. I attended a law enforcement academy at night and became a reserve deputy.

It never occurred to me that the experience would make me a better lawyer. In fact, I was pretty sure that the time commitment would hurt my legal career. I was surprised that, with careful time management, I was able to balance the demands of practice with patrol shifts.

I was even more surprised when I realized that I could apply so much of what I had learned as a deputy to my practice. Being a cop actually made me a better litigator, a better counselor and a better partner.

## **Have a plan.**

As deputies, we never did anything without a plan. We wouldn't get on the radio without first considering and mentally rehearsing every word. We wouldn't approach a car, knock on a door or speak to a suspect, witness or victim without first making a plan for whatever we were going to say and do.

I brought that to my law practice. I began consciously setting goals for each task. What do I want to get from a hearing, a deposition, a motion, a meet-and-confer or a meeting with a witness?

I'll consider things like whether it would be better if a witness feels comfortable or

intimidated. I'll think about the words I'll use, the questions I'll ask, and the information and documents I'll share.

Even when you only pause for a few moments to be deliberate about making a plan, you're much more likely to do a better job for the client.

### **Always be ready.**

It's the nature of law enforcement to be prepared for the worst. I would never wear a badge without also wearing a bullet-proof vest. On my belt, I carried a baton, pepper spray, firearm and three full magazines of ammunition. It didn't matter where we were or what time of day; unexpected things can go wrong, and we needed to always be ready.

That perspective changed the way I prepared for hearings and trials. I stopped assuming things would go right and began setting aside time specifically to consider all the things that could go wrong.

What if the judge mistakenly believes key evidence isn't admissible? How will we show him that it is? What will we do if we can't convince him? What's our backup plan?

More than once, the exercise prevented me from being blindsided. It's caused me to bring more authorities and evidence to court and have multiple witnesses ready to testify to critical facts.

As a deputy, I almost never needed the equipment on my belt, but on the rare occasion that I did, I was glad to have had it. The same has been true in practice.

It's always best to be ready for an unlikely problem to occur.

### **Make a decision.**

As a deputy, I had to make decisions quickly on limited information. Do we detain or release someone? Do we enter a home without a warrant? Do we need to Mirandize someone before asking any more questions? We would use the information we had and make the decision.

I have known many lawyers who could brilliantly analyze an issue, identify the pros and cons, and present the issue in detail. But they couldn't make the decision themselves.

I learned from being a deputy: If you have all of the facts and all of the law, then you need to make a decision. I could never have advanced in my practice if I hadn't learned to decide.

### **Be clear.**

As a deputy, I learned that I had to be understood by whoever I was speaking to, regardless of outside distractions and the person's language or educational background and condition of emotional distress. I needed to speak clearly and plainly, using appropriate vocabulary. A person that couldn't understand me couldn't possibly comply with my instructions or give me information that I needed.

It was a good lesson to apply to my law practice. As a young lawyer, I wanted to appear erudite, to speak in paragraphs, and even toss in some SAT vocabulary and legal Latin to make sure that everyone appreciated how smart I was.

From my law enforcement experience, I learned how counterproductive that approach was. The purpose of speaking to a client, cross-examining a witness, answering a judge's questions or writing a brief isn't to show off. It's to convey information to an audience so that the audience will understand and grant your request. That sometimes requires short sentences, simple vocabulary and close attention to the audience to make sure you're understood.

Being erudite doesn't work when asking an emotionally distraught victim questions, and it doesn't work in a deposition or at trial.

### **Pour the beer out.**

Not every dispute needs to be World War III. Sometimes, a lawyer needs to find a way for a client to get exactly what it wants quickly and efficiently. I use a metaphor from my law enforcement experience: Just pour the beer out.

It would usually happen on beach patrol. We'd come across a group enjoying beer on the sand. We had options.

We could cite them, or we could take it as an opportunity to educate. We could walk up, apologize for interrupting a beautiful day, and let them know that it's illegal to consume alcohol on the beach. Then, we would ask them to just pour it out. Nobody has to go to court. Nobody has to go to jail.

I've applied this in my practice.

A third party has just started infringing a patent or trademark. Perhaps it's an innocent mistake. It's worth considering with the client whether we should try advising the third party of the IP and suggesting that a good option is available: Simply stop selling the product and make a reasonable payment for the sales and attorney fees. We don't need to go to war, and we don't want to be vindictive.

In other words, just pour the beer out.

You may be surprised by how often this tact can solve a client's problem so much more quickly and cheaply than if you rush to file suit.

### **Work with a partner.**

Every big-firm lawyer has partners. But not real ones.

Think about a TV police show. Cops have partners. And they're true partners. They work together as a team to solve their cases. As a deputy, I learned how valuable it was to have that kind of partner, and I applied that lesson to my practice.

At law firms, cases are staffed hierarchically. The most senior partner is in charge, and everyone else follows his or her lead.

I began staffing my cases police partner-style, so I would work with another experienced litigator as an equal partner on a team, with the more junior lawyers reporting to both of us.

It meant that the client had the benefit of two experienced pairs of eyes and, more importantly, two strong perspectives. Because we could treat each other as equal partners, neither of us would feel compelled to defer to the other's seniority. We could propose ideas freely, speak frankly and disagree.

There hasn't been a time that working a case with a police-style partner didn't lead to better and more efficient legal work. As a bonus, it's also much more fun.

## **Conclusion**

Although I felt confident that my law enforcement experience had been valuable to my development as a lawyer, I had concerns about what clients would think. I was worried that when clients found out about my unusual extracurricular activity, they would think less of me as a lawyer.

I was glad to learn the concern was unfounded. Clients appreciate that the experience of being a cop translates well to litigation. In addition, clients have their own interests beyond work, and they seemed to appreciate that other highly skilled people also have outside activities.

And the fact that my extracurricular activity was relatively unusual wasn't a bad thing. Clients find it interesting (and frequently, cool), and it's helped distinguish me from other lawyers.

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