

SHAKESPEARE AND THE LAW

I. INTRODUCTION

Sir Walter Scott once said that:

“A lawyer without history or literature is a mechanic, a mere working mason; if he possesses some knowledge of these, he may venture to call himself an architect.” [*Guy Mannering*, ch. 37 (1815)].

All of us, judges, lawyers, and law students, should strive to be more than mere mechanics. Language, and the ideas it conveys, should soar, illustrate, and illuminate; our words, both oral and written should seek not only to convey information, but to paint pictures with it.

Where better to take inspiration than from Shakespeare, the Bard of Avon? – who, among his many other interests displayed a fascination with courts, law, and lawyers, and left for us references and phrases that are as useful to the lawyer today as when they were penned 400 years ago.

In fact, Shakespeare’s lasting influence on the English language and everyday speech is *so* pervasive that it has been noted in every generation since the plays appeared.

As far back as 1814 – some 200 years ago – novelist Jane Austen put this observation in the mouths of two of her characters, who had the following exchange about Shakespeare’s influence:

Shakespeare one gets acquainted with without knowing how. It is a part of an Englishman’s constitution. No doubt one is familiar with Shakespeare in a degree, from one’s earliest years. His celebrated passages are quoted by every body; they are in half the books we open and we *all* talk Shakespeare, use his similes, and describe with his descriptions. [*Mansfield Park*, 1814].

That is as true today as it was in 1814, and as true in America as it is in England, although the American recognition of that reality has, almost of course, been far more sarcastic. Famous cynic H.L. Mencken has had attributed to him the comment that Shakespeare was not really all that great, because “After all, all he did was string together a lot of old, well-known quotations.”

Marjorie Garber, in her 2008 book, “Shakespeare and Modern Culture,” went further. Ms. Garber observed that throughout modern culture, Shakespeare has been “sampled” and “texted” in forms from advertising to cartoon captions, to the point that many people do not even realize the source of the phrases they use.

For example, Lady Macbeth’s exclamation in the sleepwalking scene, “Out, damned spot!” [*Macbeth*, Act IV, sc. 1], is so well-known that it has been used as the slogan for both stain removers and acne medicine. How many people here realized that the subtitle of Star Trek VI was lifted straight from *Hamlet*, who was actually describing death: “The undiscover’d country from whose

ourn / No traveller returns.” [*Hamlet*, Act III, sc. 1] – not to mention titles for things as varied as the title of an art exhibition on representational painting at the Hammer Museum in Los Angeles, and the brand name of a company offering bicycle tours in California.

The expression “Strange Bedfellows” is widely used, in many contexts with virtually no recognition that it is the description of Trinculo seeking cover from a storm with Caliban, from *The Tempest*, and from the full line “Misery acquaints a man with strange bedfellows.” [*The Tempest*, Act II, sc. ii.]

The number and variety of such unconscious daily plagiarisms is staggering, and led Ms. Garber to conclude:

Shakespeare has scripted many of the ideas that we think of as “naturally” our own and even as “naturally” true: ideas about human character, about individuality and selfhood, about government, about men and women, youth and age, about the qualities that make a strong leader. Such ideas are not necessarily first encountered today in the realm of literature – or even of drama and theater. Psychology, sociology, political theory, business, medicine, and law have all welcomed and recognized Shakespeare as the founder, authorizer, and forerunner of important categories and practices in their fields. Case studies based on Shakespearean characters and events form an important part of education and theory in leadership institutes and business schools as well as in the history of psychoanalysis. In this sense Shakespeare has *made* modern culture, and modern culture returns the favor.

It would be impossible to do the subject of Shakespeare’s influence on modern language justice in an hour of strutting and fretting upon the stage [*Macbeth*, Act V, sc. v.] But we *can* dip our toe into Shakespeare’s impact on and influence over our work as lawyers.

And what time better than this moment to do so? Or, as Shakespeare put it, speaking through Brutus:

There is a tide in the affairs of men.
Which, taken at the flood, leads on to fortune;
Omitted, all the voyage of their life
Is bound in shallows and in miseries.
On such a full sea are we now afloat,
And we must take the current when it serves,
Or lose our ventures.

– [*Julius Caesar*, Act IV, sc. iii, 218–224]

Let us take the tide, and begin!

Questions & comments are welcome – just jump in – and the outline for today, with pinpoint cites

for all referenced quotations, will be available on the Published Works page of my firm website within the next few days.

