

A Return to **THE STAGE**

By Richard Hans Maurer

Cellist Finds Similarities to the Practice of Law

Standing on the platform waiting for the 1:05 to Trenton, I had with me two black containers. One was a battered rolling briefcase, the bulging legal kind, which carried the tools of my trade – a motion to which I would be filing a response, caselaw to it added traction, the netbook to write it down, a side-pocket assortment of highlighters, Post-its and binder clips. The other container was a cello case, and inside was an instrument I purchased in July 1987, two months before I started a master’s degree at Juilliard, and two years before I improbably began studying for the LSAT to get into law school.

My cello is almost Italian – made in Rio de Janeiro by Vicente Lo Turco, who had emigrated there from Naples to make violins, cellos and inevitably, a lot of guitars. My instrument has the red varnish and big singing sound of an Italian instrument, and if it could talk, would tell of green room jitters before going on stage, auditions beyond count, wedding gigs, church music, and the innumerable hours of practice which made it all happen.

Throughout my legal career, particularly in the early days looking for a first job, I confronted the impression that as a classical musician, I would be an undisciplined free spirit, a

flower child with a folding music stand. In reality, we are closer to Marines or gymnasts. For the performance major, music school is endless training, much of it focused on strength, where striving for 115 percent ensures that even an off day meets standards. This foundation supports a litigation practice that emphasizes proportionality, accountability, and tenacity rooted in the

knowledge that “the show must go on.”

Throughout my big-firm years, I saw well-assembled and persuasive efforts, from briefs to oral argument, lose their spark when someone’s new issue needed to be prominently included, often at the last minute and regardless of the consequences to the whole. From performance, I know that a well-played simple piece, even a three-minute Gavotte from one of the Bach solo cello suites, will outdo a hastily assembled symphony. While proportionality in civil discovery is a relatively new addition to the Federal Rules, it has been a

PHOTOS BY Jeff Lyons



Richard Hans Maurer, rehearsing in his home, was given a battered, half-sized, plywood cello in 1975, and has been playing in one capacity or another ever since.



guiding principle of concert music for centuries.

To me, accountability means that nobody should be expected to attain an outcome that the boss himself is not ready to achieve. This is a given on stage, where performance cannot be delegated. In a law firm, sharing work by dividing responsibilities is essential, but not at the price of focus. Ideally, delegation should be like chamber music, where some parts are more complicated than others, but each is essential to the whole.

Last, knowing that the show must go on equips me to deal with the unexpected, from a tripod refusing to unfold for the blow-ups I need to show the jury, to the boxes which are still on their way over to City Hall, to the jury pool for my very first trial, who all stood up when I asked them “does anyone think DUI is immoral?” In Pablo Casals’ memoirs, he told of being so nervous for his first concert in London that his bow shot out of his hand, only to be quietly passed back toward the stage, from one audience

member to the next, until the show could go on. The tough, unexpected moments effectively reveal character and the extent of preparation.

The 1:05 to Trenton would eventually get me to the New Jersey Performing Arts Center, for the evening’s benefit performance of “A Funny Thing Happened on the Way to the Forum,” a 1962 Stephen Sondheim musical featuring togas and tunics, courtesans and eunuchs, multiple mistaken identities, and a challenging cello part that I was invited to play as largely as possible, since I was the only cellist in the ensemble. The realized vision of *New Jersey Law Journal* publisher Robert Steinbaum, this “Celebration of Lawyers in the Arts V” was to benefit the NJ Volunteer Lawyers for the Arts, through ticket sales and a gala reception before the show.

I was glad for the invitation to play. After working up two movements from the Bach d minor cello suite for some church performances in June, I had hardly touched the instrument, the consequence of spending 10

days in Poland on legal business, and then catching up with work and client invoices after returning in late July. Fortunately, shows are ideal for recovering instrumental strength. When played with alternative fingerings, a repetitive, “nothing” bass part becomes a useful intonation study. After two, three-hour rehearsals, I felt my strength returning, and thought of Théodin, King of Rohan, who wakes from an enchanted sleep to be urged by Aragorn that his fingers would remember their old strength better if they but held their sword. My fingers continued to remember their old places on the fingerboard, my bow pulled straighter, and after two roundtrips to Newark (typing briefs most of the way), the Sept. 14 performance went well. It was good to be on stage again, where something always happens differently than planned.

