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## Loose Lips: A Lesson in Civil Law

Robert E. Rains

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## Loose Lips: A Lesson in Civil Law\*

*Robert E. Rains\*\**

There are judges that we honor;  
There are judges we cajole;  
There are judges whose integrity  
And wisdom we extol.

There are judges we admire  
For their courage, for their guts.  
But I'm afraid some judges  
Drive us absolutely nuts.

Now, most attorneys practice law  
With dignity and grace.  
The bar can take them at their word,  
All value at its face.

No matter just how rough things get,  
They will remain unruffled;  
And if they criticize at all,  
It is discreetly muffled.

But, now and then, and here and there,  
A lawyer may forget,  
And say a word (or two or three)  
That we might all regret.

And thus it happened that one day  
While in the courthouse hall,  
The court administrator heard  
Someone a bad name call.

The caller was Attorney "X,"  
And, making matters worse,  
It was the court's presiding judge,  
The object of his curse.

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\* A Casenote on *Moffatt by Moffatt v. Buano*, 569 A.2d 968 (Pa. Super. 1990).

\*\* Professor of Law, The Dickinson School of Law. The author wishes to thank President Judge Harold E. Sheely (C.P. Cumb.) for bringing this important precedent to his attention.

And so, with all deliberate speed,  
This tipstaff told the judge,  
Who blew his top, and swore that he  
Would soon avenge the grudge.

"Please step into the courtroom,  
Though there is no case to try,"  
The judge told our attorney  
Like the spider to the fly.

"And now, repeat that word you said,"  
He ordered the attorney.  
An order is an order  
Though you end up on a gurney.

Therefore, our dauntless mouthpiece  
Told the judge off to his face.  
The judge said, "That's contempt of court,  
A lawyerly disgrace."

The judge committed our foul-mouth  
Unto the county jail,  
And fined the man two thousand bucks,  
And did not set a bail.

He later let the culprit out,  
But did not lift the fine.  
He ruled the bad word was contempt  
And wholly out of line.

Then, after "X" had flown the coop,  
He soon appealed his sentence.  
For sticks and stones can break your bones,  
But names shan't cause repentance.

The case went to appellate court,  
Scene of refined gentility,  
Where everything is done just so,  
The essence of civility.

Those learned ones, above the fray  
And far removed from battle,  
With erudition parsed the law  
And held: no fine for prattle.

For they, who had not borne the slight,

Said that enough's enough,  
Trial judges must oft turn their cheeks  
And show their sterner stuff.

\* \* \*

Here are some lessons for us all:  
A judge works in a glass bowl;  
And—although it should not be done—  
You may call him . . . a bad word.

I do not recommend this course,  
However sorely tested.  
When mud is slung, it hurts us all,  
And everything's infested.

And so, I say, stiff upper lip;  
All expletives delete.  
Maintain appearance for its sake;  
Make civil law complete.