II. First, . . . LAWYERS AS SUBJECTS

- A. Shakespeare spoke of lawyers – a lot! Lawyers as subjects for commentaries appear at least 50 times throughout the plays and sonnets, through references to “lawyers,” “attorneys,” and “solicitors.”
1. A century ago, a debate raged as to whether Shakespeare had actually *worked* as a lawyer before turning to play-writing. In 1884, Senator Cushman K. Davis published a 300-page book claiming that Shakespeare used “law terms” 312 times, and concluded that only a lawyer would have done so.
 2. Others disputed that conclusion, noting some pretty wide misses in the uses of legal terminology, and suggested that Shakespeare was present in the royal courts, and probably had lawyer friends that he hit up for advice on legal terminology as necessary.
 3. That debate is not the focus of this address, any more than the endless detective game 400 years after the fact of trying to determine who “really” wrote Shakespeare’s plays.
 4. Rather, it is the words of the works themselves that are the subject today.
- B. Sometimes, lawyers – supposedly real, or more often, supposedly imposters *pretending* to be lawyers, are principals in the action of the plays.
1. Most famously, probably, Portia in the *Merchant of Venice*, whose supposedly strict rendition of the law provides the plot device by which the hapless hero of the tale is saved, and the (ahem) evil Jew gets his come-uppance.
 2. Several things about that particular courtroom scene are worth noting.
 - a. First, it employed a favorite schtick of the time.
 - (1) In the 1590s, women were not permitted to be players in the theater, so male actors would play women.
 - (2) A frequent plot device was women pretending to be men; this therefore created the acting challenge of a man pretending to

be a woman pretending to be a man!

- (3) It got even more layered in *Merchant*, because Portia, the wealthy heiress, arrives in the nick of time disguised not just as a man but as a “young lawyer,” commended as one as to whom I “never knew so young a body with so old a head.” This was considered high lawyer-praise!

b. The full social context of *Merchant* is beyond the scope of this course, but it should suffice for today to say that by Shakespeare’s day – about 1600 – Jews had officially been banished from England for 3 centuries by decree of Edward I, and would not be allowed to return until the time of Oliver Cromwell, 40 years after Shakespeare’s death, so they provided convenient abstract bogeymen as a plot device.

- (1) And having a Jew-villain was *trendy*:

- (2) To put it in context, there was a supposed murder plot all over the news of the time.

- (a) Specifically, a plot to murder Elizabeth I. The leading suspect was a Spanish physician who was a Jewish convert to Christianity, and who was later quite publicly and dramatically executed. Later evidence indicated he had no involvement – but why ruin a good story?

- (b) The point here is that all the sordid details were known and much talked-about, which made the plot device of a would-be villainous Jew a very usable plot device.

- (3) Have you noticed that if there is a popular cop-show, or doctor show, on one channel, then immediately the other networks offer similar shows? Or the number of really bad sci-fi movies that came out after Star Wars? You can hardly change channels today without running into vampires or zombies – but I digress.

c. As this is a course being presented at a law school, it is worth questioning whether *both* Shylock, *and* Portia, may have actually got the law all wrong!

(1) First, Shylock asked Antonio for a “sealed single bond.”

(a) Specifically:

Go with me to a notary; seal me there
Your single bond, and in a merry sport
If you repay me not on such a day,
In such a place, such sum or sums as are
Expressed in the condition, let the forfeit
Be nominated for an equal pound
Of your fair flesh, to be cut off and taken
In what part of your body it pleaseth me.
– [*Merchant of Venice*, Act I, sc. iii.]

i) Aside: how many “pound of flesh” meanings have arisen in the law, and in common usage, since Shakespeare’s time? Is there anyone here who has *not* used that expression as short-hand?

(b) Some of those acquainted with 16th Century legal proceedings – an era in which most people could not read, or write, even to sign their own names, have criticized that anyone with any legal knowledge of the day would have known that asking for a bond with a collateral condition – i.e., the pound of flesh provision – was not a “single bond,” which by definition was a bond without a collateral condition.

Of course, as Charles Lamb famously opined, “He is no lawyer who cannot take two sides,” and other writers have contested this asserted point of error.

Sir George Greenwood, in a tome entitled “Shakespeare’s Law,” quotes both the Encyclopaedia of the Laws of England and Stephens Commentaries to point out that single bonds can include those where people are bound to pay at a certain time and place with a *penalty* attached in the event of failure to pay, from which he argues that payment of a pound of flesh is the “penalty” and not a “condition.”