Backstage with the string players, plans were forming for a metropolitan lawyers orchestra. A recurring theme in post-performance emails was how pleasant everyone was, how we worked

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for the most part seamlessly towards the common goal, how different this was from the ruder expectations of lawyer work. In some of these messages I could hear a muted regret for the path not taken. Yes, it was good to have a larger and steadier income as a lawyer, but high-level performance made us younger, like Benjamin Button going backward through time on a motorcycle.

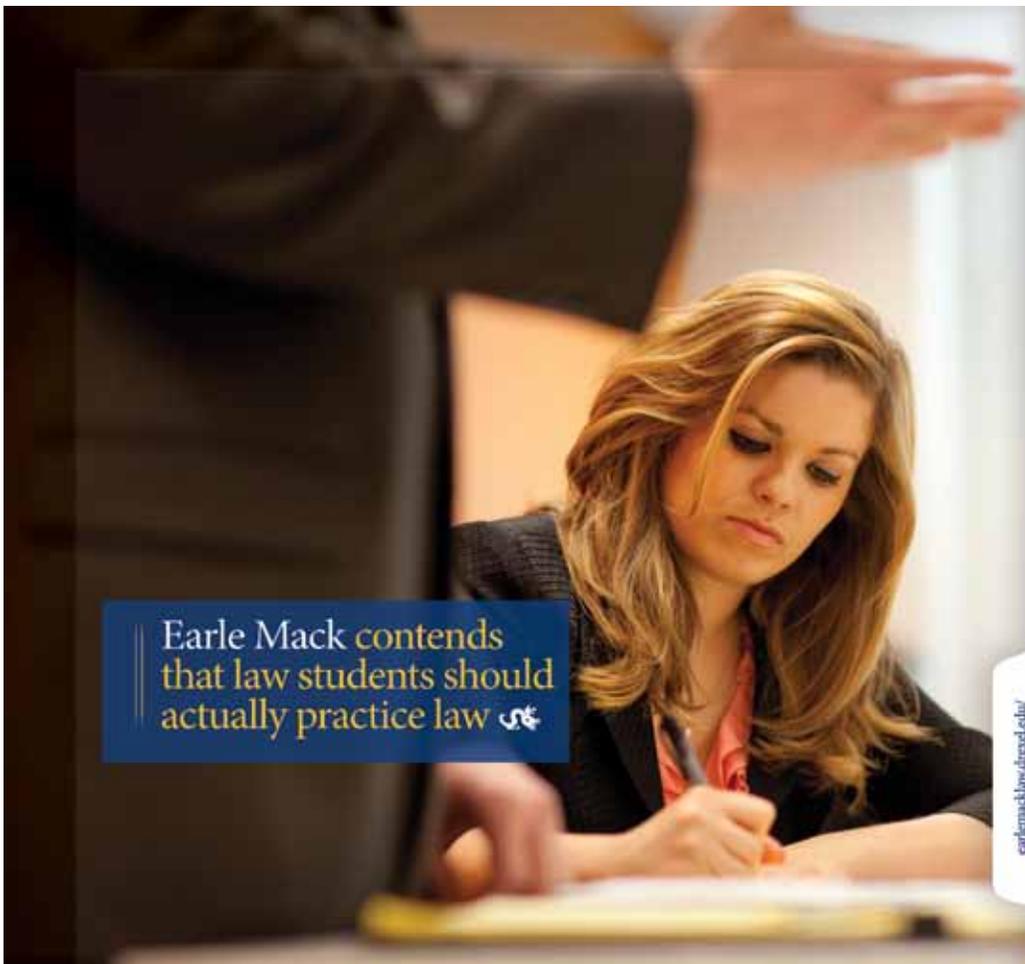
I did not stay for the cast party, but it was still well past midnight when I returned to Philadelphia. With a difficult

client, answers to written discovery due, an emergency motion and then a motion response, weeks without practicing passed in a blur. Inevitably, I started up again, this time working on the remaining movements of the Bach d minor suite, which I learned at age 17, and somehow remains intact in my memory.

My participation in “Forum” did not make economic sense, with handfuls of train tickets and a taxing drive to Upper Saddle River for a daylong rehearsal. It did not make time-management sense,

shutting down my office computer at the last possible moment while conducting a mental inventory of what briefs needed to come with me but still forgetting my folding music stand. But as a way to experience energy, purpose, and in the end accomplishment, my participation made all the sense it needed. ■

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