Pause for a moment to consider how much fun it would be to take *that* question up on appeal, defending Shylock's contract on the basis of Medieval British Property law!

In any event, as Isaac Asimov pointed out in "Asimov's Guide to Shakespeare" (Avenel 1970), an audience of lawyers has got to have at least a *little* sympathy for *any* character who sets up the major drama of a play with the line "I crave the law!"

- (2) And then there are the five enumerated arguable defects with Portia's ruling in the case:
 - (a) First, Shylock sued for the penalty under his bond, and Portia decided that the contract was lawful, and that he had a right to the penalty, despite the law of both England and Venice – and, for that matter, Nevada – that a contract with an illegal provision – say, cutting out a pound of flesh nearest the heart – is void and unenforceable.
 - (b) Next, Portia reads into the bond a provision that is not there – that the pound of flesh must not include "One drop of Christian blood." But whoever heard of flesh without blood? The blood was necessarily included by implication.
 - (c) Third, the court, having pronounced judgment and awarded execution, tells Shylock that he must himself execute the judgment. But then, as now, it is the *court's* personnel that execute judgments, not the litigants themselves. Just as it would be the business of the court, through its own officers, to collect other executions and garnishments, it was the business and duty of the court to deliver the pound of flesh, and improper to make a litigant responsible for the execution of its judgment.
 - (d) Fourth, when Shylock says he will accept the tender of thrice the bond, Portia forbids it, saying "Thou shall have nothing but the penalty," and adding:

If thou tak'st more
Or less than a just pound, be it so much
As makes it light or heavy in the substance
Or the division of the twentieth part
Of one poor scruple, nay, if the scale do turn
But in the estimation of a hair,
Thou diest, and all thy goods are confiscate.
– [*Merchant of Venice*, Act IV, sc. i.]

Can one imagine it being forbidden, nevertheless a criminal act, for a creditor to take *less* than the amount due him? No – not now, and not then.

But in violation of all contract principles, the judge rules that Shylock forfeited even the principal of his debt because he refused a tender.

- (e) Fifth, the court *sua sponte* turned the proceedings from a civil contract action to a criminal proceeding, and declared Shylock's goods, fortune, and life were all declared forfeit, for having made a contract which that very same court had a moment before declared valid and binding. This violated the distinction of English law between courts of law and equity, as Portia purported to act as both (indeed, she also assumed criminal jurisdiction).
- (f) As an aside, the court required Shylock to “record in court a deed of gift of all he died possessed” which was another blunder in law, since then, as now, one can only gift property that one actually has (see *Sly v. Sly*, 100 Nev. 236, 679 P.2d 1260 (1984); *Verheyden v. Verheyden*, 104 Nev. 342, 757 P.2d 1328 (1988)). Nor was what was ordered a valid will, nor a gift causa mortis, among other reasons because it was not a voluntary act.

In short – in the view of some critics, great drama; bad law.

But of course, others have quibbled with every single one of those alleged points of error. Lord Chief Justice John Campbell reviewed all of these examples, and others, in 1859, and came to quite the

opposite conclusion, writing in his book, *Shakespeare's Legal Acquirements Considered*, as to Shakespeare's use of legal terms:

I am amazed, not only by their number, but by the accuracy and propriety with which they are uniformly introduced. While Novelists and Dramatists are constantly making mistakes as to the law of marriage, of wills, and of inheritance, – to Shakespeare's law, lavishly as he propounds it, there can neither be demurrer nor bill of exceptions, nor writ of error. (132-4)

And so we leave the law of *Merchant*.

C. Sometimes, rather than as principals in the action of the plays, lawyers and courtrooms are simply referenced, usually to make fun of them.

1. Then, as now, lawyers provided a handy target for ridicule as extreme exemplars of actions with which to contrast that of “normal” people. Speaking of time, for example, Shakespeare used lawyers as the example of those for whom time stands still:

“With lawyers in the vacation; for they sleep between term and term, and then they perceive not how Time moves.”
– *As You Like It*, Act III, sc. ii.

2. Do not be disheartened by such comments – they actually display societal recognition of lawyers' dedication to our calling; or as put, many years later by Rufus Choate: “The *lawyer's* vacation is the space between the question put to a witness and his answer.”
3. And it is not just lawyers who are made fun of in Shakespeare's courtroom scenes – who can forget the testimony of Constable Dogberry in *Much Ado* as he brings the bad guys before the court:

“Marry, sir, they have committed false report; moreover, they have spoken untruths; secondarily, they are slanders; sixth and lastly, they have belied a lady; thirdly, they have verified unjust things; and to conclude, they are lying knaves.”
Much Ado About Nothing, Act V, sc. i.

4. But Shakespeare was not beyond playing to the audience for an even more cheap laugh at the expense of lawyers in particular. For example,

- a. Answering the question, “What is a whoremaster?” solicits the answer in *Timon of Athens*:

A fool in good clothes, and something like thee. ‘Tis a spirit; sometime it appears like a lord, sometime like a lawyer, sometime like a philosopher . . .

Timon of Athens, Act II, sc. ii.

- b. And one of *Timon of Athens*’ many curses was to:

Crack the lawyer’s voice
That he may never more false title plead,
Nor sound his quilllets shrilly.

Timon of Athens, Act IV, sc. ii.

- c. But then, as now, most such jokes were aimed at attorney’s fees, as when Mercutio, speaking of the pleasures of dreaming, concludes that a fairy drives her chariot “O’er lawyers’ fingers, who straight dream on fees;”

Romeo and Juliet, Act I, sc. iv.

Or in the mocking commentary of Lear’s fool:

KENT: This is nothing, fool.

FOOL. Then ‘tis like the breath of an unfee’d lawyer – you gave me nothing for’t.

King Lear, Act I, sc. iv.

But “Lawyers” in Shakespeare are not always characters. Much more often

III. LAWYERS AS METAPHORS

- A. Shakespeare used “attorneys” as metaphors for any kind of agent of action, as in Richard the Third’s request:

Be the attorney of my love to her;
Plead what I will be, not what I have been.
– *Richard III*, Act IV, sc. iiiii.

Or, in *Measure for Measure*,

Not changing heart with habit, I am still

Attorney'd at your service.
– *Measure for Measure*, Act V, sc. i.

- B. And the concept of the word “attorney” as metaphor for agency was used by Shakespeare for impressions both sweet and tart. Consider, from *Venus and Adonis*:

But when the heart's attorney once is mute,
The client breaks, as desperate in his suit.
Venus and Adonis.

Contrast that with Richard III's complaint:

Why should calamity be full of words?
Windy attorneys to their clients' woes.
Richard III, Act IV, sc. iv.

- C. Sometimes when **actual** lawyers appear in Shakespeare, they do so as representatives of both procedure and property in society. In the iconic graveyard scene in *Hamlet*, the title character picks up a skull, and speaks of life, death, and the work of lawyers and gravediggers:

Why may not that be the skull of a lawyer? Where be his quiddets now, his quilllets, his cases, his tenures, and his tricks? Why does he suffer this rude knave, now, to knock him about the sconce with a dirty shovel, and will not tell him of his action of battery? Humph! This fellow might be in's time a buyer of land, with his statutes, his recognizances, his fines, his double vouchers, his recoveries. Is this the fine of his fines, and the recovery of his recoveries, to have his fine pate full of fine dirt? Will his vouchers vouch him no more of his purchases, and double ones, too, than the length and breadth of a pair of indentures? The very **conveyance** of his lands will hardly lie in this box; and must the inheritor himself have no more?
– [*Hamlet*, Act V, sc. i].

1. Don't let it bother you – Hamlet was a bit depressed.

- D. On the more cheerful side was Shakespeare's choice of metaphor for what constitutes a “perfect fit,” in *All's Well That Ends Well*:

“As fit as ten groats is for the hand of an attorney.”
– *All's Well That Ends Well*, Act II, sc. ii.

- E. Quite possibly the most recognizable lawyer quote in all of Shakespeare is also one of the most widely misunderstood, and perhaps the grand-daddy of all lawyer jokes.

Is there *anyone* here who has not had inflicted upon them the one-liner from Henry VI:

“The first thing we do, let’s kill all the lawyers.”
2 Henry VI, Act IV, sc. ii.

1. In reality, the quote is quite a compliment, but it takes some explaining to illustrate why.
2. The series of three Henry VI plays revolve around the War of the Roses, from 1455 to 1485, between the Houses of Lancaster (symbol: red rose) and York (symbol: white rose). Essentially, a civil war.
3. In the second play, a subplot revolves around a commoner revolutionary, Jack Cade, who today would be labeled as a communist, who raises a mob of peasants, kills a clerk for the crime of being able to read and write, and vows to murder anyone with any education.
4. It is at this point that his accomplice – Dick the Butcher – utters the line in question, in support of the revolution.
5. Cade alleges that all lawyers do is “shuffle parchments back and forth” in a systematic attempt to ruin the common people. His demagoguery is a calculated appeal to simple folks’ longing to be left alone.
6. But if the first priority of murderous revolutionaries is the elimination of lawyers, then lawyers stand as the guardians and implements of civilized society. Even if that reality is made, then as now, a laugh line for the audience.

IV. SHAKESPEAREAN REFERENCES TO CONTINUING LEGAL ISSUES

Shakespeare’s words are not only useful to modern lawyers when he was speaking *about* lawyers, of course – his illustrations and allusions fit very neatly into a large number of contemporary legal issues, and lawyers today use for their clients exactly the same lines and expressions that he employed.

- A. How many criminal attorneys have not resorted to arguing the same reasoning Lady Macbeth tried on her husband, trying to get him to shake off thinking about a murder or two:

“How now, my lord, why do you keep alone,
Of sorriest fancies your companions making,
Using those thoughts which should indeed have died
With them they think on? Things without all remedy
Should be without regard: what’s done, is done.”
– *Macbeth*, Act III, sc. ii.

- B. Some years ago, we had an opposing party who opposed recognition of the divorce decree unless she got favorable property terms. Our responsive pleading stated: “Forgetting her Shakespeare, Ursula expresses some difficulty with the definition of “extortion.” The footnote read:

“What’s in a name? That which we call a rose by any other name would smell as sweet.” *Romeo and Juliet*, Act II, sc. ii. In this case, given what Ursula is trying to do, and now cover up, it might be more appropriate to switch plays and note that “Something is rotten in the state of Denmark.” *Hamlet*, Act I, sc. iv.

- C. What do you do when you think the judge is going to let some schmuck off the hook who really deserves to get it? Intervene, and tell the judge:

“Nothing emboldens sin so much as mercy.”
Timon of Athens, Act II, sc. ii.

- D. Shakespeare on professional Diligence, speaking through Desdemona:

“For thy solicitor shall rather die
Than give thy cause away.”
Othello, Act III, sc. iii.

- E. How to oppose (yet another) continuance, without actually saying “Justice delayed is justice denied”:

“Delays have dangerous ends.”
1 *Henry VI*, Act III, sc. ii.

- F. We once upbraided the accused perpetrator of an act of domestic violence with this reminder:

“O! It is excellent
To have a giant’s strength, but it is tyrannous
To use it like a giant.”
Measure for Measure, Act II, sc. ii.

- G. Shakespeare on attorney Civility, speaking through Tranio, who urges a competitor to:

“do as adversaries do in law,
Strive mightily, but eat and drink as friends.”
The Taming Of The Shrew, Act I, sc. ii.

- H. In defense of civil disobedience, appeal to Shakespeare and suggest that:

“To do a great right, do a little wrong.”
Merchant of Venice, Act IV, sc. i.

- I. On the reason for rules of Professional Responsibility:

“Good name in man and woman, dear my lord,
Is the immediate jewel of their souls;
Who steals my purse steals trash; ‘tis something, nothing;
‘Twas mine, ‘tis his, and has been slave to thousands;
But he that filches from me my good name
Robs me of that which not enriches him,
And makes me poor indeed.”
Othello, Act III, sc. iii.

- J. Shakespeare on Proper Person litigants, speaking through Alciabiades, who observes:

“[P]ity is the virtue of the law,
And non but tyrants use it cruelly.
It pleases time and fortune to lie heavy
Upon a friend of mine, who, in hot blood,
Hath stepp’d into the law, which is past depth
To those that, without heed, do plunge into it.”
Timon of Athens, Act III, sc. v.

Or through a fisherman in Pericles:

“Help, master, help; here’s a fish hangs in the net, like poor man’s right in the law:
it will hardly come out.”
Pericles of Tyre, Act II, sc. ii.

1. And thus Shakespeare rather snarkily compares the law to a spider’s web,
which catches the small flies, but lets the great ones through.

- K. A perhaps usable notation about adultery:

“O curse of marriage that we can call these delicate creatures ours and not their appetites!”

Othello, Act III, sc. iii.

L. And, on matrimonial bliss:

“Many a good hanging prevents a bad marriage”

Twelfth Night, Act I, sc. i.

V. SHAKESPEAREAN INSULTS

To round out this discussion, I would like to share with you some gifts the Bard has given us with which to respond to some of the outrageous provocations and misbehaviors that we must all too often endure. Anyone can simply curse or yell, of course, but imagine how much more effective is invective when delivered in a professionally crafted package.

Peter Novobatzky, in the preface his wonderful little book titled “Insulting English” (St. Martin’s Press 2001), noted that:

“More than ever before, the world abound with offensive, annoying, and pathetic people. You have to put up with them – why not know the correct words with which to describe them?”

And where better to look for material than to the sharpened tongue of the Bard of Avon, who peppered his plays with an enormous array of invective fitting a wide variety of common situations in and out of the courtroom.

By the way – from personal experience – you can get away with saying almost **anything** in a courtroom so long as you invoke Shakespeare as the source:

A. For putting down your opponent’s argument, there are **lots** of good choices:

Starting with the gentle:

1. “Good reasons must, of force, give place to better.”

Julius Caesar [Brutus to Cassius], Act IV, sc. iii.

Or perhaps a bit more ascerbic, as in a footnote we added to one opposition, in which the text stated: “Darl presents a lengthy and meandering monologue as to why he should not be held in contempt for refusing to sign the check from Janet’s Thrift Savings, from which we have painstakingly extracted two points: (1) he alleges the

existence of a 10-day waiting period before he could be forced to sign the check; and (2) he claims to believe himself entitled to a trial for his contempt in front a different judge from this Court. As outlined below, all of Darl's contentions are without merit." The footnote to this submission was:

2. "[He] speaks an infinite deal of nothing, more than any man in all Venice. His reasons are as two grains of wheat hid in two bushels of chaff: you shall seek all day ere you find them; and when you have them, they are not worth the search."

Merchant of Venice, Act I, sc. i.

A much shorter version of the same sentiment would be:

3. "She speaks, yet she says nothing."

Romeo and Juliet, Act II, sc. ii.

Or something a bit more lighthearted:

4. "His words are a very fantastical banquet – just so many strange dishes."

Much Ado About Nothing, Act II, sc. iii.

Or the direct challenge:

5. "I find the ass in compound with the major part of your syllables."

Coriolanus, Act II, sc. i.

Rewriting history and recreating facts to fit an argument are nothing new. Shakespeare gave us a retort to such dissembling:

6. "I am well acquainted with your manner of wrenching the true cause the false way."

Henry IV, Part 2, Act II, sc. 1.

Or perhaps just the simple

7. "This is the silliest stuff that ever I heard."

A Midsummer Night's Dream, Act V, sc. i.

There's always the left-handed compliment technique:

8. "Her beauty and her brain go not together."

Cymbeline, Act I, sc. ii.

Who here has not been forced to endure an opponent who has grossly overstated his case? What better retort than:

9. “Well said: *that* was laid on with a trowel.”
As You Like It, Act I, sc. ii.

And – if you have the chutzpah to use it – you can channel your inner Macbeth, and declare your opponent’s argument to have been:

10. “a tale told by an idiot, full of sound and fury, signifying nothing.”
Macbeth, Act V, sc. v.

B. On seeing someone obviously faking a disability:

“With the help of a surgeon he might yet recover, and prove an ass.”
A Midsummer Night’s Dream, Act V, sc. i.

C. Making the objection “asked and answered,” with a bit more flair:

“Harp not on that string.”
Richard III, Act IV, sc. iv.

D. Responding to the baseless objection with which your opponent has interrupted your questioning:

“The lady doth protest too much, methinks.”
Hamlet, Act III, sc. ii.

E. When listening to an opponent drone on endlessly, Shakespeare provided many fine responses, if you can break in for a moment:

From the simple suggestion:

1. “Brevity is the soul of wit.”
Hamlet (Polonius, to King and Queen), Act II, sc. ii.

To the complaint:

2. “He draweth out the thread of his verbosity finer than the staple of his argument.”
Love’s Labour Lost, Act V, sc. i.

To the sarcastic:

3. “Look, he’s winding up the watch of his wit; by and by it will strike.”
The Tempest, Act II, sc. i.

To the declaration:

4. “She does abuse to our ears.”
All’s Well That Ends Well, Act V, sc. iii.

To the outright challenge:

5. “More of your conversation would infect my brain!”
Coriolanus, Act II, sc. i.

How about an aside, pointed at your opponent:

6. “I wonder that you will still be talking. Nobody marks you.”
Much Ado About Nothing, Act I, sc. i.

If you get the opportunity to say something *before* such an opponent starts some long-winded, inarticulate speech, see if you can warn the judge:

“Here will be an old abusing of God’s patience and the King’s English.”
The Merry Wives of Windsor, Act I, sc. iv.

- F. When observing cowardice in action:

“The better part of valour is discretion.”
1 Henry IV, Act V, sc. v.

- G. For a hysterical opponent:

“We cannot call her winds and waters sighs and tears; they are greater storms and tempests than almanacs can report.”
Antony and Cleopatra, Act I, sc. ii.

- H. When your opponent is telling yet another tall tale:

“Though [he] is not naturally honest, [he] is so sometimes by chance.”
The Winter’s Tale, Act IV, sc. iv.

- I. For a client who “forgets” to pay his bill after the work is done:

“Blow, blow, thou winter wind,

Thou art not so unkind
As man's ingratitude."
As You Like It, Act II, sc. vii.

- J. For someone who "just don't get it," or even worse insists that black is white or white is black, despite the evidence staring him in the face, try this:

"[M]en may construe things after their own fashion,
Clean from the purpose of the things themselves."
Julius Caesar, Act I, sc. iii.

- K. When you actually *catch* someone in a lie:

"I will not excuse you, you shall not be excused, excuses shall not be admitted, there is no excuse shall serve, you shall not be excused."
Henry IV, Part II, Act V, sc. 1.

STREET SHAKESPEARE

- L. When you want someone to just go away, would it not be far classier than just saying "Get lost!" to use one of these Shakespearean dismissals:

"I do desire that we may be better strangers."
As You Like It, Act III, sc. ii.

Or one of my favorites:

"Direct thy feet where thou and I henceforth may never meet."
Twelfth Night, Act V, sc. i.

Or the direct:

"Out of my sight! thou dost infect my eyes."
Richard III, Act I, sc. ii.

- M. Shakespeare was not beyond the *comeback* from an insult. For example, in response to the challenge: "I shall cut out your tongue!"

He prepares the response:

"'Tis no matter, I shall speak as much wit as thou afterwards."
Troilus and Cressida, Act II, sc. i.

- N. If you actually want to give a compliment, sincerely or otherwise, consider the cheer given to the hapless bumpkin within *Midsummer's play-within-a-play*, and say:

“Well roared, lion!”

A Midsummer Night's Dream, Act V, sc. i.

Or, if the point is to compliment the artistry of the argument, while still deriding its substance, consider:

“The Devil can cite Scripture for his purpose.”

Merchant of Venice, Act I, sc. iii.

Along the same lines, where your opponent has done something awful, but within the bounds of the rules, **thank** him with:

“The prince of darkness is a gentleman.”

King Lear, Act III, sc. iv.

- O. STREET SHAKESPEARE: And then, Shakespeare has endowed us all with just a boat-load of general abuse and insults throughout the plays, readily available and useful wherever appropriate:

1. “Would thou wert clean enough to spit upon!”

Timon of Athens, Act IV, sc. 3.

2. “[You are a] mountain of mad flesh!”

Comedy of Errors, Act IV, sc. iv.

3. “Sell when you can, you are not for all markets.”

As You Like It, Act III, sc. v.

4. “He has not so much brain as ear-wax.”

Troilus and Cressida, Act V, sc. i.

5. “[You] crusty botch of nature!”

Troilus and Cressida, Act V, sc. i.

6. “[You are] the idol of idiot-worshippers.”

Troilus and Cressida, Act V, sc. i.

7. “Away, thou issue of a mangy dog!

[Choler] does kill me that thou art alive;

I swoon to see thee.”

Timon of Athens, Act IV, sc. iii.

8. “His face is the worst thing about him.”
Measure for Measure, Act II, sc. i.
9. “The tartness of his face sours ripe grapes.”
Coriolanus, Act V, sc. iv.
10. “It is certain that when he makes water his urine is congealed ice.”
Measure for Measure, Act III, sc. ii.
11. “You are not worth another word, else I’d call you knave.”
All’s Well that Ends Well, Act II, sc. iii.
12. “There’s no more faith in thee than in a stewed prune.”
Henry IV, Act III, sc. iii.
13. “There is no more mercy in him than there is milk in a male tiger.”
Coriolanus, Act V, sc. iv.
14. “Dissembling harlot, thou art false in all!”
The Comedy of Errors, Act IV, sc. iv.
15. “I can never see him but I am heart-burned an hour after.”
Much Ado About Nothing, Act II, sc. i.
16. “They lie deadly that tell you you have good faces.”
Coriolanus, Act II, sc. i.
17. “Thou hast the most unsavoury similes.”
1 Henry IV, Act I, sc. ii.
18. “Your abilities are too infant-like for doing much alone.”
Coriolanus, Act II, sc. i.
19. “[You] remorseless, treacherous, lecherous, kindless villain!”
Hamlet, Act II, sc. ii.
20. “While she is here, a man may live as quiet in hell as in a sanctuary, and people sin upon purpose, because they would go thither.”
Much Ado About Nothing, Act. II, sc. 1.
21. “Never hung poison on a fouler toad.”

Richard III, Act I, sc. ii.

22. “Thou hast no more brain than I have in mine elbows.”
Troilus and Cressida, Act II, sc. i.
23. “She is spherical, like a globe. I could make out countries in her”
The Comedy of Errors, Act III, sc. ii.
24. “[H]orseback-breaker . . . huge hill of flesh!”
2 Henry IV, Act II, sc. iv.
25. “What a disgrace it is to me to remember thy name.”
2 Henry IV, Act II, sc. ii.
26. “I’ll beat thee, but I should infect my hands.”
Timon of Athens, Act IV, sc. iii.
27. “Your bum is the greatest thing about you, so that, in the beastliest sense, you are Pompey the Great.”
Measure for Measure, Act II, sc. i.
28. “Thou shouldst not have been old ‘til thou hadst been wise.”
King Lear, Act I, sc. v.

And for when you really, REALLY, have had enough, and just want to open up, consider one of these:

29. “[You are] deformed, crooked, old and sere, ill faced, worse bodied, shapeless everywhere, vicious, ungentle, foolish, blunt, unkind, stigmatical in making, worse in mind.”
Comedy of Errors, Act IV, sc. ii.

Or:

30. “[You are] a knave; a rascal; an eater of broken meats; a base, proud, shallow, beggarly, three-suited, hundred-pound, filthy, worsted-stocking knave; a lily-livered, action-taking knave, a whoreson, glass-gazing, super-serviceable finical rogue; one-trunk-inheriting slave; one that wouldst be a bawd, in way of good service, and art nothing but the composition of a knave, beggar, coward, pandar, and the son and heir of a mongrel bitch: one whom I will beat into clamorous whining, if thou deniest the least syllable of thy addition.”
King Lear, Act II, sc. ii.

Of course, it is worth noting that most folks really don't respond well when faced with something like that

VI. CONCLUSION

The image of the lawyer in society is hardly a new issue. The images of the lawyer – as agent of justice to foot-soldier of an orderly society, to scurrilous knave – have been in play, and in conflict, for well over 400 years. From the descriptions, references, and plot devices of Shakespeare, the modern lawyer can gain a greater appreciation of the view of the profession, and his place in it, coloring his words, deeds, and actions in everything from courtesy to fellow practitioners, to ethical duty to the court, to advertising.

It is my hope that those of you not already familiar with the works of Shakespeare have found some utility, or at least a moment's amusement, from surveying the riches that have been left to us for our free use. I urge all of you to do what Shakespeare parodied in *Love's Labor's Lost* – attend his “great feast of language,” and steal the scraps! [*Love's Labor's Lost*, Act V, sc. i].

In closing I can think of nothing more than the invitation of the spirit Puck:

If we shadows have offended,
Think but this, and all is mended,
That you have but slumber'd here
While these visions did appear.

.

Give me your hands, if we be friends,
And Robin shall restore amends.

[*A Midsummer Night's Dream*, Act V, epilog.]

Thank you!

APPENDIX
(Shakespeare in Your Pleadings)

“The web of our life is of a mingled yarn, good and ill together: our virtues would be proud, if our faults whipt them not, and our crimes would despair, if they were not cherish’d by our virtues.”
– *All’s Well That Ends Well*, Act IV, sc. iii.

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